

Zoning Ordinance

ADOPTED APRIL 5, 2017
REVISED OCTOBER 1, 2017
REVISED APRIL 1, 2019
REVISED SEPTEMBER 1, 2020

LEGISLATIVE HISTORY

ORDINANCE 1018

An Ordinance Amending And Restating In Its Entirety Chapter 350 (Zoning) Of The Codified Ordinances Of South Whitehall Township, Lehigh County, Pennsylvania, To Establish New Zoning Regulations, Including The Following Provisions:

Article 0 – Purposes And Interpretations, Containing Provisions Regarding The Short Title, Purposes, Community Development Objectives, Interpretations And Definition Of Terms.

Article 1 – Administration, Containing Provisions Regarding The Zoning Officer, The Zoning Map, Zoning Permits, Zoning Officer Preliminary Opinions, Enforcement Of The Zoning Ordinance, Zoning Hearing Board, Amendments To The Zoning Ordinance And Conditional Uses.

Article 2 – Zoning Districts, Containing Provisions Regarding The Zoning Districts Created, The Intent Of The Zoning Districts, Uses Not Specifically Listed, And Zoning District Use Schedules.

Article 3 – Special Districts And Development Types, Containing Provisions Regarding Innovation Overlay Districts And Planned Residential Developments.

Article 4 – Zoning Use Regulations, Containing Provisions For Classifications, Definitions And Limitations Of Uses, General Provisions For All Uses And Buildings, Agricultural, Horticultural And Nursery Uses In All Districts, Residential Uses In All Districts, Non-Residential Uses, Including Commercial, Industrial And Institutional Uses, In All Districts, Temporary Uses In All Districts, Non-Conforming Structures, Buildings, Lots And Uses In All Districts And A Zoning Use Schedule Providing Details Concerning Each List Enumerated Within The Zoning Ordinance

Appendices:

Appendix A – Zoning District Map With Innovation Overlay Districts

Appendix B – Official Map Of South Whitehall Township (3 Sheets)

Appendix C – Manual Of Written And Graphic Design Standards, Containing Provisions Regarding Overall Goals, Building Location, Building Height, Main Street Environment, Parking Location, Alleys, Public Realm, Streetscape And Industrial Buildings

And Providing For A Repealer, A Severability Clause And An Effective Date. **Adopted April 5, 2017**

ORDINANCE 1024

An Ordinance Amending The South Whitehall Township Zoning Ordinance By Amending Section 350-48(a)(5)(E) To Restrict Crops Grown Completely Within Controlled Environments To The Industrial And Industrial-Commercial-1 Zoning Districts; Amending Section 350-48(o)(2)(E) To Renumber Subsection (vii) And To Add Regulations For Parking Canopies; Amending Section 350-48(s)(12)(E) To Reorder The Current Regulations And Add Regulations For Canopy-Mounted Solar Panels; Amending Section 350-45(d) To Expand The Applicability Of The Section To The Entire Tract Or Coordinated Development Utilizing This Section; Amending Section 350-48(b)(4)(E)(viii) And Section 350-48(b)(5)(E)(ix) To Pertain To Free-Standing Signs; Amending Section 350-48(o)(2)(A) To Amend The Definition Of Off-Street Parking; Amending Section 350-48(p)(6)(A) To Amend The Definition Of Public Buildings And Uses; Amending Section 350-48(p)(6)(C) To Change Public Buildings And Uses Within Residential Zoning Districts From Special Exception Uses To Conditional Uses; Amending Section 350-48(r)(3)(A) To Amend The Definition Of Recreation Facility; Amending Section 350-42(t)(1) To Change The Measurement Of Setbacks From The Ultimate Right-Of-Way To The Legal Right-Of-Way In Situations Where The Legal Right-Of-Way Is Greater; Amending Section 350-48(h)(4)(C) To Add A Note; Amending Sections 350-48(a)(3)(B), 350-48(a)(9)(B), 350-48(b)(2)(B) And 350-48(r)(10)(B) To Add Additional Use Classifications; Amending Section 350-05(d) To Re-Order Five Sets Of Definitions That Are Out Of Alphabetical Order; Amending Sections 350-24(c)(9) And 350-48(r)(7)(C) To Add Fast Food Restaurant As A Permitted Use Within The Neighborhood Commercial Zoning District Schedule; Amending Section 350-48(r)(7)(E) To Require Special Exception Review For Drive-Throughs When Accessory To A Fast Food Restaurant; And To Provide For A Severability Clause, Retention Of Rights To Enforce Clause, A Repealer Clause, And An Effective Date. **Adopted October 1, 2017**

ORDINANCE 1044

An Ordinance Amending The South Whitehall Township Zoning Ordinance By Amending The Following Sections: (1) Amending Section 350-24(c)(8), R-10 High Density Residential Zoning District Schedule, Section 350-24(c)(14), Highway Commercial-1 (Special Height Limitation) Zoning District Schedule, Section 350-48(d)(4)(A), (B), And (E), Dwelling, Apartment Building, And Section 350-31(f)(4)(D)(i)(B), Provisions For TND Overlay Districts, All To Restore Consistency To The Apartment Building Regulations And Add Clarification To The Use Of Density Credits; (2) Amending Section 350-48(a)(1)(E), Accessory Dwelling Unit, Attached, To Correct Existing

Regulations And To Change The Maximum Size Of An Accessory Dwelling Unit; (3) Adding Section 350-48(c)(8), Community Mailbox Structure, To The Zoning Use Schedules And Amending Sections 350-24(c)(1)-(17) To Add Community Mailbox Structures As A Permitted Use, A Non-Residential Accessory Use And A Residential Accessory Use; (4) Amending Section 350-42(d)(4)(A), Driveways, To Be Consistent With The Subdivision And Land Development Ordinance; (5) Amending Section 350-47(a), Nonconforming Structures, Buildings, Lots And Uses, To Return Conditions For Additions And/Or Extensions To A Nonconforming Building That Were Inadvertently Removed During An Earlier Ordinance Amendment; (6) Amending Section 350-05, Definition Of Terms, Section 350-46, Temporary Uses In All Districts, Section 350-16, Zoning Hearing Board, And Section 350-18, The Granting Of Conditional Uses, And Deleting Section 350-41, Classifications, Definitions And Limitations Of Uses, To Clarify And Enhance The Ease Of Use Of The Zoning Ordinance; (7) Amending Section 350-42(a), General Provisions For All Uses And Buildings, By Deleting Subsection 7, And Section 350-46(a) Temporary Uses In All Districts To Clarify And Enhance The Ease Of Use Of The Zoning Ordinance With Regard To Temporary Uses; (8) Amending Section 350-24(c)(7), R-5 Medium Density Residential Zoning District Schedule, And Section 350-24(c)(8), R-10 High Density Residential Zoning District Schedule, To Allow For Smaller Minimum Lot Sizes For Twins, Two-Flats And Three-Flats With Alley Frontage; (9) Amending Section 350-48(o)(2)(E)(iv), Off-Street Parking, To Correct The Size Of Parking Area; (10) Correcting The Subsection Numbering In Section 350-48(s)(10)(E), Signs; (11) Amending Section 350-42(d)(1) And Section 350-42(r)(1) To Correct A Cross-Reference; (12) Amending Section 350-24(c)(16), IC-1 Zoning District Schedule, To Restore "Self Storage Facility" As A Primary Use In The IC-1 Zoning District; (13) Amending Section 350-48(r)(1)(E)(iii), Recreation, High Intensity, And Section 350-48(r)(2)(E)(iii), Recreation, Low Intensity, To Clarify The Text; (14) Amending Section 350-44(a)(2), Accessory Uses For Residential Uses, To Clarify The Maximum Gross Vehicle Rating; (15) Amending Section 350-05, Definition Of Terms, To Clarify The Definition Of Dwelling Unit; (16) Amending Section 350-24(c)(16), Zoning District Schedule Industrial-Commercial (Special Height Limitation) IC-1, To Correct A Cross Reference In Note 12; (17) Amending Section 350-48(m)(6)(E), Motor Freight Terminals, And Section 350-48(w)(1)(E), Warehousing And Distribution, To Include Additional Specific Standards For Conditional Use; (18) Amending Section 350-31(e)(2) To Clarify The Applicability For TND Innovation Overlay Districts; (19) Amending Section 350-32(j)(9)(B), Status Of Plan After Preliminary Approval, To Be Consistent With The Pennsylvania Municipalities Planning Code; (20) Amending Section 350-48(s)(10), Signs, With Regard To The Size Of Drive-Through Menu Boards; And, (21) Amending Section 350-48(m)(6)(A), Motor Freight Terminals, To Correct The Floor Space To Loading Dock Ratio; (22) Amending Section 350-18(c)(8) To Insert The Public Notice Requirements For Conditional Use Hearings; (23) Amending Section 350-24(c)(3), (7), (8) And (15) To Update The Uses Of Hospital, Retirement Facilities, And Electric Vehicle Charging Stations; (24) Amending Section 350-05(d), Definitions, To Delete And Replace Certain Definitions Related To Open Space And The Public Realm; (25) Amending Section 350-24(c)(1)-(17) To Add Open Space As A Primary And Accessory Use; (26) Amending Section 350-24(c)(1)-(8) To Update The Public Buildings And Uses; (27) Amending Section 350-24(c)(4)-(8) By Deleting Recreation, Intensity; (28) Amending Section 350(c)(9)-(14), (16), And (17) To Insert The Use Recreation, Low Intensity; (29) Amend Section 350-31(f)(2)(A) And (B) TND Residential Cluster Overlay District To Update Terms Related To Open Space And Clarify The Regulation Of Open Space With Regard To SALDO; (30) Amending Section 350-31(f)(2)(C)(i) Residential Cluster To Update Terms Related To Open Space; (31) Amending Section 350-31(f)(2)(C)(ii) Cottage Cluster To Update Definitions, Update And Clarify Terms Related To Open Space, Clarify The Regulation Of Open Space With Regard To SALDO, And Clarify Open Space With Regard To Off-Street Parking; (32) Amending Section 350-31(f)(2)(C)(iii) Mobile Home Parks To Update And Clarify Terms Related To Open Space, Clarify The Regulation Of Open Space With Regard To SALDO, And Clarify Open Space With Regard To Off-Street Parking; (33) Amending Section 350-31(f)(3) TND Commercial Retrofit Overlay District To Update And Clarify Terms Related To Open Space And Clarify The Regulation Of Open Space With Regard To SALDO; (34) Amending Section 350-31(f)(4) Industrial Retrofit And Infill Overlay District To Update And Clarify Terms Related To Open Space And Clarify The Regulation Of Open Space With Regard To SALDO; (35) Amending Section 350-31(g) To Update And Clarify Terms Related To Open Space And Clarify Open Space With Regard To Off-Street Parking; (36) Amending Section 350-48(o)(8) And (9) To Insert New Open Space Regulations And Renumber The Section Pertaining To Outdoor Storage; (37) Amending Section 350-48(p)(6) To Change The Name Of The Use To Public Building,

Creating A Definition Of Public Building, And Including Additional Regulations For Public Buildings; (38) Amending Section 350-48(r)(2) Relating The Definition Of Recreation, Low Intensity And Where Said Use Is Permitted; (39) Amending Section 350-48(r)(3) Relating To The Definition Of Recreation Facility; (40) Amending Section 350-48(r)(4) Relating To The Definition Of Recreation Fields And The Regulations Pertaining To Ancillary Buildings Or Structures For Recreation Fields; (41) Amending Section 350-48(r)(5) Relating To The Definition Of Recreational Clubhouse And The Regulations Pertaining To Clubhouses Located In Open Space; (42) Amending Section 350-48(r)(10) Relating To The Additional Uses Permitted At A Retirement Facility And The Area To Be Designated As Open Space; And, (43) Amending Appendix "A" To The Zoning Ordinance, Zoning District Map With Innovation Overlay Districts, To Update The Depiction Of The Flood Plain Location, Base Zoning Districts And Innovation Overlay Districts; And, Providing For A Severability Clause, Retention Of Rights To Enforce Clause, A Repealer Clause, And An Effective Date. ***Adopted March 20, 2019***

ORDINANCE 1049

An Ordinance Amending The South Whitehall Township Zoning Ordinance By Amending Section 350-24(c)(7) R-5 Medium Density Residential Zoning District Schedule And Section 350-24(c)(8) R-10 High Density Residential Zoning District Schedule To Allow For A Maximum Height Of Forty (40) Feet For Residential Buildings; And, Providing For A Severability Clause, Retention Of Rights To Enforce Clause, A Repealer Clause, And An Effective Date. ***Adopted August 19, 2020***

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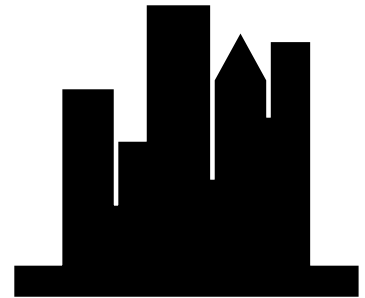
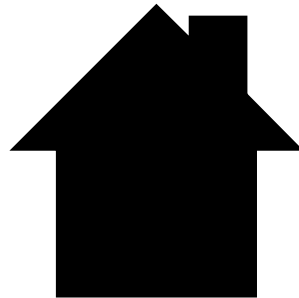
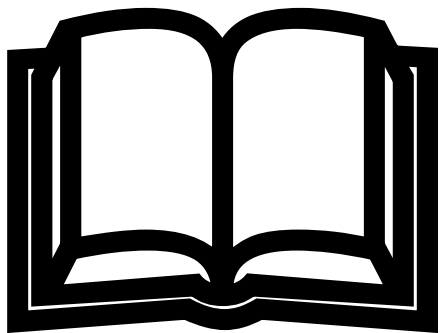
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ARTICLE 0
350-00
ZONING
ORDINANCE



350-01 SHORT TITLE

This Ordinance shall be known and may be cited as the South Whitehall Township Zoning Ordinance.

350-02 PURPOSES

(a) This Ordinance is enacted to implement the Comprehensive Plan and Official Map for the Township of South Whitehall for the following purposes:

(1) To promote, protect and facilitate any or all of the following: the public health, safety, morals, 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, sewer, schools, recreational facilities and trails, public grounds, the provision of a safe, reliable and adequate water supply for domestic commercial, agricultural or industrial Use, and other public requirements, as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and Floodplains;

(2) To prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers;

(3) To preserve prime agricultural and farmland considering topography, soil type and classification, and present Use;

(4) To provide for the Use of land within the municipality for residential housing of various Dwelling types encompassing all basic forms of housing, including single detached unit and Two-unit Dwellings, and a reasonable range of Multi-unit Dwellings in various arrangements, Mobile Homes and Mobile Home Parks, provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific Dwelling types;

(5) To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential Dwelling types and nonresidential uses.

350-03 COMMUNITY DEVELOPMENT OBJECTIVES

(a) This Ordinance is designed to implement and foster the land development and Use objectives, policies and recommendations of the Comprehensive Plan of South Whitehall Township, adopted July 1, 2009, as follows:

(1) Grow in a harmonious way that maintains the character of the Township by providing a transition from urban to rural areas as demonstrated by the Rural to Urban Transect.

(2) Keep the pace of growth consistent with the Township's ability to install infrastructure in a fiscally responsible manner.

- (3) Incorporate state-of-the-art planning and zoning techniques to create attractive neighborhoods, Mixed-Use, and nonresidential areas that promote walkability and are socially, economically and environmentally sustainable.
- (4) Design new neighborhoods and retrofit existing places to be Mixed-Use and walkable places.
- (5) Emulate the character of existing villages like Cetronia, Greenawalds and Guthsville in new development and celebrate their spatial characteristics.
- (6) Promote intergenerational neighborhoods.
- (7) Optimize the protection, conservation and preservation of natural resources, historic sites and farmland in a balanced land Use approach.
- (8) Provide parks and recreational facilities and programs, including Trails, in accordance with the Joint Comprehensive Parks, Recreation and Open Space Plan, adopted November 9, 2009.
- (9) Provide a variety of housing and neighborhood choices for families of all sizes, abilities and income levels in the Township.
- (10) Facilitate the safe and efficient movement of people and goods now and as the Township grows.
- (11) Promote multimodal circulation, particularly walkability, throughout the Township.
- (12) Develop performance measures and benchmarks for all municipal services and Utilities and expand or refine municipal functions to satisfactorily meet them as the Township grows.
- (13) Strengthen the tax base through planned land Use.
- (14) Work with LVPC, Lehigh County, and adjacent municipalities to coordinate and share services where feasible.
- (15) Further development of the Jordan Creek Greenway and networking of trails to inform the Township Official Map, in accordance with the Joint Comprehensive Parks, Recreation and Open Space Plan.

350-04 INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements to serve the aforesaid "Purposes" and the "Community Development Objectives". Where the provisions of this Ordinance impose greater restrictions or higher standards than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall govern. Where the provisions of any statute, other ordinance or regulation impose greater restrictions or higher standards than this Ordinance, the provisions of such statute, ordinance or regulation shall govern.

350-05 DEFINITION OF TERMS

(a) **Word Usage.** Words not defined in Section 350-05 of this Ordinance shall take on the meaning as defined in the latest edition of the Merriam-Webster Collegiate Dictionary.

(b) **Language Interpretation.** In this Chapter, when not inconsistent with the context:

- (1) Words in the present tense also imply the future tense.
- (2) The singular includes the plural.
- (3) The male gender includes the female gender.
- (4) The word “person” includes an individual, members of a partnership or the officers of a corporation, as well as any similar entity.
- (5) The term “shall” is always mandatory.
- (6) References to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions or agencies or officials of the Township or Commonwealth of Pennsylvania are to those documents or entities in effect or in office from time to time, including amendments or revisions thereto, unless the text indicates another reference is intended.

(c) List of Abbreviations

AADU	Attached Accessory Dwelling Unit
ADU	Accessory Dwelling Unit
AAND-O	Active Adult Neighborhood Development Overlay District
ANSI	American National Standards Institute
CR	Commercial Recreation Zoning District
CU	Conditional Use
DACU	Detached Accessory Dwelling Unit
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
FT	Feet
GC	General Commercial Zoning District
GC-1	General Commercial-1 Zoning District (Special Height Limitation)
HC	Highway Commercial Zoning District
HC-1	Highway Commercial-1 Zoning District (Special Height Limitation)
HVAC	Heating, ventilation, and air conditioning
I	Industrial Zoning District
IC-1	Industrial Commercial-1 Zoning District (Special Height Limitation)
IESNA	Illuminating Engineering Society of North America
LVPC	Lehigh Valley Planning Commission
MSE	Main Street Environment
MPC	Pennsylvania Municipalities Planning Code
NC	Neighborhood Commercial Zoning District
OC	Office-Commercial Zoning District
PennDOT	Pennsylvania Department of Transportation
PCS	Personal Communications Services
PPL	Pennsylvania Power and Light
PRD	Planned Residential Development
PUC	Pennsylvania Public Utilities Commission

RR-3	Rural Residential-3 Zoning District
RR-2	Rural Residential-2 Zoning District
RR	Rural Residential and Agricultural District
R-2	Low Density Residential District
R-3	Low Density Residential District
R-4	Medium Density Residential District
R-5	Medium Density Residential District
R-10	High Density Residential District
SE	Special Exception
SF	Square Feet
TND	Traditional Neighborhood Development

(d) Definitions

ABUT - Any parcel, feature or improvement which is contiguous at any point to another parcel, feature or improvement.

ACCESS LANE – a vehicular passageway in a Parking Area that provides access to Parking Spaces within a Parking Area, connects multiple Parking Areas, or connects a Parking Area to a Driveway.

ACCESSORY or ACCESSORY USE - Those activities and land uses incidental to a primary use that function as secondary or subordinate to a primary or principle use. Accessory activities or uses are considered sufficiently significant or different from the primary or principle use so as to warrant regulatory criteria separate from the primary or principle use. Accessory uses are permitted by right provided said Use is shown as an Accessory Use in the Zoning District Schedule for the district in which the Use is located and the Use is in conformance with all other provisions of the Ordinance.

ACCESSORY BUILDING OR STRUCTURE - The Building or Structure subordinate to and detached from the principal Building on the same Lot and used for purposes customarily incidental to the Principal Use or Building.

ACCESSORY DWELLING UNIT – See Attached Accessory Dwelling Unit and Detached Accessory Dwelling Unit.

ACTIVE ADULT NEIGHBORHOOD DEVELOPMENT - An age restricted residential development which includes recreational facilities and may include a nonresidential commercial component in accordance with the terms of this Ordinance.

ADJACENT - Any parcel, feature or improvement which is on the opposite side of a section of a Street (public or private) on which the subject parcel, feature or improvement has frontage.

ALLEY - A thoroughfare having Right-of-Way width of twenty (20) feet or less, regardless of how named, providing rear and/or side access to Lots. Alleys shall not be considered fronting streets.

ADDITION TO BUILDING - An increase to the exterior dimensions of a Building.

ALTERATION - Any change to a Use, Building or Structure which would modify its Use, location and/or size.

ALTERNATIVE ENERGY PRODUCTION FACILITIES - Includes Small Wind Energy Systems, Solar Energy Systems, Wind Energy Facilities, and Solar Energy Facilities.

ALTERNATIVE TOWER STRUCTURE – See Section 350-48(c)(5).

ANCHOR STORE - A Building used for commercial or retail Use and intended to be the most important magnet store in a Shopping Center or other group of commercial Buildings. For purposes of this Ordinance, the Anchor Store shall be considered any store with 75,000 square feet of gross Floor Area or greater.

ANCILLARY or ANCILLARY USE - Those activities and land uses incidental to a primary use that function as secondary or subordinate to a primary or principle use and are identified as such in plans, maps, and zoning ordinances. Ancillary activities or uses are not considered sufficiently significant or different from the primary or principle use and use the regulatory criteria of the primary or principle use.

ANIMAL – All non-human vertebrate and invertebrate species, whether wild or domestic, commonly considered to be part of the Animal kingdom.

APARTMENT UNIT– One Dwelling unit in an Apartment Building or Mixed-Use Building.

APPLICANT - A Landowner or Developer, as herein defined who has filed an application for development, including his heirs, successors and assigns.

ARCADE - An area or Building that contains a combination of electronic video games, pinball machines, kiddie rides, vending machines and other like Commercial Amusement attractions.

AUTOMOTIVE JUNKYARD - A place where two (2) or more motor driven vehicles which do not bear either a current state inspection sticker and license plate, or a valid antique registration plate, and their related parts are stored or disassembled.

BACKHAUL NETWORK – See Section 350-48(c)(5).

BASE DISTRICT – The underlying Zoning District over which an Overlay District is applied.

BASEMENT – A portion of a Building that is partly or completely below the average outside finished grade.

BETTING ACTIVITIES - Any betting or gambling activities, or activities incident to or associated with betting or gambling, including pan-mutual wagering activities, but excluding “games of chance” under the Local Option Small Games of Chance Act, 10 Pa. Stat. Ann. S 311 et. seq., bingo games permitted under the Bingo Law, 10 Pa. Stat. Ann. S 301 et. seq., and the purchase, sale, redemption, and advertisement of tickets and other game pieces of the Pennsylvania Lottery.

BILLBOARD - See Section 350-48(s)(10).

BILLBOARD, ELECTRONIC GRAPHIC DISPLAY – See Section 350-48(s)(10).

BLINKING - A form of Flashing where the pattern of sudden illumination changes occurs with more than two on-off cycles per second.

BLOCK – An area of land bound by two or more interconnected Streets.

BOARD – The Zoning Hearing Board of South Whitehall Township

BOARD OF COMMISSIONERS – The Board of Commissioners of South Whitehall Township

BOOKEND BUILDINGS - The location of Buildings on both sides of a Street along the Build-to Lines, whereby the “outdoor room” character of the Streetscape is formed.

BUFFER STRIP - An area within a site, generally located adjacent and parallel to Lot Lines or off-Street Parking Areas, which consists of either existing and preserved or proposed landscaping, and intended to be used as a means of limiting potentially adverse effects on adjoining Lots.

BUILD-TO LINE – A line, as prescribed herein, that designates the required placement of a Building on a Lot, as measured from the ultimate Street Right-of-Way line(s) on which the Building fronts.

BUILDING – Any Structure having a roof, supported by columns, piers, or walls, including tents, lunch wagons, trailers, dining cars, camp cars, or other Structures on wheels, or having other supports and unroofed platforms, terraces, or porches having vertical faces higher than three (3) feet above the level of the ground from which the Building is measured.

BUILDING AREA - The aggregate area of the Floor Area of all enclosed and roofed spaces of the Buildings, measured from the exterior face of exterior walls or from the center line of a wall separating two Buildings measured on a horizontal plane at ground level.

BUILDING FOOTPRINT – The total horizontal area encompassed by a Building’s outer walls as measured at ground level.

CARPORT – An unenclosed Structure, open on at least two (2) sides, with a permanent floor and roof supported by columns or posts, and used primarily for the storage of personal vehicles. Carports not open on at least two (2) sides shall be considered a Garage. Tents serving as Carports shall not be permitted.

CARTWAY - That portion of the Street designated for vehicular traffic.

CENTER LINE, STREET - A line midway between the two (2) Right-of-Way lines and that bisects the Street right of way into two (2) equal widths. In those instances where the Street Right-of-Way cannot be determined, the Street Centerline shall correspond to the center of the Cartway.

CLOSE – A Street, Private Street or Driveway and/or Access Lane for counterclockwise vehicular travel, within which a Green is centered, and around which Buildings are located on three sides, and On-Street Parking is located either parallel to the curb or in an angled parking arrangement.

COMMERCIAL CENTER- See Section 350-48(c)(5).

COMMERCIAL USE – Any permitted bank, office, Restaurant, Retail Sales, or Personal Service Business proposed as part of a Mixed-Use Building, Cluster Development or Traditional

Neighborhood Development.

COMPREHENSIVE PLAN - The official plan, prepared under the direction of the Township Planning Commission, containing recommendations for the continuing development of the Township and including as a minimum, a statement of objectives, plans for land Use, circulation, community facilities and a statement of the relationship of proposed development of adjacent areas.

CONDITIONAL USE – A Use which may not be appropriate to a particular Zoning District as a whole, but which may be suitable in certain localities within the district only when specific conditions and criteria prescribed for such uses have been complied with. Conditional Uses are reviewed by the Board of Commissioners in accordance with Sections 350-18 and 350-41(e).

CONDOMINIUM – A set of individual Dwelling units or other areas of Buildings that are owned by individual person(s) in fee simple ownership arrangement, where owners are assigned a proportionate share of any designated common areas, and is created under the Pennsylvania Uniform Condominium Act of 1980, as amended.

COORDINATED DEVELOPMENT - Two (2) or more uses permitted in the appropriate Zoning District Schedules that are developed in accordance with a unified site plan and architectural scheme, and are either in a single ownership or are legally bound to conform to the aforementioned required unified site plan and architectural scheme.

CORNER LOT - A Lot fronting on two (2) intersecting Streets.

DAY SERVICES CENTER, ADULT – A community based day care center that is licensed by the Commonwealth of Pennsylvania to meet the physical, social and emotional needs of adults in need of supervised care, excluding any facility that provides overnight care of stays of any kind.

DBH (DIAMETER AT BREAST HEIGHT) - the diameter of a tree trunk, measured at four (4) feet from the ground surface at the point of the highest elevation in contact with the base of the trunk of such tree.

DECK – A constructed flat surface capable of supporting weight, similar to a floor, that is unroofed and open on all sides, except for any side which may adjoin a Structure or may be lined by a Fence, shrubs or hedges. For purposes of administering this ordinance, a balcony is not an open Deck.

DENSITY – A measure of the number of Dwelling units per acre of gross Tract area of the residential area of a development.

DENSITY, BASE – The maximum Density permitted in a Zoning District before the application of any Density Credits.

DENSITY CREDITS – A design feature or requirement specified within this Zoning Ordinance, that when constructed, permits an Applicant to build at a higher Base Density than would otherwise be permitted.

DESIGN STANDARDS – Written and graphic regulations for intended design elements found in

Appendix C and applicable to proposed developments in the TND Overlay Districts, in accordance with Section 708-A of the Pennsylvania Municipalities Planning Code.

DEVELOPER - Any Landowner, agent of such Landowner or tenant having permission from the Landowner, who makes or causes to be made a land development.

DISH ANTENNA HEIGHT - The distance measured vertically from the bottom of the base which supports the dish antenna to its highest point when positioned for operation.

DISSOLVE - Means a transition between static message displays that is achieved with varying light intensity and where the first message gradually appears to dissipate and lose legibility simultaneous to the gradual appearance and legibility of the subsequent message.

DRIVE-THROUGH – An Ancillary Use that permits customers to receive products or services while remaining in their vehicle.

DRIVEWAY - a vehicular passageway from a public Street, Alley, or Private Street that leads to a Parking Area or Parking Space.

DUAL-FRONTAGE LOTS: Lots which front on one public street and back on another with vehicular access solely from one street. If a Dual-Frontage Lot abuts more than two streets, non-parallel street frontages are not to be considered as part of the front or back for purposes of regulations applicable only to Dual-Frontage Lots; for all other regulations, the Yard exposure to the additional, non-parallel streets shall be regulated as a Front Yard hereunder.

DWELLING - A Building occupied for residential purposes, but not including a Boarding House, Community Shelter, Hotel, Motel, Hospital, or Nursing Home.

DWELLING UNIT - A single residential unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, categorized into the following types:

ATTACHED DWELLING UNITS:

MULTI-UNIT DWELLING UNITS:

DWELLING, APARTMENT AS PART OF A MIXED-USE BUILDING: As defined in Section 350-48(d).

DWELLING, APARTMENT BUILDING: As defined in Section 350-48(d).

DWELLING, TOWNHOUSE: As defined in Section 350-48(d).

DWELLING, THREE- FLAT: As defined in Section 350-48(d).

TWO-UNIT DWELLING:

DWELLING, TWIN: As defined in Section 350-48(d).

DWELLING, TWO-FLAT: As defined in Section 350-48(d).

DETACHED DWELLING UNITS:

DWELLING, SINGLE DETACHED: As defined in Section 350-48(d).

DWELLING, SINGLE DETACHED – LOT AVERAGING DEVELOPMENT OPTION: As

defined in Section 350-48(d).

DWELLING UNIT, ACCESSORY – See Accessory Dwelling Unit

DWELLING UNITS, ATTACHED - Multiple Dwelling units, whereby all Dwelling units are structurally attached to at least one other Dwelling unit.

EASEMENT - A right to land generally established in a real estate deed to permit the Use of land by the public, a corporation, or particular persons for specific uses.

EDUCATIONAL INSTITUTION - An educational program that offers a program of academic, trade, business, technical or artistic instruction. This definition shall include Commercial and Trade Schools, colleges/universities, Massage Schools, and Elementary and Secondary Schools.

ENGINEER - A professional Engineer licensed as such in the Commonwealth of Pennsylvania duly appointed as an Engineer for South Whitehall Township.

FAA- Federal Aviation Administration

FACADE - The total wall surface, including door and window areas of a Building's exterior face.

FADE – means a transition between static message displays that is achieved with varying light intensity and where the first message gradually loses light intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

FCC – Federal Communications Commission

FENCE - An artificially constructed barrier of wood, masonry, stone, wire, metal or other manufactured material or combination of material erected for the enclosure of areas.

FLASHING – Giving off light suddenly, at intervals of ten (10) seconds or less, or in transient bursts, or where the frequency and manner of light changes are unrelated to the regular operation of the Sign as otherwise authorized in this ordinance or the regular activation or deactivation of authorized external or internal illumination.

FLICKER – a repeating cycle of changing light intensity.

FLOOD PLAIN - An area of land which is inundated periodically by the overflowing of a stream or river beyond its natural banks as determined by the Federal Emergency Management Agency's most recent Flood Insurance Rate Map.

FLOOR AREA (GROSS) - The sum of the gross horizontal areas of the floors of a Building, measured from the exterior face of exterior walls or from the center line of a wall separating two Buildings, but not including interior Parking Spaces, loading spaces for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

FOREST - A tree mass or plant community covering an area of one-quarter acre or more, in which tree species are dominant or co-dominant and the branches of the trees form a complete or nearly complete aerial canopy. The extent of any Forest community or any part thereof

shall be measured from the outer-most dripline of all the trees in the community.
Forests do not include orchards, tree farms or old fields.

FOREST CANOPY- The aerial cover formed within any Woodland area by the crowns of trees greater than fifty (50) feet in height.

FOREST CANOPY TREE - The individual trees which collectively form the Forest canopy.

FRONTAGE - The length of the Lot Line or portion thereof, which is co-existent with a Street right-of-way line from the Street. In the case of a Street of undefined width, said Lot Line shall be assumed to parallel the Centerline of the Street at a distance twenty-five (25) feet therefrom.

FRONT LOT LINE - The Lot Line separating a Lot from a Street Right-of-Way.

FUEL - Any substance that is burned, consumed or otherwise used for the production of heat or power, including petroleum products and natural gas.

GARAGE - A Deck, Structure, Building, or portion thereof for the storage or parking of one (1) or more vehicles.

GEOEXCHANGE ENERGY SYSTEM, OPEN LOOP – A Geoexchange Energy System which extracts surface or ground water into a heat pump, and discharges water back into the ground through a different well.

GOVERNMENTAL - Municipal, county, state or federal.

GREEN- A Pedestrian Gathering Area characterized predominantly by an open landscaped area or lawn.

GROUP HOME – A home for handicapped persons, as defined by the Fair Housing Act and the Fair Housing Amendments Act of 1988, as amended, who live and cook together in a Single Detached Dwelling Unit licensed by the Commonwealth of Pennsylvania Department of Public Welfare, and subject to the same limitations and regulations as a Single Detached Dwelling Unit.

HARDSCAPED - A hard surface such as asphalt, portland cement concrete, or hard surface treatments approved by the Township Engineer.

HEIGHT - The vertical dimension measured from the average elevation of the single highest point and single lowest point of the finished grade at the perimeter of the Building or Structure to the highest point of the Building or Structure.

HEIGHT OF COMMERCIAL AMUSEMENT - Vertical dimension measure from the highest point of the amusement (in terms of highest elevation) to the ground directly beneath such point.

HEIGHT OF TOWER – See Section 350-48(c)(5).

HISTORIC RESOURCE - See Section 350-48(h)(3).

HISTORIC RESOURCE OWNER’S CONSENT STATEMENT - See Section 350-48(h)(3).

HISTORIC RESOURCE PRESERVATION EASEMENT - See Section 350-48(h)(3).

HISTORIC STRUCTURE - See Section 350-48(h)(3).

HUB HEIGHT –shall mean the distance measured from the surface of the tower foundation to the height of the Wind Turbine hub to which the blade is attached.

IMPERVIOUS SURFACE (impervious cover) – A surface which prevents the percolation of water into the ground.

INDEPENDENT LIVING UNITS – A Dwelling unit for residents of a Retirement Facility designed for not more than two adult individuals that do not require medical care or assistance to perform daily activities. Such unit may take the form of a Single Detached Dwelling Unit, two-Dwelling unit, or multi-Dwelling unit and shall contain its own separate sleeping, bath, and cooking facilities for the occupants of that individual unit.

INDUSTRIALIZED HOUSING UNIT- A Structure designed primarily for residential occupancy, and classified in group Use R in accordance with the standards adopted in Pennsylvania’s Industrialized Housing act of 2004 (35 P.S. under § 145.41 (relating to adoption of standards) and which is wholly or in substantial part made, constructed, fabricated, formed or assembled in Manufacturing facilities for installation or assembly and installation on the Building site so that the concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction. The term does not include a Structure or Building classified as an institutional Building or Manufactured Home, as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974 (24 U.S.C.A. § § 5401-5426)

INFILL - The development or redevelopment of a vacant Lot or Tract that is typically located on scattered vacant Lots in the middle of established neighborhoods or nonresidential areas.

INNOVATION OVERLAY DISTRICT – One of four Overlay Districts designed to address the needs of the Growth Opportunity Areas of the Comprehensive Plan or other areas designated for growth, redevelopment or Infill land intended to result in a particular development outcome.

INSTITUTIONAL USE – A cemetery, school, Place of Worship, Governmental facility or quasi-governmental facility (such as Emergency Response Service Facility or similar).

INTENSITY (OF DEVELOPMENT) – The attributes of a development, or portion of a development, characterized by the Height of Buildings, total Floor Area, types of uses, Density, or any combination of the aforementioned conditions. Areas of higher development intensity are typically characterized by higher maximum heights, greater Floor Areas, uses with greater impact on surrounding development, or higher Density.

INTERMITTENT – means a pattern of changing light intensity, other than that achieved with immediate, Fade or Dissolve transitions, where any message remains static at least four seconds.

LANDOWNER - The legal or beneficial owner or owners of land, the holder of a valid, non-expired option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee having a remaining term of not less than forty (40) years or any other person having a majority proprietary interest in the land.

LIVING AREA - The gross Building Area of a Single Detached Dwelling Unit, excluding: the thickness of exterior walls; Garage areas; Basement areas where the ceiling height measured from the floor is less than six feet eight inches (6'8"); and any other Building Areas where the ceiling height is either less than five feet or the area is not accessible by a stairway.

LOADING DOCK – An elevated platform at the shipping or delivery door of a building, at the same height as the floor of a motor truck or railroad car to facilitate loading or unloading.

LOT - A designated parcel, Tract or area of land held in single and separate ownership, and established by a plat or otherwise as permitted by law, occupied by or which may be occupied by a Use, Structure, or Building and its Accessory Building or Buildings and including the yard and other Open Space required by this Ordinance.

LOT AREA - An area of land which is determined by the Lot lines of an individual Lot and expressed in terms of square feet or acres. Any portion of a Lot included within the Street Right-of-Way shall be excluded from the calculation of Lot Area.

LOT AVERAGING – A development option that permits a reduction in individual Lot Areas and bulk requirements, provided that the number of Lots remains the same as permitted without Lot Averaging, in order to preserve Open Space.

LOT COVERAGE – The area of a Lot that is covered by Impervious Surfaces.

LOT LINE - A line of record forming the front, rear or sides of a Lot and separating one Lot from another Lot. There are four types of Lot Lines:

- (A) Front Lot Line. The Street Lot Line from which the unit takes access; or where more than one (1) Street yard could safely provide this access, the Street serving the smallest traffic volume.
- (B) Rear Lot Line. The Lot Line opposite or nearly opposite the Front Lot Line. In the case of a Lot without a clearly identified rear Lot Line, that line shall be construed to be a ten (10) foot long line drawn parallel with the front Street line.
- (C) Side Lot Line. The Lot Line that runs generally perpendicular or at angles to the Street or any line that is not a front, Street, or rear Lot Line. For purposes of Setbacks, any Lot Line shared with an unopened Street or Alley shall be considered a side Lot Line.
- (D) Street Lot Line. Any Lot Line that is also a Street Right-of-Way line.

MAIN STREET ENVIRONMENT – A pedestrian-oriented Streetscape characterized by a Streetscape Width of sixty (60) feet to one hundred (100) feet, where the majority of Buildings are located within twenty (20) feet of sidewalks and contain a mix of uses, and that serves as the central gathering place for commerce and civic activities for a neighborhood, town, or region.

MANUFACTURED HOME- A Structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet in width or 40 body feet in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a Dwelling (Single Detached Dwelling Unit) with or without a permanent foundation when connected to the required Utilities, and includes the plumbing, heating, air-

conditioning and electrical systems contained therein. The term includes any Structure which meets the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S.C.A. § § 5401-5426)

MEDIATION - A voluntary process in which parties may 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.

MIXED-USE BUILDING – A single Building containing a combination of permitted commercial uses or residential and commercial uses, in which the permitted commercial uses are located on the ground floor with residential or commercial above.

MOBILE HOME - A transportable single detached Dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation.

MOBILE HOME LOT - A parcel of land in a Mobile Home Park, improved with necessary utility connections and other appurtenances necessary for erection thereon of a single Mobile Home.

MOBILE HOME PARK – See Section 350-31(f)(2)(C)(iii)

NIT – A measurement of luminance used primarily to indicate an LED display’s brightness. One NIT is equal to one candela per square meter (1cd/m²).

NONCONFORMING LOT - A Lot of record legally existing at the date of the passage of this Ordinance which does not have the minimum width or contain the minimum area for the zone in which it is located.

NONCONFORMING STRUCTURE - A Structure or part of a Structure manifestly not designed to comply with the applicable Use or extent of Use provisions in a zoning ordinance or amendment thereto or hereafter enacted, where such Structure lawfully existed 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. Such Nonconforming Structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE - A Use, whether of land or of a Structure, which does not comply with the applicable Use provisions in the Zoning Ordinance or amendment thereto 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 reasons of annexation.

OFF-STREET PARKING GARAGE - A Structure or portion thereof used for the storage and parking of vehicles and available to the general public, in which no servicing, repairs, washing, or

reconditioning of motor vehicles is carried on.

OFFICIAL MAP – The Official Map of South Whitehall Township, dated May 26, 2010, or as amended.

ON-STREET PARKING- An area of a Street Right-of-Way, parallel to the Cartway, reserved for the parking of motor vehicles, wherein Parking Spaces are typically parallel to travel lanes or are angled from the travel lanes.

OPEN SPACE, ACTIVE – Open Space that is intended as a gathering space for residents of a development or public at large to support organized activities such as sports, festivals, performances, markets, civic events and the like; and provides for amenities associated with gatherings, such as Plazas, Pavilions, gazebos, greens, walkways, sidewalks, trails, landscaped sitting areas, playgrounds, playfields, tennis courts, basketball courts, amphitheaters, and the like. Active Open Space is characterized as space generally used by people to do organized activities requiring major modifications to the natural landscape and regular service to maintain in its intended fashion.

OPEN SPACE, PASSIVE – Open Space that is intended to preserve natural and/or historical features upon the land, preserve notable views, serve as permanent natural buffer, and/or serve as open space for use by the residents of the development or public at large; provides opportunities for walking, hiking, biking and similar activities on trail systems, fishing and boating on watercourses, exploring, birdwatching or relaxation within natural settings, or similar activities. Passive Open Space is characterized as space generally used by individuals or small groups to do unorganized activities requiring few if any modifications to the natural landscape and minimal service to maintain in its intended fashion.

PARKING GARAGE – See Garage, Parking

PARKING SPACE – A delineated area or Garage available for the parking of one (1) motor vehicle to which there is access from a Street, Alley or private drive.

PATIO – An unroofed area which is not enclosed, except for any side that may adjoin a Structure or be lined by Fences, hedges or shrubs.

PEDESTRIAN GATHERING AREA – A Plaza, Green, Square, tot Lot, park, natural area, public lawn, or other public outdoor space in which features such as gazebos, sitting walls, pergolas, fountains, benches, bicycle racks, landscaping, lighting, and the like are installed and maintained, and in which public seating, gathering, informal recreation and the like, takes place.

PERIMETER BUFFER – The minimum area along the outermost boundary of a proposed development, where a Buffer/planting strip may be required. This area is intended to Buffer one development type or Density from another, provide landscape area and is to be kept free from Impervious Surfaces, except for approved Driveways, Access Lanes, sidewalks, trails, and Fences or walls.

PERSONAL EXPRESSION SIGN – See Section 350-48(s)(10)

PERSONAL STORAGE UNIT – Also known as a Personal On Demand Storage (PODS) or Portable Moving Containers. A transportable non-axeled storage unit, not to exceed ten (10) feet in

width, ten (10) feet in height or twenty (20) feet in length in exterior dimensions, for the temporary storage of property. This does not include Intermodal Shipping Containers.

PET, NON-STANDARD – a domesticated animal kept for companionship, as specifically named and regulated within Section 350-42(q). This shall not include animals raised or kept for agricultural or farming purposes, venomous or poisonous animals, Wild or Exotic Animals, feral animals, and wild/domestic animal hybrids.

PET, SMALL – a domesticated companion animal which is sheltered, fed and exercised within cages or containers within a dwelling unit and not permitted to move freely within the Dwelling, Building or Structure, such as but not limited to domesticated rodents, fish, reptiles, and some birds. This shall not include animals raised or kept for agricultural or farming purposes, venomous or poisonous animals, Wild or Exotic Animals, feral animals, and wild/domestic animal hybrids.

PET, STANDARD – a domesticated animal kept for companionship, specifically dogs, cats, ferrets, Vietnamese Pot-Bellied Pigs, and rabbits.

PET, STANDARD HOUSE – a Standard Pet which is kept and sheltered in a Dwelling Unit. A Standard House Pet may be exercised outdoors but shall be fed and sheltered within the Dwelling Unit.

PLANNED RESIDENTIAL DEVELOPMENT (PRD) - An area of land, controlled by a Landowner, to be developed as a single entity for a number of permitted Dwelling unit types or combination of residential and nonresidential uses, the development plan for which may not correspond in Lot size, bulk, type of Dwelling, Use, Density, Intensity, Lot Coverage or required Open Space to the regulations established in any residential district created under the provisions of the South Whitehall Township Zoning Ordinance.

PLAZA – A type of Pedestrian Gathering Area that is a predominantly paved space, designed and maintained with pavers or other approved hard surfacing material.

PORCH, OPEN - A roofed Structure, projecting from the front, side or rear wall of a Building, that is open on three (3) sides, and having no enclosed features of glass, wood or other materials more than thirty (30) inches above the floor thereof, except for screening and necessary roof supports. A Porch shall not be considered open if enclosed by either permanent or detachable glass sash.

PRE-EXISTING TOWER/PRE-EXISTING ANTENNA - See Section 350-48(c)(5).

PRIMARY BUILDING/PRIMARY USE - A Use permitted by right provided said Use is shown as a Primary Use in the Zoning District Schedule for the district in which the Use is located and the Use is in conformance with all other provisions of this Ordinance. No more than one (1) Primary Use shall be permitted on a Lot, unless otherwise specified herein, such as but not limited to Section 350-31 Innovation Overlay Districts, Section 350-48(c)(10) Coordinated Developments, Section 350-05 Definitions for Mixed-Use, Retirement Facility, Shopping Center, etc.

PRINCIPAL BUILDING/PRINCIPAL USE – The predominant Use of a Lot, whether a Primary Use, Special Exception, Conditional Use, or Nonconforming Use.

PRIVATE GARAGE – See Garage, Private.

PUBLIC BUILDING - A Building used primarily for public purposes such as, libraries, fire house, police stations and substations, state, county and/or federal Buildings, excluding criminal rehabilitation and correctional facilities, schools, and also excluding places of business which may be used by the public at large for commercial purposes.

PUBLIC NOTICE - Notice published once each week for two (2) 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 PARK AND RECREATION AREA – A Use designated, designed and used for active or passive recreational purposes by the general public, including trails and trailheads, and that is established by a Governmental agency. This definition shall not be deemed to include: Commercial Amusement, Adult Uses, Golf Courses/driving ranges/miniature golf/pitch and putt golf, Arcades, Betting Activities, or rod and gun clubs.

PUBLIC REALM – The Open Space of a development developed under the TND Overlay provisions and including Active Open Space, Passive Open Space, and the linkages between them to form a cohesive, connected network of pedestrian circulation.

PUBLIC UTILITY - An organization that maintains the infrastructure for a public service (often also providing a service using that infrastructure) and is subject to forms of public control and/or regulation. Public Utilities shall include only municipal authorities or utilities regulated by the Pennsylvania Public Utility Commission.

QUASI-GOVERNMENTAL AGENCY or ENTITY - An organization that has been assigned by law, or by general practice, some of the legal characteristics of both the governmental and private sectors, and is funded and/or has been granted by a branch of government the capability of self-funding, and that has a public mandate to provide a given service.

RESTAURANT – An establishment where the primary use is the serving to the public prepared food to customers, with or without the use of wait staff, for consumption on or off the premises.

ROOFLINE - The highest continuous horizontal line of a roof. On a sloping roof, the Roofline is the principal ridge line, or the highest line common to one or more principal slopes of roof. On a flat roof, the Roofline is the highest continuous line of the roof.

SERVICE ANIMAL - An Animal that is trained under the guidelines of a non-profit organization to be a helper to assist a handicapped person perform simple everyday tasks.

SERVICE CLUB - A club or organization which is nonprofit in nature and is dedicated to improving the quality of the community, e.g., Lions, Kiwanis, Rotary Club, Jaycees, Public Libraries.

SETBACK - A Setback denotes the minimum distance between a Use, Building or Structure, and a Lot Line, boundary, natural feature or Right-of-Way line. The name of the Setback or other accompanying words shall identify the particular Lot Line, boundary, feature, or Right-of-Way line involved.

SETBACK LINE - A line, parallel to a Lot Line that demarcates the required minimum distance between such Lot Line and the Primary Use or Structure.

SEWER, PUBLIC - A Sewer System serving a portion of a municipality or municipalities, developed and administered by a Governmental agency or authority.

SEWER SYSTEM, CENTRALIZED - A system designed and constructed to collect, centrally treat, and dispose of all sewage from all portions of a development.

SHADOW – The outline created on the surrounding area by the sun shining on the wind energy system.

SHADOW FLICKER – The on-and-off Flickering effect of a Shadow caused when the sun passes behind the rotor of a Wind Turbine.

SHIELDED – A luminaire from which no direct glare is visible at normal viewing angles by virtue of it being angled, aimed, or oriented, and located and properly fitted with such devices as shields, baffles, louvers, skirts or visors.

SIGN, BUILDING FACE - See Section 350-48(s)(10).

SIGN, DIRECTORY - See Section 350-48(s)(10).

SIGN, ELECTRONIC GRAPHIC DISPLAY SIGN – See Section 350-48(s)(10).

SIGN, GROUND ENTRANCE IDENTIFICATION - See Section 350-48(s)(10).

SIGN, PERSONAL EXPRESSION – See Section 350-48(s)(10).

SIGN, PYLON – See Section 350-48(s)(10).

SIGN, TEMPORARY – See Section 350-48(s)(10).

SIGN, WAY-FINDING - See Section 350-48(s)(10).

SIGN FACE – A single surface area to which the Sign copy is affixed or from which the copy or message is displayed or illustrated, not including structural supports, architectural features of a Building or Sign Structure, nonstructural or decorative trim.

SKILLED NURSING CARE - Professionally supervised nursing care and related medical and other health services provided for a period exceeding twenty-four (24) hours to an individual not in need of Hospitalization, but whose needs are above the level of room and board and can only be met in a long-term care nursing facility on an inpatient basis because of age, illness, disease, injury, convalescence or physical or mental infirmity. The term “skilled nursing services” includes the provision of inpatient services that are needed on a daily basis by the resident, ordered by and provided under the direction of a physician, and which require the skills of professional personnel, such as registered nurses, licensed practical nurses, physical therapists, occupational therapists, speech pathologists or audiologists.

SOLAR ENERGY FACILITY ANCILLARY FACILITIES – All Structures and Buildings associated with the conversion of solar energy with the exception of the Solar Panels and support

scaffolding. Ancillary Structures and Buildings shall include but not be limited to substations, electrical transmission lines and access roads.

SOLAR PANEL – a Structure containing one or more receptive cells, the purpose of which is to convert solar energy into useable electrical energy, heat water, or produce hot air or perform any other similar function by way of a Solar Energy System.

SPECIAL EXCEPTION - A Use which by virtue of its own particular characteristics may be permitted in particular areas only after review, public hearing, and approval by the Zoning Hearing Board

SPECIFIED ANATOMICAL AREAS -

- (A) Less than completely and opaquely covered human genitals, pubic region, buttock or female breast below a point immediately above the top of the areola.
- (B) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES -

- (A) Human genitals in a state of sexual stimulation or arousal.
- (B) Acts of human masturbation, sexual intercourse or sodomy.
- (C) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

SQUARE – A type of Pedestrian Gathering Area that is characterized by a having four sides and a combination of paved and landscaped areas.

STEEL UTILITY STRUCTURE – See Section 350-48(c)(5)

STORY - Story shall mean that part of a Structure included between any floor and the floor or roof next above. When applied to the permissible height of the Building, the term Story shall not include a Basement if the Basement is not designed for living quarters and if the floor thereof is more than fifty percent (50%) below the average ground level.

STREET - Any avenue, boulevard, road, lane, parkway, viaduct, or other way for the movement of vehicular traffic which is an existing state, county, township roadway, or way shown upon a plan and includes the land between the street and right-of-way lines, whether unimproved or improved, with pavement, sidewalks, gutters, parking areas and other areas within the right-of-way.

STREET, PRIVATE - Streets that have not been accepted by the Township for dedication, including those Streets to remain private under Section 350-31(f)(5).

STREET CLASSIFICATIONS

- (A) **ARTERIAL ROAD** - A major regional or local highway including an expressway, freeway, interstate or intrastate highway as well as selected suburban or rural Streets which are designed to carry large volumes of vehicular traffic through the minimization of access points and provision of passing

and/or turning lanes.

(B) COLLECTOR ROAD: A Street or road designed to carry vehicular traffic between one or more residential or nonresidential areas and a major system of Arterial Streets and highways, or from one part of a municipality to another part of that same municipality.

(C) LOCAL ROAD - A Street or road designed to carry vehicular traffic from one or more individual residential or nonresidential units to or from a Collector Road.

STREET RIGHT-OF-WAY - That portion of land dedicated to public use for street or utility purposes.

STREET RIGHT-OF-WAY LINE - the lines that form the boundaries of a Right-of-Way as indicated by dedication or by deed of record.

STREETSCAPE - The physical elements within and along both sides of a Street Right-of-Way that define its appearance, character, and function, including adjacent Building Facades and land uses, Street lighting and furniture, landscaping, Street trees, sidewalks, signage, and On-Street Parking, whether located within the Right-of-Way or on private property. Physically, the Streetscape is bound by Bookend Buildings and the space between Building façades, or where Buildings do not exist or are set back from the sidewalk, the Build-to Line or front yard Setback Line, on either side of the Street Right-of-Way.

STREETSCAPE WIDTH – The distance between Building Facades, Build-to Lines or front yard Setback Lines, as applicable, on both sides of a Street Right-of-Way, typically ranging from sixty feet (60') to one hundred feet (100').

STRUCTURE - Any man-made object constructed or erected on or in the ground or water or upon another Structure or Building and having an ascertainable stationary location. This definition shall not include walks or Driveways as Structures.

SWIMMING POOL – Any Structure intended for swimming or recreational bathing and capable of containing water over 24 inches deep, including in-ground or above ground pools, but not including farm lakes, ponds, or other natural water features.

TEMPORARY SIGN – See Section 350-48(s)(10).

TIMBER HARVESTING OPERATION - The uprooting or removal, for any purpose, of more than ten (10) trees per acre, of 6 inches or greater DBH, from any Woodland area, whether accomplished as a single operation or in more than one operation over three or fewer years. The removal of trees pursuant to an approved subdivision or land development plan, landscape plan, the removal of dead or diseased trees, or invasive vegetation, and the cutting of trees as part of a Christmas tree farming operation shall not be considered Timber Harvesting Operations. "Forestry," as defined by the Pennsylvania Municipalities Planning Code, shall also be considered a tree harvesting operation.

TND OVERLAY DISTRICT – One of three (3) Innovation Overlay Districts that allow for Traditional Neighborhood Development.

TOWNHOUSE – See Dwelling, Multi-Unit

TOWNSHIP - The Township of South Whitehall in Lehigh County, Pennsylvania.

TRACT - A parcel of land, the dimensions and extent of which are determined by the latest official records or by the latest approved recorded map of a subdivision of which the tract is a part. A tract may include lands covered by more than one legal description.

TRACT SIZE - The area of land contained within the Lot Lines of all individual Lots in a development and expressed in terms of square feet or acres. Any portion of a Tract included within the Street Right-of-Way shall be excluded from the calculation of Tract size.

TRACTOR-TRAILER TRUCK – (1) A truck, truck tractor or combination having a gross vehicle weight rating, gross combination weight rating, registered gross weight, registered combination weight or actual gross weight of 17,001 pounds or more; or (2) A truck, truck tractor or combination engaged in interstate commerce and having a gross vehicle weight rating, gross combination weight rating, registered gross weight, registered combination weight or actual gross weight of 10,001 pounds or more.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) - A form of land development consistent with TND as per Article VII-A of the Pennsylvania Municipalities Planning Code (MPC), wherein a TND is defined as follows: An area of land typically developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some Structures that provide for a mix of uses within the same Building. Residences, shops, offices, workplaces, Public Buildings and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional Neighborhood Development is relatively compact and oriented toward pedestrian activity. It has an identifiable center and discernible edge. The center of the neighborhood is in the form of a Public Park, Green, Plaza, Square or prominent intersection of two or more major Streets. Generally, there is a hierarchy of Streets laid out with an interconnected network of Streets and Blocks that provides multiple routes from origins to destinations and is appropriately designed to serve the needs of pedestrians and vehicles equally.

TRAIL – A path constructed for pedestrian, biking and other non-motorized forms of travel, including any ancillary furnishings, that is constructed to a standard approved by South Whitehall Township and confined within an Easement or Right-of-Way.

TRAILHEAD - An access point to a Trail often accompanied by various public facilities, including Parking Areas, toilets, water, and directional and informational signage.

TURBINE HEIGHT – shall mean the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

TWIN - See Dwelling, Two-unit

ULTIMATE RIGHT-OF-WAY - The intended width of a Street as established by the Township Comprehensive Plan, Zoning Ordinance or adopted Official Map.

USE - A specific purpose for which land or a Sign, Structure, or Building is designed or arranged, intended, or for which it may be occupied or maintained or any activity, occupation, business, or operation which may be carried on. The term “permitted Use” or its

equivalent shall not be deemed to include any Nonconforming Use.

USEABLE OFFICE AREA - Shall be defined as that space to be used and/or occupied by an owner and/or by tenants, but excluding shared common Building Areas outside the lease or tenant confines needed for access and egress to multiple tenant suites; such as entrance foyers, atriums, courtyards, corridors/hallways, stairways, common restrooms and other non-common areas such as mechanical rooms, Building maintenance storage areas or similar areas that are not available for tenant's office Use.

UTILITIES – Buildings and Structures of a public or municipal utility, in addition and connected to the lines, piping, conduits, transformer, or other equipment which is essential to providing that utility's services. Normally a significant or combination of Structures, often enclosed within a Building, such as a substation, pumping station, switching Building or central station, or similar installation. "Utilities" shall not be deemed to include Alternative Tower Structures, antennas, Backhaul Networks, or Towers.

WALL, RETAINING – A structure for holding in place a mass of earth or the like.

WATER, CENTRALIZED - A system designed and constructed to transmit and distribute water from a common source to all residents in all portions of a particular development.

WATER , PUBLIC - A Centralized Water supply system serving portions of a municipality or municipalities which is owned and operated by the Township or some other municipality or municipality authority.

WIDTH OF BUILDING - The length of the Building measured on a horizontal plane parallel to the face or Facade of the Building encompassing the extremities of the Building, generally but not necessarily parallel to the Right-of-Way line of the Street.

WILD OR EXOTIC ANIMAL - shall mean any Animal of a species prohibited by Title 50, Code of Federal Regulations, or otherwise as controlled by the Commonwealth of Pennsylvania. It shall include any Animal, which is wild, fierce, dangerous, noxious, or naturally inclined to do harm. Wild Animals, however domesticated, shall also include but not limited to:

Amphibians: All venomous frogs, toads, turtles, etc.;

Bear (Ursidae): All bears, including grizzly bears, brown bears, black bears, etc.;

Cat Family (Felidae): All except commonly accepted domestic cats – including lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, bobcats, wild cats, etc.,;

Crocodylians: All alligators, caimans, crocodiles, gavials, etc.;

Dog Family (Canidae): All except domesticated dogs – including wolf, fox, coyote, dingo or offspring of domesticated dogs bred with a wolf, fox, coyote, dingo, etc.

Mongoose (Feliformia): Mongooses, civets, etc.;

Pig: All wild or domestic swine, etc., excluding certified Vietnamese potbellied pigs

Porcupine (Erethizontidae): All porcupines, etc.;

Primates (Hominidae): All sub-human primate, etc.;

Raccoons (Procyonidae): All raccoons, etc.;

Reptiles: All venomous or constricting snakes; venomous lizards, etc.;

Venomous Invertebrates: All venomous spiders, scorpions, etc.;

Weasels (Mustelidae): All including weasels, martens, mink, wolverine, ferrets, badgers,

otters, ermine, etc. excluding domesticated ferrets.

WIND ENERGY FACILITY ANCILLARY FACILITIES – All Structures and Buildings associated with the conversion of wind energy with the exception of the wind turbine. Ancillary Structures and Buildings shall include but not be limited to substations, meteorological towers, electrical transmission lines and access roads.

WIND ROTOR – the blades, plus the hub to which the blades are attached, that they are used to capture wind for the purpose of energy conversion. The Wind Rotor is mounted on a pole or tower or other suitable Structure along with the other generating and electrical equipment to form a Wind Turbine.

WIND TURBINE – The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

WOODLAND – An area of greater than five (5) acres as depicted in the Comprehensive Plan, or as amended, of the Lehigh Valley Planning Commission.

YARD (REQUIRED) - An open, unoccupied space between a Lot Line and Setback Line within which no Structure is permitted to be located except as provided within this Ordinance.

YARD, FRONT (REQUIRED) - A space between the Building line or front wall of a Building and a Street line (Street or road Right-of-Way line) and into which space there shall be no Structure except as permitted in the Ordinance.

YARD, REAR (REQUIRED) – A space between the rear Lot Line and the rear Setback Line which shall remain open and unoccupied, except as permitted as part of this Ordinance.

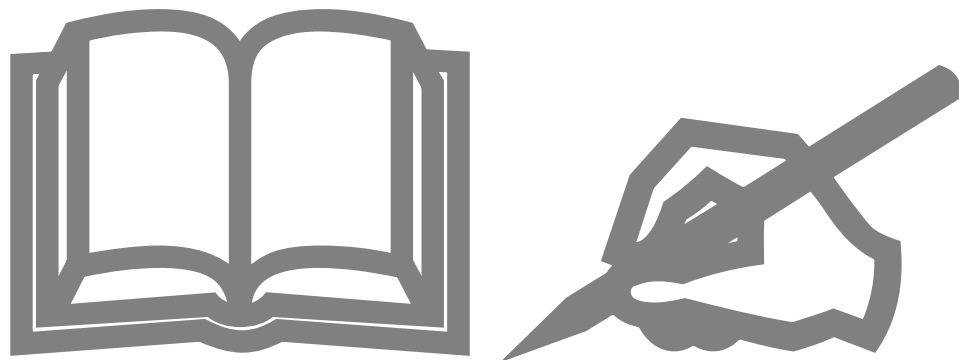
YARD, SIDE (REQUIRED) – A space between a side Lot Line and the side Setback Line which shall remain open and unoccupied, except as permitted as part of this Ordinance.

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ARTICLE 1

350-10

ADMINISTRATION



350-11 THE ZONING OFFICER

This Ordinance shall be administered and enforced by an agent to be appointed by the Board of Township Commissioners, who shall be known as the Zoning Officer. The Zoning Officer shall meet qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning. It shall be the duty of the Zoning Officer to receive and maintain a record of all applications for permits and a record of all permits issued, with notation of all special conditions involved. He shall file copies of all plans submitted and the same shall form a part of the records of his office and shall be available for the Use of the Zoning Hearing Board, the Board of Commissioners, other Township officials and staff, and Township residents. Such records are and shall remain the property of the Township.

350-12 THE ZONING MAP

The boundaries of the districts enumerated by Section 350-21 are hereby established on the "Zoning Map of South Whitehall Township". Such map accompanies and is hereby declared to be a part of this Ordinance. Where uncertainty exists as to the precise location of the boundaries shown on said Zoning Map, the following rules shall apply:

(a) District Boundary Lines.

(1) District boundary lines generally follow the Centerline of Streets and streams, and Lot Lines as they exist on plans of record at the time of the adoption of this Ordinance. Where a district boundary divides a Lot, the location of said boundary, unless the same is indicated by dimensions, shall be determined by the Use of the scale appearing on the map.

(2) Where a district boundary is not fixed by dimensions and where it approximately follows a Lot Line, and where it does not scale more than twenty (20) feet therefrom, such Lot Lines shall be construed to be such boundaries.

(3) In case any further uncertainty exists, the Zoning Officer shall interpret the intent of the map as to location of District boundaries within the Township.

350-13 THE ZONING PERMIT

(a) Zoning Permits. Zoning Permits shall be secured from the Zoning Officer as follows:

(1) A zoning permit shall be secured prior to the creation of or change to any Use of a Structure, Building or of land. A permit shall be denied if the information submitted is incomplete, erroneous or otherwise unsatisfactory.

(2) A zoning permit shall be secured for each Nonconforming Use and each Nonconforming Structure including expansion of or change of Use or addition to a Structure or change of Use of the land. In the event that such permit has not been applied for and the Zoning Officer becomes aware of the nonconforming condition, the Zoning Officer shall notify the owner of record of the provisions of this section in writing. Said owner shall have thirty (30) days in which to apply for the proper permit.

(3) A zoning permit shall be secured prior to any Alteration of any Building or Structure or part of a Building or Structure.

(4) A zoning permit shall be secured for impervious surface and signs, regardless of cost, or district in which located, in accordance with Sections 350-48(o)(2) and 350-48(s)(10).

(b) Conditions for Issuance of Zoning Permits. The Zoning Officer shall not issue a permit for the Use of any Building or land unless all of the following conditions have been satisfied:

(1) All requests for permits shall be made in writing by the legal or equitable owner or his authorized agent, optionee, or an individual or entity with demonstrable authority to do the work proposed on a form to be supplied by the Zoning Officer. Requests for zoning permits shall be accompanied by a plan prepared in accordance with the standards established by the Township. Copies of these standards are available at the Township Municipal Building.

(2) All fees for permits as established by the Board of Commissioners shall have been paid to the Township.

(3) Approval, where required, of the Zoning Hearing Board has been obtained in writing and all conditions of said approval have been or will be complied with. All applications and/or supportive documents shall be revised in accordance with the conditions of said approval.

(4) The Building and/or Use conforms to the provisions of this Ordinance, except for:

(A) Variances to this Ordinance granted and approved in writing by the Zoning Hearing Board, or

(B) The Nonconforming Use and/or Nonconforming Building or part thereof was lawfully in existence prior to the enactment of this Ordinance or its amendments.

(5) In the event that construction or Use is commenced prior to the issuance of any required permit, upon discovery of such construction or Use, all work shall be halted and a complete and thorough inspection of unpermitted construction and Use shall be conducted by the Zoning Officer and appropriate Code Enforcement Officers before any permit is issued.

(c) Issuance or Denial of Zoning Permits. Zoning permits shall be issued or denied by the Zoning Officer within thirty (30) days of application. All permits are subject to compliance with all other applicable ordinances, rules, and regulations of the Township.

(d) Life of a Zoning Permit.

(1) Except where the duration of the Use or Building is limited by action of the Zoning

Hearing Board or provisions of this Ordinance or any amendment, zoning permits shall be valid until such time as there is a change in Use or condition for which the permit was originally issued.

(2) Where the duration of the Use or Building has been limited by action of the Zoning Hearing Board or provisions of this Ordinance or any amendment, the life of the zoning permit shall be equally limited.

(3) In the event that a variance has been granted or other action has been authorized by the Zoning Hearing Board, the applicant shall secure the necessary permits and commence the authorized action, construction or Alteration within one year of the final action by the Zoning Hearing Board. In the event construction has not commenced within the one year period, the variances, authorizations and permits granted by the Zoning Hearing Board are automatically revoked. The applicant may request in writing extensions of the one year period stating the reasons for delay. The Zoning Hearing Board may grant extensions of the one year period if it finds that the reasons for such delay in construction are justifiable and reasonable. When it is expected that the construction or development authorized will commence in phases over an extended period of time, the Zoning Hearing Board may establish a schedule for the procurement of permits in lieu of the one year period specified above.

(e) Continuance of Existing Zoning Permits. Nothing herein contained shall require any change in plans, construction or designated Use of a Building for which a zoning permit has been issued prior to advertisement of the enactment of this Ordinance and construction of which shall have been commenced within thirty (30) days after advertisement of this Ordinance and shall have been diligently prosecuted and the entire Building shall be completed within the life of zoning permit(s) or authorized renewals of said zoning permit(s).

350-14 ZONING OFFICER PRELIMINARY OPINION

(a) Procedure to Obtain Preliminary Opinion. In order not to unreasonably delay the time when a landowner may secure assurance that the ordinance or map under which he proposed to build is free from challenge, and recognizing that the procedure for preliminary approval of the development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to the ordinance or map will run under Section 914.1 of the Municipalities Planning Code by the following procedure:

(1) The landowner may submit plans and other materials describing the proposed use or development to the Zoning Officer for a preliminary opinion as to its compliance with the applicable ordinances and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative, or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance.

(2) If the Zoning Officer's preliminary opinion is that the use or development complies with the ordinance or map, notice thereof shall be published once each week for two consecutive weeks in a newspaper of general circulation in the Township. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plans and other materials may be examined by the public. The favorable preliminary approval under Section 914.1 and the time therein specified for commencing a proceeding with the Board shall run from the time when the second notice thereof had been published.

350-15 ENFORCEMENT OF THE ZONING ORDINANCE

(a) Enforcement Notice.

(1) If it appears to the Township that a violation of the South Whitehall Township Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this subsection (a).

(2) 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 the parcel, and to any other person requested in writing by the owner of record.

(3) 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 which have not been met, citing in each instance the applicable provisions of this 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 in 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.

(b) Civil Enforcement Proceeding; Penalties.

(1) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, before a district justice, pay a judgment of not more than five hundred dollars (\$500.00) per day 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 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 zoning ordinances shall be paid over to the Township.

(2) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this subsection (b).

(c) Equitable Remedies. 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 or any amendments, the Township Manager, his designee, or any Code Enforcement Officer, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, 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 Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Commissioners of the Township. No such action may be maintained until such notice has been given.

350-16 THE ZONING HEARING BOARD

COMPOSITION AND ORGANIZATION

(a) Present Zoning Hearing Board to Continue. The Zoning Hearing Board created and existing under the “South Whitehall Township Zoning Ordinance” of 1961, as amended, shall continue under and in accordance with the provisions of this article. Matters pending before the Zoning Hearing Board at the time this Ordinance becomes effective shall continue and be completed under the Zoning Ordinance in effect at the time the Zoning Hearing Board took jurisdiction of said matters.

(b) Membership. The membership of the Zoning Hearing Board shall consist of five (5) members who are residents of the Township, appointed by resolution of the Board of Commissioners. Their terms of office shall be five (5) years in duration, staggered so that no two (2) members of the Zoning Hearing Board are eligible for reappointment in any given year. The terms of office for members of the Zoning Hearing Board hereafter appointed shall commence on the first day of March, and conclude on the last day of February, or until their successors are elected and qualified. The Zoning Hearing Board shall promptly notify the Board of Commissioners of any vacancies which 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.

(c) Alternate Members. The Board of Commissioners may appoint by resolution at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Section 350-16(e), an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing 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 act and as otherwise provided by law. Alternates shall hold no other office in the Township 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 unless designated as a voting alternate member pursuant to Section 350-16(e).

(d) Removal of Members. Any member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Commissioners 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 make a request in writing.

(e) Organization.

(1) The 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 the members of the Board, but the Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 350-16(j).

(2) If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the 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.

(3) The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth. The 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 Commissioners as requested by the Board of Commissioners.

(f) Expenditures for Service. Within the limits of funds appropriated by the Board of Commissioners, The Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Commissioners, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Commissioners. Alternate members of the Board may receive compensation, as may be fixed by the Board of Commissioners, for the performance of their duties when designated as alternate members pursuant to Section 350-16(e), but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the Board of Commissioners.

JURISDICTION

(g) Zoning Hearing Board Jurisdiction and Functions.

(1) Jurisdiction. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

(A) Substantive challenges to the validity of any land Use ordinance, except those brought before the Board of Commissioners pursuant to Section 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code.

(B) Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any Zoning permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any Nonconforming Use, Structure or Lot.

(C) Appeals from a determination by a Township Engineer or the Zoning Officer with reference to the administration of any Flood plain or flood hazard ordinance or such provisions within a land Use ordinance.

(D) Application for variances from the terms of the zoning ordinance and flood hazard ordinance or provisions within the ordinances.

(E) Applications for Special Exceptions under the zoning ordinance or Flood plain or flood hazard ordinance or provisions within the ordinances.

(F) Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code.

(G) Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land Use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Planned Residential Development or Subdivision and Land Development applications.

VARIANCES

(h) Variances. The Board shall hear requests for variances where it is alleged that the provisions of the Ordinance inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance and the laws of the Commonwealth. The Board may grant a variance provided the following findings are made 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 the Zoning Ordinance in the neighborhood or district in which the property is located;

(2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the 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 neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate Use or development of adjacent property, nor be detrimental to the public welfare;

(5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue;

(6) The variance shall not authorize a Use that is not permitted in the Zoning Ordinance and which could more properly be considered a rezoning to be heard by the South Whitehall Township Board of Commissioners;

SPECIAL EXCEPTIONS

(i) Special Exceptions. It is hereby recognized that certain uses may be necessary to serve the needs and convenience of the Township, but which uses may be adverse to the public health, safety and general welfare by reason of their inherent nature and/or operation and therefore require special and proper consideration of existing and probable future conditions and characteristics of the surrounding area. Such uses are hereby declared to be "Special Exception Uses" and may be permitted upon application to and approval by the Zoning Hearing Board provided said Use is shown as a Special Exception Use in the Zoning District Schedule for the district in which the Use is located. Where this Ordinance has stated Special Exceptions to be granted or denied by the Zoning Hearing Board, the Board shall hear and decide requests for such Special Exceptions in accordance with applicable standards and criteria contained herein. In granting a Special Exception, the Board may attach such reasonable conditions and safeguards in addition to those expressed by this Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance and the laws of the Commonwealth. Standards and criteria for Special Exception uses are as follows. Such Use shall be:

- (1) Consistent with the community development objectives articulated in the Zoning Ordinance (pursuant to Section 606 of the Municipalities Planning Code);
- (2) Consistent with the statement of purpose articulated for the district in which the Use is proposed and promote the harmonious and orderly development of such zoning district;
- (3) Consistent with the South Whitehall Township Comprehensive Plan;
- (4) Conform to all requirements of the Subdivision and Land Development Regulations, Chapter 11, and all other Township regulations and ordinances;
- (5) The design, characteristics and operation of the Use is such that the public health, safety and general welfare will be protected and reasonable consideration is given to, but not limited to, the character of the neighborhood and zoning district, conservation of property values, and traffic safety and road capacities;
- (6) Compatible with the character and type of development existing in the area that surrounds the site and permitted in the underlying zoning district, in terms of the size, scale, height and bulk of the proposed uses and the size, shape and placement of Buildings and other Structures;
- (7) Compatible with the uses permitted in the surrounding area and permitted in the underlying zoning district, in terms of the Density and/or Intensity of land Use;
- (8) Reflective of sound engineering and land development design and construction principles, practices and techniques;
- (9) Provide safe and efficient access to roads and will not create traffic congestion, hazardous traffic conditions or excessive traffic volumes;
- (10) Provide continuity of existing circulation systems, including roads, sidewalks, and trails;
- (11) Provide for adequate environmental controls and performance standards to minimize noise, vibration, glare, heat, odor, smoke, dust, fumes, vapors, gases, air emissions, water emissions and outdoor storage;
- (12) Each Special Exception Use shall adhere to the minimum standards specified for the particular Use by the applicable regulations of this Ordinance.

HEARINGS AND DECISIONS

(j) Hearings and Decisions. The Board shall conduct hearings and make decisions in accordance with the following requirements:

(1) Public Notification

(A) Public Notice of the hearing, pursuant to the Municipalities Planning Code, shall be given. A written copy of this notice shall be provided to the applicant, the owner of record, the Zoning Officer and any other person making timely request for same, by first class mail addressed to the last known address of the said parties not less than ten (10) calendar days prior to the hearing. For purposes of this section, said request shall be received no sooner than ninety (90) days prior to the date of the hearing for which notice is requested.

(B) In addition to the written notice provided under paragraph (1), written notice of said hearing shall be conspicuously posted on the affected Lot at least one week prior to the

hearing.

(C) Not less than ten (10) days prior to the scheduled Zoning Hearing Board meeting, the Township shall give notice by First Class mail to all property owners as shown on the most recent tax records to be holding title to property within three hundred (300) feet of any boundary of the subject property. The notice shall include the information required by the "Public Notice" section of the Municipalities Planning Code (Act 247 as amended).

(2) Fees. The Board of Commissioners 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.

(3) Hearings.

(A) The first hearing before the board or hearing officer shall be commenced 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 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 hours of hearing within the 100 days including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. 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.

(B) The hearings shall be conducted by the Board, or the Board may appoint any member or an independent attorney as a hearing officer.

(C) The parties to the hearing may be the municipality and any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

(D) The Chairman or Acting Chairman of the 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.

(E) 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.

(F) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

(G) The 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 Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or Hearing Officer or shall be paid by the person appealing from the decision of the 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.

(4) The Board or the Hearing Officer shall not communicate directly or indirectly, with any party or his 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 advise from the Board's solicitor unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.

(5) Decisions

(A) The 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 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 therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code 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 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 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. Except for challenges filed under Section 916.1 of the Pennsylvania Municipalities Planning Code where the Board fails to render the decision within the period required by this Section or fails to commence, conduct or complete the required hearing, as provided in Section 350-16(j), 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 for an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above 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 paragraph (1) of this subsection. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this paragraph shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

(B) 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 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.

(6) Parties Appellant Before the Zoning Hearing Board. Appeals under Section 350-16(g) may be filed with the Board in writing by any officer or agency of the Township, or any person aggrieved or his agent. Requests for a variance under Section 350-16(h) and for Special Exception under Section 350-16(i) may be filed with the Board by any Landowner or any tenant with the permission of such Landowner.

(7) Time Limitation. No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, 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. All appeals from determinations adverse to the Landowners shall be filed by the Landowner within thirty (30) days after notice of the determination is issued.

(8) Stay of Proceedings. Upon filing of any proceeding referred to in Section 350-16(g) and during its pendency before the 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 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 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 reserve or limit the approval are filed with the 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 Board. The question whether or not such petition shall be granted and the amount of the bond shall be within the sound discretion of the court.

OPTIONAL: MEDIATION

(k) Mediation Option.

(1) Parties to proceedings before the Zoning Hearing Board, Board of Commissioners, or the courts in connection with this Zoning Ordinance may utilize Mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, 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 ordinance and the Municipalities Planning Code once they have been formally initiated. Nothing in this section shall be interpreted as expanding or limiting the Township Police powers or as modifying any principles of substantive law.

(2) 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:

(A) Funding Mediation.

(B) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in Mediation.

(C) Completing Mediation, including time limits for such completion.

(D) Suspending time limits otherwise authorized in this ordinance and the Municipalities Planning Code, provided there is written consent by the mediating parties, and by an applicant or the Board of Commissioners if either is not a party to the Mediation.

(E) Identifying all parties and affording them the opportunity to participate.

(F) Subject to legal restraints, determining whether some or all of the Mediation sessions shall be open or closed to the public.

(G) 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 other sections of this ordinance and in the Municipalities Planning Code.

(3) 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.

APPEALS TO COURTS

(I) Appeals to Courts.

(1) Zoning Appeals. Zoning appeals shall include appeals from decisions of the Zoning Hearing Board and appeals upon reports of the Board in proceedings to challenge the validity of any ordinance or map.

(2) Who May Appeal. Zoning appeals shall be taken to the Common Pleas Court of the County of Lehigh, Pennsylvania, by any party before the Zoning Hearing Board, or any officer or agency of the Township of South Whitehall, or any other aggrieved party.

(3) Time Limitation. All zoning appeals shall be filed no later than thirty (30) days after the issuance of notice of the decision or report of the Zoning Hearing Board.

(4) Procedures for Appeals and Challenges. Procedures for appeals and challenges shall be those prescribed by Article X-A of the Pennsylvania Municipalities Planning Code.

350-17 THE PROCESS TO AMEND THE ZONING ORDINANCE

(a) Amendments by the Board of Commissioners. The Board of Commissioners of South Whitehall Township may, from time to time, supplement, change, modify, or otherwise amend or repeal this Ordinance, or portions thereof, including the Zoning Map, in accordance with the following procedures:

(1) The Board of Commissioners shall fix the time and place of a public hearing on the proposed amendment pursuant to Public Notice. Such notice shall include the full text of the proposed amendment, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place in the municipality where copies of the proposed amendment may be examined, in addition to the time and place of the hearing. Such notice shall be published pursuant to the requirements of the Pennsylvania Municipalities Planning Code.

(A) Before voting on the enactment of a proposed amendment, the Board of Commissioners shall hold a public hearing thereon, pursuant to Public Notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the Lot(s) to notify potentially interested citizens. The affected Lot(s) shall be posted at least one week prior to the date of the hearing.

(i) In addition to the requirement that notice be posted under Section 350-17(a)(1)(A), where the proposed amendment involves a zoning map change notice of the public hearing shall be mailed by the Township at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located with the area(s) being rezoned, as evidenced by tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection.

(ii) This clause shall not apply when the rezoning constitutes a comprehensive rezoning.

(2) In the case of an amendment other than that prepared by the Planning Commission, the Board of Commissioners shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the public hearing on the proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

(3) The proposed amendment shall also be forwarded to the Lehigh Valley Planning Commission at least thirty (30) days prior to the public hearing on the amendment by the Board of Commissioners.

(4) If, after any public hearing held upon a proposed amendment changed substantially, or is revised, to include land not originally affected by it, the Board of Commissioners shall hold another public hearing, pursuant to Public Notice, as set forth above, before proceeding to vote on the amendment.

(b) Publication After Enactment. After enactment, the advertisement of a zoning amendment may consist solely of a reference to the place or places within the municipality where copies of such amendment shall be obtainable for a charge not greater than the cost thereof and available for examination without charge.

(c) Recording. Zoning amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

(d) Filing with Lehigh Valley Planning Commission. Within thirty (30) days after enactment, copy of the amendment shall be forwarded to the Lehigh Valley Planning Commission.

350-18 THE GRANTING OF CONDITIONAL USES

(a) Purpose. It is hereby recognized that the establishment, maintenance and operation of certain uses may be necessary to serve the needs and convenience of the public and the Township, but that such uses may be adverse to the public health, safety and general welfare by reason of their inherent nature and/or operation and maintenance and, therefore, require special and proper consideration of, inter alia, the proposed Use, and characteristics of the surrounding area. Such uses are hereby declared to be Conditional Uses and may be permitted upon application to and approval by the Board of Commissioners provided said Use is shown as a Conditional Use in the zoning district schedule for the district in which the Use is located, in accordance with the requirements below. Before zoning approval is granted for any Use listed as a Conditional Use in this Ordinance, a site plan shall be reviewed by the Township Planning Commission and approved by the Township Board of Commissioners.

(b) Approval of Conditional Uses.

(1) The Board of Commissioners shall approve any proposed Conditional Use only if they find sufficient evidence that any proposed Use will meet:

(A) The design, characteristics, maintenance and operation of the Use are such that the public health, safety and general welfare will be protected and reasonable consideration is given to, among other things, the character and suitability of the location in question and the zoning district, traffic safety and road capacities, conservation of property values, preservation of the nature and quality of the environment;

(B) Consistent with the community development objectives articulated in the Zoning Ordinance (pursuant to Section 606 of the Municipalities Planning Code);

(C) Consistent with the statement of purpose articulated for the district in which the Use is proposed and promotes the harmonious and orderly development of such zoning district;

(D) Consistent with the South Whitehall Township Comprehensive Plan and Official Map;

(E) Compatible with the character and type of development existing in the area that surrounds the site and permitted in the underlying zoning district, in terms of the size, scale, height and bulk of the proposed uses and the size, shape and placement of Buildings and other Structures;

(F) Compatible with the uses permitted in the surrounding area and permitted in the underlying zoning district, in terms of the Density and/or Intensity of land Use;

(G) Reflective of sound engineering and land development design and construction principles, practices and techniques;

(H) Provide safe and efficient access to roads and will not create traffic congestion, hazardous traffic conditions or excessive traffic volumes;

(I) Provide continuity of existing circulation systems, including roads, sidewalks, and trails;

(J) Provide for adequate environmental controls and performance standards to minimize noise, vibration, glare, heat, odor, smoke, dust, fumes, vapors, gases, air emissions, water emissions and outdoor storage;

(K) Each Conditional Use shall adhere to the minimum standards specified for the particular Use by the applicable regulations of this Ordinance.

(L) All of the specific standards for the proposed Use, listed in Sections 350-30 or in 350-48.

(2) The Board of Commissioners shall hold hearings on and decide requests for such Conditional Uses in accordance with such General Standards and Specific Standards in Section 350-30 herein or in Section 350-48, as applicable. The hearing shall be conducted by the Board of Commissioners or the Board of Commissioners 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 Board of Commissioners. However, the appellant or the applicant, as the case may be, in addition to the Township, may prior to the decision of the hearing, waive decision or findings by the Board of Commissioners and accept the decision or findings of the hearing officer as final.

(3) In granting a Conditional Use, the Board of Commissioners may attach such reasonable conditions and safeguards, in addition to those expressed in this ordinance, as it may deem necessary to implement the purposes of this Ordinance.

(c) Administration

(1) The Zoning Officer shall deny a zoning permit for the proposed development until written approval of the Township Board of Commissioners is obtained.

(2) All applicants for Conditional Use shall submit ten (10) sets of site plans sealed by a Pennsylvania licensed design professional.

(3) All site plans shall contain information otherwise required by the Township Subdivision and Land Development Regulations for a Sketch Plan. In addition, site plans for Incinerators, Sanitary Landfills, Waste to Energy Facilities, and Waste Treatment Facilities shall contain the following information as it pertains to the subject Lot(s) (and to the area within one (1) mile if the proposed facility is a Sanitary Landfill):

(A) The location of public and private water lines, supplies, wells, springs, streams, swamps, rivers and other bodies of water, and public and private sewer lines and septic systems;

(B) The location of underground and surface mines showing the extent of deep mine workings, elevation of the mine pool, and location of mine pool discharges;

(C) The location of gas and oil wells;

(D) The location of high-tension power line right-of-ways;

(E) The location of pipeline right-of-ways,

(F) The location of geologic and hydrologic features;

(G) The Flood plain and location of the site or facility within that Flood plain, and storm water runoffs;

(H) The location of public and private recreational areas;

(I) A soils, geologic and groundwater report of the characteristics of the area where the proposed site or facility will be located;

(J) The location of significant historical and architectural sites; and

(I) Any other information needed in order to review compliance with the

General Standards listed in Section 350-41(e) or Specific Standards listed in Sections 350-30 or in 350-48, as applicable.

(4) The Board of Commissioners, within ten (10) days of receipt of a completed submission, shall forward one copy of the site plan to the Zoning Officer, one copy to the Township Engineer, one copy to the South Whitehall Township Environmental Advisory Council and one copy to the Department of Community Development for review by the Township Planning Commission. Owners of real property situated within three hundred (300) feet of the proposed site or facility shall be sent a notice of the Planning Commission's review meeting not less than ten (10) days prior to the date fixed for review.

(5) The Zoning Officer shall, within thirty (30) days of receipt of a completed submission by the Township, review the plan and submission to determine compliance with this Ordinance, and submit a written recommendation to the Board of Commissioners.

(6) The Planning Commission shall, within thirty (30) days of receipt of a completed submission by the Township, review the plan and submission to determine compliance with this Ordinance, and submit a written recommendation to the Board of Commissioners.

(7) Failure of the Zoning Officer or the Planning Commission to submit a written report in a timely fashion shall not prevent the Board of Commissioners from hearing and deciding the request.

(8) Referral to the Planning Commission.

(A) The Board of Commissioners shall refer to the Township Planning Commission all applications for Conditional Uses.

(B) In its review of the Conditional Use, the Township Planning Commission shall determine compliance with the standards and criteria set forth in this Ordinance.

(C) In all cases the Township Planning Commission shall report in writing its findings and recommendations to the Board of Commissioners within thirty (30) days of receipt of a completed submission by the Township.

(D) The Board of Commissioners and Planning Commission shall establish mutually acceptable procedures to assure that the review is accomplished in time to permit the Board of Commissioners to make its required decision.

(E) Public notification shall be required prior to the hearing before the Board of Commissioners in accordance with Section 350-16(j)(1).

(9) Decision Findings.

(A) The Board of Commissioners shall render a written decision or make written findings (when no decision is called for) on the application within forty-five (45) days after the last hearing before the Board of Commissioners. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore. Any conclusion based on any provision of Act 170, as amended, or of this Ordinance, or of any other Ordinance, rule or regulation, shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.

(B) Where the Board of Commissioners fails to render the decision within the period required in paragraph (A) of this subsection (9) or fails to commence, conduct, or complete the required hearing as provided in Section 908(1.2) of the Pennsylvania Municipalities Planning Code (MPC), 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 governing body to meet or render a decision as hereinabove provided, the Board of Commissioners 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 the MPC. If the Board of Commissioners shall fail to provide such notice, the applicant may do so.

(C) A copy of the final decision or a copy of the finding (when no decision is called for) shall be delivered to the applicant. The Board of Commissioners shall provide (by mail or otherwise) a brief notice of the decision or findings and the statement of the place where the full decision findings may be examined to all other persons who have filed their names and addresses with the Board of Commissioners.

(10) Appeals. In general, all appeals for securing a review of this Ordinance or any decision, determination, order of the Board of Commissioners, its agencies or officers issued pursuant to this Ordinance, shall be in conformance with Article X-A of, the Municipalities Planning Code as amended.

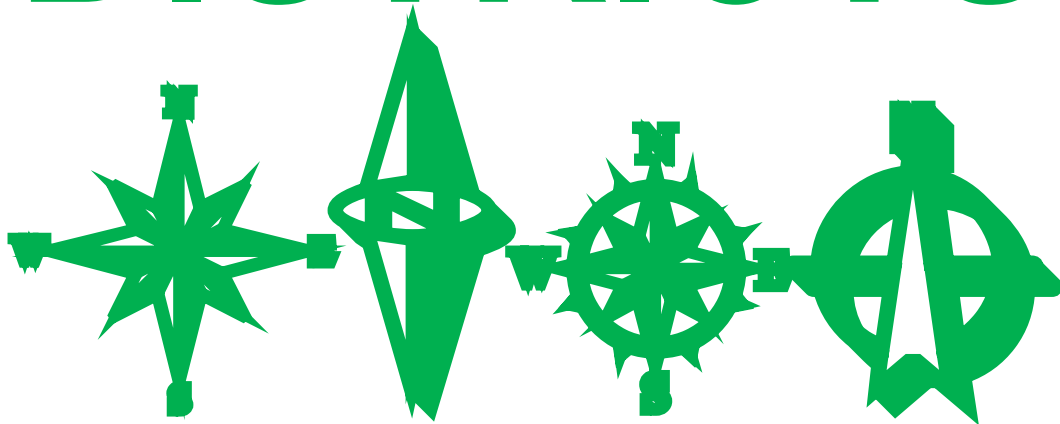
ARTICLE 2

350-20

BASE

ZONING

DISTRICTS



CREATION AND INTENT

350-21 BASE ZONING DISTRICTS CREATED

For the purposes of this Ordinance, the Township of South Whitehall is hereby divided into seventeen (17) base zoning districts as follows:

(a) Residential Districts

- RR-3 Rural Residential-3
- RR-2 Rural Residential-2
- R-R Rural Residential and Agricultural
- R-2 Low Density Residential
- R-3 Low Density Residential
- R-4 Medium Density Residential
- R-5 Medium Density Residential
- R-10 High Density Residential

(b) Commercial Districts

- CR Commercial Recreation
- NC Neighborhood Commercial
- HC Highway Commercial
- HC-1 Highway Commercial-1 (Special Height Limitation)
- GC-1 General Commercial-1 (Special Height Limitation)
- GC General Commercial
- OC Office Commercial

(c) Industrial Districts

- IC-1 Industrial Commercial-1 (Special Height Limitation)
- I Industrial

350-22 INTENT OF DISTRICTS

The intended uses of the various zoning districts are described as follows and shall be relied upon for interpretation and administration of this Ordinance.

(a) Residential Districts. The Residential Districts are intended to provide sufficient area in appropriate locations for residential uses and development to meet the housing needs of the Township with due allowance for providing a choice of sites and types of housing without sacrificing desirable established residential patterns. The Rural Residential and Agricultural Districts are to foster Agricultural and Rural Residential uses and activities until such time as growth of the community and the availability of the necessary Utilities and related municipal services warrant a change of Use compatible with the intent of the Comprehensive Plan phased development. A corresponding amendment to this Ordinance will be required at that time.

(b) Commercial Districts. The Commercial Districts are intended to provide sufficient area in appropriate locations for various forms and types of business uses and development, to satisfy the needs of modern business development by providing for off-Street parking and loading and unloading areas, safe and efficient means of vehicle ingress and egress, and continuity and homogeneity of business development; to encourage the development of attractive, functional and economic forms of commercial and Mixed-Use Buildings and developments under proper standards; to encourage the enhancement and beautification of commercial areas; and to minimize any negative impacts of commercial areas on adjoining residential areas. In the event that there is an existing Single Detached Dwelling Unit or two-unit Dwelling in a Commercial District, the expansion of said Building or the establishment of Accessory Uses for said Dwellings may be permitted provided the proposal is in compliance with the Residential District it abuts or if not abutting a Residential District, the standards of an R-5 Residential District as a minimum.

(c) Industrial Districts. The Industrial Districts are intended to provide suitable space for industrial and commercial types of business and development not ordinarily found in, nor desirable in, other districts, to satisfy the needs for this type of development by providing for off-street parking and loading and unloading areas to encourage the development of attractive, functional and economic forms of commercial office, and industrial development; and to minimize the effect of industrial/commercial areas on the adjoining residential areas. The Industrial Districts are only intended to contain residences under specific conditions, such as an Overlay District. In the event that there is an existing Single Detached Dwelling Unit or two-unit Dwelling in an Industrial District, the expansion of said Building or the establishment of Accessory Uses for said Dwelling may be permitted provided the proposal is in compliance with the Residential District it abuts or if not abutting a Residential District, the standards of an R-5 Residential District as a minimum.

(1) The Industrial Commercial District is intended to provide suitable space for modest size light industrial establishments and those commercial activities that are compatible with the industrial activities.

(2) The Industrial District provides for larger establishments and more intense industrial activity.

350-23 USES NOT SPECIFICALLY LISTED

(a) Uses Not Listed. A use not listed in any Zoning District Schedule shall be permitted by Special Exception in the Industrial (I) Zoning District.

(b) Similar Uses. The Zoning Hearing Board may determine that a proposed Use is sufficiently similar in character and impact to that of a listed Use and that the proposed Use may be treated the same as the listed Use.

350-24 ZONING DISTRICT SCHEDULES

(a) Definitions Used in the Schedules. Districts are defined in Section 350-21. Classification of uses are defined in Section 350-41 and definitions of specific uses are contained in Section 350-05.

(b) Conflict with Other Sections. Sections of this Ordinance that are more restrictive than the Zoning District Schedules shall take precedence over the Zoning District Schedules.

(c) Zoning District Schedules. The following tables constitute the Zoning District Schedules.

RR-3 USES PERMITTED								
PRIMARY USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Single Detached Dwelling		3 acres	⑨	75	25	75		40
Single Detached Dwelling- Lot Averaging Development Option	Subject to the provisions of Section 350-48(d)(6)							
Agriculture, Horticulture, Nursery, excluding raising and keeping of farm animals		5 acres	300	25	15	15		
Agricultural, Horticultural, Nursery, including raising and keeping of farm animals		5 acres	300	25	15	15		
Bed and Breakfast	Subject to provisions of Section 350-48(b)(2)							
Community Mailbox Structure				2	10	10		15
Emergency Response Service Facility		5 acres	300	75	50	50		50
Forestry	Subject to the provisions of Section 350-48(f)(5)							
Golf Course		150 acres	1000	100	50	50		35
Golf Driving Range		7 acres	200	100	100	100		35
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Open Space								
Place of Worship		5 acres	300	75	50	50		50
Schools, Elementary and/or Secondary		5 acres	300	75	50	50		50
Stormwater Management Facilities								35
Veterinarian Office		3 acres	200	75	50	50		35

- ① Five feet greater than that observed by the associated permitted Principal Use
- ⑨ Minimum frontage: 300 feet if Lot accesses an Arterial Road, 240 feet if Lot accesses a Collector Road, or 180 feet if Lot accesses a Local Road. If a Lot accesses more than one road classification, the larger Minimum Frontage is applied.
- ⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).

ZONING DISTRICT SCHEDULE

RURAL RESIDENTIAL-3

RR-3

	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
ACCESSORY USES, Residential								
Accessory Dwelling Unit, Attached	Subject to the provisions of Section 350-48(a)(1)							
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Communication Facility, Residential				①	15	15		
Community Mailbox Structure				2	10	10		15
Family Day Care Homes								
Garage/Carport, Private				①	4	4		20
Gazebo				①	4	4		20
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Greenhouse, Private				①	4	4		20
Historic Resource (11)	Subject to the provisions of Section 350-48(h)(3)							
Kennel per Section 350-48(k)(1)								15
No-impact home –based businesses	Subject to the provisions of Section 350-48(n)(2)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Recreational Clubhouse per Section 350-48(r)(5)				75	25	75		40
Solar Energy Systems, Residential	Subject to the provisions of Section 350-48(s)(13)							
Sport Court				①	25	25		
Stables, with or without Riding Trails				75	75	75		35
Storage Building				①	4	4		20
Swimming Pool, Residential				①	10	10		
Swimming Pool, Portable				①	4	4		
Wind Energy System, Small Free-Standing	Subject to the provisions of Section 350-48(w)(6)							
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							
ACCESSORY USES, Non-Residential								
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Community Mailbox Structure				2	10	10		15
Electric Vehicle Charging Station	Subject to the provisions of Sections 350-48(e)(1)							
Farm Outbuilding				75	25	25		50
Farm Roadside Stand				10	25	25		35
Geoexchange Energy Systems	Subject to the provisions of Section 350-(g)(3)							
Historic Resource (11)	Subject to the provisions of Section 350-48(h)(3)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Open Space								
Signs				10	25	25		25
Solar Energy Systems, Non-Residential	Subject to the provisions of Section 350-48(s)(12)							
Storage Building				①	4	4		15
Temporary Construction Site Office	Subject to the provisions of Section 350-48(t)(1)							
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							

ZONING DISTRICT SCHEDULE

RURAL RESIDENTIAL-3

RR-3

SPECIAL EXCEPTION USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Accessory Dwelling Units, Detached	Subject to provisions of Section 350-48(a)(2)							
Accessory Dwelling Unit, Employee	Subject to the provisions of Section 350-48(a)(3)							
Bed and Breakfast	Subject to provisions of Section 350-48(b)(2)							
Clubhouse or Lodge		3 acres	200	75	50	50		35
Commercial Camp		25 acres	500	100	50	50		35
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Concentrated Animal Feeding Operation		50 acres	300	100	50	100		35
Kennel <small>per Section 350-48(k)(1)</small>		3 acres	200	75	50	50		35
Recreation, Low Intensity		3 acres	200	75	50	50		35
Recreation Fields <small>(bulk criteria as primary use only)</small>		1 acre	100	50	50	50		50
Rod and Gun Clubs		25 acres	500	100	100	100		35
Stables, with or without Riding Trails		10 acres	500	100	75	75		35

ZONING DISTRICT SCHEDULE

RURAL RESIDENTIAL-3

RR-3

CONDITIONAL USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Public Building		20,000 sq. ft.	200	50	50	50		50
Special Event Venue		3.0 acre	300	100	100	100		40

- ① Five feet greater than that observed by the associated permitted Principal Use
- ⑨ Minimum frontage: 300 feet if Lot accesses an Arterial Road, 240 feet if Lot accesses a Collector Road, or 180 feet if Lot accesses a Local Road. If a Lot accesses more than one road classification, the larger Minimum Frontage is applied.
- ⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).

RR-2 USES PERMITTED								
PRIMARY USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Single Detached Dwelling		80,000 sq. ft.	⑨	75	25	75		40
Single Detached Dwelling- Lot Averaging Development Option	Subject to the provisions of Section 350-48(d)(6)							
Agriculture, Horticulture, Nursery, excluding raising and keeping of farm animals		5 acres	300	25	15	15		
Agricultural, Horticultural, Nursery, including raising and keeping of farm animals		5 acres	300	25	15	15		
Bed and Breakfast	Subject to provisions of Section 350-48(b)(2)							
Community Mailbox Structure				2	10	10		15
Cemetery		50 acres	500	200	75	75		35
Emergency Response Service Facility		5 acres	300	75	50	50		50
Forestry	Subject to the provisions of Section 350-48(f)(5)							
Golf Course		150 acres	1,000	100	50	50		35
Golf Driving Range		7 acres	200	100	100	100		35
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Open Space								
Place of Worship		5 acres	300	75	50	50		50
Schools, Elementary and/or Secondary		5 acres	300	75	50	50		50
Stormwater Management Facilities								35
Veterinarian Office		3 acres	200	75	50	50		35

① Five feet greater than that observed by the associated permitted Principal Use

⑨ Minimum frontage: 300 feet if Lot accesses an Arterial Road, 240 feet if Lot accesses a Collector Road, or 180 feet if Lot accesses a Local Road. If a Lot accesses more than one road classification, the larger Minimum Frontage is applied.

⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3)

ZONING DISTRICT SCHEDULE

RURAL RESIDENTIAL-2

RR-2

	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
ACCESSORY USES, Residential								
Accessory Dwelling Unit, Attached	Subject to the provisions of Section 350-48(a)(1)							
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Communication Facility, Residential				①	15	15		
Community Mailbox Structure				2	10	10		15
Family Day Care Homes								
Garage/Carport, Private				①	4	4		20
Gazebo				①	4	4		20
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Greenhouse, Private				①	4	4		20
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Kennel per Section 350-48(k)(1)								15
No-impact home –based businesses	Subject to the provisions of Section 350-48(n)(2)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Recreational Clubhouse per Section 350-48(r)(5)				75	25	75		40
Solar Energy Systems, Residential	Subject to the provisions of Section 350-48(s)(13)							
Sport Court				①	25	25		
Stables, with or without Riding Trails				75	75	75		35
Storage Building				①	4	4		15
Swimming Pool, Residential				①	10	10		
Swimming Pool, Portable				①	4	4		
Wind Energy System, Small Free-Standing	Subject to the provisions of Section 350-48(w)(6)							
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							
ACCESSORY USES, Non-Residential								
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Community Mailbox Structure				2	10	10		15
Electric Vehicle Charging Station	Subject to the provisions of Sections 350-48(e)(1)							
Farm Outbuilding				75	25	25		50
Farm Roadside Stand				10	25	25		35
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Open Space								
Signs				10	25	25		25
Solar Energy Systems, Non-Residential	Subject to the provisions of Section 350-48(s)(12)							
Storage Building				①	4	4		15
Temporary Construction Site Office	Subject to the provisions of Section 350-48(t)(1)							
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							

ZONING DISTRICT SCHEDULE

RURAL RESIDENTIAL-2

RR-2

SPECIAL EXCEPTION USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Accessory Dwelling Units, Detached	Subject to provisions of Section 350-48(a)(2)							
Accessory Dwelling Unit, Employee	Subject to the provisions of Section 350-48(a)(3)							
Bed and Breakfast	Subject to provisions of Section 350-48(b)(2)							
Clubhouse or Lodge		3 acres	200	75	50	50		35
Commercial Camp		25 acres	500	100	50	50		35
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Concentrated Animal Feeding Operation		50 acres	300	100	50	100		35
Crematorium		6 acres	200	75	50	50		35
Kennel per Section 350-48(k)(1)		3 acres	200	75	50	50		35
Recreation, Low Intensity		3 acres	200	75	50	50		35
Recreation Fields (bulk criteria as primary use only)		1 acre	100	50	50	50		50
Rod and Gun Clubs		25 acres	500	100	100	100		35
Stables, with or without Riding Trails		10 acres	500	100	75	75		35

ZONING DISTRICT SCHEDULE

RURAL RESIDENTIAL-2

RR-2

CONDITIONAL USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Public Building		20,000 sq. ft.	200	50	50	50		50
Special Event Venue		2.0 acre	200	100	100	100		40

- ① Five feet greater than that observed by the associated permitted Principal Use
- ⑨ Minimum frontage: 300 feet if Lot accesses an Arterial Road, 240 feet if Lot accesses a Collector Road, or 180 feet if Lot accesses a Local Road. If a Lot accesses more than one road classification, the larger Minimum Frontage is applied.
- ⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).

RR USES PERMITTED								
	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
PRIMARY USES								
Single Detached Dwelling		1 acre	160	50	15	50		40
Agriculture, Horticulture, Nursery, excluding raising and keeping of farm animals		5 acres	300	25	15	15		
Agricultural, Forestry, Horticultural, Nursery, including raising and keeping of farm animals		5 acres	300	25	15	15		
Bed and Breakfast	Subject to provisions of Section 350-48(b)(2)							
Cemetery		50 acres	500	200	75	75		35
Community Mailbox Structure				2	10	10		15
Emergency Response Service Facility		3 acres	200	75	50	50		50
Forestry	Subject to the provisions of Section 350-48(f)(5)							
Golf Course		150 acres	1,000	100	50	50		35
Golf Driving Range		7 acres	200	100	100	100		35
Historic Resource (11)	Subject to the provisions of Section 350-48(h)(3)							
Open Space								
Place of Worship		3 acres	200	75	50	50		50
Schools, Elementary and/or Secondary		3 acres	200	75	50	50		50
Stormwater Management Facilities								35

(1) Five feet greater than that observed by the associated permitted Principal Use

(11) Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).

ZONING DISTRICT SCHEDULE

RURAL RESIDENTIAL & AGRICULTURAL

RR

	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
ACCESSORY USES, Residential								
Accessory Dwelling Unit, Attached	Subject to the provisions of Section 350-48(a)(1)							
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Communication Facility, Residential				①	15	15		
Community Mailbox Structure				2	10	10		15
Family Day Care Homes								
Garage/Carport, Private				①	4	4		20
Gazebo				①	4	4		20
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Greenhouse, Private				①	4	4		20
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Kennel per Section 350-48(k)(1)								15
No-impact home –based businesses	Subject to the provisions of Section 350-48(n)(2)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Recreational Clubhouse per Section 350-48(r)(5)				50	15	50		40
Solar Energy Systems, Residential	Subject to the provisions of Section 350-48(s)(13)							
Sport Court				①	25	25		
Stables, with or without Riding Trails				75	75	75		35
Storage Building				①	4	4		15
Swimming Pool, Residential				①	10	10		
Swimming Pool, Portable				①	4	4		
Wind Energy System, Small Free-Standing	Subject to the provisions of Section 350-48(w)(6)							
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							
ACCESSORY USES, Non-Residential								
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Community Mailbox Structure				2	10	10		15
Electric Vehicle Charging Station	Subject to the provisions of Sections 350-48(e)(1)							
Farm Outbuilding				75	25	25		50
Farm Roadside Stand				10	25	25		35
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Open Space								
Signs				10	25	25		25
Small Wind Energy Systems (Roof-mounted)	Subject to the provisions of Section 350-48(w)(6)							
Solar Energy Systems, Non-Residential	Subject to the provisions of Section 350-48(s)(12)							
Storage Building				①	4	4		15
Temporary Construction Site Office	Subject to the provisions of Section 350-48(t)(1)							

ZONING DISTRICT SCHEDULE

RURAL RESIDENTIAL & AGRICULTURAL

RR

SPECIAL EXCEPTION USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Accessory Dwelling Units, Detached	Subject to provisions of Section 350-48(a)(2)							
Accessory Dwelling Unit, Employee	Subject to the provisions of Section 350-48(a)(3)							
Bed and Breakfast	Subject to provisions of Section 350-48(B)(2)							
Clubhouse or Lodge		3 acres	200	75	50	50		35
Commercial Camp		25 acres	500	100	50	50		35
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Crematorium		6 acres	200	75	50	50		35
Hospital <small>see Section 350-48(h)(4)</small>		1 acre	200	75	25	25		70
Recreation, Low Intensity		10 acres	200	75	50	50		35
Recreation Fields <small>(bulk criteria as primary use only)</small>		1 acre	100	50	50	50		50
Rod and Gun Clubs		25 acres	500	100	100	100		35
Stables, with or without Riding Trails		10 acres	500	100	75	75		35
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							

ZONING DISTRICT SCHEDULE

RURAL RESIDENTIAL & AGRICULTURAL

RR

CONDITIONAL USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Public Building		20,000 sq. ft.	200	50	50	50		50
Special Event Venue		2.0 acre	200	100	100	100		40

- ① Five feet greater than that observed by the associated permitted Principal Use
- ⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).

R-2 USES PERMITTED								
	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
PRIMARY USES								
Single Detached Dwelling Unit		20,000 sq. ft.	125	35	25	40		40
Community Mailbox Structure				2	10	10		15
Emergency Response Service Facility		3 acres	200	75	50	50		50
Forestry	Subject to the provisions of Section 350-48(f)(5)							
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Open Space								
Place of Worship		3 acres	200	75	50	50		50
Stormwater Management Facilities								35

① Five feet greater than that observed by the associated permitted Principal Use

⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).

ZONING DISTRICT SCHEDULE

LOW DENSITY RESIDENTIAL

R-2

	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
ACCESSORY USES, Residential								
Accessory Dwelling Unit, Attached	Subject to the provisions of Section 350-48(a)(1)							
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Communication Facility, Residential				①	15	15		
Community Mailbox Structure				2	10	10		15
Family Day Care Home	Subject to the provisions of Section 350-48(b)(2)							
Garage/Carport, Private				①	4	4		20
Gazebo				①	4	4		15
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Greenhouse, Private				①	4	4		20
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
No-impact home –based businesses	Subject to the provisions of Section 350-48(n)(2)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Recreational Clubhouse per Section 350-48(r)(5)				35	25	40		40
Solar Energy Systems, Residential	Subject to the provisions of Section 350-48(s)(13)							
Sport Court				①	25	25		
Storage Building				①	4	4		20
Swimming Pool, Residential				①	10	10		
Swimming Pool, Portable				①	4	4		
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							
ACCESSORY USES, Non-Residential								
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Community Mailbox Structure						2	10	10
Electric Vehicle Charging Station	Subject to the provisions of Sections 350-48(E)(1)							
Farm Outbuilding	Included with Special Exception Use			75	25	25		50
Farm Roadside Stand	Included with Special Exception Use			10	25	25		35
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Open Space								
Signs				10	25	25		25
Solar Energy Systems, Non-Residential	Subject to the provisions of Section 350-48(s)(12)							
Storage Building				①	4	4		15
Temporary Construction Site Office	Subject to the provisions of Section 350-48(t)(1)							
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							

ZONING DISTRICT SCHEDULE

LOW DENSITY RESIDENTIAL

R-2

SPECIAL EXCEPTION USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Accessory Dwelling Unit, Detached	Subject to provisions of Section 350-48(a)(2)							
Accessory Dwelling Unit, Employee	Subject to the provisions of Section 350-48(a)(3)							
Agriculture, Horticulture, Nursery, excluding raising and keeping of farm animals		5 acres	300	25	15	15		
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Recreation Fields (bulk criteria as primary use only)		1 acre	100	50	50	50		50

- ① Five feet greater than that observed by the associated permitted Principal Use
- ⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).

ZONING DISTRICT SCHEDULE

LOW DENSITY RESIDENTIAL

R-2

CONDITIONAL USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Public Building		20,000 sq. ft.	200	50	50	50		50

- ① Five feet greater than that observed by the associated permitted Principal Use
- ⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).

R-3 USES PERMITTED								
	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
PRIMARY USES ⑧								
Single Detached Dwelling		12,000 sq. ft.	100	30	12	35		35
Community Mailbox Structure				2	10	10		15
Emergency Response Service Facility		3 acres	200	75	50	50		50
Forestry	Subject to the provisions of Section 350-48(f)(5)							
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Open Space								
Place of Worship		3 acres	200	75	50	50		50
Schools, Elementary and/or Secondary		3 acres	200	75	50	50		50
Stormwater Management Facilities								35

- ① Five feet greater than that observed by the associated permitted Principal Use
- ⑧ Only where Public Sewer is available and connected to the Primary Use (where a public Sewer System is NOT available and connected to the Primary Use, only the Primary Uses, densities, and dimensional criteria of the Rural Residential and Agricultural (“R-R”) zoning district schedule, as set forth in Section 350-24(c)(3), shall apply).
- ⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(f)(3).

ZONING DISTRICT SCHEDULE

LOW DENSITY RESIDENTIAL

R-3

	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
ACCESSORY USES, Residential								
Accessory Dwelling Unit, Attached	Subject to the provisions of Section 350-48(a)(1)							
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Communication Facility, Residential				①	15	15		
Community Mailbox Structure				2	10	10		15
Family Day Care Home								
Garage/Carport, Private				①	4	4		20
Gazebo				①	4	4		20
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Greenhouse, Private				①	4	4		20
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
No-impact home –based businesses	Subject to the provisions of Section 350-48(n)(2)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Recreational Clubhouse per Section 350-48(r)(5)				30	12	35		35
Solar Energy Systems, Residential	Subject to the provisions of Section 350-48(s)(13)							
Sport Court				①	25	25		
Storage Building				①	4	4		15
Swimming Pool, Residential				①	10	10		
Swimming Pool, Portable				①	4	4		
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							
ACCESSORY USES, Non-Residential								
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Community Mailbox Structure						2	10	10
Electric Vehicle Charging Station	Subject to the provisions of Sections 350-48(e)(1)							
Farm Outbuilding	Included with Special Exception Use			75	25	25		50
Farm Roadside Stand	Included with Special Exception Use			10	25	25		35
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Open Space								
Signs				10	25	25		25
Solar Energy Systems, Non-Residential	Subject to the provisions of Section 350-48(s)(12)							
Storage Building				①	4	4		15
Temporary Construction Site Office	Subject to the provisions of Section 350-48(t)(1)							
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							

ZONING DISTRICT SCHEDULE

LOW DENSITY RESIDENTIAL

R-3

SPECIAL EXCEPTION USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Accessory Dwelling Unit, Detached	Subject to provisions of Section 350-48(a)(2)							
Accessory Dwelling Unit, Employee	Subject to the provisions of Section 350-48(a)(3)							
Agriculture, Horticulture, Nursery, excluding raising and keeping of farm animals		5 acres	300	25	15	15		
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Recreation Fields (bulk criteria as primary use only)		1 acre	100	50	50	50		50

- ① Five feet greater than that observed by the associated permitted Principal Use
- ⑧ Only where Public Sewer is available and connected to the Primary Use (where a public Sewer System is NOT available and connected to the Primary Use, only the Primary Uses, densities, and dimensional criteria of the Rural Residential and Agricultural (“R-R”) zoning district schedule, as set forth in Section 350-24(c)(3), shall apply).
- ⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).

ZONING DISTRICT SCHEDULE

LOW DENSITY RESIDENTIAL

R-3

CONDITIONAL USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Public Building		20,000 sq. ft.	200	50	50	50		50

① Five feet greater than that observed by the associated permitted Principal Use

① Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).

R-4 USES PERMITTED								
	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
PRIMARY USES ⑧								
Single Detached Dwelling		9,600 sq. ft.	80	25	10	30	1	35
Twin (each dwelling unit)		8,400 sq. ft.	70	25	10	30	2	35
Two-flat		14,400 sq. ft.	120	25	20	30	2	35
Community Mailbox Structure				2	10	10		15
Emergency Response Service Facility		3 acres	200	50	50	50		50
Forestry	Subject to the provisions of Section 350-48(f)(5)							
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Open Space								
Place of Worship		3 acres	200	50	50	50		50
Schools, Elementary and/or Secondary		3 acres	200	50	50	50		50
Stormwater Management Facilities								35

- ① Five feet greater than that observed by the associated permitted Principal Use
- ⑧ Only where Public Sewer is available and connected to the Primary Use (where a public Sewer System is NOT available and connected to the Primary Use, only the Primary Uses, densities, and dimensional criteria of the Rural Residential and Agricultural (“R-R”) zoning district schedule, as set forth in Section 350-24(c)(3), shall apply).
- ⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).

ZONING DISTRICT SCHEDULE

MEDIUM DENSITY RESIDENTIAL

R-4

	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
ACCESSORY USES, Residential								
Accessory Dwelling Unit, Attached	Subject to the provisions of Section 350-48(a)(1)							
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Communication Facility, Residential				①	15	15		
Community Mailbox Structure				2	10	10		15
Family Day Care Home								
Garage/Carport, Private				①	4	4		20
Gazebo				①	4	4		20
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Greenhouse, Private				①	4	4		20
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
No-impact home –based businesses	Subject to the provisions of Section 350-48(n)(2)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Recreational Clubhouse per Section 350-48(r)(5)				25	10	30		35
Solar Energy Systems, Residential	Subject to the provisions of Section 350-48(s)(13)							
Sport Court				①	25	25		
Storage Building				①	4	4		15
Swimming Pool, Residential				①	10	10		
Swimming Pool, Portable				①	4	4		
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							
ACCESSORY USES, Non-Residential								
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Community Mailbox Structure						2	10	10
Electric Vehicle Charging Station	Subject to the provisions of Sections 350-48(e)(1)							
Farm Outbuilding	Included with Special Exception Use			75	25	25		50
Farm Roadside Stand	Included with Special Exception Use			10	25	25		35
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Open Space								
Signs				10	25	25		25
Solar Energy Systems, Non-Residential	Subject to the provisions of Section 350-48(s)(12)							
Storage Building				①	4	4		15
Temporary Construction Site Office	Subject to the provisions of Section 350-48(t)(1)							
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							

ZONING DISTRICT SCHEDULE

MEDIUM DENSITY RESIDENTIAL

R-4

SPECIAL EXCEPTION USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Accessory Dwelling Unit, Detached	Subject to the provisions of Section 350-48(a)(2)							
Accessory Dwelling Unit, Employee	Subject to the provisions of Section 350-48(a)(3)							
Agriculture, Horticulture, Nursery, excluding raising keeping of farm animals		5 acres	300	25	15	15		
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Recreation Fields (bulk criteria as primary use only)		1 acre	100	50	50	50		50

- ① Five feet greater than that observed by the associated permitted Principal Use
- ⑧ Only where Public Sewer is available and connected to the Primary Use (where a public Sewer System is NOT available and connected to the Primary Use, only the Primary Uses, densities, and dimensional criteria of the Rural Residential and Agricultural (“R-R”) zoning district schedule, as set forth in Section 350-24(c)(3), shall apply).
- ⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).

ZONING DISTRICT SCHEDULE

MEDIUM DENSITY RESIDENTIAL

R-4

CONDITIONAL USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Public Building		20,000 sq. ft.	200	50	50	50		50

- ① Five feet greater than that observed by the associated permitted Principal Use
- ⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).

R-5 USES PERMITTED								
	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
PRIMARY USES ⑧								
Single Detached Dwelling		7,200 sq. ft.	60	25	10	25	1	40
Twin (each dwelling unit)		6,000 sq. ft.	50	25	10	25	2	40
Twin with Alley Frontage* (each dwelling unit)		4,800 sq. ft.	40	15	10	60	2	40
Two-flat		10,800 sq. ft.	90	25	20	25	2	40
Two-flat with Alley Frontage*		7,200 sq. ft.	60	15	10	60	2	40
Three-flat		14,400 sq. ft.	120	25	30	25	3	40
Three-flat with Alley Frontage*		9,600 sq. ft.	80	15	15	60	3	40
Townhouse ⑳ (each dwelling unit)		3,360 sq. ft.	24	10	6⑦	60	8	40
Assisted Living Residence		3 acres	200	50	50	50		50
Community Mailbox Structure				2	10	10		15
Emergency Response Service Facility		3 acres	200	50	50	50		50
Forestry	Subject to the provisions of Section 350-48(f)(5)							
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Off-Street Parking per Section 350-48(o)(2)		6,000 sq. ft.	60	10	10	10		
Open Space								
Place of Worship		3 acres	200	50	50	50		50
Retirement Facility see Section 350-48(r)(10)	13.0	10 acres	200	100	50	50		50
Schools, Elementary and/or Secondary		3 acres	200	50	50	50		50
Stormwater Management Facilities								35

* For a Lot to qualify as having Alley Frontage, the Lot shall meet the Minimum Frontage requirement for both the public road frontage and the alley frontage. Units approved before January 1, 2019 shall be subject to 25 foot rear yard setbacks.

- ① Five feet greater than that observed by the associated permitted Principal Use
- ⑦ Multiply 6 feet by the number of Townhouse units attached as a single Structure to determine the Side Yard Setback. Should all of the dwelling units of the Townhouse structure be served by a rear alley, multiply 3 feet by the number of Townhouse units attached as a single Structure to determine the Side Yard Setback.
- ⑧ Only where Public Sewer is available and connected to the Primary Use (where a public Sewer System is NOT available and connected to the Primary Use, only the Primary Uses, densities, and dimensional criteria of the Rural Residential and Agricultural ("R-R") zoning district schedule, as set forth in Section 350-24(c)(3), shall apply).
- ⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).
- ⑳ Townhouse in subdivisions approved between April 17, 1974 and September 1, 2014 (including Twin Grove, Clifford Park, Wedgewood Park, Vistas At Green Hills, Ruth Court) shall be subject to 30 foot rear setbacks.

ZONING DISTRICT SCHEDULE

MEDIUM DENSITY RESIDENTIAL

R-5

	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
ACCESSORY USES, Residential								
Accessory Dwelling Unit, Attached	Subject to the provisions of Section 350-48(a)(1)							
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Communication Facility, Residential				①	15	15		
Community Mailbox Structure				2	10	10		15
Family Day Care Home								
Garage/Carport, Private				①	4	4		20
Gazebo				①	4	4		20
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Greenhouse, Private				①	4	4		20
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
No-impact home –based businesses	Subject to the provisions of Section 350-48(n)(2)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)92)							
Recreational Clubhouse per Section 350-48(r)(5)				25	10	25		35
Solar Energy Systems, Residential	Subject to the provisions of Section 350-48(s)(13)							
Sport Court				①	25	25		
Storage Building				①	4	4		15
Swimming Pool, Residential				①	10	10		
Swimming Pool, Portable				①	4	4		
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							
ACCESSORY USES, Non-Residential								
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Community Mailbox Structure						2	10	10
Electric Vehicle Charging Station	Subject to the provisions of Sections 350-48(e)(1)							
Farm Outbuilding	Included with Special Exception Use			75	25	25		50
Farm Roadside Stand	Included with Special Exception Use			10	25	25		35
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Open Space								
Signs				10	25	25		25
Solar Energy Systems, Non-Residential	Subject to the provisions of Section 350-48(s)(12)							
Storage Building				①	4	4		15
Temporary Construction Site Office	Subject to the provisions of Section 350-48(t)(1)							
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							

ZONING DISTRICT SCHEDULE

MEDIUM DENSITY RESIDENTIAL

R-5

SPECIAL EXCEPTION USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Accessory Dwelling Unit, Detached	Subject to the provisions of Section 350-48(a)(2)							
Accessory Dwelling Unit, Employee	Subject to the provisions of Section 350-48(a)(3)							
Agriculture, Horticulture, Nursery, excluding raising and keeping of farm animals		5 acres	300	25	15	15		
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Non-residential Solar Energy Systems	Subject to the provisions of Section 350-48(s)(12)							
Recreation Fields (bulk criteria as primary use only)		1 acre	100	50	50	50		50

- ① Five feet greater than that observed by the associated permitted Principal Use
- ⑦ Multiply 6 feet by the number of Townhouse units attached as a single Structure to determine the Side Yard Setback. Should all of the dwelling units of the Townhouse structure be served by a rear alley, multiply 3 feet by the number of Townhouse units attached as a single Structure to determine the Side Yard Setback.
- ⑧ Only where Public Sewer is available and connected to the Primary Use (where a public Sewer System is NOT available and connected to the Primary Use, only the Primary Uses, densities, and dimensional criteria of the Rural Residential and Agricultural (“R-R”) zoning district schedule, as set forth in Section 350-24(c)(3), shall apply).
- ⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).
- ⑳ Townhouse in subdivisions approved between April 17, 1974 and September 1, 2014 (including Twin Grove, Clifford Park, Wedgewood Park, Vistas At Green Hills, Ruth Court) shall be subject to 30 foot rear setbacks.

ZONING DISTRICT SCHEDULE

MEDIUM DENSITY RESIDENTIAL

R-5

CONDITIONAL USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Public Building		20,000 sq. ft.	200	50	50	50		50

- ① Five feet greater than that observed by the associated permitted Principal Use
- ⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).

R-10 USES PERMITTED								
	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
PRIMARY USES ⑧								
Single Detached Dwelling		6,000 sq. ft.	50	25	8	25	1	40
Twin (each dwelling unit)		4,800 sq. ft.	40	25	10	25	2	40
Twin with Alley Frontage* (each dwelling unit)		4,200 sq. ft.	35	15	10	60	2	40
Two-flat		8,400 sq. ft.	70	25	10	25	2	40
Two-flat with Alley Frontage*		6,000 sq. ft.	50	15	10	60	2	40
Three-flat		12,000 sq. ft.	100	25	10	25	3	40
Three-flat with Alley Frontage*		8,400 sq. ft.	70	15	15	60	3	40
Townhouse ⑳ (each dwelling unit)		2,800 sq. ft.	20	10	5 ⑥	60	8	40
Apartment Building ③ (5 acre minimum Tract size)	10.0			30	20	30	16	35
Assisted Living Residence		3 acres	200	50	50	50		50
Community Mailbox Structure				2	10	10		15
Emergency Response Service Facility		3 acres	200	50	50	50		50
Forestry	Subject to the provisions of Section 350-48(f)(5)							
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Off-Street Parking per Section 350-48(o)(2)		6,000 sq. ft.	60	10	10	10		
Open Space								
Place of Worship		3 acres	200	50	50	50		50
Retirement Facility see Section 350-48(r)(10)	13.0	10 acres	200	100	50	50		50
Schools, Elementary and/or Secondary		3 acres	200	50	50	50		50
Stormwater Management Facilities								35

* For a Lot to qualify as having Alley Frontage, the Lot shall meet the Minimum Frontage requirement for both the public road frontage and the alley frontage. Twins approved before January 1, 2019 shall be subject to 20 foot rear yard setbacks.

- ① Five feet greater than that observed by the associated permitted Principal Use
- ③ See Section 350-48(d)(4) for optional increases to Maximum Dwelling Units per Gross Acre, Maximum Units per Building and Maximum Building Structure Height
- ⑥ Multiply 5 feet by the number of Townhouse units attached as a single Structure to determine the Side Yard Setback. Should all of the dwelling units of the Townhouse structure be served by a rear alley, multiply 2.5 feet by the number of Townhouse units attached as a single Structure to determine the Side Yard Setback.
- ⑧ Only where Public Sewer is available and connected to the Primary Use (where a public Sewer System is NOT available and connected to the Primary Use, only the Primary Uses, densities, and dimensional criteria of the Rural Residential and Agricultural ("R-R") zoning district schedule, as set forth in Section 350-24(c)(3), shall apply).
- ⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).
- ⑳ Townhouse in subdivisions approved between April 17, 1974 and September 1, 2014 (including Twin Grove, Clifford Park, Wedgewood Park, Vistas At Green Hills, Ruth Court) shall be subject to 30 foot rear setbacks.

ZONING DISTRICT SCHEDULE

HIGH DENSITY RESIDENTIAL

R-10

	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
ACCESSORY USES, Residential								
Accessory Dwelling Unit, Attached	Subject to the provisions of Section 350-48(a)(1)							
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Communication Facility, Residential				①	15	15		
Community Mailbox Structure				2	10	10		15
Family Day Care Home								
Garage/Carport, Private				①	4	4		20
Gazebo				①	4	4		20
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Greenhouse, Private				①	4	4		20
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
No-impact home –based businesses	Subject to the provisions of Section 350-48(n)(2)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Recreational Clubhouse per Section 350-48(r)(5)				25	8	25		35
Solar Energy Systems, Residential	Subject to the provisions of Section 350-48(s)(13)							
Sport Court				①	25	25		
Storage Building				①	4	4		15
Swimming Pool, Residential				①	10	10		
Swimming Pool, Portable				①	4	4		
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							
ACCESSORY USES, Non-Residential								
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Community Mailbox Structure						2	10	10
Electric Vehicle Charging Station	Subject to the provisions of Sections 350-48(e)(1)							
Farm Outbuilding	Included with Special Exception Use			75	25	25		50
Farm Roadside Stand	Included with Special Exception Use			10	25	25		35
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Open Space								
Signs				10	25	25		25
Solar Energy Systems, Non-Residential	Subject to the provisions of Section 350-48(s)(12)							
Storage Building				①	4	4		15
Temporary Construction Site Office	Subject to the provisions of Section 350-48(t)(1)							
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							

ZONING DISTRICT SCHEDULE

HIGH DENSITY RESIDENTIAL

R-10

SPECIAL EXCEPTION USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Accessory Dwelling Unit, Detached	Subject to the provisions of Section 350-48(a)(2)							
Accessory Dwelling Unit, Employee	Subject to the provisions of Section 350-48(a)(3)							
Agriculture, Horticulture, Nursery, excluding raising and keeping of farm animals		5 acres	300	25	15	15		
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Recreation Fields (bulk criteria as primary use only)		1 acre	100	50	50	50		50

- ① Five feet greater than that observed by the associated permitted Principal Use
- ⑥ Multiply 5 feet by the number of Townhouse units attached as a single Structure to determine the Side Yard Setback. Should all of the dwelling units of the Townhouse structure be served by a rear alley, multiply 2.5 feet by the number of Townhouse units attached as a single Structure to determine the Side Yard Setback.
- ⑧ Only where Public Sewer is available and connected to the Primary Use (where a public Sewer System is NOT available and connected to the Primary Use, only the Primary Uses, densities, and dimensional criteria of the Rural Residential and Agricultural (“R-R”) zoning district schedule, as set forth in Section 350-24(c)(3), shall apply).
- ⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).
- ⑳ Townhouse in subdivisions approved between April 17, 1974 and September 1, 2014 (including Twin Grove, Clifford Park, Wedgewood Park, Vistas At Green Hills, Ruth Court) shall be subject to 30 foot rear setbacks.

ZONING DISTRICT SCHEDULE

HIGH DENSITY RESIDENTIAL

R-10

CONDITIONAL USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Public Building		20,000 sq. ft.	200	50	50	50		50

① Five feet greater than that observed by the associated permitted Principal Use

② Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).

N-C USES PERMITTED								
PRIMARY USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Arcade Bank Business and Professional Office Child Day Care Center Clubhouse or Lodge Coordinated Development	Flex Space 10,000 sq ft or less) Forestry Medical Office Office Park Personal Service Business Pet Shop							
			Recreation Facility Restaurant, Fast Food Restaurant, Sit-Down Retail Sales 10,000 sq ft or less) Service Business (10,000 sq ft or less) Veterinarian's Office					
Any and All of the Above			100	35	15	15		35
Single Detached Dwelling		6,000 sq. ft.	50	25	8	25		35
Twin (each dwelling unit)		4,800 sq. ft.	40	25	10	25		35
Two-flat		8,400 sq. ft.	70	25	10	25		35
Three-flat		12,000 sq. ft.	100	25	10	25		35
Apartment as part of Mixed-Use Building	Subject to the provisions of Section 350-48(d)(3)							
Bed and Breakfast	Subject to provisions of Section 350-48(b)(2)							
Community Mailbox Structure				2	10	10		15
Emergency Response Service Facility		20,000 sq. ft.	200	50	50	50		50
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Mixed-Use Building		6,000 sq. ft.	100	35	15	15		35
Open Space								
Place of Worship		20,000 sq. ft.	200	50	50	50		50
Public Building		20,000 sq. ft.	200	50	50	50		50
Recreation, Low Intensity		3 acres	200	50	50	50		35
Stormwater Management Facilities								35

① Five feet greater than that observed by the associated permitted Principal Use

⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).

ZONING DISTRICT SCHEDULE

NEIGHBORHOOD COMMERCIAL

N-C

	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
ACCESSORY USES, Non-Residential								
Child Day Care Centers								
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Communication Facility, Radio and Television, Non-Residential				①	25	25		50
Community Mailbox Structure				2	10	10		15
Electric Vehicle Charging Station	Subject to the provisions of Sections 350-48(e)(1)							
Farm Outbuilding	Included with Special Exception Use			75	25	25		50
Farm Roadside Stand	Included with Special Exception Use			10	25	25		35
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Open Space								
Pavilion				①	25	25		20
Recreational Clubhouse per Section 350-48(r)(5)				25	8	25		35
Signs				10	25	25		25
Solar Energy Systems, Non-Residential	Subject to the provisions of Section 350-48(s)(12)							
Storage Building				①	4	4		15
Temporary Construction Site Office	Subject to the provisions of Section 350-48(t)(1)							
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							
ACCESSORY USES, Residential								
Accessory Dwelling Unit, Attached	Subject to the provisions of Section 350-48(a)(1)							
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Communication Facility, Residential				①	15	15		
Community Mailbox Structure				2	10	10		15
Family Day Care Homes								
Garage/Carport, Private				①	4	4		20
Gazebo				①	4	4		20
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Greenhouse, Private				①	4	4		20
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
No-impact home –based businesses	Subject to the provisions of Section 350-48(n)(2)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Solar Energy Systems, Residential	Subject to the provisions of Section 350-48(s)(13)							
Sport Court				①	25	25		
Storage Building				①	4	4		15
Swimming Pool, Residential				①	10	10		
Swimming Pool, Portable				①	4	4		
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							

ZONING DISTRICT SCHEDULE

NEIGHBORHOOD COMMERCIAL

N-C

SPECIAL EXCEPTION USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Accessory Dwelling Unit, Employee	Subject to the provisions of Section 350-48(a)(3)							
Agriculture, Horticulture, Nursery, excluding raising and keeping of farm animals		5 acres	300	25	15	15		35
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Motor Vehicle Service Facility		1 acre	100	50	15	15		35
Recreation Fields (bulk criteria as primary use only)		1 acre	100	50	50	50		50

① Five feet greater than that observed by the associated permitted Principal Use

⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).

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O-C USES PERMITTED								
PRIMARY USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Arcade Bank Business and Professional Office Coordinated Development		Forestry Massage Service Establishment Medical Office		Mixed-Use Building Office Park Public Building				
All of the above uses			100	35	15	25		35
Apartment as part of Mixed-Use Building	Subject to the provisions of Section 350-48(d)(3)							
Bed and Breakfast	Subject to the provisions of Section 350-48(b)(2)							
Child Day Care Centers			100	35	15	25		35
Community Mailbox Structure				2	10	10		15
Emergency Response Service Facility			100	35	15	25		35
Historic Resource (11)	Subject to the provisions of Section 350-48(h)(3)							
Open Space								
Place of Worship			100	35	15	25		35
Recreation, Low Intensity		3 acres	200	50	50	50		35
Stormwater Management Facilities								35

① Five feet greater than that observed by the associated permitted Principal Use

⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).

ZONING DISTRICT SCHEDULE

OFFICE COMMERCIAL

O-C

	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
ACCESSORY USES, Non-Residential								
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Communication Facility, Radio and Television, Non-Residential				①	25	25		50
Community Mailbox Structure				2	10	10		15
Child Daycare Center								
Electric Vehicle Charging Station	Subject to the provisions of Sections 350-48(e)(1)							
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Pavilion				①	25	25		20
Signs				10	25	25		35
Solar Energy Systems, Non-Residential	Subject to the provisions of Section 350-48(s)(12)							
Storage Building				①	4	4		15
Temporary Construction Site Office	Subject to the provisions of Section 350-48(t)(1)							
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							
ACCESSORY USES, Residential								
Accessory Dwelling Unit, Attached	Subject to the provisions of Section 350-48(a)(1)							
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Communication Facility, Residential				①	15	15		
Community Mailbox Structure				2	10	10		15
Family Day Care Homes								
Garage/Carport, Private				①	4	4		20
Gazebo				①	4	4		20
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Greenhouse, Private				①	4	4		20
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
No-impact home –based businesses	Subject to the provisions of Section 350-48(n)(2)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Solar Energy Systems, Residential	Subject to the provisions of Section 350-48(s)(13)							
Sport Court				①	25	25		
Storage Building				①	4	4		15
Swimming Pool, Residential				①	10	10		
Swimming Pool, Portable				①	4	4		
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							

ZONING DISTRICT SCHEDULE

OFFICE COMMERCIAL

O-C

SPECIAL EXCEPTION USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Accessory Dwelling Unit, Employee	Subject to the provisions of Section 350-48(a)(3)							
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							

- ① Five feet greater than that observed by the associated permitted Principal Use
- ⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).

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G-C USES PERMITTED								
PRIMARY USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Arcade Bank Body Art Establishment Business and Professional Office Child Day Care Center Flex Space (75,000 sq ft or less) Forestry Medical Office Mixed-Use Building Nightclub		Office Park Personal Service Business Pet Shop Recreation Facility Restaurant, Fast Food Restaurant, Sit-Down Retail Sales (75,000 sq ft or less) School, Commercial and/or Trade School, Massage						
Self-Storage Facility Service Business (75,000 sq ft or less) Shopping Center Short Stay Medical Center Veterinarian's Office Wholesale Sales, with or without Incidental Retail Sales (75,000 sq ft or less)								
Any and all of the above in which gross square footage of Building is as follows:								
Less than 10,000 sq. ft.		1.0 acre	200	50 ⁽¹²⁾	25	25		35
10,000 sq. ft. or more		2.5 acres	300	50 ⁽¹²⁾	35	35		35
Bed and Breakfast	Subject to provisions of Section 350-41(j)							
Community Mailbox Structure				2	10	10		15
Coordinated Development		1.0 acre	200	50 ⁽¹²⁾	25	25		35
Emergency Response Service Facility		20,000 sq. ft.	200	50	25	25		35
Golf Driving Range		7 acres	200	50 ⁽¹²⁾	100	100		35
Historic Resource ⁽¹¹⁾	Subject to the provisions of Section 350-48(h)(3)							
Open Space								
Place of Worship		20,000 sq. ft.	200	50	25	25		35
Public Building		20,000 sq. ft.	200	50	25	25		35
Recreation, Low Intensity		3 acres	200	50	50	50		35
Stormwater Management Facilities								35

- ⁽¹⁾ Five feet greater than that observed by the associated permitted Principal Use
- ⁽⁴⁾ Shall be separated by at least six hundred (600) feet from any Lot which is included, in whole or in part, in a residential zoning district, or upon which is located a Place of Worship, school or Public Building
- ⁽¹¹⁾ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).
- ⁽¹²⁾ Front Yard Setback may be reduced in accordance with the provisions of Section 350-45(d)

ZONING DISTRICT SCHEDULE

GENERAL COMMERCIAL

G-C

	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
ACCESSORY USES, Non-Residential								
Child Daycare Center								
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Communication Facility, Radio and Television, Non-Residential				①	25	25		50
Community Mailbox Structure				2	10	10		15
Electric Vehicle Charging Station	Subject to the provisions of Sections 350-48(e)(1)							
Farm Outbuilding	Included with Special Exception Use			75	25	25		50
Farm Roadside Stand	Included with Special Exception Use			10	25	25		35
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Open Space								
Pavilion				①	25	25		20
Signs				10	25	25		35
Solar Energy Systems, Non-Residential	Subject to the provisions of Section 350-48(s)(12)							
Storage Building				①	4	4		15
Temporary Construction Site Office	Subject to the provisions of Section 350-48(t)(1)							
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							
ACCESSORY USES, Residential								
Accessory Dwelling Unit, Attached	Subject to the provisions of Section 350-48(a)(1)							
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Communication Facility, Residential				①	15	15		
Community Mailbox Structure				2	10	10		15
Family Day Care Homes								
Garage/Carport, Private				①	4	4		20
Gazebo				①	4	4		20
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Greenhouse, Private				①	4	4		20
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
No-impact home –based businesses	Subject to the provisions of Section 350-48(n)(2)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Solar Energy Systems, Residential	Subject to the provisions of Section 350-48(s)(13)							
Sport Court				①	25	25		
Storage Building				①	4	4		20
Swimming Pool, Residential				①	10	10		
Swimming Pool, Portable				①	4	4		
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							

ZONING DISTRICT SCHEDULE

GENERAL COMMERCIAL

G-C

SPECIAL EXCEPTION USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Adult Entertainment Establishment (4) Motor Vehicle Service Facility Recreation, High Intensity	Wholesale Sales, with or without Incidental Retail Sales (greater than 75,000 sq ft)							
Any and all of the above in which gross square footage of Building is as follows:								
Less than 10,000 sq. ft.		1.0 acre	200	50 (12)	25	25		35
10,000 sq. ft. or more		2.5 acres	300	50 (12)	35	35		35
Accessory Dwelling Unit, Employee	Subject to the provisions of Section 350-48(a)(3)							
Agriculture, Horticulture, Nursery, excluding raising and keeping of farm animals		5 acres	300	25	25	25		
Boarding House		10,000 sq. ft.	100	25	25	25		35
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Recreation Fields (bulk criteria as primary use only)		1 acre	100	50	50	50		35
School, College and/or University		1 acre	150	50 (12)	25	25		35

ZONING DISTRICT SCHEDULE

GENERAL COMMERCIAL

G-C

CONDITIONAL USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Special Event Venue		2.0 acre	200	100	100	100		35

- ① Five feet greater than that observed by the associated permitted Principal Use
- ④ Shall be separated by at least six hundred (600) feet from any Lot which is included, in whole or in part, in a residential zoning district, or upon which is located a Place of Worship, school or Public Building
- ⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3).
- ⑫ Front Yard Setback may be reduced in accordance with the provisions of Section 350-45(d)

350-24(c)(12) ZONING DISTRICT SCHEDULE GENERAL COMMERCIAL-SPECIAL HEIGHT LIMITATION GC-1

GC-1 USES PERMITTED									
PRIMARY USES		Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Arcade Bank Body Art Establishments Business and Professional Office Child Day Care Center Flex Space (75,000 sq ft or less) Forestry Medical Office	Mixed-Use Building Office Park Personal Service Business Pet Shop Recreation Facility Restaurant, Fast Food Restaurant, Sit-Down Retail Sales (75,000 sq ft or less)								
School, Commercial and/or Trade School, Massage Self-Storage Facility Service Business (75,000 sq ft or less) Shopping Center Short-Stay Medical Center Veterinarian's Office Wholesale Sales (75,000 sq ft or less)									
Any and all of the above in which gross square footage of the use is as follows:									
Less than 10,000 sq. ft.			1.0 acre	200	50 ⁽¹²⁾	25	25		70 ⁽²⁾
10,000 sq. ft. or more			2.5 acre	300	50 ⁽¹²⁾	35	35		70 ⁽²⁾
Bed and Breakfast		Subject to provisions of Section 350-48(b)(2)							
Community Mailbox Structure					2	10	10		15
Coordinated Development			1.0 acre	200	50 ⁽¹²⁾	25	25		70 ⁽²⁾
Emergency Response Service Facility			20,000 sq. ft.	200	50	25	25		35
Historic Resource ⁽¹¹⁾		Subject to the provisions of Section 350-48(h)(3)							
Open Space									
Place of Worship			20,000 sq. ft.	200	50	25	25		35
Public Building			20,000 sq. ft.	200	50	25	25		35
Recreation, Low Intensity			3 acres	200	50	50	50		35
Stormwater Management Facilities									35

- ⁽¹⁾ Five feet greater than that observed by the associated permitted Principal Use
- ⁽²⁾ Subject to the provisions of Sections 350-42(h)
- ⁽⁴⁾ Shall be separated by at least six hundred (600) feet from any Lot which is included, in whole or in part, in a residential zoning district, or upon which is located a Place of Worship, school or Public Building
- ⁽¹¹⁾ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3)
- ⁽¹²⁾ Front Yard Setback may be reduced in accordance with the provisions of Section 350-45(d)

	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
ACCESSORY USES, Non-Residential								
Child Daycare Center								
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Communication Facility, Radio and Television, Non-Residential				①	25	25		50
Community Mailbox Structure				2	10	10		15
Electric Vehicle Charging Station	Subject to the provisions of Sections 350-48(e)(1)							
Farm Outbuilding	Included with Special Exception Use			75	25	25		50
Farm Roadside Stand	Included with Special Exception Use			10	25	25		35
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Open Space								
Pavilion				①	25	25		20
Signs				10	25	25		35
Solar Energy Systems, Non-Residential	Subject to the provisions of Section 350-48(s)(12)							
Storage Building				①	4	4		15
Temporary Construction Site Office	Subject to the provisions of Section 350-48(t)(1)							
Wind Energy System, Small Free-Standing	Subject to the provisions of Section 350-48(w)(6)							
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							
ACCESSORY USES, Residential								
Accessory Dwelling Unit, Attached	Subject to the provisions of Section 350-48(1)(1)							
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Communication Facility, Residential				①	15	15		
Community Mailbox Structure				2	10	10		15
Family Day Care Homes								
Garage/Carport, Private				①	4	4		20
Gazebo				①	4	4		20
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Greenhouse, Private				①	4	4		20
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
No-impact home –based businesses	Subject to the provisions of Section 350-48(n)(2)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Solar Energy Systems, Residential	Subject to the provisions of Section 350-48(s)(13)							
Sport Court				①	25	25		
Storage Building				①	4	4		20
Swimming Pool, Residential				①	10	10		
Swimming Pool, Portable				①	4	4		
Wind Energy System, Small Free-Standing	Subject to the provisions of Section 350-48(w)(6)							
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							

SPECIAL EXCEPTION USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Adult Entertainment Establishment (4) Flex Space (greater than 75,000 sq ft) Motor Vehicle Service Facility Recreation, High Intensity		Retail Sales and Service (greater than 75,000 sq ft) Service Business (greater than 75,000 sq ft) Wholesale Sales (greater than 75,000 sq ft)						
Any and all of the above in which gross square feet of Building is as follows:								
Less than 10,000 sq. ft.		1.0 acre	200	50(12)	25	25		35
10,000 sq. ft. or more		2.5 acres	300	50(12)	35	35		35
Accessory Dwelling Unit, Employee	Subject to the provisions of Section 350-48(a)(3)							
Agriculture, Horticulture, Nursery, excluding raising and keeping of farm animals		5.0 acres	300	25	25	25		
Boarding House		10,000 sq. ft.	100	25	25	25		35
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Nursing Home		3 acres	200	50	50	50		50
Recreation Fields (bulk criteria as primary use only)		1 acre	100	50	50	50		35

CONDITIONAL USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Special Event Venue		2.0 acre	200	100	100	100		35

- ① Five feet greater than that observed by the associated permitted Principal Use
- ② Subject to the provisions of Sections 350-42(h)
- ④ Shall be separated by at least six hundred (600) feet from any Lot which is included, in whole or in part, in a residential zoning district, or upon which is located a Place of Worship, school or Public Building
- ⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3)
- ⑫ Front Yard Setback may be reduced in accordance with the provisions of Section 350-45(d)

H-C USES PERMITTED									
PRIMARY USES		Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Arcade Bank Body Art Establishment Business and Professional Office Child Day Care Center Clubhouse or Lodge Commercial Car Wash Coordinated Development Flex Space (75,000 sq ft or less) Forestry Funeral Parlor	Hotel Lumber Yard Medical Office Mixed-Use Building Motel Motor Vehicle Sales Facility Nightclub Office Park Personal Service Business Pet Shop								
Recreation Facility Restaurant, Fast Food Restaurant, Sit-Down Retail Sales (75,000 sq ft or less) School, Commercial and/or Trade School, Massage Self-Storage Facility Service Business (75,000 sq ft or less) Shopping Center Veterinarian's Office Wholesale Sales (75,000 sq ft or less)									
Any and All of the Above			1 acre	200	50 (12)	25	25		35
Apartment as part of Mixed-Use Building	Subject to the provisions of Section 350-48(d)(3)								
Bed and Breakfast	Subject to the provisions of Section 350-(b)(2)								
Community Mailbox Structure					2	10	10		15
Emergency Response Service Facility		20,000 sq. ft.		200	50 (12)	25	25		35
Golf Driving Range		7 acres		200	50 (12)	100	100		35
Historic Resource (11)	Subject to the provisions of Section 350-48(h)(3)								
Hotel, Extended Stay		1 acre		200	50 (12)	25	25		50
Open Space									
Place of Worship		20,000 sq. ft.		200	50 (12)	25	25		35
Public Building		20,000 sq. ft.		200	50 (12)	25	25		35
Recreation, Low Intensity		3 acres		200	50	50	50		35
Stormwater Management Facilities									35

- ① Five feet greater than that observed by the associated permitted Principal Use
- ④ Shall be separated by at least six hundred (600) feet from any Lot which is included, in whole or in part, in a residential zoning district, or upon which is located a Place of Worship, school or Public Building
- ⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3)
- ⑫ Front Yard Setback may be reduced in accordance with the provisions of Section 350-45(d)

ZONING DISTRICT SCHEDULE

HIGHWAY COMMERCIAL

H-C

	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
ACCESSORY USES, Non-Residential								
Child Daycare Center								
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Communication Facility, Radio and Television, Non-Residential				①	25	25		50
Community Mailbox Structure				2	10	10		15
Electric Vehicle Charging Station	Subject to the provisions of Sections 350-48(e)(1)							
Farm Outbuilding	Included with Special Exception Use			75	25	25		50
Farm Roadside Stand	Included with Special Exception Use			10	25	25		35
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Open Space								
Pavilion				①	25	25		20
Signs				10	25	25		35
Solar Energy Systems, Non-Residential	Subject to the provisions of Section 350-48(s)(12)							
Storage Building				①	4	4		15
Temporary Construction Site Office	Subject to the provisions of Section 350-48(t)(1)							
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							
ACCESSORY USES, Residential								
Accessory Dwelling Unit, Attached	Subject to the provisions of Section 350-48(a)(1)							
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Communication Facility, Residential				①	15	15		
Community Mailbox Structure				2	10	10		15
Family Day Care Homes								
Garage/Carport, Private				①	4	4		20
Gazebo				①	4	4		20
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Greenhouse, Private				①	4	4		20
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
No-impact home –based businesses	Subject to the provisions of Section 350-48(n)(2)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Solar Energy Systems, Residential	Subject to the provisions of Section 350-48(s)(13)							
Sport Court				①	25	25		
Storage Building				①	4	4		20
Swimming Pool, Residential				①	10	10		
Swimming Pool, Portable				①	4	4		
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							

ZONING DISTRICT SCHEDULE

HIGHWAY COMMERCIAL

H-C

SPECIAL EXCEPTION USES		Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Adult Entertainment Establishment (4) Hospital	Motor Vehicle Service Facility Outdoor Storage								Recreation, High Intensity
Any or All of the Above			1 acre	200	50 (12)	25	25		35
Accessory Dwelling Unit, Employee		Subject to the provisions of Section 350-48(a)(3)							
Agriculture, Horticulture, Nursery, excluding raising and keeping of farm animals			5 acres	300	25	15	15		
Billboard		Subject to the provisions of Section 350-48(b)(4)							
Billboard, Electronic Graphic Display		Subject to the provisions of Section 350-48(b)(5)							
Boarding House			10,000 sq. ft.	100	25	25	25		35
Communication Facility, Cellular		Subject to the provisions of Section 350-48(c)(5)							
Outdoor Storage (bulk criteria as primary use only)			1 acre	100	50	25	25		35
Recreation Fields (bulk criteria as primary use only)			1 acre	100	50	50	50		35
School, College and/or University			1 acre	150	50 (12)	25	25		35

ZONING DISTRICT SCHEDULE

HIGHWAY COMMERCIAL

H-C

CONDITIONAL USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Special Event Venue		2.0 acre	200	100	100	100		35

- ① Five feet greater than that observed by the associated permitted Principal Use
- ④ Shall be separated by at least six hundred (600) feet from any Lot which is included, in whole or in part, in a residential zoning district, or upon which is located a Place of Worship, school or Public Building
- ⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive reuse of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3)
- ⑫ Front Yard Setback may be reduced in accordance with the provisions of Section 350-45(d)

HC- 1 USES PERMITTED								
PRIMARY USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Arcade Bank Business and Professional Office Child Day Care Center Clubhouse or Lodge Commercial Car Wash Coordinated Development Flex Space (75,000 sq ft or less) Forestry Funeral Parlors		Hotel Medical Office Motel Motor Vehicle Sales Facility Office Park Personal Service Business Pet Shop Recreation Facility Restaurant, Fast Food			Restaurant, Sit-Down Retail Sales (75,000 sq ft or less) School, Commercial and/or Trade School, Massage Self-Storage Facility Service Business (75,000 sq ft or less) Shopping Center Short-Stay Medical Center Veterinarian's Office Wholesale Sales (75,000 sq ft or less)			
Any and all of the above		1.0 acre	200	50 (12)	25	25		70 (2)
Bed and Breakfast	Subject to provisions of Section 350-48(b)(2)							
Community Mailbox Structure				2	10	10		15
Emergency Response Service Facility		20,000 sq. ft.	200	50	25	25		35
Exhibition Center per Section 350-48(e)(3)		15.0 Acres	200	50 (12)	25	25		70 (2)
Golf Driving Range		7 acres	200	50 (12)	100	100		35
Historic Resource (11)	Subject to the provisions of Section 350-48(h)(3)							
Hotel, Extended Stay		1 acre	200	50 (12)	25	25	n/a	50
Mixed-Use Building	12	1 acre	200	30	20	30		70 (2)
Multi-Unit Housing								
Three-flat	12	3,600 sq. ft.	30	30	20	30	3	35
Townhouse (each dwelling unit)		2,400 sq. ft.	20	30	5 (6)	30	8	35
Apartment as part of Mixed-Use Building	Subject to the provisions of Section 350-48(d)(3)							
Apartment Building (3) (Minimum 10 acre Tract)	15	No Limit		30	20	30	45	50
Off-Street Parking per Section 350-48(o)(2)		6,000 sq. ft.	60	10	10	10		
Open Space								
Place of Worship		20,000 sq. ft.	200	50	25	25		35
Public Building		20,000 sq. ft.	200	50	25	25		35
Recreation, Low Intensity		3 acres	200	50	50	50		35
Stormwater Management Facilities								35

- (1) Five feet greater than that observed by the associated permitted Principal Use
- (2) Subject to the provisions of Sections 350-42(h)
- (3) See Section 350-48(d)(4) for optional increases to Maximum Dwelling Units per Gross Acre, Maximum Units per Building and Maximum Building Structure Height
- (6) Multiply 5 feet by the number of Townhouse units attached as a single Structure to determine the Side Yard Setback. Should all of the dwelling units of the Townhouse structure be served by a rear alley, multiply 2.5 feet by the number of Townhouse units attached as a single Structure to determine the Side Yard Setback.
- (11) Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3)
- (12) Front Yard Setback may be reduced in accordance with the provisions of Section 350-45(d)

	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
ACCESSORY USES, Non-Residential								
Child Daycare Center								
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Communication Facility, Radio and Television, Non-Residential				①	25	25		50
Community Mailbox Structure				2	10	10		15
Electric Vehicle Charging Station	Subject to the provisions of Sections 350-48(e)(1)							
Farm Outbuildings	Included with Special Exception Use			75	25	25		50
Farm Roadside Stand	Included with Special Exception Use			10	25	25		35
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Open Space								
Pavilion				①	25	25		20
Signs				10	25	25		35
Solar Energy Systems, Non-Residential	Subject to the provisions of Section 350-48(s)(12)							
Storage Building				①	4	4		15
Temporary Construction Site Office	Subject to the provisions of Section 350-48(t)(1)							
Wind Energy System, Small Free-Standing	Subject to the provisions of Section 350-48(w)(6)							
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							
ACCESSORY USES, Residential								
Accessory Dwelling Unit, Attached	Subject to the provisions of Section 350-48(a)(1)							
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Communication Facility, Residential				①	15	15		
Community Mailbox Structure				2	10	10		15
Family Day Care Homes								
Garage/Carport, Private				①	4	4		20
Gazebo				①	4	4		20
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Greenhouse, Private				①	4	4		20
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
No-impact home –based businesses	Subject to the provisions of Section 350-48(n)(2)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Solar Energy Systems, Residential	Subject to the provisions of Section 350-48(s)(13)							
Sport Court				①	25	25		
Storage Building				①	4	4		20
Swimming Pool, Residential				①	10	10		
Swimming Pool, Portable				①	4	4		
Wind Energy System, Small Free-Standing	Subject to the provisions of Section 350-48(w)(6)							
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							

SPECIAL EXCEPTION USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Adult Entertainment Establishment (4) Flex Space (greater than 75,000 sq ft) Hospital Motor Vehicle Repair Facility Motor Vehicle Service Facility Office Park		Outdoor Storage Recreation, High Intensity Retail Sales (greater than 75,000 SF) Service Business (greater than 75,000 sq ft) Wholesale Sales (greater than 75,000 sq ft)						
Any and all of the above		1.0 acre	200	50(12)	25	25		35
Accessory Dwelling Unit, Employee	Subject to the provisions of Section 350-48(a)(3)							
Agriculture, Horticulture, Nursery, excluding raising and keeping of farm animals		5 acres	300	25	15	15		
Billboard	Subject to the provisions of Section 350-48(b)(4)							
Billboard, Electronic Graphic Display	Subject to the provisions of Section 350-48(b)(5)							
Boarding House		10,000 sq. ft.	100	25	25	25		35
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Community Shelter		20,000 sq. ft.	100	25	25	25		35
Exhibition Center High Attendance Use (5)		15 acres	200	50(12)	25	25		70(2)
Nursing Home		3 acres	200	50	50	50		50
Outdoor Storage (bulk criteria as primary use only)		1 acre	100	50	25	25		35
Recreation Fields (bulk criteria as primary use only)		1 acre	100	50	50	50		35
School, College and/or University		1 acre	150	50(12)	25	25		35
Treatment Center		1 acre	100	50	50	25		35

CONDITIONAL USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Betting Parlor ④		1.0 acre	200	50 ⑫	25	25		35
Special Event Venue		2.0 acre	200	100	100	100		35

④ Shall be separated by at least six hundred (600) feet from any Lot which is included, in whole or in part, in a residential zoning district, or upon which is located a Place of Worship, school or Public Building

⑤ Subject to the provisions of Sections 350-48(e)(3) and (4)

⑫ Front Yard Setback may be reduced in accordance with the provisions of Section 350-45(d)

(A) CR USES PERMITTED							
PRIMARY USES	Min Lot Area Per Use	Min Frontage (ft.)	Min Front to Street Ultimate Right-of-Way Line (ft.)	Min Sides to Lot Lines (ft.)	Min Rear to Lot Lines (ft.)	Max Units per Building	Max Height of Building Structure
Arcade Amusement Park Coordinated Development Emergency Response Service Facility Forestry Golf Driving Range Hotel	Mixed-Use Building Motel Nightclub Place of Worship Public Building Recreation, High Intensity	Recreation, Low Intensity Recreation Facility Recreation Fields Restaurant, Sit-Down Stables, with or without Riding Trails Stormwater Management Facility					
Any and all of the above							50
Commercial Amusements <i>(as part of Amusement Park)</i>							⑩
Community Mailbox Structure				2	10	10	
Historic Resource ⑪	Subject to the provisions of Sections 350-48(h)(3)						
Open Space							
ACCESSORY USES							
Child Daycare Centers							50
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)						
Communication Facility, Radio and Television, Non-Residential			①	25	25		50
Community Mailbox Structure				2	10	10	
Electric Vehicle Charging Station	Subject to the provisions of Section 350-48(e)(1)						
Geoexchange Energy System	Subject to the provisions of Section 350-48(g)(3)						
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)						
No-impact Home-based Businesses	Subject to the provision of Section 350-48(n)(2)						
Off Street Parking							35
Open Space							
Recreation Fields							50
Signs			10	75	75		50
Solar Energy Systems, Non-Residential	Subject to the provisions of Section 350-48(s)(12)						
Solar Energy Systems, Residential	Subject to the provisions of Section 350-48(s)(13)						
Storage Building			①	4	4		15
Temporary Construction Site Office							50
Temporary Seasonal Parking	Subject to the provisions of Section 350-48(o)(4)						
Warehousing/Storage/Maintenance <i>(as part of Amusement Park)</i>			100	50	50		50
Wind Energy System, Small Free-Standing	Subject to the provisions of Section 350-48(w)(6)						
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)						
SPECIAL EXCEPTION USES							
Accessory Dwelling Unit, Employee	Subject to the provisions of Section 350-48(a)(3)						
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)						
Seasonal Parking			50	50	50		

① Five feet greater than that observed by the associated permitted Principal Use

⑩ See Section 350-24(c)(15)(B) and (C) below

⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3)

(B) CR Zoning District Map:

(i) Non-Linear Setbacks. Notwithstanding the other Setback provisions of this Ordinance, there are certain areas near the boundary of the CR Zoning District, which, as a result of artificially created berms, irregularities in the boundary itself, and the existence of non-residential uses, render strict compliance with lineal Setbacks inappropriate. The supplemental zoning map of the C-R district incorporates the Setbacks established under this Section (the "CR District Zoning Map")



(ii) CR District Regions. The CR District shall include areas identified on the CR Zoning District Map as:

(1) Buffer Regions (green)

(a) Areas to be reserved for landscaped berms, an internal road network for Use by Park maintenance and security vehicles (except those associated with parking), green space, detention areas and utility-like uses.

(2) Restricted Regions (orange)

(a) Areas which may include all Permitted, Accessory and Special Exception Uses otherwise set forth in the CR Zoning District. However, any Commercial Amusements in the Restricted Regions may not exceed a height of thirty (30) feet. If any portion of a Restricted Region is used for Commercial Amusements, to the extent geographically and topographically reasonable, a landscaped berm eight (8) feet in height and at least twenty-five (25) feet wide shall be established (if not already in existence) in that portion of the Buffer Region between the Commercial Amusement and the closest abutting Lot if that Lot is zoned residential.

(3) Standard Regions (white/white-crosshatched in red)

(a) Areas which may include all Permitted, Accessory and Special Exception Uses otherwise set forth in the C-R Zoning District provided, the height of any commercial amusement in the Standard Region may not exceed an elevation of 540 feet above mean sea level. If any portion of a Standard Region is used for commercial amusements, a landscaped berm eight (8) feet in height and at least twenty-five (25) feet wide must be established (if not already in existence) in that portion of the Buffer Region between the commercial amusement and the closest abutting property if that property is zoned residential.

(b) Certain identified portions of the Standard Region are not used for commercial amusements as of the date of this Amendment. Accordingly, commercial amusements will not be permitted in those areas pursuant to this Amendment. Those areas are crosshatched in red on the C-R District Zoning Map and are referred to as Standard (Limited Use).

(C) Additional Performance Criteria:

(i) Additional Rides. Notwithstanding any other provision of this Ordinance, three (3) additional Commercial Amusements in excess of 85' in height may be placed in the Standard Region after the effective date of this amendment to the Ordinance. Any existing Commercial Amusement in excess of 85 feet in height, and any Commercial Amusement in excess of 85 feet in height to be established under this section may be replaced or modified, provided the total number of Commercial Amusements in excess of 85 feet shall not exceed the number of Commercial Amusement in excess of 85' in height as of the effective date of this amendment to the Ordinance plus the three (3) additional Commercial Amusements in excess of 85 feet in height permitted hereunder. Any new amusement added pursuant to this subsection shall be located in the approximate location of the replaced amusement.

(ii) Fall Zone. Notwithstanding any other provision of this ordinance, the height of any future Commercial Amusement shall be less than the distance from such amusement to the nearest residential Lot Line or public road.

(iii) Sound, Light & Privacy: To the extent any Commercial Amusements are established pursuant to Section 350-24(c)(15)(C)(i) after the effective date of this amendment to the Ordinance or any existing Commercial Amusement is replaced or modified after the effective date of this amendment to the Ordinance:

(1) any speakers or sound systems may not be focused or directed towards any adjoining residential properties,

(2) any lighting may not be focused or directed toward any adjoining residential properties (For purposes of this Section, it is permissible to have the illumination visible from the adjoining residential properties, but not directed at such residential properties); and

(3) a baffle or screen shall be added to such Commercial Amusement if any such Commercial Amusement is designed so that patrons could view into any adjoining residential properties for any extended period of time.

(D) Screening Requirements: Buffer Region Plantings – Coniferous trees of at least ten (10) feet in height, and no more than ten (10) feet from one planting to the next, shall be planted in the Buffer Regions required under Section 350-24(c)(15) (B)(ii).

(E) Conflicts: The provisions of this Section 350-24(c)(15) shall govern to the extent any provisions hereof conflict with any other provisions of this Ordinance.

350-24(c)(16) ZONING DISTRICT SCHEDULE INDUSTRIAL-COMMERCIAL-SPECIAL HEIGHT LIMITATION IC-1

IC-1 USES PERMITTED								
PRIMARY USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Arcade Bank Business and Professional Office Child Day Care Center Coordinated Development Dairy and Food Processing and Distribution Flex Space Forestry								
Hotel Laundry and Dry Cleaning Processing and Distribution Lumber yard Manufacturing Massage Service Establishment Medical Office Mixed-Use Building Motel								
Office Park Printing, Binding, Publishing, etc. Recreation Facility Research and Development Facility Retirement Facility Self-Storage Facility Service Business Utility Support Facility Wholesale Sales								
Any and all of the above		2.5 acres	300	50 ⁽¹²⁾	25	25		70 ⁽²⁾
Agriculture, Horticulture, Nursery, excluding raising and keeping of farm animals		5.0 acres	300	25	25	25		
Community Mailbox Structure				2	10	10		15
Emergency Response Service Facility		20,000 sq. ft.	200	50 ⁽¹²⁾	25	25		35
Historic Resource ⁽¹¹⁾	Subject to the provisions of Section 350-48(h)(3)							
Open Space								
Place of Worship		20,000 sq. ft.	200	50 ⁽¹²⁾	25	25		35
Public Building		20,000 sq. ft.	200	50 ⁽¹²⁾	25	25		35
Restaurant, Sit-Down		1 acre	200	50 ⁽¹²⁾	25	25		35
Recreation, Low Intensity		3 acres	200	50	50	50		35
Stormwater Management Facilities								35

⁽¹⁾ Five feet greater than that observed by the associated permitted Principal Use

⁽²⁾ Subject to the provisions of Sections 350-31(d) and (e)

⁽¹¹⁾ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-33.

⁽¹²⁾ Front Yard Setback may be reduced in accordance with the provisions of Section 350-45(d)

	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
ACCESSORY USES, Non-Residential								
Child Daycare Center								
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Communication Facility, Radio and Television, Non-Residential				①	25	25		50
Community Mailbox Structure				2	10	10		15
Electric Vehicle Charging Station	Subject to the provisions of Sections 350-48(e)(1)							
Farm Outbuilding				75	25	25		50
Farm Roadside Stand				10	25	25		35
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Open Space								
Pavilion				①	25	25		20
Signs				10	25	25		35
Solar Energy Systems, Non-Residential	Subject to the provisions of Section 350-48(s)(12)							
Storage Building				①	4	4		15
Temporary Construction Site Office	Subject to the provisions of Section 350-48(t)(1)							
Wind Energy System, Small Free-Standing	Subject to the provisions of Section 350-48(w)(6)							
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							
ACCESSORY USES, Residential								
Accessory Dwelling Unit, Attached	Subject to the provisions of Section 350-48(a)(1)							
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Communication Facility, Residential				①	15	15		
Community Mailbox Structure				2	10	10		15
Family Day Care Homes								
Garage/Carport, Private				①	4	4		20
Gazebo				①	4	4		20
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Greenhouse, Private				①	4	4		20
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
No-impact home –based businesses	Subject to the provisions of Section 350-48(n)(2)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Solar Energy Systems, Residential	Subject to the provisions of Section 350-48(s)(13)							
Sport Court				①	25	25		
Storage Building				①	4	4		20
Swimming Pool, Residential				①	10	10		
Swimming Pool, Portable				①	4	4		
Wind Energy System, Small Free-Standing	Subject to the provisions of Section 350-48(w)(6)							
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							

SPECIAL EXCEPTION USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Accessory Dwelling Unit, Employee	Subject to the provisions of Section 350-48(a)(3)							
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Motor Vehicle Repair Facility		1 acre	150	50(12)	25	25		35
Motor Vehicle Service Facility		1 acre	150	50(12)	25	25		35
Nursing Home		3 acres	200	50(12)	50	50		35
Outdoor Storage (bulk criteria as primary use only)		1 acre	150	50	25	25		35
School, College and/or University		1 acre	150	50(12)	25	25		35
Treatment Center		1 acre	150	50(12)	50	25		35

CONDITIONAL USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Incinerator Sanitary Landfill		Waste to Energy Facility Waste Treatment Facility						
Any and all of the above in which the description to gross square footage of Buildings and service areas are as follows:								
Less than 25,000 sq. ft.		5.0 acres	450	150	150	150		70②
25,000 sq. ft. or more		10.0 acres	600	225	225	225		70②
Motor Freight Terminal		5.0 acres	450	50	50	50		70②
Special Event Venue		2.0 acre	200	100	100	100		35
Warehousing and Distribution		5.0 acres	450	50	50	50		70②

- ① Five feet greater than that observed by the associated permitted Principal Use
- ② Subject to the provisions of Sections 350-42(h)
- ⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3)
- ⑫ Front Yard Setback may be reduced in accordance with the provisions of Section 350-45(d)

I USES PERMITTED								
	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
PRIMARY USES								
Coordinated Development Dairy and Food Processing and Distribution Flex Space Forestry Laundry and Dry Cleaning Processing and Distribution Manufacturing Mixed-Use Building Printing, Binding, Publishing, etc.				Recreation, High Intensity Research and Development Facilities Service Business Shopping Center Utility Support Facility Veterinarian’s Office Wholesale Sales				
Any and all of the above		2.5 acres	300	50 ⁽¹²⁾	25	25		35
Agriculture, Horticulture, Nursery, excluding raising and keeping of farm animals		5 acres	300	25	15	15		
Agriculture, Horticulture, Nursery, including raising and keeping of farm animals		5 acres	300	25	15	15		
Community Mailbox Structure				2	10	10		15
Emergency Response Service Facility		20,000 sq. ft.	200	50 ⁽¹²⁾	25	25		35
Historic Resource ⁽¹¹⁾	Subject to the provisions of Section 350-48(h)(3)							
Open Space								
Place of Worship		20,000 sq. ft.	200	50 ⁽¹²⁾	25	25		35
Public Building		20,000 sq. ft.	200	50 ⁽¹²⁾	25	25		35
Recreation, Low Intensity		3 acres	200	50	50	50		35
School, Commercial and Trade		3.0 acres	200	50 ⁽¹²⁾	50	50		50
Stormwater Management Facilities								35

⁽¹⁾ Five feet greater than that observed by the associated permitted Principal Use

⁽¹¹⁾ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3)

⁽¹²⁾ Front Yard Setback may be reduced in accordance with the provisions of Section 350-45(d)

ZONING DISTRICT SCHEDULE

INDUSTRIAL

I

	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
ACCESSORY USES, Non-Residential								
Child Daycare Center								
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Communication Facility, Radio and Television, Non-Residential				①	25	25		50
Community Mailbox Structure				2	10	10		15
Electric Vehicle Charging Station	Subject to the provisions of Sections 350-48(e)(1)							
Farm Outbuilding				75	25	25		50
Farm Roadside Stand				10	25	25		35
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)92)							
Open Space								
Pavilion				①	25	25		20
Signs				10	25	25		35
Storage Building				①	4	4		15
Temporary Construction Site Office	Subject to the provisions of Section 350-48(t)(1)							
Wind Energy System, Small Free-Standing	Subject to the provisions of Section 350-48(w)(6)							
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(7)							
ACCESSORY USES, Residential								
Accessory Dwelling Unit, Attached	Subject to the provisions of Section 350-48(a)(1)							
Communication Facility, Cellular	Subject to the provisions of Section 350-48(c)(5)							
Communication Facility, Residential				①	15	15		
Community Mailbox Structure				2	10	10		15
Family Day Care Homes								
Garage/Carport, Private				①	4	4		20
Gazebo				①	4	4		20
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Greenhouse, Private				①	4	4		20
Historic Resource ⑪	Subject to the provisions of Section 350-48(h)(3)							
Kennel per Section 350-48(k)(1)								15
No-impact home –based businesses	Subject to the provisions of Section 350-48(n)(2)							
Off-Street Parking	Subject to the provisions of Section 350-48(o)(2)							
Solar Energy Systems, Residential	Subject to the provisions of Section 350-48(s)(13)							
Sport Court				①	25	25		
Storage Building				①	4	4		20
Swimming Pool, Residential				①	10	10		
Swimming Pool, Portable				①	4	4		
Wind Energy System, Small Free-Standing	Subject to the provisions of Section 350-48(w)(5)							
Wind Energy System, Small Roof-Mounted	Subject to the provisions of Section 350-48(w)(6)							

ZONING DISTRICT SCHEDULE

INDUSTRIAL

I

SPECIAL EXCEPTION USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Manufacturing and Processing of Chemicals and Explosives								
Quarries								
Any and all of the above in which gross square footage of Building and service areas is as follows:								
Less than 25,000 sq. ft.		2.5 acres	300	150	150	150		35
25,000 sq. ft. or more		5.0 acres	400	225	225	225		35
Accessory Dwelling Unit, Employee		Subject to the provisions of Section 350-48(a)(3)						
Boarding House		10,000 sq. ft.	100	25	25	25		35
Communication Facility, Cellular		Subject to the provisions of Section 350-48(c)(5)						
Correctional Facility		5.0	400	150	150	150		35
Helipad per Section 350-48(h)(1)		5 acres	400	150	50	50		35
Heliport per Section 350-48(h)(2)		7 acres	400	150	50	50		35
Kennel per Section 350-48(k)(1)		3 acres	200	75	50	50		35
Outdoor Storage (bulk criteria as primary use only)		1 acre	100	50	25	25		35
Treatment Center		1 acre	100	50 ⁽¹²⁾	50	25		35

ZONING DISTRICT SCHEDULE

INDUSTRIAL

I

CONDITIONAL USES	Maximum Dwelling Units per Gross Acre	Minimum Lot Area Per Use	Minimum Frontage (ft.)	Minimum Front to Street Ultimate Right-of-Way Line (ft.)	Minimum Sides to Lot Lines (ft.)	Minimum Rear to Lot Lines (ft.)	Maximum Units per Building	Maximum Height of Building Structure (ft.)
Solar Energy Facility	Subject to provisions of Section 350-48(s)(11)							
Special Event Venue		2.0 acre	200	100	100	100		35
Wind Energy Facility	Subject to the provisions of Section 350-48(w)(5)							

- ① Five feet greater than that observed by the associated permitted Principal Use
- ⑪ Existing dimensional requirements of the underlying zoning district shall apply to the Historic Resource. Any alterations or adaptive re-use of the Historic Resource may require approval of a Conditional Use as referenced in Section 350-48(h)(3)
- ⑫ Front Yard Setback may be reduced in accordance with the provisions of Section 350-45(d)

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ARTICLE 3

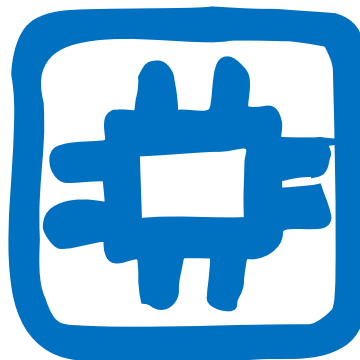
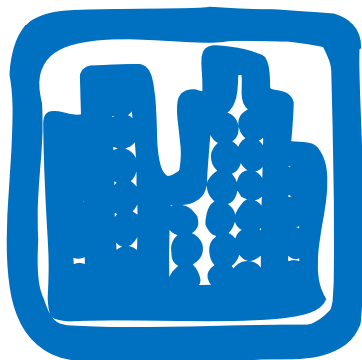
350-30

SPECIAL

DISTRICTS AND

DEVELOPMENT

TYPES



350-31 Provisions for Innovation Overlay Districts

(a) Creation of Overlay Districts. For the purposes of this Ordinance, the Township of South Whitehall establishes five (5) Overlay Districts as follows:

(1) Overlay Districts

Neighborhood Infill Development Overlay District

TND- Residential Cluster Overlay District

TND- Commercial Retrofit Overlay District

TND- Industrial Retrofit and Infill Overlay District

Active Adult Neighborhood Development Overlay District

(b) Purpose of Overlay Districts. The Overlay Districts are intended to address areas deemed by the Township to have the potential for compact growth, including, but not limited to, areas designated as "Growth Opportunity Areas" on the Future Land Use Plan of the 2009 South Whitehall Township Comprehensive Plan. These areas are intended to be developed, redeveloped, or infilled under specific sets of Design Standards and Development Regulations that address the unique conditions of each area and a particular vision for future land Use. The Design Standards and Development Regulations pertain to such elements as:

- (1) providing for a mix of uses;
- (2) promoting Traditional Neighborhood Development;
- (3) locating Buildings close to Streets and sidewalks;
- (4) locating parking to the side or rear of Buildings;
- (5) creating enhanced Streetscapes, and Street edges with Street walls;
- (6) enhancing landscaping;
- (7) providing an increased variety of types and forms of housing;
- (8) providing useable Open Space; and
- (9) enabling increased Building heights.

The full set of Design Standards and Development Regulations are set forth in Section 350-31 and Appendix C. The AAND-O is not subject to the Design Standards and Development Regulations set forth in Section 350-31(g) or Appendix C.

(c) General Intent of All Innovation Overlay Districts. The Innovation Overlay Districts are intended to:

(1) Provide flexibility and innovation in designing new developments by offering an alternative to the conventional development permitted by the underlying zoning districts.

(2) Recognize the distinct physical characteristics of the individual Innovation Overlay District and enable new development, infill, and redevelopment that will complement and enhance those characteristics.

(3) Increase opportunities for Mixed-Use development, thereby:

(A) Creating greater efficiencies in land Use;

(B) Promoting a more efficient Use of infrastructure in order to reduce

associated costs;

(C) Creating opportunities to fulfill some daily tasks without the Use of an automobile; and

(D) Supporting alternative transportation (bus transit) with the development of new population hubs.

(4) Promote a greater mix of Dwelling types for all ages and circumstances throughout the Township.

(5) Expand and enhance the Open Space and pedestrian network in accordance with the Official Map.

(6) Promote context sensitive massing, proportion, positioning, height, Streetscape elements, and landscaping.

(d) Identification of the Innovation Overlay Districts. There are five (5) specific Innovation Overlay Districts depicted on the Zoning District Map. Each District has specific regulations as set forth in this Section 350-31 and in, with regard to Districts (1) through (4) as listed below, Appendix C. The Overlay Districts are as follows:

(1) Neighborhood Infill Development Overlay District, subcategorized as follows:

(1a) Broadway Neighborhood Infill Development Overlay District

(1b) Greenawalds Neighborhood Infill Development Overlay District

(1c) Clifford Park Neighborhood Infill Development Overlay District

(2) TND- Residential Cluster

(3) TND- Commercial Retrofit

(4) TND- Industrial Retrofit and Infill

(5) Active Adult Neighborhood Development Overlay — AAND-O

(e) Applicability.

(1) Application of the Neighborhood Infill Innovation Overlay District for residential uses shall be permitted by-right. Nonresidential uses in the Neighborhood Infill Overlay District shall be permitted as a Conditional Use approved by the Board of Commissioners in accordance with Section 350-18 and 350-41(e).

(2) Application of the TND Innovation Overlay Districts provisions is optional and shall be available to applicants meeting the eligibility criteria contained in each Overlay District and with Conditional Use approval by the Board of Commissioners in accordance with the specific standards contained herein and the general standards set forth in Section 350-41(e). A Sketch Plan submission shall be required for all Land Developments that utilize the TND Innovation Overlay District regulations that require a Conditional Use review and approval.

(A) See submission requirements for TND Innovation Overlay Districts in the Township's then-current Subdivision and Land Development Regulations/Ordinance.

(3) For applicants who do not meet the eligibility criteria or who choose not to develop using the Innovation Overlay District option, the provisions of the underlying zoning districts shall govern. All existing uses within the Innovation Overlay Districts shall be governed by the applicable underlying zoning district regulations.

(4) Where an applicant meets the eligibility criteria and elects to develop pursuant to the Innovation Overlay District, the regulations contained herein, Section 350-31, shall apply. Where these regulations apply and conflict with those of the underlying District, these regulations shall supersede. Where regulations are not specified in the Innovation Overlay District, but are specified within the underlying district, the underlying district regulations shall govern.

(5) The Design Standards found in Appendix C shall apply to all development applications for the Innovation Overlay Districts, as specified within each District.

(f) Overlay Districts:**(1) Neighborhood Infill Overlay District**

(A) Intent of the District: To permit new development and redevelopment to emulate the specific characteristics of an existing neighborhood in terms of area and bulk regulations, while incorporating new opportunities for Streetscape enhancement, Open Space and pedestrian amenities, and appropriately located and sized commercial uses that serve the immediate neighborhood. There are three (3) Neighborhood Infill Overlay District Areas as designated on the Zoning Map:

- (i) Broadway Neighborhood, designated as 1a;
- (ii) Greenawalds Neighborhood, designated as 1b; and
- (iii) Clifford Park Neighborhood, designated as 1c.

(B) Uses. In addition to uses permitted as Primary Uses, Accessory Uses, or Uses by Special Exception in the underlying Zoning Districts, the following additional uses shall be permitted as a Conditional Use within the Neighborhood Infill Overlay District:

- (i) Retail Sales; Personal Service Business; or Business or Professional Office (< 5,000 SF per Use);
- (ii) Mixed Use Building, with uses listed in Section (A) above located on the first floor and Business or Professional Office uses and/or Apartment uses located above the first floor.

(C) Area and Bulk Regulations

- (i) The following Area and Bulk regulations shall apply:

Primary Use	Minimum Lot Area (sq. ft.)	Minimum Frontage (ft.)	Build-to Line (ft.)	Minimum Side Yard (ft.)	Minimum Rear Yard (ft.)
5a: Broadway-Residential Uses	Single detached Dwelling: 4,800 Twin: 2,400 Two-Flat: 4,800 Apartment only per Section 350-31(f)(1)(B)	40 30 40	10	10	30
5a: Broadway-Nonresidential Uses	5,000	60	10	10	30
5b: Greenawalds-Residential Uses	Single detached Dwelling: 7,800 Twin: 3,900	65 32	15-20	6	30
5b: Greenawalds-Non-Residential Uses	10,000	80	15-20	10	30
5c: Clifford Park Area-Residential Uses	Single detached Dwelling: 7,200 Twin: 3,600 Townhouse: 2,200 Apartment: 1,500/unit	60 30 20 100	25	8	30
5c: Clifford Park Area-Non-Residential Uses (in residential districts)	10,000	80	25	12	30

(ii) Building Height:

(a) Minimum: 20 feet or 2 stories

(b) Maximum of 35 feet, except that a maximum of 45 feet shall be permitted along Arterial and Collector Streets.

(iii) Maximum Lot Coverage for Nonresidential Buildings: 75%

(D) Design Standards and Development Regulations

(i) The Design Standards for Building Location, Building Height, Parking Location, and Streetscape in Appendix C shall apply.

(ii) Maintain existing Street network and Block pattern. Where new Streets are proposed, such Streets shall continue the alignment and pattern of the existing Street network, including Block length and depth, distance between intersections, and incorporation of alleys.

(iii) New Permitted Commercial Uses.

(a) Where such uses are located within residential neighborhoods, such uses shall be located in Buildings located at the intersection of two Streets, one of which shall be a designated Collector Road or Arterial Road.

(b) With the exception of Business and Professional Office uses, non-residential uses shall only be located on the ground floor and are encouraged to be located in Mixed-Use Buildings with office uses or residential uses located above.

(c) Required Parking Spaces shall be provided on site, except that where On-Street Parking is permitted or existing, such spaces may account for a maximum of 25% of the required Parking Spaces.

(d) New Buildings shall have maximum Building Footprint of 6,500 SF.

(2) TND - Residential Cluster Overlay District**(A) Intent of the Overlay District**

- (i) Promote smart growth policies and encourage innovation and efficiencies in residential development to meet demands for various types of housing;
- (ii) Foster a sense of place and community by providing a setting that encourages the development of neighborhoods with Open Space;
- (iii) Promote neighborhoods that are pedestrian-oriented with Open Space and facilities for recreation and community functions, consistent with the needs of proposed cluster development;
- (iv) Promote cluster development that is compatible with existing land uses adjoining a candidate Tract; and
- (v) Allow for the Open Space ownership and maintenance by a bona fide Homeowners Association.

(B) Eligibility Criteria

- (i) Ownership: The Tract of land may be held in single and separate ownership or by multiple owners; however, when a Tract is held in multiple ownership, it shall be planned as a single entity with common authority and common responsibility.
- (ii) Minimum Tract Size: 10 acres
- (iii) Public Sewer is available and shall be connected to the cluster development, with confirmation in writing of such availability from the South Whitehall Township.
- (iv) Public Water is available and shall be connected to the cluster development, with confirmation in writing of such availability from the South Whitehall Township.
- (v) Minimum designated Open Space in accordance with the Development Options Charts within the Sections 350-31(f)(2)(C)(i), (ii) or (iii), as appropriate, below. The minimum designated Open Space required herein shall count toward the Open Space required by the Township Subdivision and Land Development Ordinance, Section 312-36(d) for Common Open Space and Prime Open Space, and shall be so offered for dedication in accordance with Section 312-36(d). Any additional Open Space, beyond the required minimum designated Open Space, may also be offered for dedication in accordance with Section 312-36(d) or may be held in private ownership as a Low Intensity Recreation Use.
- (vi) All applications for development of a Tract as a TND shall be accompanied by, and comply with the Manual of Written and Graphic Design Standards in Appendix C, as enabled by Section 708-A of the Pennsylvania Municipalities Planning Code. The Applicant may prepare and submit a specific manual ("Applicant's Specific Manual") which shall be subject to Township approval, pertaining to such specific proposed features as Building location, fencing, walls, landscaping, signs, Streets, pedestrian circulation, parking, lighting and Streetscape. The Applicant's Specific Manual shall be consistent with the Design Standards and Development Guidelines in Appendix C of this Ordinance.

(C) Development Options. When an applicant meets the conditions of eligibility for this Overlay District, and elects to develop pursuant to it, such applicant may choose from the TND Development Options in subsections (i), (ii), or (iii) below.

(i) Residential Cluster

(a) Development Options

Development Option	Min Tract Size (acres)	Increase in Development Intensity *	Min % of the Tract to be Open Space	Min % of the Tract to be Active Open Space	Maximum % of the Tract to be Gross Area for Commercial Uses
(1) Residential Only	10	Increase Development Intensity 1 Level* or to R-4, whichever is greater	15%	5%	Not permitted
(2) Residential with Commercial Component	50	Increase Development Intensity 1 Level* or to R-4, whichever is greater	15% plus 0.5 % for every 1% of the gross tract area developed as commercial	5% plus 0.5 % for every 1% of the gross tract area developed as commercial	10%

* Starting with the Base Zoning District, utilize the bulk criteria of the permitted uses in the next more intense Residential Zoning District, to the maximum of the R-10 High Density Residential Zoning District. For example, if the underlying Base Zoning District is R-4, the permitted uses would utilize the bulk criteria listed within the R-5 Medium Density Residential Zoning District. See Section 350-31(f)(2)(C)(i)(b) below for Density Bonuses.

(b) Additional Development Intensity. The level of development intensity permitted by Table 3 above may be increased by the additional Density Credit levels (to a maximum of R-10) as noted below. Density credits shall be applied as whole numbers, with any half-credits lost.

(1) If a minimum of three (3) housing types (as defined under “Dwelling unit”) are provided in a TND and such units are intermingled in a manner acceptable to the Township-one-half Density Credit may be permitted above the Base Density.

(2) For each additional 5% of the gross tract area beyond the minimum percentage of gross tract area required in Section (2)(C)(i)(a) dedicated for Open Space, a one-half Density Credit may be permitted above the Base Density.

(3) For each additional 2.5% of the gross tract area beyond the minimum percentage of gross tract area required in Section (2)(C)(i)(a) dedicated for Active Open Space, a one-half Density Credit may be permitted above the Base Density.

(4) For each twenty-five (25) percent of Dwelling units not required to have Alley access that are provided with Alleys (thereby minimizing curb cuts, promoting continuous pedestrian movement along sidewalks, and improving Streetscape quality), one-half Density Credit may be permitted above the Base Density.

(5) For each public bus shelter provided within the development in coordination with the local transportation authority, one-half Density Credit may be permitted above the Base Density.

(c) Open Space, Active Open Space, and Area of Commercial Lots calculations shall be based upon gross acreage of the Tract.

(d) Area of Commercial Lots shall be based upon the cumulative Lot Areas of commercial, including mixed uses.

(e) Maximum Lot Coverage for Non-Residential Uses: 75%

(f) Use Regulations.

(1) The following Uses are permitted in a TND-Residential Cluster in the TND-Residential Cluster Overlay District:

- (A) Apartment as part of a Mixed-Use Building
 - (B) Apartment Building (R-10 Adjusted Development Intensity or greater)
 - (C) Child Day Care Center (primary or accessory)
 - (D) Mixed-Use Building
 - (E) Office, Business or Professional (< 5,000 SF per Use)
 - (F) Office, Medical (< 5,000 SF per Use)
 - (G) Personal Service Business (< 5,000 SF per Use)
 - (H) Restaurant, Sit-Down (< 5,000 SF per Use)
 - (I) Retail Sales (< 5,000 SF per Use)
 - (J) Retirement Facility (R-5 Adjusted Development Intensity or greater)
 - (K) Single Detached Dwelling Unit
 - (L) Three-flat (R-5 Adjusted Development Intensity or greater)
 - (M) Townhouse (R-5 Adjusted Development Intensity or greater)
 - (N) Two-unit Dwellings
- (2) Accessory Uses customarily associated with the above permitted uses
- (3) Special Exception Uses permitted in the R-10 District (R-5 Adjusted Development Intensity or greater).
- (4) The following uses shall be permitted within the Open Space:
- (A) Gazebos and Pavilions;
 - (B) Playfields, tennis and basketball courts, playground equipment, bike racks, and the like;
 - (C) Paved Trails
 - (D) Recreational Clubhouses
 - (E) Hardscaped Plazas
 - (F) other uses consistent with the character of the development as approved by the Board of Commissioners

(g) Dwelling Unit Mix

(1) A minimum of two (2) of the following Dwelling unit types, as permitted per the base zoning district, shall be provided in each TND: Single Detached Dwelling Unit, Two-unit Dwellings, Three-flat Dwelling, or Townhouse. To meet this requirement, a Dwelling unit type shall comprise a minimum of 20% of the total units.

(2) In order to encourage the intermingling of unit types, a minimum of fifty (50) percent of the Blocks within the TND shall have two (2) or more Dwelling unit types located along the same Street frontage.

(h) Area and Bulk Regulations and Design Standards

(1) Residential Uses. Unless otherwise specified, Residential Uses shall conform to the area and bulk criteria of the Adjusted Development Intensity as determined in Section 350-31(f)(2)(C)(i)(a) and (b).

(A) Lot width shall vary from Lot to Lot, so that not more than three (3) adjoining Single Detached Dwelling Lots may have the same width, in order to induce variety in the layout of the plan. To meet the purposes of this section, the Lot width shall vary by a minimum of five (5) feet from an adjoining Lot.

(B) Build-to Line: Along residential Streets: 10 – 15 feet. Front-Yard setbacks shall not apply;

(C) Building Height:

(i) Residential Minimum: 20 feet

(ii) Residential Maximum: 35 feet

(D) Building Separation Distances (Between Buildings on the same Lot)

(i) A minimum distance of twelve (12) feet shall separate all Single Detached Dwelling Unit and two-unit residential Dwellings/Two-flat Dwellings from one another.

(ii) Townhouses shall be separated from Single Detached Dwelling Unit, Two-unit Dwellings, Three-flats, and other Townhouses by a minimum of fifteen (15) feet.

(2) Non-residential Uses. Unless otherwise specified, Non-residential Uses shall conform to the area and bulk criteria of the NC Neighborhood Commercial Zoning District.

(A) Build-to Line: Along nonresidential or Mixed-Use Streets: 5-15 feet. Front Yard setbacks shall not apply.

(B) Building Height:

(i) Nonresidential/Mixed-Use Minimum: 2 stories or 20 feet

(ii) Nonresidential/Mixed-Use Maximum: 3 stories or 45 feet, unless otherwise noted within this Section. Nonresidential Buildings, or portions thereof, with height greater than thirty-five (35) feet shall be set back from any existing residential uses or adjoining residential districts by a minimum of fifty (50) feet. Nonresidential Buildings, or portions thereof, up to four (4) stories or sixty (60) feet may be permitted along Arterial Roads in the Overlay District, so long as any portion of a Building that exceeds 35 feet in height shall be located a

minimum of three hundred (300) feet from any adjoining residential district or Use that is not included in the same TND application as the building.

(C) Building Separation Distances (Between Buildings on the same Lot): Non-residential Buildings shall have a minimum separation distance of twenty (20) feet to any other principal freestanding Building groups.

(D) Maximum Nonresidential Building Footprint. The Building Footprint of a nonresidential or Mixed-Use Building of 3 stories or 45 feet or less in height shall not exceed 6,500 square feet in gross Floor Area on the ground floor in a Residential Cluster TND. The Building Footprint of a nonresidential or Mixed-Use Building greater than 3 stories or 45 feet in height shall not exceed 20,000 square feet in gross Floor Area on the ground floor in a Residential Cluster TND. No individual Use shall exceed 5,000 square feet, except that Nursing Homes shall not exceed 10,000 square feet.

(E) Commercial Area Design Standards and Development Regulations

(i) All commercial uses shall be located together in one area of the TND. Such Buildings may be attached or detached.

(ii) Commercial or Mixed-Use Buildings shall be oriented toward and access an Arterial or Collector road or congregated around an area of useable Open Space, such as a Close, that is a minimum of 4,500 square feet in area.

(iii) Parking shall be located to the rear of a commercial Use. No parking shall be located between a commercial Building and the frontage Street nor located at the corner of two Streets.

(iv) Required Parking Spaces shall be provided on site, except that where On-Street Parking is permitted or existing. Such On-Street Parking spaces shall be, in their entirety, within 200 feet of the entrance to a commercial use. Such On-Street Parking spaces may account for a maximum of 25% of the required Parking Spaces. On-Street Parking Spaces so counted shall be marked by the appropriate striping.

(v) Non-Residential Use Off-Street Parking Requirements (excluding those of apartments) of greater than one hundred (100) standard parking spaces may be reduced by ten (10) percent. Non-Residential Use Off-Street Parking Requirements (excluding those of apartments) of greater than two hundred (200) standard parking spaces may be reduced by fifteen (15) percent.

(F) Additional Standards for Retirement Facilities:

(i) For purposes of Density calculations, every two (2) Nursing Home beds shall count as one (1) unit.

(ii) There shall be no more than one (1) Nursing Home bed for every ten (10) independent or Assisted Living Residences.

(i) Design Standards and Development Regulations.

(1) The Design Standards in Appendix C shall apply.

(2) The Open Space Development Regulations in Section

350-31(g) shall apply.

(ii) Cottage Cluster

(a) Definitions

(1) Cottage Cluster: a group of four (4) to twelve (12) Cottages, arranged around a dedicated area of Open Space improved for passive recreational use or gardening. A Cluster shall contain only Cottages and their associated accessory buildings or structures, and the associated afore-mentioned Open Space to be owned and maintained by a Homeowner’s Association, Condominium Association or other similar mechanism.

(2) Cottage: a single detached dwelling unit of 1,200 square feet or less and no more than 25 feet in height.

(3) The Association: The governing Homeowners Association, Condominium Association or similar mechanism

(b) Conditions of Eligibility

(1) Minimum Tract Size: 10 Acres

(2) Public Sewer is available and shall be connected to the Cottage Housing Development, with confirmation in writing of such availability from the South Whitehall Township Authority.

(3) Public Water is available and shall be connected to the Cottage Housing Development, with confirmation in writing of such availability from the South Whitehall Township Authority.

(c) Development Options. An applicant may choose from the following Cottage Housing Development options. The options are intended to provide a direct relationship between the inclusion of desirable facilities (i.e., more useable Open Space or Open Space amenities) that will benefit the community and incremental increases in permitted development capacity.

(1) Development Options

Development Option	Min Tract Size (acres)	Maximum Dwelling Units per Gross Acre	Percentage of Gross Tract Area That Is Open Space Not Associated with a Cottage Cluster	Percentage of Gross Tract Area That Is Active Open Space Not Associated with a Cottage Cluster
(A)	10	4.5	12.5%	5.0%
(B)	10	5.0	15%	5.0%
(C)	10	5.5	17.5%	5.0%
(D)	10	6.0	20%	5.0%

(d) Cottage Lot or Lease Lot Criteria

(1) Area and Bulk Regulations: The Cottage Housing Development shall provide a range of Cottage Lot or Lease Lot sizes in accordance with the following:

(A) Table A:

Primary Use	% of Total Units Required	Lot or Lease Lot Area (sq. ft.)	Minimum Frontage (ft.)	Minimum Front Yard (ft.)	Minimum Side Yard (ft.)	Minimum Rear Yard (ft.)	Max Height of Building Structure (ft.)
Cottage							
400 sq ft or less	Min: 20%	800 to 2,400	30	20	10	15	25
401 sq ft to 800 sq ft	Min: 20%	1,200 to 3,600	35	20	10	15	25
801 sq ft to 1,200 sq ft	Min:20%	1,600 to 4,800	40	20	10	15	25

(B) Lot or Lease Lot width shall vary from Lot to Lot, so that not more than three (3) adjoining Lots may have the same width, in order to induce variety in the layout of the plan. To meet the purposes of this section, the Lot width shall vary by a minimum of five (5) feet from an adjoining Lot.

(2) Design Standards: Each lot or lease lot within a Cottage Cluster shall conform to the following design standards:

(A) Access to Street or Alley

(i) Each Lot or Lease Lot shall have frontage on a Street or Alley.

(B) Access to the Cottage Cluster’s-dedicated Open Space.

(i) Each Lot or Lease Lot shall adjoin the Cluster’s dedicated Open Space for a length of no less than ten (10) feet.

(ii) Each Lot or Lease Lot shall be provided with and maintain a minimum 36-inch wide hardscaped walking path between the dwelling entrance and the gated access point to the Cluster’s dedicated Open Space.

(C) Access to Parking

(i) Each Lot or Lease Lot shall be provided with and maintain a minimum 36-inch wide hardscaped walking path between the dwelling entrance and the adjoining Street or Alley.

(ii) Each Lot or Lease Lot shall provide one (1) off-street parking space.

(D) Cottage Design Standards

(i) The gross floor area of each Cottage shall not exceed 1,200 square feet. Areas within each Cottage that shall not count toward gross floor area or building footprint calculations include:

- (a) Interior spaces with a ceiling height of six (6) feet or less.
- (b) Basements
- (c) Architectural projections (such as bay windows, fireplaces or utility closets) no greater than twenty-four (24) inches in width and six (6) feet in depth.
- (d) Attached unenclosed porches
- (e) Garages or Carports, whether attached or detached.

(ii) The building footprint area of each Cottage shall not exceed eight-hundred and fifty (850) square feet.

(iii) The height of each Cottage shall not exceed twenty-five (25) feet.

(iv) Each Cottage shall have the primary entrance located within a covered porch of at least sixty (60) square feet, oriented toward the Cluster's dedicated Open Space.

(v) Each Cottage shall have a façade, secondary entrance, porch, bay window or other architectural enhancement oriented toward the adjoining Street or Alley.

(vi) Each Cottage primary entrance shall be located no more than twenty-five (25) feet from the Lot or Lease Lot's gate accessing the Cluster's dedicated Open Space.

(E) Cottage Development Accessory Buildings or Structures

- (i) Garages or Carports (attached or detached)
 - (a) Dimensional Restrictions.
 - (1) The building footprint shall be no greater than four hundred (400) square feet.
 - (2) The height shall be no greater than fifteen (15) feet.
 - (b) Setbacks
 - (1) Front Setback. 4 feet.
 - (2) Side Setback. 2 feet to the Lot or Lease Lot line and at least 15 feet to the nearest building or structure on an adjoining Lot or Lease Lot.
 - (3) Rear Setback. Not applicable.

(c) Design Standards

(1) Shall match the color

and architectural scheme of the dwelling to which the structure is accessory.

(ii) Sheds

(a) Dimensional Restrictions.

(1) The building footprint

shall be no greater than eighty (80) square feet.

(2) The height shall be no

greater than ten (10) feet.

(b) Setbacks

(1) Front Setback. Not

closer than the rear face of the dwelling unit (shall be located in the rear yard).

(2) Side Setback. 2 feet to

the Lot or Lease Lot line and at least 15 feet to the nearest building or structure on an adjoining Lot or Lease Lot.

(3) Rear Setback. 8 feet

(c) Design Standards

(1) Shall match the color

and architectural scheme of the dwelling to which the structure is accessory.

(iii) Fences

(a) Dimensional Restrictions.

(1) The height above grade

shall be no greater than thirty-six (36) inches.

(b) Setbacks

(1) Front Setback. 0 feet

from the Lot or Lease Lot line.

(2) Side Setback. 0 feet

from the Lot or Lease Lot line.

(3) Rear Setback. 0 feet

from the Lot or Lease Lot line.

(3) Off-Street Parking. Each Cottage Cluster shall provide additional guest parking for the residential dwellings.

(A) Required Spaces. A minimum of 0.5 guest parking spaces (rounded up) shall be provided for each dwelling within a Cluster.

(B) Parking Design.

(i) Parking shall be buffered in

conformance with Section 350-48(o)(2)(E)(5).

(ii) Cluster Guest Parking Areas shall be

accessed by Alleys only.

(iii) Should the alley from which the Cluster Guest Parking Area is accessed front both dwellings and Open Space, the Cluster Guest Parking Area shall be located on the Open Space side of the alley.

(iv) If provided carports, the carports, including rooflines, shall match the color and architectural scheme of the closest adjoining dwelling unit.

(v) Parking areas shall be limited to no more than six (6) contiguous parking spaces.

(e) Non-Residential Use Lot or Lease Lot Criteria

(1) Uses Permitted

(A) Sales Office/Association Office. The purpose of which is to provide office support for the sales and/or leasing of the dwelling lots, and/or the daily operations of the Homeowner’s or Condominium Association.

(B) Clubhouse. The purpose of which is to provide recreational or assembly facilities for the residents and their guests, within reasonable walking distance of the dwellings to be served.

(C) Storage Building. The purpose of which is to provide storage facilities to support the daily operations of the Homeowner’s or Condominium Association.

(2) Area and Bulk Regulations:

(A) Table (A):

Primary Use	Maximum Lot Area (sq. ft.)	Minimum Frontage (ft.)	Minimum Front Yard (ft.)	Minimum Side Yard (ft.)	Minimum Rear Yard (ft.)	Max Height of Building Structure (ft.)
Sales Office/Association Office	5,000		20	10	15	25
Clubhouse	15,000		20	10	15	25
Storage Building (as a Primary Use)	5,000		20	10	15	15
Open Space (of any type)	n/a					

(B) Dimensional Restrictions.

(i) The building footprint shall be no greater than twelve hundred (1,200) square feet.

(ii) The height shall be no greater than twenty-five (25) feet.

(3) Design Standards

(A) Non-residential uses shall not adjoin a residential use or a Cluster’s dedicated Open Space.

(B) Non-residential uses shall be oriented toward and or congregated around an area of Active Open Space, such as a Close or Square, which is a minimum of 4,500 square feet in area.

(C) Access to Street or Close

(i) Each non-residential use shall have frontage on a Street or Close.

(D) Access to Parking

(i) Each non-residential use shall be provided with and maintain a minimum 36-inch wide hardscaped walking path between the building entrance and the adjoining Street or Close.

(4) Signage

(A) Sales Office/Association Office

(i) 1 Externally-illuminated or Non-Illuminated sign shall be permitted that is:
 mounted to the face of the building
 than four (4) feet above grade in height
 (24) square feet in area
 fifty (50) feet of the primary entrance on the same lot as the building to which the sign refers.

(a) either free-standing or

(b) if free-standing, no greater

(c) a maximum of twenty-four

(d) if free-standing, located within

(B) Clubhouse

(i) 1 externally-illuminated or non-illuminated sign shall be permitted that is:
 mounted to the face of the building
 than four (4) feet above grade in height
 (24) square feet in area
 fifty (50) feet of the primary entrance on the same lot as the building to which the sign refers.

(a) either free-standing or

(b) if free-standing, no greater

(c) a maximum of twenty-four

(d) if free-standing, located within

(C) Storage Building

(i) 1 Non-Illuminated sign shall be permitted that is:

(a) either free-standing or

mounted to the face of the building

(b) if free-standing, no greater

than four (4) feet above grade in height

square feet in area

(c) a maximum of twelve (12)

(d) if free-standing, located within fifty (50) feet of the primary entrance on the same lot as the building to which the sign refers.

(5) Off-Street Parking

(A) Required Spaces.

(i) Sales Office/Association Office: 1.0 space for every three hundred (300) square feet of "Useable Office Area" within the building.

(ii) Clubhouse: 1.0 spaces for every one-hundred and fifty (150) square feet of any room used for the assembly of the general public.

(iii) Storage Building: not applicable

(B) Parking Design.

(i) Parking shall be buffered in conformance with Section 350-48(o)(2)(E)(5).

(ii) Off-street parking area shall not be located between the primary entrance and the fronting street. Should the building front only one street, the building shall be located between the parking area and a fronting street.

(iii) Where possible, the off-street parking area shall be accessed through an alley.

(f) The Cottage Cluster's dedicated Open Space Design

Standards

(1) Purpose of The Cottage Cluster's dedicated Open Space: Areas designated for Open Space within a Cottage Cluster shall be configured to provide useable Open Space for passive recreation, community gatherings, and civic interaction by the residents of the Cluster and their guests.

(2) Design Standards

(A) Spatial Design Standards.

(i) Minimum area requirements. Five Hundred (500) square feet per dwelling unit adjoining the Cottage Cluster's dedicated Open Space or 3,600 square feet, whichever is greater.

(ii) The Cottage Cluster's dedicated Open Space shall adjoin only Lots or Lease Lots containing dwelling units or a hardscaped Access Path. The Cottage Cluster's dedicated Open Space shall not adjoin a Street or Alley.

(B) Amenities. The Cottage Cluster's dedicated Open Space shall contain at least two of the following:

(i) hardscaped walking paths (in addition to the Access Path required in Section 350-31(f)(2)(C)(ii)(f)(2)(D) below.

(ii) benches

(iii) One gazebo which occupies no more than ten (10) percent of the Cottage Cluster's dedicated Open Space area. Gazebos shall maintain a five (5) foot setback from Lot or Lease Lot lines.

(iv) One pavilion which occupies no more than fifteen (15) percent of the Cottage Cluster's dedicated Open Space area. Pavilions shall maintain a five (5) foot setback from Lot or Lease Lot lines.

(v) Additional amenities in character with the Cluster shall be permitted with the approval of the Board of Commissioners. Structures able to be occupied shall maintain a five (5) foot setback from Lot or Lease Lot lines.

(C) Area Boundary Delineation. The Cottage Cluster's dedicated Open Space shall be bounded by a wall or fence of a height between two (2) and three (3) feet above grade, with gates provided for each access point.

(D) Access.

(i) A five (5) foot wide hardscaped permeable/pervious walking path shall be entirely located within the Cottage Cluster's dedicated Open Space, entirely located within eight (8) feet of the Area Boundary Delineation wall or fence, and shall connect to the connecting Lot or Lease Lot hardscaped walking path via the gate required in subsection (vi)(b)(3).

(ii) A minimum five (5) foot wide hardscaped permeable/pervious Access Path shall be provided from the Street or Alley to provide access for maintenance personnel or equipment.

(3) Stormwater Management Facilities Permitted:

(A) Raingardens shall be permitted to occupy no more than twenty (20) percent of any individual Cottage Cluster's dedicated Open Space

(B) Underground stormwater infiltration areas and spray irrigation fields shall be permitted.

(4) The ownership and maintenance of Open Space shall be governed by Section 350-58, substituting "Cottage Housing Development" for "Planned Residential Development" when applying that section to a Cottage Housing Development.

(5) The Cottage Cluster's dedicated Open Space required herein shall not count toward the Open Space required by the Township Subdivision and Land Development Ordinance, Section 312-36(d) for Prime Open Space, unless specifically accepted by the Board of Commissioners.

(6) The Cottage Cluster's dedicated Open Space shall have no requirement for Off-Street Parking.

(g) Open Space Design Standards

(1) Areas designated for Open Space (not associated with a Cottage Cluster's dedicated Open Space) shall be configured to meet the following purposes:

(A) Maximize the conservation of site features identified as having environmental, historical or recreational value. Existing natural features, such as streams, creeks, ponds, Woodlands, specimen trees and other areas of mature vegetation are encouraged to be preserved in a natural state wherever possible.

(B) Provide links to existing or planned Open Space or recreation areas located on abutting Lots, including, but not limited to pedestrian trails, sidewalks, or greenways. This shall not apply to Open Space or recreation located on the opposite side of a Collector or Arterial road.

(C) Provide useable Open Space for active and passive recreation, community gatherings, and civic interaction by the residents of the Development and their guests.

(D) Minimize intrusion of views, on and off the site, through the Use of evergreen and deciduous trees, and Open Space Buffers.

(E) Implement municipal Open Space and recreation plans, where such plans have been adopted by the Township.

(F) Provide Buffers between the development and adjoining development, parks or protected lands.

(2) The Open Space areas shall be interspersed throughout the residential areas and linked by a common pedestrian system that is accessible to all residents.

(3) A maximum of sixty (60) percent of the Open Space may contain floodway, wetlands, or slopes in excess of twenty-five (25) percent. Such features shall not be located within the Active Open Space.

(4) Open Space shall not include inaccessible (i.e, fenced and gated) storm water management basins or Easements. Underground stormwater infiltration areas and spray irrigation fields shall be permitted within the Open Space in accordance with the following:

(A) Such stormwater facilities and areas shall not be located within floodway, wetlands, or steep slopes;

(B) No above ground facilities or areas shall be located within the Active Open Space; and

(C) Such facilities and areas shall be located a minimum of twenty (20) feet from a Lot Line.

(5) Minimum dimensions: Any area designated as Open Space shall be a minimum of five hundred (500) square feet and fifty (50) feet in width, except in the case of a Trail corridor or other linkage between two larger, noncontiguous, Open Space areas, which shall be a minimum of twenty (20) feet in width.

(6) Active Open Space shall meet the following standards:

- (A) Maximum grade of five (5) percent;
- (B) Minimum size for a Active Open Space area is 20,000 square feet;
- (C) Active Open Space area(s) shall be centrally located to a majority of Dwelling units within the development.
- (D) In addition to landscaping in the form of shade trees, evergreen and deciduous shrubs, and groundcovers, amenities shall include at least four (4) of the following types of uses, subject to Township Board of Commissioners approval:
- (i) Gazebos and Pavilions, which shall be set back a minimum of fifteen (15) feet from any Lot or Lease Lot Line and thirty (30) feet from a Street or Alley;
 - (ii) Trails, which shall be a paved surface with a minimum of six (6) feet in width and Setback a minimum of five (5) feet from a Lot Line.
 - (iii) Playground equipment, which shall be Setback a minimum of twenty (20) feet from a Lot Line.
 - (iv) Playing Fields, which shall be Setback a minimum of twenty (20) feet from a Lot Line.
 - (v) Gazebo and a hardscape Plaza. The Gazebo shall be located on a hardscaped Plaza. The hardscaped Plaza shall be at least 1,000 square feet in area, set back a minimum of ten (10) feet from a Lot Line.
 - (vi) Sports Courts, which shall be Setback a minimum of twenty (20) feet from a Lot Line.
 - (vii) Bicycle Racks. Bicycle racks shall be located on a hardscaped pads of sufficient size that every bicycle parked at the rack is parked on a hardscaped surface and connected to a sidewalk and/or Walking Trail by a hardscaped path a minimum of six (6) feet in width.
 - (viii) Benches, which shall be located on hardscaped pads.
- (E) The Active Open Space area shall not include the Sales Office/Association Office, Clubhouse, or Storage Buildings.
- (F) Off-Street Parking. Active Open Space area shall provide off-street parking spaces in accordance with the Open Space Minimum Required Off-Street Parking requirements of Section 350-48(o)(8). The area provided for such Off-Street Parking Spaces shall not be counted as Open Space.
- (i) Parking shall be buffered in conformance with Section 350-48(o)(2)(E)(5).

Alleys only. (ii) Parking Areas shall be accessed by

(iii) Parking areas shall be limited to no more than six (6) contiguous parking spaces.

(h) The ownership and maintenance of Open Space shall be governed by Section 350-32(h), substituting “Cottage Development” for “Planned Residential Development” when applying that section to a Cluster Development.

(iii) Mobile Home Park

(a) Definitions

(1) Definition: A use, characterized as a tract or tracts under single ownership that has been planned for and is used as the location for two or more manufactured homes or mobile homes that are occupied as dwellings, upon lots which are not conveyable and which have been improved with the necessary utility connections and other appurtenances necessary for placement thereon of a manufactured home or mobile home. This definition does not include Employee Accessory Dwelling Units or temporary housing established in response to a Federally-declared Disaster.

(b) Conditions of Eligibility

(1) Minimum Tract Size: 5 Acres

(2) Public Sewer is available and shall be connected to the Mobile Home Park, with confirmation in writing of such availability from the South Whitehall Township Authority.

(3) Public Water is available and shall be connected to the Mobile Home Park, with confirmation in writing of such availability from the South Whitehall Township Authority.

(c) Tract Design Standards.

(1) Development Options. An applicant may choose from the following Mobile Home Park options. The options are intended to provide a direct relationship between the inclusion of desirable facilities (i.e., more useable Open Space or Open Space amenities) that will benefit the community and incremental increases in permitted development capacity.

Development Option	Min Tract Size (acres)	Maximum Dwelling Units per Gross Acre	Minimum Percentage of Gross Acreage That Is Open Space	Minimum Percentage of Gross Acreage That Is Active Open Space
(A)	5	4.0	15%	5%
(B)	5	5.0	20%	7.5%
(C)	10	5.0	15%	5%
(D)	10	6.0	20%	7.5%

(2) Access to mobile home sites shall be provided from interior private streets. To ensure adequate traffic flow and emergency services access, there shall be

one entrance onto a public street, plus at least one additional entrance onto a public street for every five (5) acres of the tract.

(3) All mobile home lots shall be set back fifty (50) feet from a public road and seventy-five (75) feet from any other exterior property line. Such a buffer shall be landscaped in such a way as to provide a visual screen between the mobile home park and an adjoining use. The area within the aforementioned setbacks may be used as part of the Open Space.

(4) All utilities serving the park are to be located below grade.

(5) Guest Off-Street Parking. Each Mobile Home Lot or Lease Lot shall provide additional guest parking for the residential dwellings.

(A) Required Spaces. A minimum of 1.0 guest parking spaces shall be provided for each Mobile Home Lot or Lease Lot within the Park.

(B) Parking Design.

(i) Parking shall be buffered in conformance with Section 350-48(o)(2)(E)(5).

(ii) Parking Areas shall be accessed by Alleys only.

(iii) Should the alley from which the Guest Parking Area is accessed front both dwellings and Open Space, the Guest Parking Area shall be located on the Open Space side of the alley.

(iv) Parking areas shall be limited to no more than six (6) contiguous parking spaces.

(d) Mobile Home Lot or Lease Lot Criteria

(1) Area and Bulk Regulations: The Mobile Home Park shall provide a range of Mobile Home Lot or Lease Lot sizes in accordance with the following:

Table (1):

Primary Use	Lot or Lease Lot Area (sq. ft.)	Minimum Frontage (ft.)	Minimum Front Yard (ft.)	Minimum Side Yard (ft.)	Minimum Rear Yard (ft.)
Mobile Home	7,200 to 8,400	60	20	10	15
Mobile Home	8,401 to 9,600	70	20	10	15
Mobile Home	9,601 to 10,800	80	20	10	15
Mobile Home	10,801 or more	90	20	10	15

(2) Design Standards: Each Mobile Home Lot or Lease Lot shall conform to the following design standards:

(A) Access to Street

(i) Each Lot or Lease Lot shall have frontage on a Private Street. Lots or Lease lots may also be served by Alleys.

(B) Access to Parking

(i) Each Lot or Lease Lot shall be provided with and maintain a minimum 36-inch wide hardscaped walking path between the concrete foundation or basement and the adjoining Private Street.

(ii) Each Lot or Lease Lot shall provide two (2) off-street parking spaces.

(C) Each mobile home lot shall be provided a permanent concrete foundation or basement upon which the mobile home is to be placed and anchored.

(D) Accessory Buildings or Structures. Unless otherwise regulated or prohibited, accessory buildings or structures customary to residential dwellings are permitted, in conformance with Section 350-24(c)(8) R-10 High Density Residential Zoning District schedule.

(e) Non-Residential Use Lot or Lease Lot Criteria

(1) Uses Permitted

(A) Management Office. The purpose of which is to provide office support for the leasing of the Mobile Home Lots or Lease Lots, and/or the daily operations of the Mobile Home Park.

(B) Clubhouse. The purpose of which is to provide recreational or assembly facilities for the residents and their guests, within reasonable walking distance of the dwellings to be served.

(C) Storage Building. The purpose of which is to provide storage facilities to support the daily operations of the Mobile Home Park.

(2) Area and Bulk Regulations:

(A) Table (A):

Primary Use	Maximum Lot Area (sq. ft.)	Minimum Frontage (ft.)	Minimum Front Yard (ft.)	Minimum Side Yard (ft.)	Minimum Rear Yard (ft.)	Max Height of Building Structure (ft.)
Management Office	12,000		20	10	15	25
Clubhouse	20,000		20	10	15	25
Storage Building (as a Primary Use)	5,000		20	10	15	15
Open Space (of any type)	n/a					

(3) Design Standards

(A) Non-residential uses shall not adjoin a residential use.

(B) Non-residential uses shall be oriented toward and or congregated around an area of Active Open Space, such as a Close or Square, which is a minimum of 4,500 square feet in area.

(C) Access to Street or Close

(i) Each non-residential use shall have frontage on a Street or Close.

(D) Access to Parking

(i) Each non-residential use shall be provided with and maintain a minimum 36-inch wide hardscaped walking path between the building entrance and the adjoining Street or Close.

(4) Signage

(A) Management Office

(i) 1 Externally-illuminated or Non-Illuminated sign shall be permitted that is:
 mounted to the face of the building
 than four (4) feet above grade in height
 (24) square feet in area
 fifty (50) feet of the primary entrance on the same lot as the building to which the sign refers.

(a) either free-standing or

(b) if free-standing, no greater

(c) a maximum of twenty-four

(d) if free-standing, located within

(B) Clubhouse

(i) 1 externally-illuminated or non-illuminated sign shall be permitted that is:
 mounted to the face of the building
 than four (4) feet above grade in height
 (24) square feet in area
 fifty (50) feet of the primary entrance on the same lot as the building to which the sign refers.

(a) either free-standing or

(b) if free-standing, no greater

(c) a maximum of twenty-four

(d) if free-standing, located within

(C) Storage Building

(i) 1 Non-Illuminated sign shall be permitted that is:

(a) either free-standing or

mounted to the face of the building

(b) if free-standing, no greater

than four (4) feet above grade in height

square feet in area

(c) a maximum of twelve (12)

(d) if free-standing, located within fifty (50) feet of the primary entrance on the same lot as the building to which the sign refers.

(5) Off-Street Parking

(A) Required Spaces.

(i) Management Office: 1.0 space for every three hundred (300) square feet of "Useable Office Area" within the building.

(ii) Clubhouse: 1.0 spaces for every one-hundred and fifty (150) square feet of any room used for the assembly of the general public.

(iii) Storage Building: not applicable

(B) Parking Design.

(i) Parking shall be buffered in conformance with Section 350-48(o)(2)(E)(5).

(ii) Off-street parking area shall not be located between the primary entrance and the fronting street. Should the building front only one street, the building shall be located between the parking area and a fronting street.

(iii) Where possible, the off-street parking area shall be accessed through an alley.

(f) Open Space Design Standards

(1) Areas designated for Open Space shall be configured to meet the following purposes:

(A) Maximize the conservation of site features identified as having environmental, historical or recreational value. Existing natural features, such as streams, creeks, ponds, Woodlands, specimen trees and other areas of mature vegetation are encouraged to be preserved in a natural state wherever possible.

(B) Provide links to existing or planned Open Space or recreation areas located on abutting Lots, including, but not limited to pedestrian trails, sidewalks, or greenways. This shall not apply to Open Space or recreation located on the opposite side of a Collector or Arterial road.

(C) Provide useable Open Space for active and passive recreation, community gatherings, and civic interaction by the residents of the Development and their guests.

(D) Minimize intrusion of views, on and off the site, through the Use of evergreen and deciduous trees, and Open Space Buffers.

(E) Implement municipal Open Space and recreation plans, where such plans have been adopted by the Township.

(F) Provide Buffers between the development and adjoining development, parks or protected lands.

(2) The Open Space areas shall be interspersed throughout the residential areas and linked by a common pedestrian system that is accessible to all residents.

(3) A maximum of sixty (60) percent of the Open Space may contain floodway, wetlands, or slopes in excess of twenty-five (25) percent. Such features shall not be located within the Useable Open Space.

(4) Open Space shall not include inaccessible (i.e, fenced and gated) storm water management basins or Easements. Underground stormwater infiltration areas and spray irrigation fields shall be permitted within the Open Space in accordance with the following:

(A) Such stormwater facilities and areas shall not be located within floodway, wetlands, or steep slopes;

(B) No above ground facilities or areas shall be located within the required Useable Open Space; and

(C) Such facilities and areas shall be located a minimum of twenty (20) feet from a Lot Line.

(5) Minimum dimensions: Any area designated as Open Space shall be a minimum of five hundred (500) square feet and fifty (50) feet in width, except in the case of a Trail corridor or other linkage between two larger, noncontiguous, Open Space areas, which shall be a minimum of twenty (20) feet in width.

(6) Active Open Space shall meet the following standards:

(A) Maximum grade of five (5) percent;

(B) Minimum size for an Active Open Space area is 24,000 square feet;

(C) Active Open Space area(s) shall be centrally located to a majority of Dwelling units within the development, and shall be surrounded by Dwelling units on a least two (2) sides.

(D) In addition to landscaping in the form of shade trees, evergreen and deciduous shrubs, and groundcovers, amenities shall include at least four (4) of the following types of uses, subject to Township Board of Commissioners approval:

(i) Gazebos and Pavilions, which shall be set back a minimum of fifteen (15) feet from any Lot or Lease Lot Line and thirty (30) feet from a Street or Alley;

(ii) Trails, which shall be a paved surface with a minimum of six (6) feet in width and Setback a minimum of five (5) feet from a Lot Line.

(iii) Playground equipment, which shall be Setback a minimum of twenty (20) feet from a Lot Line.

(iv) Playing Fields, which shall be Setback a minimum of twenty (20) feet from a Lot Line.

(v) Gazebo and a hardscape Plaza. The Gazebo shall be located on a hardscaped Plaza. The hardscaped Plaza shall be at least 1,000 square feet in area, set back a minimum of ten (10) feet from a Lot Line.

(vi) Sports Courts, which shall be Setback a minimum of twenty (20) feet from a Lot Line.

(vii) Bicycle Racks. Bicycle racks shall be located on a hardscaped pads of sufficient size that every bicycle parked at the rack is parked on a hardscaped surface and connected to a sidewalk and/or Walking Trail by a hardscaped path a minimum of six (6) feet in width.

(viii) Benches, which shall be located on hardscaped pads.

(E) The Active Open Space area shall not include the Management Office, Clubhouse, or Storage Buildings.

(F) Off-Street Parking. Active Open Space area shall provide off-street parking spaces in accordance with the Open Space Minimum Required Off-Street Parking requirements. The area provided for such Off-Street Parking Spaces shall not be counted as Open Space.

(i) Parking shall be buffered in conformance with Section 350-48(o)(2)(E)(5).

(ii) Parking areas shall be limited to no more than six (6) contiguous parking spaces.

(g) The operator and owner shall be responsible for maintaining all common facilities including, but not limited to roads, Parking Areas, sidewalks or pathways, Open Space, water supply and sewage disposal systems and administration and service Buildings, in a condition of proper repair and maintenance. If upon inspection by the Zoning Officer or other representative, it is determined that the Mobile Home Park is not in compliance with this standard or maintenance, the licensee shall be considered to be in violation of this Ordinance and the Zoning Officer shall notify the operator or licensee of the particulars of any such violation.

(h) In the event of failure to maintain the facilities the operator and licensee shall thereafter have thirty (30) days in which to correct any such violations, except that if the violation is determined by the Zoning Officer or other representative to constitute a hazard to the health or safety of the residents of the Mobile Home Park, he shall order that the violation be corrected forthwith.

(i) Maintenance Guarantee. The licensee of a Mobile Home Park shall, prior to issuance of any certificate of occupancy pursuant to final approval of an application, post with the Township, financial security in a form acceptable to the Township to cover the cost of maintenance of all recreational facilities and other common facilities.

(j) Registration of Occupants. The owner and operator has the responsibility of maintaining a register of all occupants of the Mobile Home Park, and further, must provide a copy of that list to the Board of Commissioners and to the Township tax collector, which list must be updated quarterly.

(3) TND - Commercial Retrofit Overlay District**(A) Intent of the Overlay District**

(i) Promote smart growth policies and innovations in commercial development that foster a greater mix of uses, including residential uses, within a pedestrian-oriented layout.

(ii) Promote economic vitality in older or underutilized commercial centers through greater flexibility and variety in development options.

(iii) Promote a more efficient use of land and integration of Uses by enabling increased Building heights along major road corridors.

(iv) Provide Dwelling options that do not require an automobile to fulfill the full array of daily tasks.

(v) Promote planned nonresidential centers that have useable Open Spaces that serve as gathering spaces for patrons.

(vi) Allow new residential development to serve as a transition and Buffer between new nonresidential development and existing neighborhoods.

(B) Eligibility Criteria

(i) Ownership: The Tract of land may be held in single and separate ownership or by multiple owners; however, when a Tract is held in multiple ownership, it shall be planned as a single entity with common authority and common responsibility.

(ii) Minimum Tract Size: 8 acres

(iii) Public Sewer is available and shall be connected to the development, with confirmation in writing of such availability from the South Whitehall Township Authority.

(iv) Public Water is available and shall be connected to the development, with confirmation in writing of such availability from the South Whitehall Township Authority.

(v) All applications for development of a Tract as a TND shall be accompanied by, and comply with the Manual of Written and Graphic Design Standards in Appendix C, as enabled by Section 708-A of the Pennsylvania Municipalities Planning Code. The Applicant may prepare and submit a specific manual ("Applicant's Specific Manual") which shall be subject to Township approval, pertaining to such specific proposed features as Building location, fencing, walls, landscaping, signs, Streets, pedestrian circulation, parking, lighting and Streetscape. The Applicant's Specific Manual shall be consistent with the Design Standards in Appendix C of this Ordinance.

(C) Use Regulations.

(i) When an applicant meets the Eligibility Criteria for this Overlay District and elects to develop pursuant to it, the following Uses are permitted in a TND-Commercial Retrofit in the TND- Commercial Retrofit Overlay District:

(a) Apartment as part of a Mixed-Use Building

(b) Assisted Living Facility

(c) Mixed-Use Building

- (d) Motor Vehicle Service Facility (in accordance with “Convenience Store with Fuel Pumps” in Appendix C)
- (e) Nursing Home
- (f) Personal Service Business (in accordance with Appendix C)
- (g) Pet Shop
- (h) Primary Uses permitted in the GC District
- (i) Retail Sales (in accordance with Appendix C)
- (j) Retirement Facility
- (k) Schools, Elementary and Secondary
- (l) Service Business
- (m) Single Detached Dwelling Unit (maximum of 20% of residential units);
- (n) Three-flat
- (o) Townhouse
- (p) Two-unit Dwellings
- (q) Veterinarians Office

(ii) The following Uses are permitted as Accessory Uses in a TND-Commercial Retrofit in the TND- Commercial Retrofit Overlay District:

(a) those accessory uses listed within the underlying base Zoning District

(b) accessory uses customary to the Primary Uses not listed within the underlying base Zoning District but listed within this Section

(c) Off-Street Parking: the requirements for Off-Street Parking for the non-residential uses are to be determined as a Coordinated Development, see Section 350-48(c)(10). For the purposes of this Section 350-31(f)(3), delineated Parking Spaces on Public or Private Streets fronted by the tract developed under this Section 350-29(f)(3) shall count as Off-Street Parking Spaces.

(iii) The following uses shall be permitted within the Open Space, subject to Township Board of Commissioners approval:

- (a) Gazebos, Pavilions, benches, and bicycle racks
- (b) Playfields, tennis and basketball courts, playground equipment and the like
- (c) Paved Trails
- (d) Hardscaped Plazas
- (e) other uses consistent with the character, nature and purposes of the development’s Open Space, as approved by the Board of Commissioners.

(D) Overall Development Regulations

Development Option	Min Tract Size (acres)	Maximum Dwelling Units per Gross Acre	Min % of Open Space	Min % Active Open Space	Area of Residential Uses	Maximum Lot Areas of Commercial Uses
TND- Commercial Retrofit	8	15	15%	5%	Min 10% Max 25%	75%

(i) Open Space, Active Open Space, and Lot Areas of Commercial Uses shall be based upon percentage of the gross acreage of the Tract. The minimum designated Open Space required herein shall count toward the Open Space required by the Township Subdivision and Land Development Ordinance, Section 312-36(d) for Open Space and Prime Open Space, and shall be so dedicated in accordance with Section 312-36(d). Any additional Open Space, beyond the required minimum designated Open Space, may also be dedicated in accordance with Section 312-36(d) or may be held in private ownership as a Low Intensity Recreation Use.

(ii) Measurement of Lot Area of Commercial Uses shall be based upon the total Lot Area of such uses. For purposes of this calculation, Mixed-Use Buildings (including those with upper Story Apartment Units), Nursing Homes, and any nonresidential or skilled nursing component of a Retirement Facility shall count toward the maximum Lot Area of Commercial Uses.

(iii) Maximum Dwelling Units per Gross Acre shall be based upon the acreage of the Residential Uses and shall not count the Area of Commercial Uses.

(E) Area and Bulk Regulations

(i) Area and Bulk Regulations:

Primary Use	Minimum Lot Area (sq. ft.)	Minimum Frontage (ft.)	Minimum Side Yard (ft.)	Minimum Rear Yard (ft.)	Maximum Lot Coverage (%)
Single Detached Dwelling Unit	6,000	50	8	25	45
Twin	4,800/unit	40 /unit	10	25	50
Two-flat	8,400	70	10	25	50
Three-flat	12,000	100	10	25	55
Townhouse	2,800	20/unit	15	45	65
Commercial Uses	20,000	100	5	20	75
Mixed-Use Building	15,000	90	10	20	75

(a) Lot width of Single Detached Dwellings shall vary from Lot to Lot, so that not more than three (3) adjoining residential Lots may have the same width in order to

induce variety in the layout of the plan. To meet the purposes of this section, the Lot width shall vary by a minimum of five (5) feet from an adjoining Lot.

(b) Accessory Uses and Structures shall be setback in accordance with the Zoning District Schedule of the Base Zoning District.

(ii) Build-to Line:

(a) Along residential Streets: 10-15 feet;

(b) Along nonresidential or Mixed-Use Streets: 5-15 feet.

(iii) Building Height:

(a) Residential Minimum: 20 feet

(b) Residential Maximum: 35 feet

(c) Nonresidential Minimum: 2 stories or 20 feet;

(d) Nonresidential (including Mixed-Use Buildings) Maximum:

Unless otherwise permitted by the underlying base zoning district at that location, 3 stories or 45 feet, except that:

(1) up to four (4) stories or sixty (60) feet may be permitted along Arterial and Collector Roads in the Overlay District, so long as any portion of a Building that exceeds 35 feet in height shall be located a minimum of three hundred (300) feet from any Lot Line abutting an existing residential district or Use that is not included in the same TND application as the building.

(2) Up to five stories or seventy-five (75) feet may be permitted within 2,000 feet of the intersection of Cedar Crest Boulevard and Route 22, so long as any portion of such Building that exceeds sixty (60) feet in height shall be located a minimum of five hundred (500) feet from any Lot Line abutting an existing residential district or Use that is not included in the same TND application as the building.

(vi) Building Separation Distances (Between Buildings on the same Lot)

(a) A minimum distance of twelve (12) feet shall separate all single detached Dwellings and Two-unit Dwellings from one another.

(b) Townhouses and Three-flat Dwellings shall be separated from Single Detached Dwelling Unit/Twins/Two-flat, and other Townhouses or Three-flats by a minimum of fifteen (15) feet.

(c) Non-residential Buildings shall have a minimum separation distance of twenty (20) feet to any other principal freestanding Building.

(v) Buffer Strips and yards

(a) Buffers shall be planted in accordance with Section 350-42(b). At locations where the underlying base zoning district is Residential, the required buffer shall be twice the width normally required where abutting an existing residential use.

(b) Non-residential Primary Use Buildings shall be Setback a minimum of forty (40) feet from any perimeter Lot Line abutting existing residential uses or districts. Unless abutting a Residential Use, Non-residential Primary Use Buildings along the perimeter lot line

shall utilize the same setbacks along the perimeter lot line as required by the adjoining non-residential district.

(c) Residential Primary Use Buildings shall be Setback a minimum of forty (40) feet from any perimeter Lot Line abutting existing non-residential uses or districts. Unless abutting a Non-residential Use, Residential Primary Use Buildings along the perimeter lot line shall utilize the same setbacks along the perimeter lot line as required by the adjoining residential district.

(F) Design Standards and Development Regulations.

(i) The Design Standards in Appendix C shall apply to the Building Location, Building Height, Main Street Environment, Parking Location, Alleys, Public Realm, and Streetscape of the TND- Commercial Retrofit.

(ii) The Open Space Development Regulations in Section 350-31(g) shall apply.

(iii) Commercial Area Development Regulations

(a) A minimum of thirty percent (30%) of the nonresidential Floor Area shall be located in Mixed-Use Buildings.

(b) A minimum of sixty (60%) of the Commercial or Mixed-Use Floor Area shall be designed in accordance with the Design Standards (Appendix C), and oriented towards a Green, Plaza or Square and/or towards a Close. The minimum area of the aforementioned "central Plaza" or "central Green" shall be:

(1) 6,000 square feet for tracts from eight (8) acres to ten (10) acres in size.

(2) 10,000 square feet for tracts greater than ten (10) acres to fifteen (15) acres in size.

(3) 15,000 square feet for tracts greater than fifteen (15) acres in size.

(c) Parking shall be located to the side or rear of a commercial Use. No parking shall be located between the commercial Building and the Street.

(d) All Anchor stores, Drive-through facilities, Motor Vehicle Service Facilities, and parking Garages shall be designed in accordance with Appendix C, Lot Diagrams, whether or not located in a Main Street Environment.

(iv) Additional Standards for Retirement Facilities:

(a) For purposes of Density calculations, every two (2) Nursing Home beds shall count as one (1) Dwelling unit.

(b) There shall be no more than one (1) Nursing Home bed for every ten (10) Independent Living Units or Assisted Living Residences.

(4) TND - Industrial Retrofit and Infill Overlay District.

(A) Intent of the Overlay District

(i) Promote smart growth policies and innovations in industrial development that fosters a greater mix of uses, including limited residential uses, and increased connectivity within a site.

(ii) Promote economic vitality and increase the Township’s employment and tax base by encouraging expanded and new, light industrial development.

(iii) Promote a more efficient Use of vacant and underutilized industrial land by providing greater flexibility in development options and increased Building heights along major road corridors.

(iv) Promote planned nonresidential centers that have useable Open Spaces and Pedestrian Gathering Areas that contribute to the Township’s Open Space network, and Streetscapes that contribute to the beauty and function of the Township.

(v) Allow new residential development to serve as a transition area between new nonresidential development and existing neighborhoods.

(B) Eligibility Criteria

(i) Ownership: The Tract of land may be held in single and separate ownership or by multiple owners; however, when a Tract is held in multiple ownership, it shall be planned as a single entity with common authority and common responsibility.

(ii) Minimum Tract Size: 25

(iii) Public Sewer is available and shall be connected to the development, with confirmation in writing of such availability from the South Whitehall Township Authority.

(iv) Public Water is available and shall be connected to the development, with confirmation in writing of such availability from the South Whitehall Township Authority.

(v) All applications for development of a Tract as a TND shall be accompanied by, and comply with the Manual of Written and Graphic Design Standards in Appendix C, as enabled by Section 708-A of the Pennsylvania Municipalities Planning Code. The Applicant may prepare and submit a specific manual (“Applicant’s Specific Manual”) which shall be subject to Township approval, pertaining to such specific proposed features as Building location, fencing, walls, landscaping, signs, Streets, pedestrian circulation, parking, lighting and Streetscape. The Applicant’s Specific Manual shall be consistent with the Design Standards in Appendix C of this Ordinance.

(C) Area Regulations.

Development Option	Min Tract Size (acres)	Maximum Dwelling Units per Gross Acre	Min % of Open Space	Min % Active Open Space	Area of Residential Uses	Area of Commercial Uses	Area of Industrial Uses
TND-Industrial Retrofit and Infill	25	8	15%	5%	Max 10%	Max 35%	Max 85%

(i) Open Space, Active Open Space, and Areas of Industrial and Commercial Uses shall be based upon percentage of the gross acreage of the Tract. The minimum designated Open Space required herein shall count toward the Open Space required by the Township Subdivision and Land Development Ordinance, Section 312-36(d) for Open Space and Prime Open Space, and shall be so dedicated in accordance with Section 312-36(d). Any additional Open Space, beyond the required minimum designated Open Space, may also be dedicated in accordance with Section 312-36(d) or may be held in private ownership as a Low Intensity Recreation Use.

(ii) Measurement of Area of Industrial and Commercial Uses shall be based upon the Lot Area. Mixed-Use Buildings shall count toward the maximum Area of Industrial or Commercial uses.

(iii) Maximum Dwelling Units per Gross Acre shall be based upon the acreage of the Area of Residential Uses.

(D) Use Regulations.

(i) The following Uses are permitted in an Industrial Retrofit and Infill TND in the Industrial Retrofit and Infill TND Overlay District:

- (a) Apartment as part of a Mixed-Use Building
- (b) Apartment Building (in accordance with Section 350-24(c)(8), R-10 High Density Residential Zoning District schedule, as appropriate)
- (c) Assisted Living Facility
- (d) Bank
- (e) Business and Professional Office
- (f) Day Care Center
- (g) Educational Institutions
- (h) Hotel or Motel
- (i) Manufacturing
- (j) Medical Office
- (k) Mixed-Use Building
- (l) Motor Freight Terminal (in accordance with Section 350-48(m)(6))
- (m) Motor Vehicle Service Facility (in accordance with "Convenience Store with Fuel Pumps" in Appendix C)
- (n) Printing, binding and publishing
- (o) Public Uses
- (p) Recreation Facility
- (q) Recreation, Low Intensity
- (r) Recreation, High Intensity
- (s) Research and Development
- (t) Service Business

- (u) Two-unit Dwelling
- (v) Utility Distribution and Service Facilities
- (w) Warehousing and Distribution (in accordance with Section 350-48(w)(1))
- (x) Wholesale Sales

(ii) The following Uses are permitted as Accessory Uses in an Industrial Retrofit and Infill TND in the Industrial Retrofit and Infill TND Overlay District:

- (a) those accessory uses listed within the underlying base Zoning District
- (b) accessory uses customary to the Primary Uses not listed within the underlying base Zoning District but listed within this Section
- (c) Off-Street Parking: the requirements for Off-Street Parking for the non-residential uses are to be determined as a Coordinated Development, see Section 350-48(c)(10). For the purposes of this Section 350-31(f)(4), delineated Parking Spaces on Public or Private Streets fronted by the tract developed under this Section 350-31(f)(4) shall count as Off-Street Parking Spaces.

(iii) The following uses shall be permitted within the Open Space:

- (a) Gazebos, Pavilions, benches, and bicycle racks
- (b) Playfields, tennis and basketball courts, playground equipment and the like
- (c) Paved Trails
- (d) Hardscaped Plazas
- (e) other uses consistent with the character, nature and purposes of the development’s Open Space, as approved by the Board of Commissioners.

(E) Area and Bulk Regulations

(i) Area and Bulk Regulations:

Primary Use	Minimum Lot Area (sq. ft.)	Minimum Frontage (ft.)	Minimum Side Yard (ft.)	Minimum Rear Yard (ft.)	Maximum Lot Coverage (%)
Single Detached Dwelling Unit	6,000	60	8	25	45
Two-unit Dwelling	4,800/unit	40 / unit	10	25	50
Two flat	8,400	70	10	25	50
Townhouse	2,800/unit	20	15	45	65
Three-flat Dwelling	12,000	100	10	25	55
Apartment Building	No limit	100	20	25	65
Commercial/Industrial Uses	1 acre	100	20	30	75
Mixed-Use Building	15,000	90	10	20	75

(ii) Build-to Line:

- (a) Along residential Streets: 10-15 feet;
- (b) Along nonresidential or Mixed-Use Streets: 15-20 feet.
- (c) Where Open Space is provided along a Street, Buildings may

front the space in lieu of the Build-to Line.

(iii) Building Height:

- (a) Residential Minimum: 20 feet
- (b) Residential Maximum: 35 feet
- (c) Nonresidential Minimum: 2 stories or 20 feet
- (d) Nonresidential Maximum: Unless otherwise permitted by

the underlying base zoning district at that location, 3 stories or 45 feet; except that along Arterial and Collector corridors, a maximum of 4 stories or 60 feet may be built, so long as any portion of a building in excess of 35 feet in height shall be setback a minimum of 300 feet from any lot line abutting an existing residential district or Use, not included in the same TND application as the building.

(iv) Building Separation Distances (Between Buildings on the same Lot)

- (a) A minimum distance of twelve (12) feet shall separate all Single Detached Dwelling Unit and semi-detached/Two-flat residential Dwellings from one another.
- (b) Townhouses and Three-flat Dwellings shall be separated from Single Detached Dwelling Unit/Two-unit Dwellings, and other Townhouses or Three-flat Dwellings by a minimum of fifteen (15) feet.
- (c) Apartment Buildings shall be separated from any other residential Building type by a minimum of twenty (20) feet.
- (d) Non-residential Buildings shall have a minimum separation distance of twenty (20) feet to any other principal freestanding Building groups.

(v) Buffer Strips. Buffers shall be planted in accordance with Section 350-42(b). At locations where the underlying base zoning district is Residential, the required buffer shall be twice the width normally required where abutting an existing residential use.

(vi) Residential Uses.

- (a) All residential uses shall be used as a transition between commercial and industrial uses and existing residential areas, and therefore shall be located adjacent to existing residential development on adjoining Lots.
- (b) Where proposed, residential uses shall be separated from any manufacturing, warehousing, freight terminal, or other industrial uses by a minimum of six hundred (600) feet. Private Streets serving residential areas shall be signed so as to prohibit through traffic for trucks.

(vii) Additional Standards for Retirement Facilities:

- (a) For purposes of Density calculations, every two (2) Nursing Home beds shall count as one (1) unit.
- (b) There shall be no more than one (1) Nursing Home bed for every ten (10) independent or Assisted Living Residences.

- (F) Design Standards and Development Regulations.
 - (i) The Design Standards in Appendix C shall apply.
 - (ii) Open Space Development Regulations contained in Section 350-

31(g) shall apply.

(5) Active Adult Neighborhood Development Overlay — AAND-O

(A) Overlay District Schedule

AAND-O USES PERMITTED 12								
	Area (sq. ft.)	Frontage (ft.)	Front to Private or Public Street Cartway (ft.) 15	Sides to Lot Lines (ft.)	Rear to Lot Lines (ft.)	Minimum Floor Space per Unit (sq. ft.)	Max Units per Building	Max Height of Building Structure (ft.)
PRIMARY USES								
Single Family Detached Dwelling	5,500	50	20	13 & 14	20 14	900	1	40
Twins	3,500	32.5	20	13 & 14	20 14	800	2	40
Business/Professional Office	20,000	100	25	15	15	n/a	n/a	35
Medical Office	20,000	100	25	15	15	n/a	n/a	35
Restaurant, Sit-Down	20,000	100	25	15	15	n/a	n/a	35
Community Center 16	1 acre	100	20	13 & 14	20 14	17	n/a	35
Temporary Real Estate Sales Office	3,500	32.5	20	13 & 14	20	n/a	n/a	35
Temporary Construction Site Trailer 19	3,500	32.5	20	13 & 14				
ACCESSORY USES								
Tennis Court	n/a	n/a	60	15	10	n/a	n/a	n/a
Swimming Pool	n/a	n/a	60	15	10	n/a	n/a	n/a
Swimming Pool, Portable	n/a	n/a	60	15	10	n/a	n/a	n/a
Swimming Pool, Residential	n/a	n/a	60	15	10	n/a	n/a	n/a
Walking and Bicycle Paths	n/a	n/a	5	5	5	n/a	n/a	n/a
Golf/Putting/Chipping Area	n/a	n/a	60	15	10	n/a	n/a	n/a
Shuffle Board Courts	n/a	n/a	60	15	10	n/a	n/a	n/a
Garage/Carport, Private	n/a	n/a	20	13	20	n/a	n/a	n/a
Gazebo	n/a	n/a	60	13	20	n/a	n/a	n/a
Geoexchange Energy Systems	Subject to the provisions of Section 350-48(g)(3)							
Greenhouse, Private	n/a	n/a	60	13	20	n/a	n/a	n/a
No-Impact Home-Based Business	Subject to the provisions of Section 350-48(n)(2)							
Residential Solar Energy Systems	Subject to the provisions of Section 350-48(s)(13)							
Small Wind Energy Systems (Roof Mounted)	Subject to the provisions of Section 350-48(w)(7)							
Storage Buildings	n/a	n/a	60	13	20	n/a	n/a	n/a
Signs	Subject to the provisions of Section 350-48(s)(10)							
Administrative Offices for the Management of an Active Adult Neighborhood Development	3,500	32.5	20	13 & 14	20	n/a	n/a	35
Community Center, Off-Street Parking and Access Drives 18	n/a	n/a	25	15	15	n/a	n/a	n/a

Nonresidential Primary Use Off-Street Parking and Access Drives 18	n/a	n/a	25	15	15	n/a	n/a	n/a
Guest Parking Areas and Access Drives 18	n/a	n/a	25	15	15	n/a	n/a	n/a

Maximum impervious Lot Coverage of non-residential uses: 75%

Maximum impervious Lot Coverage of residential uses: See Section 350-44(c)

- 12 The uses listed in this chart are only permitted if the uses are a part of an Active Adult Neighborhood Development, subject to the provisions of this Section 350-31(f)(5) Two or more of the above listed nonresidential primary uses and residential uses in an Active Adult Neighborhood Development that is developed as a condominium are permitted on the same lot as part of an Active Adult Neighborhood Development. Nonresidential primary uses and residential uses in an Active Adult Neighborhood Development that is developed as a condominium are exempt from any ordinance provision which limits a single lot to one primary use.
- 13 There is no individual side yard setback, however, both side yard setbacks combined must equal or exceed 15 ft, and provided that no side yard setback is less than 5 ft.
- 14 Except for patios, decks, porches, entryways, porch/entryway roofs, bay windows, and fireplaces which may extend into the rear and/or side yard setback provided that the patios, decks, porches, entryways, porch/entryway roofs, bay windows, and fireplaces are no closer than 5 ft. to the rear and/or side lot line.
- 15 The front yard setback shall be measured from the cartway, however, where there is a sidewalk located between the building or structure and the cartway the front yard setback shall be measured from the edge of the sidewalk closest to the building or structure.
- 16 A community center may have associated with it as accessory uses the several recreational accessory uses provided for in this Section.
- 17 A community center shall provide 20 sq. ft. of interior building space for each dwelling unit within the Active Adult Neighborhood Development.
- 18 Off-Street Parking and Access Drives for the Community Center, and Nonresidential Primary Uses shall provide a 10 ft. setback from all residential property lines, except where an Access Drive intersects with a public or private street.
- 19 Temporary Construction Site Trailer shall comply with the provisions of Section 350-48(t)(1)

(B) Intent. The purpose of this district is to provide housing and recreational facilities for “older persons” as that term is defined in the Federal Fair Housing Act, as amended, and in regulations promulgated (or to be promulgated) thereunder, on tracts of land that are consistent with an environment for housing and permitted amenities for “older persons.” This district recognizes that compared to housing that is not age-restricted, households with persons aged 55 and older without minor children: a) do not create burdens upon the public school system, b) create little demand for athletic fields, c) generate less traffic, d) involve lower water and sanitary sewage flows, and e) need fewer parking spaces. This district recognizes the sense of community and lessened private maintenance responsibilities associated with homes being located closer together than in most other single family home developments not involving a community owner’s association. In addition, this district seeks to conform to the South Whitehall Township Comprehensive Plan by encouraging the creation of neighborhoods. The Active Adult Neighborhood Development allows for mix of age restricted residential development along with neighborhood appropriate commercial uses that fosters a sense of place and encourages walkability.

(C) Overlay District. The AAND-O is an overlay zoning district. Therefore, the underlying base zoning districts remain in full force and effect and shall apply when a property is not developed utilizing the provisions of the AAND-O. However, the provisions of the AAND-O, and not those of the underlying base zoning districts, shall apply to all zoning, subdivision, and land development applications submitted for approval under the AAND-O.

(D) Age Restricted Requirements. An Active Adult Neighborhood Development (“AAND”) shall be designed and operated for occupancy by persons 55 years of age or older in accordance with the following requirements:

(i) The AAND shall be age-qualified in accordance with the Federal Fair Housing Act. Specifically, an AAND shall meet the requirements for a development to be considered as "housing for older persons" and "intended and operated for occupancy by persons 55 years of age or older", as those terms are defined and limited in Section 805 (d)(2)(c) of the Fair Housing Amendment Act of 1988, 42 U.S.C. Sec. 3607 (b)(2)(c), as amended, and regulations promulgated (or promulgated in the future) thereunder (the "Fair Housing Act").

(ii) The residential portion of every AAND shall be organized as a common interest community association as either a homeowner's association under the Uniform Planned Communities Act, 68 Pa.C.S.A. § 5101 *et seq.*, or condominium association under the Uniform Condominium Act, 68 Pa.C.S.A. § 3101 *et seq.*, whose members shall consist of all unit owners, which association shall maintain commonly owned areas, private streets, recreation areas, open space facilities, and other common facilities. All unit owners in an AAND shall be required to pay necessary fees to the homeowner's or condominium association, with a proper enforcement mechanism as provided by State law. The declaration of the planned community or condominium for the residential portion of the AAND shall provide and require that the residential portion of the AAND qualifies and remains qualified as a development providing housing for older persons as that term is defined under the Fair Housing Act.

(E) Accessory Uses. In addition to the accessory uses listed in Section 350-31(f)(5), the following accessory uses shall be permitted in an AAND:

(i) Uses that are customarily incidental and subordinate to a dwelling unit permitted in an AAND.

(ii) Uses that are customarily incidental and subordinate to a nonresidential use permitted in an AAND.

(F) Dimensional Requirements. The dimensional requirements for an AAND shall be in lieu of all other dimensional requirements set forth in the Township Zoning Ordinance and also in lieu of all other dimensional requirements in Township Ordinances to the extent such requirements are addressed herein; if the dimensional requirements of Section 350-31(f)(5)(A) or this Section conflict with one or more dimensional requirements otherwise applicable under Township Ordinances, the provisions of Section 350-31(f)(5)(A) shall apply. The following dimensional requirements shall be observed for an AAND:

(i) Tract Size. The minimum tract size shall be 40 acres, which shall be owned or controlled (such as being under an agreement to purchase) by a single party at the time of the land development application. The tract size of an AAND shall include the residential and nonresidential components of the development. The uses listed at Section 350-31(f)(5)(A) shall only be developed as part of an AAND, and cannot be developed independently under the AAND-O.

(ii) Density. The maximum density shall be 5 dwelling units per gross acre of tract size for the development. Areas intended for recreational uses, nonresidential component, buildings, proposed streets, wooded areas, utility easements, buffer areas, stormwater detention/retention pond areas and other areas of the tract shall not be deleted from the gross tract area for the purposes of determining maximum density.

(iii) Buffer Yard. Buffering shall not be required in an AAND, except for the buffering required for the parking areas associated with the community center and the nonresidential component of the AAND.

(iv) Conditional Use. All applications to create an AAND shall require conditional use approval to establish compliance with this Section 350-31(f)(5)

(v) Lot Lines. Each dwelling in an AAND may be owned as a unit within a condominium without the requirement for individual lot lines. Condominiums with lot lines, and planned communities shall comply with the setback requirements for an AAND. For a condominium without lot lines, the following dimensional requirements for the dwelling units and community center shall apply in lieu of Section 350-31(f)(5)(A):

- (a) Front yard setback from public or private street cartway – 20 feet
- (b) Distance between the sides two of buildings – 15 feet
- (c) Distance between rear of one building and the side of another building – 25 feet
- (d) Distance between the rear of two buildings – 40 feet
- (e) Patios, decks, porches, entryways, porch/entryway roofs, bay windows, and fireplaces may extend into building setbacks, but in no case shall patios, decks, porches, entryways, porch/entryway roofs, bay windows, and fireplaces be closer than 5 feet from the perimeter of the AAND tract, or 12.5 feet from a dwelling unit other than the dwelling unit or community center to which the patio, deck, porch, entryway, porch/entryway roof, bay window, or fireplace is ancillary.

(G) Additional Performance Standards

(i) Recreation Requirements. A common community center shall be constructed by the developer with private recreation facilities for the residents of the AAND and their invited guests.

(a) Community Center Amenities. A community center shall as a minimum include a multi-purpose room and at least one of the following other recreational facilities: activity room, common dining area, kitchen area, craft room, fitness room, lounge or another similar recreational facility or area for members of the community and their invited guests.

(b) Community Center Parking. The community center shall provide 1 parking space for each 125 square feet of the community center building.

(c) Community Center Buffering. Parking areas associated with the community center shall have the following buffer strips:

(1) A 15-foot wide buffer strip along property line of an adjacent residential use. Buffering is not required between the community center and a residential use within the AAND community.

(2) The buffer strip shall consist of dense hedges of deciduous plants and at least 50% evergreen plantings. The plants shall be a minimum of 5 feet above ground level at the time of planting.

(3) The buffer strip may be located within Side and Rear Yard setbacks.

(d) Community Center Impervious Coverage. The maximum amount of impervious coverage for the community center lot shall be 75%.

(e) Community Center Usage. Access to the community center shall be restricted to the residents of the AAND community and their invited guests. The community center shall not be open to the general public, and the AAND community is prohibited from providing

or selling memberships, passes, or otherwise providing access to persons other than the residents of the AAND and their invited guests.

(f) Tennis Court Illumination. Tennis Courts which are accessory to the community center are permitted to be illuminated.

(ii) Roads

(a) Internal streets within an AAND may be public and/or privately owned and maintained. An AAND is permitted to have a combination of public and private streets, and a single street may change from public to private at some point along its length.

(b) Internal private streets within the residential portion of an AAND may be, but are not required, to be gated.

(iii) Parking. Each Dwelling Unit shall have a minimum of two off-street parking spaces.

(iv) Aesthetics. The visible front façade of all dwellings within the AAND shall consist of or be some combination of brick, stucco, stone, wood, other natural materials, or other materials which replicate natural materials.

(H) Nonresidential Component. Every AAND is permitted to include a nonresidential component of the development. The nonresidential component of an AAND is subject to the following requirements:

(i) Percentage of Tract. The nonresidential component shall not occupy more than 10% of the gross tract area of the AAND.

(ii) Location of Nonresidential Component. The nonresidential component of the AAND shall be located along the perimeter of the tract adjacent to the street or streets with the highest (most intense) classification under the Township's Official Map.

(iii) Separate Lot and Ownership. The nonresidential uses can be located on separate lots and held under separate ownership from the residential portion of an AAND. There is no requirement that the nonresidential component be a member of any homeowner's association or condominium association covering the residential portion of an AAND.

(iv) Permitted Uses. The nonresidential component of an AAND may include any of the uses listed in Section 350-35(f)(5)(A) including a combination of more than one of the listed uses in the same building or structure.

(v) Buffers. Parking areas associated with the nonresidential component of an AAND shall have the following buffer strips:

(a) A 15-foot wide buffer strip along adjacent property line of a residential use.

(b) The buffer strip shall consist of dense hedges of deciduous plants and at least 50% evergreen plantings. The plants shall be a minimum of 5 feet above the adjacent ground at the time of planting.

(c) The buffer strip may be located within Side and Rear Yard setbacks.

(vi) Parking. The nonresidential component of an AAND shall provide off-street parking as follows:

(a) Parking Spaces

- seats (1) Restaurant, Sit-Down – 1 space per 3 restaurant
- square feet of building area (2) Business/Professional Office – 1 space per 300
- building area (3) Medical Office - 1 space per 200 square feet of

(I) Signs. Signs are permitted within the AAND subject to the following provisions:

(i) Community Center Signs

(a) An AAND community center is permitted to have 1 permanent illuminated or non-illuminated sign identifying the community center (“Community Center Sign”).

(b) Maximum Area of Community Center Sign – 50 square feet

(c) Maximum Height of Community Center Sign – 8 feet

(d) The Community Center Sign shall be not less than 5 feet from the ultimate right-of-way, provided that it is not within the clear sight triangle.

(ii) Nonresidential Signs

(a) The nonresidential portion of an AAND is permitted to have the following signs:

(1) Illuminated or non-illuminated signs attached and parallel with or painted on the face of the building not to exceed 10% of the building face, or 300 square feet in area, whichever is greater.

(2) One illuminated or non-illuminated freestanding sign not to exceed 100 square feet in area.

(3) Nonresidential signs shall be setback 5 feet from the ultimate right-of-way, provided that it is not within the clear sight triangle.

(g) Common TND Open Space Design Standards

(1) Areas regulated by Sections 350-31(f)(2), (3) and (4) and designated for Open Space shall be configured to meet the following purposes:

(A) Maximize the conservation of site features identified as having environmental, historical or recreational value. Existing natural features, such as streams, creeks, ponds, Woodlands, specimen trees and other areas of mature vegetation shall be preserved in a natural state wherever possible.

(B) Provide links to existing or planned Open Space or recreation areas located on abutting Lots, including, but not limited to pedestrian trails, sidewalks, or greenways. This shall not apply to Open Space or recreation located on the opposite side of a Collector or Arterial road.

(C) Provide useable space for active and passive recreation, community gatherings, and civic interaction by the residents or employees of the TND and their guests.

(D) Minimize intrusion of views, on and off the site, through the Use of evergreen and deciduous trees, and Open Space Buffers.

(E) Implement municipal Open Space and recreation plans, where such plans have been adopted by the Township.

(F) Provide Buffers between the TND development and adjacent development, adjoining parks or protected lands, where appropriate.

(2) The Open Space areas shall be interspersed throughout the residential and nonresidential areas and linked by a common pedestrian system that is accessible to all residents.

(3) A maximum of sixty (60) percent of the Open Space may contain floodway, wetlands, or slopes in excess of twenty-five (25) percent. Such features shall not be located within the Active Open Space.

(A) Accessible artificial wetlands, such as (i) rain gardens, (ii) wet-bottom retention or detention basins or (iii) similar stormwater management Best Management Practices, shall be permitted within the sixty (60) percent of the Open Space. Other stormwater management facilities, including but not limited to traditional, grass bottomed stormwater detention basins, shall not be permitted in Open Space. Similarly, any artificial wetlands areas that are enclosed with fencing or are otherwise inaccessible shall not be permitted in Open Space.

(4) Minimum designated Open Space shall not include storm water management basins or Easements. Underground stormwater infiltration areas and spray irrigation fields shall be permitted within the minimum designated Open Space in accordance with the following:

(A) Such stormwater facilities and areas shall not be located within floodway, wetlands, or steep slopes;

(B) No above ground facilities or areas shall be located within the required Active Open Space; and

(C) Such facilities and areas shall be located a minimum of twenty (20) feet from a Lot Line.

(5) Minimum dimensions: Any area designated as Open Space shall be a minimum of five hundred (500) square feet and fifty (50) feet in width, except in the case of a Trail corridor or other linkage between two larger, noncontiguous, Open Space areas, which shall be a minimum of twenty (20) feet in width.

(6) Active Open Space: The minimum percentage of the total Tract area that is designed as Active Open Space in accordance with TND Overlay District shall count toward the minimum designated Open Space, and shall meet the following standards:

(A) Maximum grade of 5%;

(B) Open Space for passive recreation and pedestrian gathering shall be provided;

(C) In a Residential Cluster TND, a minimum of fifty (50) percent of the Active Open Space, shall be in the form of a Green, Square, Plaza or Close, and shall be centrally located to a majority of Dwelling units within the development. Such central Open Space shall be surrounded by Dwelling units or Mixed-Use Buildings on at least two (2) sides.

(D) Active Open Space in the TND- Commercial Retrofit or TND-Industrial Retrofit: At least one (1) Open Space area shall be centrally located among the nonresidential Buildings. This “central Plaza” or “central Green” shall be lined by Buildings on at least two (2) sides. Where a Main Street Environment is provided, such Open Space shall be located adjacent to the Main Street Environment. The minimum area of the aforementioned “central Plaza” or “central Green” shall be:

(i) 6,000 square feet for tracts from eight (8) acres to ten (10) acres in size.

(ii) 10,000 square feet for tracts greater than ten (10) acres to fifteen (15) acres in size.

(iii) 15,000 square feet for tracts greater than fifteen (15) acres in size.

(E) In addition to landscaping in the form of shade trees, evergreen and deciduous shrubs, and groundcovers, amenities shall include at least four (4) of the following types of uses, subject to Township Board of Commissioners approval:

(i) Gazebos and Pavilions, which shall be set back a minimum of fifteen (15) feet from any Lot or Lease Lot Line and thirty (30) feet from a Street or Alley;

(ii) Trails, which shall be a paved surface with a minimum of six (6) feet in width and Setback a minimum of five (5) feet from a Lot Line.

(iii) Playground equipment, which shall be Setback a minimum of twenty (20) feet from a Lot Line.

(iv) Playing Fields, which shall be Setback a minimum of twenty (20) feet from a Lot Line.

(v) Gazebo and a hardscape Plaza. The Gazebo shall be located on a hardscaped Plaza. The hardscaped Plaza shall be at least 1,000 square feet in area, set back a minimum of ten (10) feet from a Lot Line.

(vi) Sports Courts, which shall be Setback a minimum of twenty (20) feet from a Lot Line.

(vii) Bicycle Racks. Bicycle racks shall be located on a hardscaped pads of sufficient size that every bicycle parked at the rack is parked on a hardscaped surface and connected to a sidewalk and/or Walking Trail by a hardscaped path a minimum of six (6) feet in width.

(viii) Benches, which shall be located on hardscaped pads.

(F) Off-Street Parking. Active Open Space area shall provide off-street parking spaces in accordance with the Open Space Minimum Required Off-Street Parking requirements. The area provided for such Off-Street Parking Spaces shall not be counted as Open Space.

(i) Parking shall be buffered in conformance with Section 350-48(o)(2)(E)(5).

(iii) Parking areas shall be limited to no more than six (6) contiguous parking spaces.

(G) The ownership and maintenance of Open Space shall be governed by Section 350-32(h), substituting "TND" for "Planned Residential Development" and "Open Space" for "Common Open Space" when applying that section to a TND.

(H) The Open Space required herein for a TND shall count toward Open Space required by Subdivision and Land Development Ordinance Section 312-36(d).

(I) Open Space shall be developed in accordance with Appendix C.

350-32 PLANNED RESIDENTIAL DEVELOPMENT

(a) SHORT TITLE

This Ordinance shall be known and may be cited as the South Whitehall Township Planned Residential Development Ordinance.

(b) PURPOSE

The purposes of this Ordinance are:

- (1) To insure that the objectives of the South Whitehall Township Comprehensive Plan are fulfilled.
- (2) To encourage innovations in residential developments so that the growing demand for housing may be met by greater variety and maximum choice in the type, design, and layout of Dwellings, and by the conservation and efficient Use of Open Space ancillary to said Dwellings.
- (3) To provide through the above innovations greater opportunities for better housing and recreation for existing and potential residents of South Whitehall Township.
- (4) To encourage more efficient Use of land and services and to reflect changes in the technology of land development so that the economy secured may ensure to the benefit of those who need homes.
- (5) To encourage more flexible land development which will respect and conserve natural resources such as streams, lakes, Flood plains, wooded areas, steeply sloped areas, areas of unusual beauty, and areas of importance to the natural environment.
- (6) To provide a procedure which can relate the type, design, and layout of the residential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within the existing residential areas and to assure that the increased flexibility of regulations over land development established hereby is carried out pursuant to sound, expeditious, and fair administrative standards and procedures.

(c) DEFINITIONS

(1) For the purpose of this Ordinance, all definitions except those listed below shall be the same as those found in South Whitehall Township's Zoning Ordinance as amended. (See Section 350-05 herein.)

AVERAGE GROSS RESIDENTIAL DENSITY - The number of Dwelling units per acre in a Planned Residential Development, computed by dividing the number of Dwelling units which the applicant proposes to construct by the number of acres in the development.

COMMON OPEN SPACE - A parcel or parcels of land within the P.R.D. designed and intended for the Use of residents of the P.R.D. or their guests.

DEVELOPMENT PLAN - The provisions for development of a Planned Residential Development, including a plat of subdivision, all covenants relating to Use, location and bulk of Buildings and other Structures, Intensity of Use or Density of development, Streets, ways and parking facilities, common open space and

public facilities. The phrase “provisions of the development plan” when used in this act shall mean the written and graphic materials referred to in this definition.

ORGANIZATION - A corporation, association, trust, foundation, fund, or a group of persons, suitably organized or associated to insure the improvement, maintenance, and preservation of public Open Space and/or Common Open Space.

PRELIMINARY PLAN - Tentative approval as defined and used in the Pennsylvania Municipalities Planning Code.

STAGE - A section or sections of the Planned Residential Development in which a Developer proposes to commence development at the same time, as indicated in the development plan for the P.R.D. and as part of a timetable for development of a P.R.D. over a period of years.

(d) APPLICABILITY

The provisions of this Ordinance shall govern and control the approval of any proposed Planned Residential Development exclusively. Except as otherwise provided in this Ordinance, provisions contained in the Zoning Ordinance shall apply to a Planned Residential Development and the procedures established in this Ordinance shall be the exclusive procedures to be followed in obtaining approval of a Planned Residential Development. Any proposed P.R.D. shall be subject to the review procedure as established by this Ordinance and the development standards as established in this Ordinance and the South Whitehall Township Subdivision Regulations. In case of duplication or conflict between provisions of this Ordinance and provisions of the Subdivision Regulations, the more stringent provisions shall govern.

(e) ELIGIBILITY REQUIREMENTS

An application for sketch, preliminary or final plan approval of a proposed Planned Residential Development shall not be eligible for approval unless the following initial requirements are met:

- (1) The Proposed Planned Residential Development shall consist of one (1) or more contiguous parcels of land under single ownership or control.
- (2) A proposed Planned Residential site shall only be located in the following districts and contain the following acres of land:

<u>ZONING DISTRICT</u>	<u>MINIMUM GROSS REQUIRED ACRES</u>
R-3	75 Acres
R-4	50 Acres

- (3) Public water and public sanitary Sewer Systems are available to serve the proposed Planned Residential Development. Where it is feasible to extend an existing Public Water and/or public sanitary Sewer Systems(s) to the proposed Planned Residential Development site, such an extension shall be made and shall be made at the expense of the Developer of the Planned Residential Development. In the absence of a Public Water and/or public sanitary Sewer System(s), or if the extension of existing municipal systems to the proposed site is decided to be economically impractical by the Board of Commissioners, the Developer shall be required to construct a water and/or sanitary Sewer System(s) to Township standards and to dedicate said system(s) to the Township as a public Centralized Water and/or sewage system(s).

(4) The proposed Planned Residential Development shall be served by a storm drainage and/or storm drainage control system as approved by the Township Engineer.

(5) The proposed Planned Residential Development shall have a minimum of six hundred (600) feet of Frontage on an Arterial or Collector road as designated in the South Whitehall Township Master Plan and Zoning Ordinance.

(6) The proposed Planned Residential Development shall be consistent with the Comprehensive Plan of South Whitehall Township.

(f) LAND USE CONTROL AND LAND USE DENSITY REQUIREMENTS

(1) Tract Requirements:

(A) The Tract may be divided by an existing Local or Collector Street which may be retained as part of the plan for the development or relocated in accordance with an approved site plan.

(B) There shall be no access from the Tract to existing public roads other than by interior Streets at minimum intervals of four hundred (400) feet, and no Dwelling units shall front upon an Arterial Street incorporated into or created within a Planned Residential Development.

(C) Every Dwelling unit shall be connected to and properly served by a Public Water and public sanitary Sewer System and by a storm drainage system.

(D) All improvements within a Planned Residential Development shall be installed in accordance with an approved site plan and according to the specifications of the Subdivision Regulations of South Whitehall Township.

(2) Residential Uses: A mix of housing types appropriate to the Planned Residential Development site and the surrounding area determined according to the provisions set forth may include the following residential uses:

- (A) Single Detached Dwelling Unit
- (B) Two-unit Dwellings
- (C) Townhouses
- (D) Apartments

(3) Housing Mix. Each P.R.D. shall contain at least three (3) residential uses as listed in Section 350-32(f), one (1) of which shall be single- detached Dwellings and each Stage of the P.R.D. shall contain at least two (2) of said permitted housing types. The percentage of mix of the proposed Planned Residential Development shall be as follows:

ZONING DISTRICT	HOUSING MIX
R-3	Minimum - 40% Detached Single Dwellings
	Maximum - 40% Twins, Two-flats, Three-flats, and Townhouses
	Maximum - 20% Apartments
R-4	Minimum - 40% Detached Single Dwellings
	Maximum - 40% Twins, Two-flats, Three-flats, Townhouses
	Maximum - 20% Apartments

(4) Permitted Non-Residential Uses: For each five hundred (500) Dwelling units within the development, only one (1) of the following may be included on a Lot of one (1) to three (3) acres with a maximum Lot Coverage of twenty-five percent (25%):

- (A) Place of Worship
- (B) Clubhouse or Lodge
- (C) Nursing Home

(5) Land Use Density Requirements: Land Use Density within Planned Residential Developments shall be regulated by the following general standards:

(A) Average Gross Residential Density for the total P.R.D. site shall be subject to the following schedule:

ZONING DISTRICT	AVERAGE UNITS PER GROSS ACRE
R-3	4.9
R-4	5.4

(B) The percentage of the Planned Residential Development site to be devoted to Common Open Space shall be no less than fifteen percent (15%) of the total site area in an R-3 district and twenty percent (20%) of the total site area in an R-4 district.

(6) The following Lot sizes and Setback distances per residential district shall be considered minimum requirements:

	Minimum Lot Sizes Per Dwelling Unit		Minimum Setback Distances		
	Area	Frontage (in feet)	Front to Street Right-of-Way Line (in feet)	Rear Lot Line (in Feet)	Each Side Yard per Building (in feet)
R-3 District					
Single Detached Dwelling Unit	10,000 sq. ft.	90	25	25	10
Twins	4,000 sq. ft.	35	25	25	10
Townhouses	2,400 sq. ft.	24	25	25	10
Apartments			25	25	10

	Minimum Lot Sizes Per Dwelling Unit		Minimum Setback Distances		
	Area	Frontage (in feet)	Front to Street Right-of-Way Line (in feet)	Rear to Lot Line (in Feet)	Each Side Yard per Building (in feet)
R-4 District					
Single Detached Dwelling Unit	8,000 sq. ft.	80	25	25	10

Twins	3,000 sq. ft.	30	25	25	10
Townhouses	2,400 sq. ft.	24	25	25	10
Apartments			25	25	10

(A) Minimum Lot sizes for Single Detached Dwelling Units and in R-3 and R-4 districts have been established to indicate to the Developer the absolute minimum Lot size that a home can be developed on. This minimum standard shall not become the predominant Lot size in the development. The Developer shall provide a variety of Lot sizes thus creating an opportunity for a variety of house sizes and styles.

(g) SITE ANALYSIS AND SITE DESIGN STANDARDS

(1) Natural Features Analysis:

(A) In order to determine which specific areas of the total P.R.D. site are best suited for higher Density development, which areas are best suited for lower Density development, and which areas should be preserved in their natural state as Open Space areas, a thorough analysis of the natural features of the site is required to be supplied by the applicant. The following subject categories must be included in this analysis:

(i) Hydrology: Analysis of natural drainage patterns and water resources including an analysis of streams, natural drainage swales, ponds or lakes, wet lands, Flood plain areas, permanent high water table areas, and seasonal high water table areas throughout the site.

(ii) Geology: Analysis of characteristics of rocks, rock formations, underlining the site including defining aquifers (particularly those locally subject to pollution), shallow bed rock areas, and areas in which rock formations are unstable.

(iii) Soils: Analysis of types of soils present in the site area including delineation of prime agricultural soil areas, aquifer recharged soil areas, unstablized soils, soils most susceptible to erosion, and soils susceptible for urban development. The analysis of soils will be based on the County Soil Survey of the U.S. Soil Conservation Service.

(iv) Topography: Analysis of Terrain of site including mapping of elevation and delineation of slope areas over fifteen percent (15%), between five percent (5%) and fifteen percent (15%) and under five percent (5%).

(v) Vegetation: Analysis of tree and plant cover of the site emphasizing the location of woodland and meadowland areas. Dominant tree and plant species should be identified and the characteristics of each understood.

(2) Community Impact Analysis: In order to determine the impact of the Planned Residential Development upon the Township, an analysis by the proposed Developer shall be made of the potential effects of the P.R.D. upon public facilities, Utilities and roadway systems are required to be supplied by the applicant. Market analysis data which estimates potential market demand for various types of housing in the area of the proposed P.R.D. site are also required to be supplied by the applicant.

(3) Residential Uses:

(A) The natural features of the P.R.D. site shall be a major factor determining the siting of Dwelling unit Structures. The results of the natural feature analysis in Section 350-32(g)(1) shall be considered in the siting of all Dwelling unit Structures.

(B) Conventional siting practices such as Building Setbacks from Streets may be varied subject to the minimum standards as set forth in Section 350-32(f)(6) in order to produce attractive and interesting arrangement of Buildings and to provide Buffers for views and sound.

(C) Dwelling unit Structures shall be located and sited so as to promote pedestrian and visual access to common open space.

(D) Dwelling unit Structures shall be located and arranged so as to promote privacy for residents within the P.R.D. and maintain privacy for residents adjacent to the P.R.D.

(E) Dwelling units and other Structures located near the periphery of the Planned Residential Development shall be of the same housing type so as to be harmonious with the adjacent existing neighboring areas.

(F) There shall be a transition in Density and Dwelling types from that of existing neighborhoods to that of the P.R.D.

(G) No Structure shall be located within twenty-five (25) feet of the Right-of-Way of any Street.

(4) Common Open Space:

(A) The locations, shape, size, and character of the Common Open Space shall be provided in a manner consistent with the objectives set forth in Section 350-32(b) of this ordinance, concerning the conservation of natural resources and the creative Use of land to obtain a living environment of stable character, with natural feature constraints determined through the Natural Features Analysis as described in Section 350-32(g).

(B) The uses authorized for the Common Open Space shall be appropriate to the scale and character of the planned development, considering its natural features, size, land Use Intensity, potential population, and the number and types of Dwelling units to be developed.

(C) Whenever possible Common Open Space shall be designed as a contiguous area interspersed with residential areas with pedestrian access available to all residents of the P.R.D.

(D) Significant natural features such as Woodland areas, large trees, natural watercourses and bodies of water, rock outcroppings, and scenic views shall be incorporated into Common Open Space areas whenever possible. However, no less than twenty-five percent (25%) of the total common open space area shall be suitable for intensive Use as an active recreation area.

(E) Development of the P.R.D. shall be planned so as to coordinate the establishment of Common Open Space areas and the construction of Dwelling units.

(F) Incorporation of Provisions in Subdivision and Land Development Regulations.

(i) Applicability. This section 350-32(g)(4) shall be effective with respect to any planned residential development for which a tentative plan is submitted after the publication of notice that Common Open Space revisions are pending, or after the enactment of this provision.

(ii) Minimum Amounts and Quality of Common Open Space. The areas set aside for Common Open Space shall include, at a minimum, the amount of "Useful Open Space" and the amount of "Prime Open Space" required under Section 312-36(d) for a subdivision with the same number of potential Dwelling units and the same number of commercial acres as the proposed planned residential development.

(iii) Suitability and Condition. The areas set aside for Common Open Space shall be suitable for their intended purpose, in accordance with the provisions and procedures of Section 312-36(d), and shall be improved, prior to the date of the first sale, rental, or residential or commercial Use of any Lots in the Planned Residential Development so that all of the conditions set forth in Section 312-36(d) are satisfied. For purposes of this Section 350-32(g)(4)(F)(iii), all references in Section 312-36(d) to the dedication of Common Open Space shall be construed to include the setting aside of Common Open Space when no public dedication is intended, and all references in Section 312-36(d) to the date of acceptance of the dedication of Common Open Space shall be construed to include the date of the first sale, rental, or residential or commercial Use of any Lots in the planned residential development when the Common Open Space is not to be dedicated.

(iv) Fees and/or payments in Lieu of Common Open Space. Fees may be paid to the Township in lieu of satisfying all or part of the Common Open Space requirements set forth in this Section 350-32(g)(4) if both the Developer and the Township Board of Commissioners agree. Similarly, construction of substantial permanent recreation facilities and/or donation of other appropriate land may be made in lieu of satisfying all or part of the Common Open Space Township Board of Commissioners agree. The amount and Use of such fees, facilities or other land and the procedures applicable to the payment of such fees, construction of such facilities, or dedication of such other land, shall be as set forth in Section 312-36(d). For purposes of this Section 350-32(g)(4), all references in Section 312-36(d) to the dedication of Common Open Space shall be construed to include the setting aside of Common Open Space when no public dedication is intended.

(5) Streets:

(A) The Street system of the Planned Residential Development shall be designed so as to:

(i) Relate harmoniously with land uses within and adjacent to the P.R.D. through the establishment of a hierarchy of roadway functions which includes Collector and Local Streets.

(ii) Create a separation of vehicular and pedestrian traffic through the coordinated design of Streets, Dwelling units, Common Open Space areas, and pedestrian walkways.

(iii) Create efficient and safe connections with the existing road system of South Whitehall Township in order to insure proper ingress and egress to and from the P.R.D.

(iv) Minimize through traffic in residential areas.

(B) In order to separate vehicular and pedestrian circulation and to increase accessibility to common open space areas, pedestrian walkways shall be provided wherever feasible. Sidewalks shall be required adjacent to Streets in P.R.D.'s only as deemed necessary by the Board of Commissioners of South Whitehall Township.

(C) The design and construction of Streets and walks shall conform to the standards set forth in South Whitehall Township's Subdivision Regulations relative to paving specifications, Cartway design, horizontal and vertical alignment, and sight distances, etc.

(D) All Streets designed to be a part of the P.R.D. shall be dedicated to South Whitehall Township.

(E) Driveways to common Parking Areas shall be considered private Streets and shall not be dedicated to the Township.

(6) Parking:

(A) There shall be at least two (2) off-Street Parking Spaces, measuring ten (10) by twenty (20) feet, for each Dwelling unit. Where off-Street Parking Spaces are grouped in Lots, aisles at least twenty (20) feet in width shall be provided. The Lot design and location shall be subject to review and revision by the South Whitehall Township Board of Commissioners.

(B) Common Parking Areas for multi-unit Dwellings shall be screened from adjacent Structures, access roads and public Streets, by hedges, dense planting, earth berms, or changes in grade or walls. All Parking Areas shall be a minimum of twenty (20) feet from all Structures, access roads and public Streets.

(C) Parking Areas shall be arranged so as to prevent through- traffic to other Parking Areas.

(D) No more than fifteen (15) Parking Spaces shall be permitted in a continuous row without being interrupted by landscaping approved by the South Whitehall Township Board of Commissioners.

(E) No more than sixty (60) Parking Spaces shall be accommodated in any single Parking Area.

(7) Lighting:

(A) All Streets, off-Street Parking Areas, and areas of intensive pedestrian Use shall be adequately lighted. All such lighting shall be designed and located so as to direct light away from adjacent residences.

(B) Adequate lighting shall be provided after dark. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and signs. Such lighting shall be designed and located so as to direct light away from adjacent residences.

(C) All lighting facilities will be installed by the Developer at the Developers expense after which they shall be dedicated to South Whitehall Township.

(8) Sewer And Water Utilities:

(A) Planned Residential Developments shall be provided with sanitary Sewer Systems through one of the following methods:

(i) Connection to a Public Sewer System shall be required where a Public Sewer System is available or can feasibly be provided to the P.R.D. site and where such a system can adequately fulfill the sewage disposal needs of the P.R.D. If the proposed sanitary Sewer System requires an extension of the Township system, the proposed system shall be installed by the Developer according to Township standards.

(ii) Provision of a centralized Sewer System constructed by the Developer which serves the entire P.R.D. where an existing Public Sewer System cannot feasibly be provided to the P.R.D. site. Centralized Sewer Systems shall be designed and constructed in a manner that will permit adequate connection to an existing public Sewer System in the future. The design and construction of centralized Sewer System shall conform to the standards established by South Whitehall Township and shall be subject to approval by the Township Engineer.

(B) Planned Residential Developments shall be provided with water supply systems through one of the following methods:

(i) Connection to Public Water shall be required where a Public Water system can feasibly be provided to the P.R.D. site and where the capacity of the Public Water system can adequately fulfill the water demands of the P.R.D. If the proposed water system requires an

extension of the Township system, the proposed extension shall be installed by the Developer according to Township standards and dedicated to the Township.

(ii) Provision of a Centralized Water supply system constructed by the Developer which serves the entire P.R.D. where an existing Public Water supply system cannot feasibly be provided to the P.R.D. site. Centralized water supply systems shall be designed and constructed in a manner that will permit adequate connection to an existing Public Water supply system in the future. The design and construction of a Centralized Water supply system shall conform to the standards established by South Whitehall Township and shall be subject to approval by the Township Engineer.

(9) Soil Erosion Control and Storm Drainage:

(A) The P.R.D. shall be designed and constructed so as to minimize site clearance and earthmoving. The results of the Natural Features Analysis, Section 350-32(g)(1) shall be taken into account in determining areas suitable for site clearance and earthmoving.

(B) Where site clearance and earthmoving are necessary, erosion control measures shall be undertaken in accordance with standards set forth in Appendix D of the Erosion and Sediment Control Handbook of the County Soil and Water Conservation District.

(C) Storm Drainage: The storm drainage system for a Planned Residential Development shall be designed and constructed so as to minimize erosion and flooding, using as necessary, drainage Easements, swales, catchment basins, silt traps, and the design of Cartways so as to minimize runoff. The determinations of the Site Analysis of Natural Features shall be taken into account in designing and constructing the storm drainage system. The design and construction of the system shall be subject to review and approval by the Township Engineer.

(10) Tree Conservation and Landscaping:

(A) Existing trees shall be preserved wherever possible. The protection of trees six (6) inches or more in diameter (measured at a height four and one-half (4 1/2) feet above the original grade) shall be a factor in determining the location of Open Space, Structures, underground Utilities, walks, and paved areas. Areas in which trees are preserved shall remain at original grade level and undisturbed wherever possible.

(B) Where extensive natural tree cover and vegetation does not exist and cannot be preserved on the P.R.D. site, landscaping shall be regarded as an essential feature of the P.R.D. In these cases, extensive landscaping shall, be undertaken in order to enhance the appearance of the P.R.D., aid in erosion control, provide protection from wind and sun, screen Streets and Parking Areas, and enhance the privacy of Dwelling units.

(C) Regardless of whether or not the site has extensive natural cover, the Developer will be required to submit a plan indicating how the site is to be landscaped. Said plan will be subject to review and modification by the South Whitehall Township Board of Commissioners.

(11) Garages and Storage Facilities:

(A) A minimum of one (1) - one vehicle Garage shall be provided with each Single Detached Dwelling Unit, Three-flat, Townhouse, Twin, or Two-flat.

(12) Utilities: Telephone, electric, Street lights, and cable TV Utilities shall be installed underground.

(13) Refuse Removal: Refuse stations to serve residential, recreation, and commercial areas shall be designed with suitable screening, and located so as to be convenient for trash removal and not offensive to nearby residential areas.

(14) Land Subdivision Regulations: With the exception of standards explicitly set forth in Sections 350-32(g)(2) through (11), site design and site improvements shall conform to standards set forth in the South Whitehall Township Subdivision and Land Development Regulations (Chapter 312 of the Codified Ordinances), provided that Section 312-36(d) shall only be applicable to the extent set forth in this Section 350-32 (relating to Planned Residential Developments).

(h) OWNERSHIP, MAINTENANCE, AND PRESERVATION OF COMMON OPEN SPACE

The Developer shall make provisions which insure that the Common Open Space land shall continue as such and be properly maintained. The Developer shall provide for and establish an Organization for the ownership, maintenance, and preservation of Common Open Space which shall conform to the following standards and procedures:

- (1) The Organization shall be established by the Developer before the sale or rent of Dwelling units in the P.R.D.
- (2) The form, financial capability, rules of membership, and methods of cost assessment of the Organization shall be devised so as to insure the successful fulfillment of the maintenance, preservation, and improvement responsibilities of the Organization.
- (3) The Organization responsible for maintenance, preservation, and improvement of Common Open Space areas shall be the sole owner of the Common Open Space lands.
- (4) The Organization shall have or hire adequate staff to administer common facilities and maintain the Common Open Space.
- (5) In the event that the Organization established to own and maintain a Common Open Space or any successor Organization, shall at any time after establishment of the Planned Residential Development fail to maintain the common open space in reasonable order and condition in accordance with the Development Plan, South Whitehall Township may serve written notice upon such Organization or upon the residents and owners of the Planned Residential Development setting forth the manner in which the Organization has failed to maintain the Common Open Space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing, South Whitehall Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modification thereof shall not be corrected within said thirty (30) days or any extension thereof, South Whitehall Township, in order to preserve the taxable values of the properties within the Planned Residential Development and to prevent the Common Open Space from becoming a public nuisance, may enter upon said Common Open Space and maintain the same for a period of one (1) year. Said entry and maintenance shall not constitute a taking of said Common Open Space, nor vest in the public any rights to Use the same. Before the expiration of said year, South Whitehall Township, upon its initiative or upon the request of the Organization theretofore responsible for the maintenance of the Common Open Space shall call a public hearing upon notice to such Organization, or to the residents and owners of the Planned Residential Development, to be held by South Whitehall Township, at which hearing such Organization or the residents and owners of the Planned Residential Development shall show cause why such maintenance by South Whitehall Township shall not, at the option of the South Whitehall Township, continue for a succeeding year. If South Whitehall Township shall determine that such Organization is ready and able to maintain said Common Open Space in reasonable condition, South Whitehall Township shall cease to maintain said Common Open Space at the end of said year. If South

Whitehall Township shall determine such Organization is not ready and able to maintain said Common Open Space in a reasonable condition, South Whitehall Township may, in its discretion, continue to maintain said Common Open Space during the next succeeding year and subject to a similar hearing and determination in each year thereafter. The decision of South Whitehall Township in any such case shall constitute a final administrative decision subject to judicial review.

(6) The cost of such maintenance by South Whitehall Township shall be assessed ratably against the properties within the Planned Residential Development that have a right of enjoyment of the Common Open Space and if not reimbursed shall become a lien on said properties. South Whitehall Township, at the time of entering upon said Common Open Space for the purpose of maintenance, shall file a notice of lien in the office of the Prothonotary of Lehigh County, upon the properties affected by the lien within the Planned Residential Development.

(7) Public Dedication of Common Open Space: The Developer may propose to offer Common Open Space for dedication to any of the following entities rather than maintenance by a Homeowners Association: the Township, the Parkland School District, the County of Lehigh, the Commonwealth of Pennsylvania, the United States of America, a municipality authority, or an environmental Organization acceptable to the Board of Commissioners. However, it is with the discretion of the South Whitehall Township Board of Commissioners whether such an offer of dedication may be made, or whether a Homeowners Association shall undertake operation and maintenance of the Common Open Space. If the South Whitehall Township Board of Commissioners chooses to accept dedication of the Common Open Space, or permits another entity to accept dedication of the Common Open Space, the acceptance may only take place after the Developer has improved the Common Open Space in accordance with the requirements of Section 350-32(g)(4), the provisions of the Subdivision and Land Development Regulations incorporated therein, and the landscape plan referred to in Section 350-32(g)(4)(10). An offer of dedication of Common Open Space made by the Developer in the Development Plan and accepted or approved by South Whitehall Township, shall constitute a fulfillment of responsibility for providing and maintaining Common Open Space areas. Under any other circumstances, provision for dedication must be made subject to Section 350-32(k).

(i) DEVELOPMENT IN STAGES

A Planned Residential Development may be developed in Stages if the following standards are met:

(1) The location and approximate time of construction of each Stage are clearly marked on the Development Plan.

(2) At least fifteen percent (15%) of the Dwelling units in the Development Plan are included in the first Stage.

(3) The second and subsequent Stages are completed consistent with the Development Plan and are of such size and location that they constitute economically sound units of development. In no event shall such Stages contain less than fifteen percent (15%) of the Dwelling units included in the Development Plan.

(4) To encourage flexibility of housing Density, design, and type in accord with the purposes of this Ordinance, gross residential Density may be varied from Stage to Stage. A gross residential Density in one Stage which exceeds the permitted average gross residential Density for the entire Planned Residential Development must be offset by a gross residential Density in a completed prior Stage which is less than the permitted average gross residential Density for the entire Planned Residential Development, or there must be an appropriate reservation of Common Open Space on the remaining land by a grant of Easement or covenant in favor of South Whitehall Township, which

specifies the amount and, if necessary, the location of the Common Open Space.

(5) All Streets, curbing, water systems, sewerage systems and storm water facilities are installed and approved by the Township Engineer in the section to be developed prior to the sale of any Lots in said section.

(j) PROCEDURAL REQUIREMENTS

Planned Residential Developments are subject to all of the regulations as set forth in the South Whitehall Township Subdivision and Land Development Ordinance.

(1) Sketch Plan - Preapplication Submission and Drawing Requirements: Submission procedures shall be governed by Section 312-9.

(A) The submission of a sketch plan is not mandatory but has been established to assist the Developer in determining the proper Use and concept for his proposed subdivision. If the Developer chooses to bypass the sketch plan phase, the Developer's Preliminary Plan will be required to contain all the information called for under the sketch plan requirements.

(2) Drawing Requirements: Drawing requirements for sketch plan shall be governed by Section 312-10.

(3) In addition to the above, the application for sketch plan approval shall include documentation illustrating compliance with all of the standards for Planned Residential Development set forth in Sections 350-32(e), (f), and (g), and shall constitute the Development Plan for the Planned Residential Development.

(4) Required documentation shall also include but not be limited to materials illustrated in the following information:

(A) The location, function, size, ownership and manner of maintenance of the Common Open Space.

(B) A site map or maps at one (1) inch equals fifty (50) feet delineating the hydrology, geology, soils, topography and vegetation of the site as explained in Section 350-32(g)(1)(A). The combined impact of the natural features upon the development potential of each specific area of the site will clearly illustrated on the map or maps.

(C) Documents indicating the impact of the completed Planned Residential Development upon public facilities, Utilities, roadway systems and existing development. Projections as to the number of school children in the P.R.D. and the vehicular traffic generated by the P.R.D. shall be included. Where connection to Public Water supply and Sewer Systems is contemplated, projections as to the required water supply capacity and waste water volumes generated by the P.R.D. shall be included.

(D) A written statement by the Landowner setting forth the reasons why in his opinion, the Planned Residential Development would be in the public interest and would be consistent with the South Whitehall Township Comprehensive Plan.

(5) Preliminary (Tentative) Plan - Submission Procedure:

(A) Submission procedure shall be governed by Section 312-11(a) and (b).

(B) The application for preliminary approval shall include documentation illustrating compliance with all of the standards for Planned Residential Development set forth in Sections 350-32(e) through (i), and shall constitute the Development Plan for the Planned Residential Development.

(6) Public Notification by Township:

(A) This section shall establish the requirements and procedures for public notifications and hearings and shall govern in place of Section 312-11(c).

(B) Within sixty (60) days after the filing of a complete application for preliminary approval of a Planned Residential Development pursuant to this Ordinance, a Public Hearing pursuant to Public Notices on said application shall be held by the South Whitehall Township Board of Commissioners according to the procedure as set forth in the Pennsylvania Municipalities Planning Code Article IX.

(C) Mediation.

(7) Findings:

(A) The Board of Commissioners within sixty (60) days following the conclusion of the Public Hearing provided for in this Section or within 180 days after the date of filing of the application, whichever occurs first, shall by official written communication to the Landowner, either:

- (i) Grant tentative approval of the Development Plan as submitted;
- (ii) Grant tentative approval subject to specified conditions not included in the Development Plan as submitted;
- (iii) Deny tentative approval to the Development Plan.

(B) Failure to so act within said period shall be deemed to be a grant of preliminary approval of the Development Plan as submitted. In the event, however, that preliminary approval is granted subject to conditions, the Landowner may within thirty (30) days after receiving a copy of the official written communication of the Board of Commissioners notify the Board of Commissioners of his refusal to accept all said conditions in which case the Board of Commissioners may be deemed to have denied preliminary approval of the Development Plan. In the event the Landowner does not within said period notify the Board of Commissioners of his refusal to accept all said conditions, preliminary approval of the Development Plan with all said conditions shall stand as granted.

(C) The grant or denial of a preliminary approval by official written communication shall include not only conclusions but also findings of fact relating to the specific proposal and shall set forth the reasons for the grant with or without conditions or for the denial and said communications shall set forth with particularity in what respects the Development Plan would or would not be in the public interest including but not limited to finding the fact and conclusions on the following:

(i) In those respects in which the Development Plan is or is not consistent with the Comprehensive Plan for the development of the South Whitehall Township.

(ii) The extent to which the Development Planned departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to Density, bulk, and Use and the reasons why such departures are or are not deemed to be in the public interest.

(iii) The purpose, location, and amount of the Common Open Space in the Planned Residential Development, the reliability of the proposals for maintenance and conservation of the Common Open Space and the adequacy or inadequacy of the amount and purpose of the Common Open Space as related to the proposed Density and type of residential development.

(iv) The physical design and the Development Plan and the manner in

which said design does or does not make adequate provisions for public services provided adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.

(v) The relationship beneficial or adverse of the proposed Planned Residential Development to the neighborhood in which it is proposed to be established in.

(vi) In the case of a Development Plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and the residents of the Planned Residential Development in the integrity of the Development Plan.

(8) In the event a Development Plan is granted preliminary approval with or without conditions, the Board of Commissioners shall set forth in the official written communication the time within which an application for final approval of the Development Plan shall be filed or in the case of a Development Plan which provides for a development over a period of years the period of time within which applications for final approval of each part thereof shall be files. Except upon consent of the Landowner, the time so established between the grant of preliminary approval and an application for final approval shall not be less than three (3) months and in case of developments over a period of years the time between application for final approval of each part of a plan shall be not less than twelve (12) months.

(9) Status of Plan After Preliminary Approval:

(A) The official written communication provided for in Section 350-32(j)(7) of this Ordinance shall be certified by the Secretary of the Board of Commissioners and shall be filed in his office and a certified copy shall be mailed to the Landowner. Where preliminary approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be noted on the zoning map.

(B) Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits. A Development Plan which has been given preliminary approval with conditions which have been accepted by the Applicant (and provided that the Applicant has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or evoked nor otherwise impaired by action of the Board of Commissioners pending an application or applications for final approval, without the consent of the Applicant provided an application or applications for final approval is filed or in the case of development over a period of years provided applications are filed within the periods of time specified in the official communication granting preliminary approval.

(C) In the event that a Development Plan is given preliminary approval and thereafter but prior to final approval the Landowner shall elect to abandon said Development Plan and shall so notify the Board of Commissioners in writing or in the event the Landowner shall fail to file application or applications for final approval within the required period of time or times as the case may be, the preliminary approval shall be deemed to be revoked in all that portion of the area included in the Development Plan for which final approval has not been given shall be subject to the regulations of the South Whitehall Township Zoning Ordinance as they may be amended from time to time and same shall be noted on the Zoning Map and in the records of the Secretary of South Whitehall Township.

(10) Preliminary (Tentative) Plan - Submission and Drawing Requirements: Submission Requirements - Submission procedure shall be governed by Section 312-11.

(A) Required documentation shall include but not be limited to materials

illustrating the following information:

- (i) The nature of the Landowners' interest in the Planned Residential Development.
- (ii) The proposed land Use areas within the P.R.D. distinguishing between types of residential, non-residential and other uses.
- (iii) The land Use Density of each land Use within the P.R.D. and the average gross residential Density for the entire Planned Residential Development.
- (iv) The Use and approximate height, bulk and location of Buildings and other Structures.
- (v) The feasibility of proposals for sanitary sewerage, water supply and storm water disposition systems.
- (vi) The substance of covenants, grant of Easements or other restrictions to be imposed upon the Use of land, Buildings, and Structures including proposed grants and/or Easements for Common Open Space areas and public Utilities and the legal form of provision thereof.
- (vii) In the case of plans which call for development in Stages of sketch showing the approximate time within which applications for final approval of each Stage of the Planned Residential Development are intended to be filed and the approximate number of Dwelling units, types of Dwelling units and gross residential Density for each type of Dwelling unit the plan for each sage schedule shall be updated on the anniversary of submission for tentative approval.
- (viii) Accurate dimensions of Common Open Space areas specifically indicating those areas to be preserved in their natural state and those areas to be developed for active recreation. For Common Open Space areas to be developed the exact location of Structures and Common Open Space areas will be illustrated.
- (ix) Architectural drawings illustrating exterior and interior design of typical Dwelling units of each type and non-residential Structures to be constructed.

(11) Drawing Requirements: Those drawing requirements as outlined in Section 312-12(b) shall govern.

(12) Final Plan - Submission Procedure: An application for final approval may be for all the land included in the Development Plan or to the extent net forth in the preliminary approval a section thereof. Said application shall be made to the Board of Commissioners and within the time or times specified by the official written communication granting preliminary approval. If the application for final approval is in compliance with the preliminary approved Development Plan, a public hearing need not be held. Unless otherwise specified, the submission procedure for final plans shall be governed by Section 312-13.

(13) Final Plan - Submission and Drawing Requirements: Submission requirements shall be governed by Section 312-14.

(14) Procedures After Application for Final Approval: In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, as required by this Ordinance and the official written communication of preliminary approval, the Board of Commissioners shall within thirty (30) days of such filing, grant such Development Plan final approval. In the event the Development Plan as submitted contains variations from the Development Plan given preliminary approval, the Board of Commissioners may refuse to grant final

approval and shall, within thirty (30) days from the filing of the application or final approval, to advise the Landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the Landowner may either:

(A) Refile his application for final approval without the variations objected.

(B) File a written request with the Board of Commissioners that it hold a public hearing on his application for final approval. If the Landowner wishes to take either such alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) days if the time for applying for final approval shall have already passed at the time when the Landowner was advised that the Development Plan was not in substantial compliance. In the event the Landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the Development Plan. Any such public hearing shall be held pursuant to Public Notice within thirty (30) days after request for the hearing is made by the Landowner, and the hearing shall be conducted in the manner prescribed in this Ordinance for public hearings on applications for preliminary approval. Within thirty (30) days after the conclusion of the hearing, the official review agency shall, by official written communication, either grant final approval to the Development Plan or deny final approval. The grant or denial of final approval of the Development Plan shall, in cases arising under this Section, be in the form and contain the findings required for an application for tentative approval set forth in this Ordinance.

(15) A Development Plan or any part thereof, which has been given final approval shall be so certified without delay by the Board of Commissioners and shall be filed on record within thirty (30) days after final approval has been granted in the office of the County Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the Development Plan, the Zoning and Subdivision Regulations otherwise applicable to the land included in such plan, shall cease to apply thereto. Pending completion within a period of two (2) years of said Planned Residential Development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said Development Plan or part thereof, as finally approved, shall be made except with the consent of the Landowner. Upon approval of a final plat, the Developer shall record the plat in accordance with the provisions of Section 513(a) of the Pennsylvania Municipalities Planning Code and post financial security in accordance with Section 509 of the Pennsylvania Municipalities Planning Code.

(16) In the event that a Development Plan, or a section thereof, is given final approval and thereafter the Landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the governing body in writing, or, in the event the Landowner shall fail to commence and carry out the Planned Residential Development or of that part thereof, within a period of two (2) years after final approval has been granted, no development or further development shall take place on the property included in the Development Plan until after the said property is reclassified by enactment of an amendment to the South Whitehall Township Zoning Ordinance in the manner prescribed for such amendments in the South Whitehall Township Zoning Ordinance.

(k) ADMINISTRATION

(1) Modification of Provision of the Plan: To further the mutual interest of the residents of the Planned Residential development and of the public in the preservation of the integrity of the Development Plan, as finally approved, and to insure that modifications, if any, in the Development Plan shall not impair the reasonable reliance of the said residents upon the provisions of the Development Plan, nor result in changes that would adversely affect the public interest, the

enforcement and modification of the provisions of the Development Plan as finally approved, whether those are recorded by plat, covenant, Easement or otherwise shall be subject to the followings provisions:

(A) The provisions of the Development Plan relating to

(i) the Use, bulk, and location of Buildings and Structures;

(ii) the quantity and location of common space, except as otherwise provided in this Ordinance; and

(iii) the Intensity of the Use or the Density of residential units, shall run in favor of South Whitehall Township and shall be enforceable in law or in equity of South Whitehall Township, without limitation on any powers of regulations otherwise granted South Whitehall Township by law.

(B) All provisions of the Development Plan shall run in favor of the residents of the Planned Residential Development but only to the extent expressly provided in the Development Plan and in accordance with the terms of the Development Plan, and to that extent said provisions whether recorded by plat, covenant, Easement or otherwise, may be enforced by law or equity by said resident acting individually, jointly, or through an Organization designated in the Development Plan to act on their behalf ; provided, however, that no provisions of the Development Plan shall be implied to exist in favor of residents of the Planned Residential Development except as to those portions of the Development Plan which have been finally approved and have been recorded.

(C) All those provisions of the Development Plan authorized, to be enforced by South Whitehall Township under this Section may be modified, removed, or released by South Whitehall Township, except grants or Easements relating to the service or equipment of a public utility, subject to the following conditions:

(i) no such modification, removal or release of the provisions of the Development Plan by South Whitehall Township shall affect the rights of the residents of the Planned Residential Development to maintain and enforce those provisions, at law or equity, as provided in this Section;

(ii) no modification, removal or release of the provisions of the Development Plan by South Whitehall Township shall be permitted except upon a finding by the South Whitehall Township Board of Commissioners or its designated agency, following a public hearing thereon pursuant to Public Notice called and held in accordance with the provisions of this Ordinance, that the same is consistent with the efficient development and preservation of the entire Planned Residential Development, does not adversely affect either the enjoyment of land abutting upon or across the Street from the Planned Residential Development or the public interest, and is not granted solely to confer a special benefit upon any person.

(D) Residents of the Planned Residential Development may, to the extent and in the manner expressly authorized by the provisions of the Development Plan, modify, remove or release their rights to enforce the provisions of the Development Plan but no such action shall affect the right of South Whitehall Township to enforce the provisions of the Development Plan in accordance with the provisions of this Section.

(2) Appeals, violations and penalties.

(A) Any person, partnership or corporation, who or which has violated the planned residential development provisions of any ordinance enacted under this 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 five hundred (\$500) dollars 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 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 appropriate 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 planned residential development provisions shall be paid over the Township whose ordinance has been violated.

(B) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

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ARTICLE 4

350-40

ZONING USE REGULATIONS



350-41 RESERVED

350-42 GENERAL PROVISIONS FOR ALL USES AND BUILDINGS

(a) Accessory Uses and Structures.

(1) Accessory Uses or Buildings shall observe the front yard Setbacks required for the Principal Use and/or Building, unless otherwise specified in Section 350-24(c).

(2) An Accessory Building or portion thereof that is attached to the Principal Building shall be considered as an integral part of said Principal Building and not as an Accessory Building.

(3) Accessory Uses and Buildings shall not be located between the Principal Use and/or Building and the Street, except where:

(A) The Lot is a minimum of three (3) acres in area

(B) The Principal Building is Setback at least 150 feet from the ultimate Street Right-of-Way;

(C) The Accessory Use or Building shall be Setback at least 75 feet from the ultimate Street Right-of-Way;

(D) The Accessory Use or Building shall be screened from the Street in accordance with Section 350-42(b) or comparably screened by existing vegetation or a combination thereof; and

(E) As may be otherwise specifically permitted by other provisions of this Ordinance.

(4) For Dual-Frontage Lots, Accessory Uses are permitted in the Yard exposure of the second parallel Street (Yard exposure opposite the vehicular access to the Lot) if:

(A) the entire frontage of that second parallel Street is buffered, at a minimum, at a 15-foot width and meeting the requirements of Section 350-42(b), and

(B) the Accessory Uses or Buildings within that Yard shall not exceed a height of twelve (12) feet.

(5) If the Lot is bounded by more than one (1) Street in such a fashion as to eliminate all side and rear yards or so as to leave Side Yards with insufficient space to accommodate Accessory Uses or Buildings, the Zoning Hearing Board may designate a yard abutting a Street for the location of an Accessory Use or Building taking into account the impact upon adjacent properties, the nature of abutting Streets, and the existence of similar uses or Buildings in the neighborhood.

(6) An Accessory Use or Structure shall not be permitted to exist unless the Principal Use exists on the same Lot or an adjacent Lot under common ownership except as may be permitted for parking in Section 350-48(o)(2) and for signs in Section 350-48(s)(10).

(b) Buffer Strips.

(1) In general, between dissimilar types of uses (i.e. Residential, Commercial, Industrial, or Institutional), a minimum fifteen (15) foot wide Buffer strip shall be established and maintained along all Lot Lines which are not along public Street Right-of-Way lines (including limited

access highways) for all uses except Single Detached Dwelling Unit Dwellings, Two-unit Dwellings, Three-flats, and Townhouses.

(2) When two (2) adjacent Lots are required to provide a Buffer strip along the same Lot Line, a combined Buffer strip with a total width not less than the minimum width of the largest Buffer strip specified for the Lots by other sections of this Ordinance may be provided. At least one-half (1/2) of the width required for the combined Buffer strip shall be provided on each of the adjacent Lots.

(3) Buffer strip requirements may be modified by the Zoning Hearing Board as a Special Exception when it is established that due to topography or the similarity and/or coordination of adjacent uses, no useful purpose would be served by the Buffer strip.

(4) Screening Requirements.

(A) Screening shall be provided and maintained within the buffer strip, and as a minimum shall consist of either:

(i) Dense hedges of deciduous, and at least fifty percent (50%) evergreen shrubbery. Plants shall be maintained at a minimum of five (5) feet in height above adjacent grade.

(ii) A Fence

- (a) at least seventy percent (70%) solid,
- (b) uniformly colored or of a naturally durable material such as cedar, cypress or redwood,
- (c) not less than five (5) feet tall and not more than twelve (12) inches above grade,
- (d) with evergreen plantings
 - (1) maintained to the exterior of the fence and within three (3) feet of the fence,
 - (2) spaced no more than four (4) feet on center, and
 - (3) a minimum height of three (3) feet above adjacent grade.

(B) Screening as provided in subsection (A) above, shall be required to screen any outdoor storage of material, finished or partly finished goods, dumpsters, unhitched tractor-trailer trailers not parked at loading docks or in Loading Zones, shipping containers, ground-mounted air conditioning units, electrical transformers, generators or other like-type equipment and similar fixtures which are greater than four (4) feet in any one dimension, when permitted by other provisions of this Ordinance, from view from adjacent residential properties or from public Streets. However, Motor Vehicle Sales Facilities shall be permitted a display area free of a Buffer strip between the display area and the public Street.

(C) Existing natural vegetation a minimum of five (5) feet in height may be substituted for a required buffer strip if the area of natural vegetation is at least thirty (30) feet in depth between the uses to be buffered.

(c) Drive-Through Queuing

(1) Drive-throughs, as customary ancillary uses for a number of non-residential uses, shall be required to provide a minimum number of vehicle stacking spaces for waiting vehicles based on eighteen (18) linear feet per vehicle as measured from the point an order or instructions are first given. Such spaces may be divided into several lanes where more than one Drive-through lane is available. Stacking spaces shall not count toward the otherwise required Parking Spaces.

(A) Retail and Personal Service Uses: 3.0 stacking spaces

(B) All others: 6.0 stacking spaces

(d) Driveways.

(1) Driveways. Except during construction, logging, mining or agricultural activities, or otherwise permitted within this Zoning Ordinance, the use and operation, including parking or storage, of any motor vehicle, the use and operation of which requires a license for either the vehicle or the operator, on private property shall be restricted to areas conforming with the requirements of Section 350-48(f)(3), Section 350-42(r), Section 350-48(o)(2), or within an enclosed building or structure.

(2) Driveways. Unless otherwise served by a Private Street, Non-Residential uses or three or fewer Residential Dwelling Units are served by Driveways. Driveways shall be constructed to the Driveway standards of the Township Subdivision and Land Development Regulations or to an alternate standard approved by the Board of Commissioners.

(3) Paving, Maintenance and Drainage. All Driveways, except where the land is being used for agricultural, horticultural, nursing, including raising and keeping of farm Animals, or as provided in Section 350-48(o)(4) shall be paved with a hard surface such as asphalt, portland cement concrete, or hard surface treatments approved by the Township Engineer, and required to be maintained at least annually. Residential Driveways shall be paved if fifty (50) feet or less in length or paved for a minimum of fifty (50) feet from the edge of cartway of the intersecting public street or private street if greater than fifty (50) feet in length. All Driveways, regardless of surface, shall be properly graded, drained and constructed with adequate provisions satisfactory to the Township.

(4) Location and Width of All Driveways.

(A) The width of Driveways for Single Detached Dwelling Units, Two Flat Dwellings, and each attached dwelling unit (i.e. fee simple twins and townhouses - staying consistent with how defined in Section 350-48) shall not exceed 20 feet at the Street Right-of-Way Line. The centerline of these Driveways at the legal right of way line shall not be closer to the centerline of the nearest street intersection than the distances permitted by the appropriate Section within the Subdivision and Land Development Ordinance.

(B) With respect to all Driveways not included in subsection (A) above, the distance from the centerline of the Driveway to the Centerline of the intersection shall be at least:

(i) Except in a Neighborhood-Commercial District one hundred fifty (150) feet if both Streets at the intersection are Local Streets; two hundred (200) feet if one of the Streets at the intersection is a Collector Street and the other is a Collector Street or a Local Street; three hundred (300) feet if either Street at the intersection is an Arterial Street.

(ii) In a Neighborhood-Commercial District - one hundred (100) feet.

(C) Except Driveways included in subsection (A) above, no Driveway shall be closer to another Driveway at the curb line than one hundred (100) feet. If the Frontage of the Lot or Tract is greater than three hundred (300) feet, centerlines of Driveways on the same Tract shall be no

closer to each other than two hundred fifty (250) feet at the curb line, with the offset being measured between centerlines. If the right-of-way onto which the Driveway enters or exits is under PennDOT jurisdiction, the above-mentioned requirements shall not be applicable and, instead, the applicable PennDOT regulations shall apply.

(D) A Driveway that serves a non-residential Use or Building shall not be closer to the Lot Line of a residential Use or a Lot Line in or bordering a residential district than twenty-five (25) feet.

(E) No Driveway serving common Parking Area(s) for more than ten (10) Dwelling units shall be closer to the Lot Line and/or a Building than twenty (20) feet.

(5) Illumination of Driveways. Driveways shall be illuminated in accordance with Section 350-42(i).

(e) Fences and Retaining Walls.

(1) Permit Required. Any Fence or wall four (4) feet or taller, except Fences for agricultural purposes, shall be subject to the Zoning Officer's issuance of a zoning permit therefor, or his approved notation therefor, upon a previously issued and still valid zoning permit for the premises. All such permitted fences shall be installed such that the side closest to an adjoining property be finished.

(2) Setbacks. Fences may be placed up to the property line.

(3) Maximum Height.

(A) Fences more than thirty percent (30%) solid shall not be taller than six (6) feet. Open wire mesh Fences and Fences less than thirty percent (30%) solid shall not be taller than ten (10) feet.

(B) Retaining walls may not be taller than six (6) feet above the uphill (retained side) of the adjacent ground.

(4) Prohibited Fences. The following Fences and fencing materials are prohibited:

(A) Barbed wire except that surmounting a "man-proof" Fence and at least six (6) feet above ground level except in rural, residential and agricultural districts or where land is being used for agricultural, horticultural, or nursery uses, including raising and keeping of farm Animals.

(B) Fabric.

(C) Electrically charged Fences except as permitted in subsection (A) above.

(D) Broken glass surmounting a wall.

(E) Junk including but not limited to discarded vehicles (such as automobiles, trucks, busses, trailers, etc.), appliances (such as refrigerators, washers, dryers, etc.), assembled or partially assembled materials (such as tanks, construction materials, bales, barrels, etc.), and/or raw materials (such as stone, cement, sand, mineral ore, coal, wood, dirt, etc., except those used for the construction of a permanent dyke, dam or berm).

(F) No Fence shall be erected within any South Whitehall Township utility or drainage Easement, unless approved by the Board of Commissioners.

(5) Exempt Fences and Walls. Temporary Fences and walls such as snow Fences, Fences or barriers around construction sites and construction shoring which are not to stand more than one (1) year are exempt from the permit and height requirements of subsections (1), (2) and (3)

above.

(f) Flood Plain and Stream Setback Requirements. All land located in Flood plain areas, as shown on the most recent Flood Insurance Rate Map, shall be subject to the requirements of the Township Floodplain Ordinance.

(g) Frontage on Public Streets. No Use shall be created nor any Building occupied unless the Lot or Tract on which it is situated has Frontage upon a public Street improved to Township standards or duly accepted by the Township, or Private Street.

(1) While construction is permitted prior to the completion of Street improvements, Building permits shall not be issued until there is assurance and security satisfactory to the Township that such Street improvements will be completed prior to the creation of a Use or occupancy of the Building(s).

(h) Height Exceptions.

(1) When otherwise listed or interpreted as a permitted Use in this Ordinance, the following Buildings, Structures or portions thereof may, under certain conditions, exceed the height limitation established elsewhere in this Ordinance:

(A) Incinerator, chimney, vent pipe, antenna, public utility Structure, commercial radio and/or T.V. transmission tower, water tank, cupola, clock tower, dormer, spire, belfry, enclosure for service equipment, elevator bulkhead, stage tower, and scenery loft.

(2) The following conditions shall be met:

(A) When attached to the roof, or the side of an existing or proposed Building, the base of the Building(s), Structure(s), or portion(s) thereof shall not cumulatively exceed twenty-five (25%) percent of the base width and depth of the existing or Principal Building.

(B) When attached to the roof of an existing or proposed Building, and not otherwise permitted as an Accessory Use, the height of the Building(s), Structure(s), or portions(s), thereof shall not exceed one hundred forty (140%) percent of the height of the Principal Building.

(3) It is the intent of this section to control the Height of Buildings and Structures, not only to fulfill the general purpose of Section 350-02, but to also comply with Act 161, 1980, Pennsylvania State Legislature, amending the Airport Zoning Law of 1945 (2 P.S. 1550).

(i) Illumination of Private Streets and Driveways. The intent of the following requirements is to limit the effects of sky glow, limit the intensity of illumination on adjoining properties, and to limit the direct view of the lamp source from adjoining properties. Adequate shielding shall be provided to protect adjacent residential properties from the glare of such illumination. Designs other than those meeting the specific requirements outlined below will be considered, such as indirect lighting of exterior canopies, as long as the design intent is maintained.

(1) All Private Streets and Driveways, except for those servicing three (3) or fewer dwelling units, shall be illuminated adequately during the hours between sunset and sunrise when the Use is in operation.

(2) Lighting fixtures shall meet the standard established in the latest edition of the Illuminating Engineering Society (I.E.S.) Handbook for full cutoff design. No fixtures with exposed lamps or candlepower distribution above the level established in the I.E.S. handbook for full cutoff-design shall be permitted. This requirement applies to pole-mounted and wall-mounted luminaries.

(3) Illumination levels and design for Private Streets and Driveways shall meet the

requirements established in the latest edition of the I.E.S. Handbook.

(4) Luminaire mounting height, defined as the height above grade to the bottom of the fixture, shall not exceed 20'0" in areas where the fixture is within 300-feet of a residential property. The height shall not exceed 30'0" in all other areas, except those specifically allowed for illumination of recreation fields.

(5) Submissions to the Township Engineer for review and recommendation, and approval by the Township, shall include a general layout of the site indicating parking and drive areas, locations of all lighting fixtures, either isofootcandle curve layouts or point-by-point level indication, catalog information for the fixture and pole used, mounting heights for fixtures, and a foundation detail for the pole. The site plan shall also define the surrounding properties indicating the zoning designation. In order to determine that spill light does not exceed the level indicated in subsection (F), the calculation grid for illumination levels shall extend sufficiently into surrounding properties.

(6) The illumination level shall not exceed .5 horizontal foot-candles on any adjoining Lot that is residentially zoned or contains a residential Use.

(7) It shall be noted that additional approval by the Pennsylvania Power and Light (PPL) is required for PPL installation, but Township approval shall not be contingent upon approval by PPL.

(j) Impervious Surfaces in Excess of 10,000 Square Feet in the Aggregate

(1) Impervious Surfaces in excess of 10,000 square feet in the aggregate are subject to engineering review and recommendation by the Township Engineer, and approval by the Township, in accordance with all necessary fees and escrows as may be required by Resolution, as amended from time to time. The pre-development condition of the Lot, as well as the proposed additional Impervious Surface, shall be considered in determining the total amount of Impervious Surface.

(k) Lots Abutting More Than One Street

(1) All uses and Buildings shall observe the front Setbacks and yard requirements along each Street that the Lot abuts. The remaining yards not abutting a Street shall observe the Setbacks and yard requirements specified for Side Yards, except for the following:

(A) If the Lot abuts a limited access highway such as the Pennsylvania Turnpike, Route 22, I-78 or Route 309 and said Lot also fronts on another Street, yards abutting the limited access portion of such highway shall be considered to be Side or Rear Yards, whichever is appropriate when applying the Setback and yard requirements of this Ordinance.

(B) An end dwelling unit of a group of Twins or Townhouses, where the yard abutting the rear yard of the abutting unit shall be designated as a rear yard for setback purposes.

(l) Measurements

(1) Frontage on Cul-de-Sac Lots. Due to the unique configuration of cul-de-sac Lots, the minimum Frontage requirement may be satisfied at the standard front Building or Use Setback Line, provided the length of the Right-of-Way line equals at least sixty percent (60%) of the required Frontage.

(2) Limit on Front Setback. The provisions of this Ordinance shall not require a Single Detached Dwelling Unit or a Two-unit Dwelling to have a front yard Setback that is more than ten (10) feet deeper than the front yard Setback of an existing Building on an adjacent Lot, where any portion of such Building is within one hundred (100) feet of the proposed Dwelling. In such cases, the front yard Setback may be equal to that of the adjacent Building or a minimum of five (5) feet from the

Right-of-Way, whichever is greater.

(m) Mobile Homes.

(1) Parking Outside of a Mobile Home Park.

(A) Not more than one (1) Mobile Home may be parked at the same time on any single premises other than an approved Mobile Home Park. Parking of Mobile Homes shall observe the yard requirements for an Accessory Building.

(B) No Mobile Home shall be parked in any district outside an approved Mobile Home Park for more than forty-eight (48) hours except upon special permission issued by the Zoning Officer. Such permit shall be issued for a period not exceeding thirty (30) days and shall not be renewable within the same calendar year.

(C) No Mobile Home shall be parked on the Street more than forty-eight (48) hours.

(2) Use as a Temporary Facility. As an exception to subsection (B) above, a permit may be issued for parking and occupying a Mobile Home on land owned by the occupant or occupants as a temporary facility during construction of the permanent facility thereon, for a period not exceeding one hundred eighty (180) days and shall be renewable for an additional period not exceeding one hundred eighty (180) days. However, if material progress with construction work ceases for a consecutive period of forty-five (45) days, such permit shall become void.

(n) Municipal Uses and Structures. The requirements of this Ordinance shall not apply to uses or structures owned or operated by the Township or the South Whitehall Township Authority, that are intended for a legitimate governmental or public health and safety purpose.

(o) Ownership and Responsibility. All land and the improvements thereon shall be owned, maintained and be the responsibility of private individuals, group of individuals and/or organizations or individuals and the heirs or assigns thereof unless said land or improvements have been offered to and accepted by the Board of Commissioners of South Whitehall Township. No land and/or improvements thereon shall be abandoned to the Township. Land and/or improvements thereon, in whole or in part, may be held in common ownership provided legal instruments satisfactory to the Township and binding on the parties thereto, are established for the perpetual care and maintenance of same.

(p) Permitted Encroachments into Required Yards

(1) The following fixtures, which individually constitute less than ten percent (10%) of the length of the face of the Building to which they are attached, or thirty (30) feet, whichever is less, may project into any Required Yard a maximum of seven (7) feet: steps, fire escapes, stoops, open porches, chimneys, exterior air conditioning units, electrical transformers, generators or other like-type equipment and similar fixtures.

(2) Enclosed porches and Patios with footers shall be considered part of the Principal Building and shall not project into any Required Yards.

(3) For residential uses, floating slab Patios and Decks may extend into the required rear yard for a distance equal to or less than fifty percent (50%) of the required rear yard for the principal residential Structure. Such Patio or Deck shall not be placed within a Township or Township Board of Authority utility Easement. For purposes of this section, a balcony shall abide by the same Setbacks as a Deck, and Decks associated with a Residential Swimming Pool shall be considered part of the pool and meet all Setbacks for the Residential Swimming Pool as listed in the Section 350-24(c)

District Schedule.

(4) The following shall not be prohibited in any Required Yard (front, side or rear): fences and walls as provided in Section 350-42(e), landscaping/vegetation, walkways, and Driveways except Driveways remain subject to the regulations in Section 350-42(d).

(5) Structures for Handicapped Accessibility. Structures intended to provide accessibility to handicapped persons, when retrofitted to a principal or accessory Structure, shall be exempt from the Setback requirements of that Structure whenever it is not physically possible, or is unduly financially burdensome, to comply.

(q) Pets. For purposes of administering this section, "housing" shall include Structure(s), outdoor runs, or outdoor areas in which the Pets are sheltered and/or kept. Small Pets which are sheltered, fed and exercised within cages or containers and not permitted to move freely within the Dwelling, Building or Structure, such as but not limited to domesticated rodents, fish, reptiles, and some birds are excluded from the provisions of this Section. Unless otherwise specified, the requirements of this section refer to the keeping of pets for non-commercial uses.

(1) Standard House Pets

(A) Housing of as many as six (6) House Pets over three (3) months old within a Dwelling Unit is permitted.

(2) Standard Pets other than Standard House Pets

(A) Housing of as many as four (4) Standard Pets over three (3) months old shall not be within the front yard and shall be no closer than four (4) feet to a Lot Line and not closer than twenty (20) feet to a Dwelling on an adjoining premise.

(B) Housing of as many as five (5) but not more than eight (8) Standard Pets over three (3) months old shall not be within the front yard and shall be no closer than one hundred (100) feet to a Lot Line and not closer than two hundred (200) feet to a Dwelling on an adjoining premise.

(C) Housing of as many as nine (9) Standard Pets but not more than twelve (12) pets more than three (3) months old shall not be within the front yard and shall be no closer than two hundred (200) feet to a Lot Line and not closer than four hundred (400) feet to a Dwelling on an adjoining premise.

(D) Housing of more than twelve (12) pets more than three (3) months old, as well as the establishment of a Commercial Kennel, shall be subject to the requirements of subsection (C) above and shall be subject to Special Exception review by the Zoning Hearing Board.

(3) Non-Standard Pets

(A) Chickens (Hens only)

(i) The keeping of up to four (4) such animals is permitted on a Lot.

(ii) The Lot shall contain a Single Detached Dwelling Unit residence and be located in one of the following districts: the RR-3, RR-2, or R-R Rural Residential and Agriculture.

(iii) When outdoors, such animals shall be contained in an enclosed structure, a fenced area or run or a combination thereof. The containment area and/or Structure shall not be permitted in the front yard and shall be Setback at least ten (10) feet from rear and Side Yard Lot Lines, and be at least 100 feet from a Dwelling on another property.

(r) Private Streets.

(1) Driveways. Except during construction, logging, mining or agricultural activities, or otherwise permitted within this Zoning Ordinance, the use and operation, including parking or storage, of any motor vehicle, the use and operation of which requires a license for either the vehicle or the operator, on private property shall be restricted to areas conforming with the requirements of Section 350-48(f)(3), Section 350-42(r), Section 350-48(o)(2), or within an enclosed building or structure.

(2) When used in lieu of public Streets and with approval of the Board of Commissioners, Private Streets shall be provided to serve more than three Residential Dwelling Units, but may be provided to serve three or fewer Residential Dwelling Units. Private Streets shall be constructed to the Public Street standards of the Township Subdivision and Land Development Regulations or to an alternate standard approved by the Board of Commissioners.

(3) Private Streets shall be illuminated in accordance with Section 350-42(i).

(s) Topsoil Stripping. Stripping of topsoil for sale or for Use on other premises, except as may be incidental to a construction project, shall be prohibited in all districts. Sufficient topsoil removed incidental to construction shall be retained and redistributed after construction over an area not occupied by Buildings, walkways, Parking Spaces, Driveways, or other improvements.

(t) Ultimate Right-of-Way Widths for Roads. Minimum Right-of-Way widths are hereby established for roads where the existing Right-of-Way is less than the assigned road classification requires.

(1) Ultimate Right-of-Way Lines shall be equidistant from the Centerline of the road. All front yards and other Setback Lines shall be measured from the Ultimate Right-of-Way Line, except in such situations where the Street Right-of-Way is greater than the Ultimate Right-of-Way, wherein all front yards and other Setback Lines shall be measured from the Street Right-of-Way Line. The specific classification of each road is shown on the Official Map of South Whitehall Township which is hereby incorporated into and made part of this Ordinance. Special Ultimate Right-of-Way widths for certain roads in the Township are specified in Section 350-42(t)(3). This Section does not apply to Active Adult Neighborhood Development-Overlay as regulated under Section 350-31(f)(5).

(2)

<u>Widths</u>	<u>Ultimate Right-Of-Way</u>
Expressway	As per PennDOT or PA Turnpike Commission
Arterial Road	80 Feet
Collector Road	70 Feet
Local Road Including Private Streets	60 Feet

(3) Special Right-of-Way widths established for certain roads in the Township.

(A) The Ultimate Right-of-Way Line shall be measured fifty (50) feet from the Centerline of the following roads:

- (i) Walbert Avenue from Huckleberry Road to Route 309
- (ii) Cedar Crest Boulevard for its entire length of the Township
- (iii) Hamilton Boulevard for the length of the portion that is designated

for two-way traffic

(B) The Ultimate Right-of-Way Line shall be measured forty (40) foot from the Centerline of the following roads:

- (i) Broadway from Haines Mill Road to Tilghman Street
- (ii) Orefield Road from Cedar Crest Boulevard to Route 309
- (iii) Stadium Road
- (iv) Mauch Chunk Road
- (v) Willow Street

(C) The Ultimate Right-of-Way Line shall be measured twenty feet (20') from the Centerline of the following road(s):

- (i) Charles Street for its entire length of the Township.

(u) Utilities. Exceptions to any and all provisions of this Ordinance may be granted by the Zoning Hearing Board for any existing or proposed Building and/or Structure or the extension thereof used or to be used to furnish utility service to the public, provided said Building or extension is necessary for the convenience or welfare of the public and no reasonable alternative exists that would be in conformance with the Ordinance.

(1) Hazardous installations shall be either contained within an enclosed Building or Fenced with a security and safety Fence.

(2) Unless the Use is within a Building similar to other Buildings in the district in which it is located, Buffering and screening required in Section 350-42(b) shall also be required along Street lines except at Driveways and their intersection with public roads.

(v) Water and Sewer Services.

(1) Two-unit Dwellings, Townhouses, and apartments shall not be permitted in any district unless they are served by Public Water and Public Sewer or other centralized water and sewer services approved by the Pennsylvania Department of Environmental Protection.

(2) If the water supply is to be obtained from a well and sewage disposal is to be by means of a septic tank, both located on the same premises, the minimum permitted Lot size for a single detached Dwelling shall be one (1) acre, regardless of zoning district.

350-43 AGRICULTURAL, HORTICULTURAL AND NURSERY USES IN ALL DISTRICTS

(a) Interpretation of Setback Schedules. The Setbacks shown in Section 350-24(c) apply to the commercial growing or raising of crops, flowers, shrubs, trees, plants or Animals of any kind. Accessory Uses or activities such as Dwelling units, Farm Outbuildings, roadside stands, etc., shall be subject to the Setbacks indicated for the specific Accessory Use in Section 350-24(c), unless indicated otherwise herein.

(b) Obstruction of Vision. No plantings shall be located so as to interfere with vision at the intersection of Streets or Driveways.

(c) Sale and Storage of Farm Products.

(1) The sale and/or storage of farm products is permitted on any farm in the Rural Residential-3, Rural Residential-2, or Rural Residential and Agricultural district (R-R), and at a Roadside stand as regulated in Section 350-48(f)(3).

(d) Raising and Keeping of farm Animals. When permitted by Zoning District Schedules in Section 350-24(c), the raising and/or keeping of Animals is further limited as follows:

(1) The number of hogs or swine kept on a property shall not exceed two (2) per acre, unless the Animal is a Vietnamese Potbellied Pig house pet.

(2) Structures used for the raising, keeping or housing of cows, hogs, swine, chickens or other fowl shall be subject to the following Setback standards:

(A) Setback to a Street Right-of-Way line - 300 feet.

(B) Setback to a side or rear Lot Line - 150 feet.

(C) Setback to a Dwelling on an adjoining premise/premises - 500 feet.

(3) Raising, keeping and/or housing five (5) or less head of livestock or other such farm Animals or one hundred (100) or less fowl shall be a Primary Use. Raising, keeping or housing more than five (5) head of livestock or other such Animals or more than one hundred (100) fowl shall be a Special Exception Use.

350-44 RESIDENTIAL USES IN ALL DISTRICTS

In addition to the foregoing requirements, residential uses shall be in accordance with the following:

(a) Accessory Uses for Residential Uses.

(1) Accessory Buildings and/or uses customarily incidental to a residential Use and not specifically designated in Section 350-24(c) shall be permitted in accordance with the following:

(A) Yard ornaments, play Structures, fountains, flagpoles, clothes lines, and similar objects may be permitted in all yards and all yard Setbacks. Any such Structure or object which exceeds six (6) feet in height above ground level shall be at least six (6) feet from the front, Street, side or rear Lot Line.

(B) Sport courts, temporary event tents and the like shall not extend into any required yard specified for the Principal Use.

(2) A maximum of one (1) truck, van or other like-type vehicle used for a commercial purpose may be parked on a Lot, even if in a private residential Garage. Such vehicle shall have a maximum gross vehicle weight rating of 10,000 pounds. Such vehicle shall be parked to the side or rear of the principal Dwelling unit. Heavy equipment used for construction purposes are prohibited from being parked on a residential Lot for any period of time, unless such is actively being used for construction within forty-eight (48) hours.

(3) A maximum of one (1) boat, (1) camper, or one (1) recreation vehicle and an associated one (1) utility Trailer for the transporting of such recreational vehicle may be parked on a residential Lot provided such vehicle shall be parked behind the Principal Use and meets the side and Rear Yard requirements for an Accessory Private Garage.

(4) Temporary Tents for Special Events. Tents for special events may be erected on a residential Lot for a period not to exceed four (4) days. Tents shall observe the setbacks for a private residential garage in accordance with Section 350-24(c) except as modified by Sections 350-42(a).

(b) Condominiums.

(1) Requirements for the Dwellings and/or Dwelling units shall be those contained in this Ordinance and appropriate for the type of Dwelling and/or Dwelling unit to be constructed irrespective of the condominium arrangement.

(2) There shall be a primary owner who shall be responsible for all taxes, liens, assessments, service charges, and the maintenance of all land, Buildings, private Streets, Parking Areas, Utilities and any other improvements. Responsibilities may be delegated to secondary owners as may be agreed between the parties; however, the primary owner shall hold overall responsibility and shall be responsible for the performance of the secondary owners. Ownership arrangements shall be on file with and in form satisfactory to the Township.

(c) Impervious Lot Coverage for a Residential Use is as follows:

Lot Area	Maximum Percentage of Lot Coverage
Up to 5,000 sq. ft.	100%
>5,000 sq. ft. to 10,000 sq. ft.	75%
>10,000 sq. ft. to 25,000 sq. ft.	65%
> 25,000 sq. ft. to 43,560 sq. ft.	50%
> 43,560 sq. ft. to 5 acres	25%

> 5 acres	15%
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(d) Side Yards for Townhouses and Twins

(1) The side yard setback for all primary uses where two Townhouse units or two Twin units share a common wall shall be zero (0) feet.

350-45 NON-RESIDENTIAL USES, INCLUDING COMMERCIAL INDUSTRIAL AND INSTITUTIONAL USES IN ALL DISTRICTS

(a) Betting Activities. All Betting Activities shall be conducted in Betting Parlors, which are permitted solely in the HC-1 zone. Betting Parlors are hereby expressly excluded from all other commercial, industrial, and residential zones.

(b) Impervious Lot Coverage for a Non-Residential Use. The Maximum Impervious Lot Coverage of a Non-Residential Use is 75%.

(c) Protection of Surrounding Properties. No activity shall be permitted that will emit smoke, dust, dirt, fumes, odors, noise, heat, glare, vibrations, radio-activity, electrical disturbances, radio disturbances, or magnetic disturbances beyond the Lot Lines in such a manner as to be a nuisance or injurious to humans, Animals, vegetation or property of the adjoining or surrounding Lots. Adequate facilities and regulations shall be provided to prevent employees, contractors, or visitors intentional or unintentional Use, damage or interferences with adjacent or surrounding properties or activities. All operations, facilities and materials that may be hazardous when misused or when accidental contact is made shall be enclosed by an approved safety Fence.

(d) Reduced Front Yard Setbacks. The front yard setback for the indicated Primary Uses, Special Exception Uses and Conditional Uses within the Highway Commercial, General Commercial, Highway Commercial-1 (Special Height Exception) and General Commercial-1 (Special Height Exception), Industrial Commercial-1 (Special Height Limitation) and Industrial zoning districts may be reduced from the required fifty (50) feet under the following conditions. In the case of a Coordinated Development, the following conditions shall be met by all Primary Use buildings fronting a given public street right-of-way in order to be eligible for the reduced front yard setback.

(1) A reduction of five (5) feet is permitted for each of the following conditions that exists along the entire frontage along a given right-of-way:

(A) a sidewalk located, constructed and maintained to Township standards or to standards as modified with the approval of the Township.

(B) shade trees located, planted and maintained to Township standards or to standards as modified with the approval of the Township.

(2) A reduction of five (5) feet is permitted for each of the following conditions that exists on the parcel or Coordinated Development utilizing the provisions of this Section 350-45(d):

(A) **Pedestrian Walkways Between Building and Public Sidewalk.** A designated and protected hard-surfaced pedestrian walkway at least five feet in width that joins the public sidewalk fronting the property with the building main entrance facing that fronting public street right-of-way. At least one such pedestrian walkway shall be provided for every five hundred (500) feet of public street right-of-way frontage, fractions rounded down. Such a walkway shall include marked pedestrian crossings at all driveways to be crossed and curbed walkways at all other locations between the sidewalk and building entrance.

(B) **Pedestrian Walkways Within Parking Stall Rows.** Designated and protected pedestrian hard-surfaced walkways at least five feet in width that join the parking stalls within the parking lot with a building entrance. Such walkways shall be situated between the parking stalls within the rows of parking stalls. Such a walkway shall include marked pedestrian crossings at all driveways to

be crossed and shall be bordered by concrete curbing, bumper blocks or similar protective structures at all other locations.

(C) Additional Tree Islands.

(i) For the purposes of this Section a Tree Island shall be interpreted as:

(a) a protected area of landscaping bordered on opposing sides by parking stalls and of at least the same dimensions as the bordering parking stalls.

(b) bordered by concrete curbing, bumper blocks or similar protective structures.

(c) containing at least one tree that meets the requirements of Section 312-40(b).

(ii) The number of tree islands required to qualify for the reduction specified in subsection (2) above shall be one for every ten (fractions rounded up) parking spaces required by Section 350-48(o)(2)(E)(v), and shall not include those trees required by Section 350-48(o)(2)(E)(v).

(iii) Should subsection (B) above be utilized, tree islands on opposite sides of the pedestrian walkway shall be offset by at least five parking stalls to ensure sufficient separation distance between mature trees.

(iv) Parking Lot Trees required under this Section 350-45(d), whether required under Section 350-48(o)(2)(E)(v) or utilized under Section 350-45(d), shall not be located less than fifty feet from another Parking Lot Tree.

350-46 TEMPORARY USES IN ALL DISTRICTS

It is hereby recognized that certain uses and activities which might not otherwise be permitted by this Ordinance are nevertheless permitted because their establishment and operation for a limited period of time serves the public interest. Said uses involve a non-permanent use of a site and generally have a less restrictive set of development standards due to the temporary nature of each such use. Such uses are declared to be "Temporary Uses" under this Ordinance. Temporary Uses include but are not limited to the following: special events provided for the enjoyment of the public, civic events in recognition of issues of public importance, seasonal activities, commercial open houses, grand opening events and similar temporary uses. All Temporary Uses, regardless of whether permitted by right (with or without a zoning permit) under subsection (a) below or requiring approval of the Zoning Hearing Board under subsection (b) below, remain subject to compliance with all other Township permitting and code requirements. Relief obtained from any other applicable Township ordinance, resolution, code, regulation, etc., does not alleviate the need to comply with this Ordinance.

(a) Temporary Uses Permitted by Right.

(1) Uses. Zoning Hearing Board approval is not required for the following uses:

(A) Temporary Uses Permitted by Right Not Requiring a Permit.

(i) The following Temporary Uses may be undertaken, consistent with the following provisions, without the applicant having to first obtain a permit from the Zoning Officer or having to first obtain approval from the Zoning Hearing Board:

(a) Non-profit events. Annual or semi-annual non-profit events, including but not limited to, craft shows, car washes, swim meets, small-scale carnivals, bake sales, and/or events conducted by schools, places of worship, or other non-profit civic groups.

(b) A festival by a place of worship or Emergency Response Service Facility clearly intended to benefit charitable, religious or public safety programs of such places of worship, or Emergency Response Service Facilities.

(c) Clinics coordinated by public health officials for administering mass vaccinations, blood drives, and other similar clinics planned by public health officials to meet a regional health need.

(d) Temporary offices, structures, and shelters coordinated by emergency responders or public officials due to a natural disaster or emergency event. The duration limitation of Section 350-46(a)(2) shall be inapplicable to Temporary Uses under this subsection (a)(1)(A)(iv), for which the limit shall be thirty (30) days in any calendar year.

(e) Commercial open houses, grand opening events for new commercial uses and customer appreciation events for existing commercial uses. The duration limitation of Section 350-46(a)(2) shall be inapplicable to Temporary Uses under this subsection (a)(1)(A)(v), for which the limit shall be as follows. Temporary Uses permitted under this subsection (a)(1)(A)(v), shall be limited to either of the following in a calendar year. Once an election is made in a given calendar year, the option selected is binding for the entire year.

(1) One (1) occasion per year at any given property, limited to one (1) week consisting of seven (7) consecutive days; or

(2) Two (2) occasions per year at any given property, with each such occasion being permitted over three (3) consecutive calendar days. Events conducted

more frequently or for a greater duration shall require approval of the Zoning Hearing Board pursuant to Section 350-46(b).

(f) Garage/Yard Sales for Residential Uses. A sales event of miscellaneous and customary residential items occurring on the property of a dwelling unit, operated and controlled by at least one permanent resident of the corresponding dwelling unit, which only offers for sale "used"/previously purchased retail items customary of a residence.

(1) The Garage/Yard Sale may be in operation only between the hours of sunrise to sunset.

(2) Items to be sold shall be displayed only during the hours of operation.

(3) A garage sale event shall be limited to three consecutive days occurring only on a Friday, Saturday, or Sunday.

(4) A maximum of two garage sale events shall be permitted per each of the two halves of a calendar year.

(5) Signage for Garage/Yard Sales is regulated under Section 350-48(s)(10(E)(xv), except that no permit is required for the duration of the Garage/Yard Sale plus two days prior to the commencement of the sale.

(g) Personal Storage Units. Portable storage units are permitted to be placed upon a Lot:

(1) for a period of less than thirty (30) days no more than twice a calendar year.

(2) Units shall not be placed within any Street Right-of-Way, nor block vehicular or pedestrian traffic.

(3) Units shall be Setback a minimum of six (6) feet from any Lot Line.

(4) In the event of a disaster, such as, but not limited to, fire, explosion, wind, flood, vandalism, hail, lightning, or other similar natural or man-made incident, the Zoning Officer may extend the by-right permitted period of the Personal Storage Unit placement through the approval of a completed Zoning Permit application.

(h) Dumpsters. Unless as part of a construction project with an active or zoning building permit, dumpsters are temporarily permitted to be placed upon a Lot without having to meet the requirements of Section 350-42(b), provided that:

(1) The dumpster is not placed on the Lot for a period of less than thirty (30) days no more than twice a calendar year.

(2) The dumpster shall not be placed within any Street Right-of-Way, nor block vehicular or pedestrian traffic.

(3) The dumpster shall be Setback a minimum of six (6) feet from any Lot Line.

(4) The Zoning Officer may extend the by-right permitted period of the dumpster placement through the approval of a completed Zoning Permit application for clean-up associated with a disaster, such as, but not limited to, fire, explosion, wind, flood, vandalism, hail, lightning, or other similar natural or man-made incident.

(ii) Duration. Unless otherwise specified elsewhere in this Ordinance, Temporary Uses permitted by right shall be limited to either of the following in a calendar year. Once an election is made in a given calendar year, the option selected is binding for the entire year.

(a) One (1) occasion per year at any given property, limited to one (1) week consisting of seven (7) consecutive days; or

(b) Two (2) occasions per year at any given property, with each such occasion being permitted from noon on a Friday until 8:00 p.m. local time on the following Sunday night. Events conducted more frequently or for a greater duration shall require approval of the Zoning Hearing Board pursuant to Section 350-46(b). Notwithstanding anything herein to the contrary, no outdoor commercial recreation activities shall be considered temporary uses permitted by right under Section 350-46.

(iii) Parking. Notwithstanding any provision of this Ordinance to the contrary, Temporary Uses permitted by right shall not be required to provide any specific amount of parking. Instead, parking provided for a Temporary Use shall not block driveways or access ways. Parking shall not be provided on private property without the prior permission of the property owner. Further, no parking shall be provided in any area designated as "no parking" by applicable Township or state regulation.

(iv) Signs. Temporary signage is permitted for temporary uses permitted by right in accordance with this subsection. Temporary signs shall not exceed eight (8') feet in height and shall not be illuminated in any way. Electronic Graphic Display Signs are not permitted as temporary signage. A temporary use permitted by right may display one (1) sign (consisting of two sign faces) along each front yard exposure of a property upon which a temporary use permitted by right is allowed. Each sign face shall be limited to thirty-two (32) square feet.

(B) Temporary Uses Requiring a Permit.

(i) The Zoning Officer shall issue a Zoning Permit for the following Temporary Uses without the applicant obtaining approval from the Zoning Hearing Board, subject to the following provisions:

(a) A special sale area or display within a Lot of a permitted commercial use that is not otherwise approved for or permitted to have sales or displays, such as a sidewalk sale or sale of holiday flowers within a parking area.

(b) Outdoor commercial recreation activities

(c) Personal Storage Units. In the event of a disaster, such as, but not limited to, fire, explosion, wind, flood, vandalism, hail, lightning, or other similar natural or man-made incident, the Zoning Officer may extend the by-right permitted period of the Personal Storage Unit placement up to 90 days by the issuance of a Zoning Permit and shall condition the permit accordingly.

(1) Units shall not be placed within any Street Right-of-Way, nor block vehicular or pedestrian traffic.

(2) Units shall be Setback a minimum of six (6) feet from any Lot Line.

(d) Dumpsters. The Zoning Officer may extend the by-right permitted period of the Personal Storage Unit placement through the approval of a completed Zoning Permit application for clean-up associated with a disaster, such as, but not limited to, fire, explosion, wind, flood, vandalism, hail, lightning, or other similar natural or man-made incident, provided that:

(1) The dumpster shall not be placed within any Street Right-of-Way, nor block vehicular or pedestrian traffic.

(2) The dumpster shall be Setback a minimum of six (6) feet from any Lot Line.

(ii) Removal. Upon cessation, expiration, or revocation of the permit, the property shall be cleaned up and restored to substantially the same condition as existed prior to commencement of such use and to a condition that is otherwise in compliance with the requirements of the Zoning Ordinance (or as a lawful pre-existing, nonconforming use), and all other Township Ordinances within one (1) week of the cessation, expiration, or revocation of the permit. Additionally, any public property (parks, road rights-of-way, etc.) shall be cleaned of debris and rubbish which may have accumulated by virtue of the Temporary Use. Failure to comply with this provision will require Zoning Hearing Board approval for the next event at the property that constitutes a temporary use permitted by right and any such Zoning Hearing Board approval will be contingent on the submittal of security in an amount and form adequate to ensure that the Township can restore the property to its pre-existing condition, if necessary, at the completion of the event. Additionally, if the Temporary Use (including temporary structures) is not removed in a timely fashion, after proper notification, the Township may remove the Temporary Use (including structures) at the cost of the applicant. The applicant shall reimburse the Township immediately following receipt of an invoice noting the amount due. In the event the applicant fails to reimburse the Township within thirty (30) days of receipt of a written invoice bill or if funds received from the applicant are insufficient to fully reimburse the Township, the Township shall have the right, after first providing written notice to the owner(s) of the land upon which the Temporary Use was held to invoice owner(s) for the cost or deficiency. Each such invoice, together with interest and the cost of collection thereof (including but not limited to reasonable fees for legal counsel and court costs), in addition to a fee of twenty percent (20%) of the expenses incurred by the Township as an administrative fee, shall also be the joint and several personal obligations of the applicant and the owner(s) of the property upon which the Temporary Use was held. Upon filing by the Township, sums not reimbursed to the Township shall become a lien on the property upon which the Temporary Use was held. Liens shall be filed in the office of the Prothonotary of Lehigh County, Pennsylvania and shall be collected in the manner provided for by law for the collection of municipal claims.

(iii) Other Information. When completing the Zoning Permit application, the applicant shall specify the dates and times for the event and all other information which may be required by the Zoning Officer, including the dates and times that set-up and tear-down will take place, what provisions will be made for site security, sanitation, trash removal, outdoor lighting or other electrical needs, and information concerning proposed signage.

(b) Temporary Uses Requiring Zoning Hearing Board Approval. Except for Temporary Uses Permitted by Right described in subsection (a) above, a Temporary Use permit shall be issued by the Zoning Officer only after said use receives special exception approval by the Zoning Hearing Board pursuant to this subsection only, it being noted that Temporary Uses need not comply with Section 350-16(i) of this Ordinance. The applicant must demonstrate to the satisfaction of the Zoning Hearing Board that the proposed Temporary Use complies with the following requirements:

(1) Compatibility. The proposed use is of such nature that it will not exert a detrimental effect on neighboring properties and will contribute to the general welfare, needs, and convenience of the Township of South Whitehall and the general public. For purposes of this section, no temporary use shall be permitted that will emit smoke, dust, dirt, fumes, odors, noise, heat, glare, vibrations, radio-activity, electrical disturbances, radio disturbances, or magnetic disturbances beyond

the bounds of the property in such a manner as to be a nuisance or injurious to humans, animals, vegetation or property of the adjoining or surrounding properties.

(2) Duration. The duration of the proposed Temporary Use shall be established by specific dates as will, in the judgment of the Zoning Hearing Board, serve the intended purpose. However, the duration of such Temporary Use shall not exceed one (1) week consisting of seven (7) consecutive days.

(3) Removal. Upon cessation or expiration of the Temporary Use, the property upon which it is located shall be promptly cleaned and substantially restored to the same condition as existed prior to commencement of the Temporary Use, to a condition that is otherwise in compliance with the terms of requirements of this Ordinance (or as a lawful pre-existing, nonconforming use) and all other applicable Township Ordinances within one (1) week of the cessation or expiration of the Temporary Use. Additionally, any public property (parks, road rights-of-way, etc.) shall be cleaned of debris and rubbish which may have accumulated by virtue of the Temporary Use. If the Temporary Use (including temporary structures) is not removed in a timely fashion, after proper notification, the Township may remove the Temporary Use (including structures) at the cost of the applicant utilizing the security provided for in subsection (b)(4) below. In the event that the security is not sufficient to cover the cost of removal, the applicant shall nevertheless remain responsible for the deficiency between the amount of the security and actual cost of removal. The applicant shall reimburse the Township immediately following receipt of an invoice noting the deficiency and amount due. In the event the applicant fails to reimburse the Township within thirty (30) days of receipt of a written invoice bill or if funds received from the applicant are insufficient to fully reimburse the Township, the Township shall have the right, after first providing written notice to the owner(s) of the land upon which the Temporary Use was held to invoice the owner(s) for the cost or deficiency. Each such invoice, together with interest and the cost of collection thereof (including but not limited to reasonable fees for legal counsel and court costs), in addition to a fee of twenty percent (20%) of the expenses incurred by the Township as an administrative fee, shall also be the joint and several personal obligations of the applicant and the owner(s) of the property upon which the Temporary Use was held. Upon filing by the Township, sums not reimbursed to the Township shall become a lien on the property upon which the Temporary Use was held. Liens shall be filed in the office of the Prothonotary of Lehigh County, Pennsylvania and shall be collected in the manner provided for by law for the collection of municipal claims.

(4) Security. Security shall be required by the Zoning Hearing Board in an amount necessary to restore the property on which the Temporary Use was located to its original condition and to a condition that is otherwise in compliance with the requirements of the Zoning Ordinance (or as a lawful pre-existing, nonconforming use). Security shall be returned to the applicant once the applicant demonstrates that the property has been restored pursuant to subsection (b)(3) above.

(5) Parking. The applicant shall provide the Zoning Hearing Board with all necessary information concerning parking to serve the Temporary Use, including the primary access routes to the site and available parking for the anticipated number of attendees. Special traffic control personnel may be required for larger events. If the event is proposed to take place on a property, the primary use of which already includes an existing parking lot, there must be no disruption of normal required parking, access, and traffic flow, pedestrian access ways, sidewalks, or landscaped areas for the primary use. Parking provided for a Temporary Use shall not block Private Streets, Driveways or Access Lanes. Parking shall not be provided on private property without the prior permission of the property owner. Further, no parking shall be provided in any area designated as "no parking" by applicable Township or state regulation.

(6) Additional Information. The applicant shall provide the Zoning Hearing Board with additional information requested by the Zoning Hearing Board to demonstrate compliance with the special exception criteria outlined in this subsection (b) and to allow the Zoning Hearing Board to adequately review the proposal and make a decision concerning the proposed Temporary Use.

(7) Renewal. If a Temporary Use has previously received Zoning Hearing Board approval under this subsection (b), there has been no material change in the Temporary Use, the applicant is the same as that which previously received Zoning Hearing Board approval for the subject Temporary Use, the Temporary Use is proposed at the same property, and there has been no formal complaint filed by or with the Township concerning the particular Temporary Use when previously undertaken which has been substantiated by review of the Zoning Officer, the Zoning Officer shall renew the Temporary Use permit for the same duration of the Temporary Use as originally set by the Zoning Hearing Board. It is noted that the Township itself may be a complaining party, in which case no review by the Zoning Officer is required to substantiate the complaint and the Temporary Use shall not be subject to renewal as provided in this subsection. Security required by the Zoning Hearing Board under subsection (b)(4) shall be provided for the renewed Temporary Use. By way of example, if a Temporary Use received approval for one (1) week and the Zoning Hearing Board required security in the amount of \$5,000, the renewal shall be limited to a maximum duration of one (1) week for each event and security in the amount of \$5,000 shall be required for each event. A Temporary Use that is subject to administrative renewal shall not take place more than one (1) time per year. Once approved by the Zoning Hearing Board, the Zoning Officer shall renew a Temporary Use permit on a yearly basis for a total combined period of not more than five (5) years from the date of the initial Zoning Hearing Board approval. When five (5) years has passed from the initial Zoning Hearing Board approval, the Temporary Use must again be approved by the Zoning Hearing Board pursuant to the terms of this subsection (b). By way of example, if a Temporary Use first receives Zoning Hearing Board approval on November 17, 2014, the same particular Temporary Use shall be subject to administrative review for all permits issued prior to November 16, 2019. Following November 16, 2019, if a permit has not been issued for that year's Temporary Use, the proposed Temporary Use is again subject to review and approval hereunder by the Zoning Hearing Board. The five (5) year period is not extended if the approved Temporary Use does not occur in any given year. If a Temporary Use is again approved by the Zoning Hearing Board, the Zoning Officer shall review renewal applications pursuant to this subsection. The intent of this provision is that no Temporary Use which requires Zoning Hearing Board approval will be administratively approved for more than five (5) years without Zoning Hearing Board approval.

(i) The provisions of this subsection (b)(7) shall be retroactive to any Temporary Use which has received approval from the Zoning Hearing Board on or after May 1, 2010.

350-47 NONCONFORMING STRUCTURES, BUILDINGS, LOTS AND USES

(a) Nonconforming Structures and Buildings. Nonconforming Structures and Buildings are limited as follows:

(1) Any application for which proper fees have been paid and any action before the Zoning Hearing Board at the time this Ordinance is advertised shall be determined in accordance with the ordinance in effect prior to the enactment of this Ordinance.

(2) If a Nonconforming Structure or Building is subsequently changed to conform to the provisions of this Ordinance, it shall not again be altered or changed except in accordance with such provisions.

(3) If a Nonconforming Structure or Building is destroyed, or if the nonconforming portion of the Structure or Building is destroyed, it may be rebuilt in the same location, provided that:

(A) The reconstructed Building shall not increase any dimensional nonconformities; and

(B) Material work on reconstruction is started within two (2) years from date of its destruction.

(4) In a Residential Zoning District, additions and/or extensions for any Residential building shall be permitted, provided the following conditions are met:

(A) The proposed Setback shall not be less than the existing Setback.

(B) The existing Setback was not established through the grant of a variance or other prior zoning relief.

(C) The proposed Setback is greater than or equal to fifty (50%) percent of the currently required Setback.

(5) Additions and/or extensions to a Nonconforming Structure or Building not regulated by subsection (4) above shall be permitted, provided the following conditions are met:

(A) The proposed expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities for Setbacks or height.

(B) The cumulative total of all proposed additions and/or extensions permitted under this or any prior Zoning Ordinance or Amendments thereto shall not exceed any of the following:

(i) twenty-five (25%) percent of the occupied Floor Area, or

(ii) twenty-five (25%) percent of the cubical contents of the Building(s) occupied, or

(iii) in the case of the Use where a major portion is conducted in the open, twenty-five (25%) percent of the service capacity, or area occupied.

(b) Restoration to a Safe Condition. Nothing in this Section shall prevent the strengthening or restoring to a safe condition any Structure or Building or portion thereof which has been declared unsafe by the Building Official.

(c) Nonconforming Lots.

(1) A Permitted Residential Primary or Accessory Uses may be erected on any Lot of record held in single and separate ownership on the effective date of this Ordinance, or amendments which rendered such Lot nonconforming, and which has continued to be held in single and separate ownership provided that:

- (A) It is a permitted Use in the district in which it is located.
- (B) The nonconformity is not self-created.
- (C) The Lot is not adjoined by other available unoccupied land owned by

applicant.

(D) The Lot is not more than forty percent (40%) deficient in required width or minimum area and is in character with the general neighborhood.

(i) For permitted accessory Storage Buildings, is not more than seventy percent (70%) deficient in required width or minimum area and is in character with the general neighborhood.

(2) Where a Nonconforming residential Lot meets conditions (A) through (C) above, but is more than 40% deficient in required width or minimum area (or more than 70% deficient in the case of a permitted accessory Storage Building), a Permitted Residential Primary or Accessory Use may be erected upon receipt of Special Exception approval from the Zoning Hearing Board.

(3) The Zoning Hearing Board may grant variances for the erection or Alteration of a nonresidential Use on any Lot of record held in single and separate ownership on the effective date of this Ordinance, or amendments which rendered such Lot Nonconforming, and which has continued to be held in single and separate ownership provided that:

- (A) It is a permitted Use in the district in which it is located.
- (B) The nonconformity is not self-created.
- (C) The Lot is not adjoined by other available unoccupied land owned by

applicant.

(d) Nonconforming Uses.

(1) Any application for which proper fees have been paid and any action before the Zoning Hearing Board at the time this Ordinance is advertised shall proceed and be determined in accordance with the ordinances in effect prior to the enactment of this Ordinance.

(2) A Nonconforming Use may be continued but shall not be changed to another Nonconforming Use, except when the following conditions are met to the satisfaction of the Zoning Hearing Board:

(A) A major portion of the proposed Use and the Use it is to replace is conducted within a Building.

(B) The proposed Nonconforming Use is less detrimental to its neighborhood and surroundings or general public welfare than the Use it is to replace. The Zoning Hearing Board shall take into consideration all factors which might affect the public's interest including: traffic generated, nuisance characteristics such as emission of noise, odor, dust and smoke, fire hazards, and hours and manner of operation.

(C) The proposed Use to be substituted shall be permitted by right, by Special

Exception, or by Conditional Use in a zoning district in which the existing Nonconforming Use would be a permitted Use or in a more restrictive zoning district than the district where the Nonconforming Use would be permitted.

(D) The Zoning Hearing Board may attach any other reasonable conditions to the approval.

(3) If a Nonconforming Use is subsequently changed to conform to the regulations of the district in which it is located, it shall not again be altered or changed except in accordance with such regulations.

(4) The vacation of a Nonconforming Use for a consecutive period of two (2) years shall be deemed a permanent vacation and, thereafter, the Use shall not be reestablished except in conformance with the regulations of this Ordinance.

(5) Additions and/or extensions to a Nonconforming Use shall be permitted, provided the following conditions are met:

(A) The proposed Setback shall not be less than the existing Setback.

(B) The existing Setback was not established through the grant of a variance or other prior zoning relief.

(C) The proposed Setback is greater than or equal to fifty (50%) percent of the currently required Setback.

(D) Additions or expansions to a Nonconforming Building or Structure shall be in accordance with Section 350-47(a).

(6) All Nonconforming uses shall be required to register with the Township Zoning Officer within one (1) year of the date of the enactment of the Ordinance.

(7) If a property contains a Non-conforming Use is destroyed by a disaster such as fire, windstorm, explosion, wind, flood, vandalism, hail, or lightning, the corresponding building, structure, or area of land that contained the non-conforming use may be rebuilt in the same location, to the pre-existing size, scope and intensity; provided that:

(A) Reconstruction permits are applied for within one year (365 days) from the date of the destruction;

(B) That said permit applications are approved and issued within the earlier of one year (365 days) from the date reconstruction permits are applied for or two years (730 days) from the date of destruction; and

(C) That the building, structure, etc., is rebuilt pursuant to the permits obtained, a certificate of occupancy is issued for the building, structure, etc., and the non-conforming use is actually re-established within the earlier of one year (365 days) from the date all reconstruction permits are issued or three years (1095 days) from the date of destruction.

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350-48 Use Schedules

How to use the Use Schedules

350-48(a)(1) USE NAME *Uses are listed alphabetically*

- (A) Definition: *If defined, the definition will be stated here. If not defined, this area will be left blank.*
- (B) Use Classification: *the Use Classification (Agricultural, Commercial, Industrial, Institutional, or Residential) is listed here.*
- (C) Where Permitted: *the table below lists the Base Zoning Districts in columns and the type of Use (Primary, Accessory, Special Exception and Conditional Use) in rows. An "X" indicates the Use is permitted as a Primary, Accessory Special Exception and/or Conditional Use within the indicated Base Zoning District. If blank, the Use is not permitted within the Base Zoning District as the listed type. Please consult Section 350-30 for uses listed within Overlay Districts or Planned Residential Developments.*

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception																	
Conditional Use																	

- (D) Minimum Off-Street Parking Calculations: *Off-Street Parking and Loading Zone calculations are listed here.*
- (E) Additional Regulations: *Any regulations particular to the Use are listed here.*

350-48(a)(1) Accessory Dwelling Unit, Attached

(A) Definition: An Accessory Dwelling Unit located within a Single Detached Dwelling Unit, that includes its own living facilities for the provision of sleeping, cooking, and sanitation, designed for residential occupancy independent of the primary Dwelling unit. The Accessory Dwelling Unit shall be for long-term occupancy (greater than 6 months).

(B) Use Classification: Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: One (1) additional off-Street Parking Space shall be required for the ADU in addition to that required for the principal Dwelling unit.

(E) Additional Regulations:

(i) An ADU may be created in any one of the following ways:

- (a) Converting existing Living Area in a Single Detached Dwelling Unit;
- (b) Finishing an existing Basement or attic in a Single Detached Dwelling Unit;
- (c) Building an addition to an existing Single Detached Dwelling Unit;
- (d) Building a Detached Accessory Dwelling Unit;
- (e) Converting and/or Building an addition to an existing detached accessory

Private Garage

(ii) Size Limitation. The maximum size of an ADU may be no more than 75% of the Living Area of the house or 1,000 square feet, whichever is less.

(iii) Additional requirements for Detached ADUs:

- (a) The Primary Dwelling Unit shall be owner-occupied.

(iv) Design Standards

(a) Only one (1) main entrance shall be located on the front façade of the Dwelling unit, unless the house contained additional entrances before the ADU was created, except that an entrance that does not have access to the ground, such as a balcony or Deck, shall not count towards this requirement.

(b) The exterior finish materials, roof pitch, trim, eaves, window orientation and dimension shall be the same or visually match those of the house.

350-48(a)(2) Accessory Dwelling Unit, Detached

(A) Definition: An Accessory Dwelling Unit that is located in a separate Building, independent of the principal Dwelling unit, including a Dwelling unit located above a detached Garage, that includes its own living facilities for the provision of sleeping, cooking, and sanitation, designed for residential occupancy independent of the primary Dwelling unit. The Accessory Dwelling Unit shall be for long-term occupancy (greater than 6 months).

(B) Use Classification: Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception	X	X	X	X	X	X	X	X									
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: One (1) additional off-Street Parking Space shall be required for the ADU in addition to that required for the principal Dwelling unit.

(E) Additional Regulations: Where so noted in subsection (C) above, Detached Accessory Dwelling Units shall be permitted by Special Exception in the zoning districts subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d).

(i) An ADU may be created in any one of the following ways:

- (a) Converting existing Living Area in a Single Detached Dwelling Unit;
- (b) Finishing an existing Basement or attic in a Single Detached Dwelling Unit;
- (c) Building an addition to an existing Single Detached Dwelling Unit;
- (d) Building a Detached Accessory Dwelling Unit;
- (e) Converting and/or Building an addition to an existing detached accessory

Private Garage

(ii) Size Limitation. The maximum size of an ADU may be no more than 75% of the Living Area of the house or 1,000 square feet, whichever is less.

(iii) Additional requirements for Detached ADUs:

- (a) The Primary Dwelling Unit shall be owner-occupied.
- (b) The maximum height shall be 18 feet.
- (c) The Building coverage of the detached ADU shall not be larger than the Building coverage of the principal Dwelling unit.
- (d) A detached ADU shall be set back a minimum of six (6) feet from the rear wall of the principal Dwelling unit.

(e) A detached ADU will adhere to the conforming side and rear yard Setbacks of the Primary Use.

(iv) Design Standards

(a) Only one (1) main entrance shall be located on the front façade of the Dwelling unit, unless the house contained additional entrances before the ADU was created, except that an entrance that does not have access to the ground, such as a balcony or Deck, shall not count towards this requirement.

(b) The exterior finish materials, roof pitch, trim, eaves, window orientation and dimension shall be the same or visually match those of the house.

350-48(a)(3) Accessory Dwelling Unit, Employee

(A) Definition: An Accessory Dwelling Unit that is located in the Principal Use and/or Building, or in separate Buildings, for caretakers, full-time or part-time employees, interns, and their families that includes its own living facilities for the provision of sleeping, cooking, and sanitation. Employee Accessory Dwelling Units shall be permitted as Accessory Uses to the following Primary Uses: Agriculture, Amusement Parks, Commercial Camps, Hotels, and Motels.

(B) Use Classification: Agricultural, Commercial, or Industrial; and Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Per the Special Exception approval.

(E) Additional Regulations: Where so noted in subsection (C) above, Employee Accessory Dwelling Units shall be permitted by Special Exception in the zoning districts subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d)

(i) Density Limitation

(a) The maximum density of Employee Accessory Dwelling Units shall be no more than one (1) unit per gross acre of the tract.

(b) For dormitory-style or group residences (units housing more than 8 individuals), the density calculation shall be based upon four beds equaling a “unit”

(ii) Parking. The applicant shall submit evidence that sufficient off-street parking will be provided for the Employee Accessory Dwelling Units that has no impact upon the required Off-Street Parking requirements for the uses on the remainder of the tract.

(iii) Separation of Uses. The applicant shall submit evidence that the Employee Accessory Dwelling Unit(s) is sufficiently separated and/or buffered from the non-residential uses on the tracts so as to minimize the adverse impacts of noise, vibration, glare, heat, odor, smoke, dust, fumes, vapors, gases, air emissions, water emissions and outdoor storage to the Employee Accessory Dwelling Units.

(iv) Separation from Abutting Properties. The applicant shall submit evidence that the Employee Accessory Dwelling Unit(s) is sufficiently separated and/or buffered from any abutting residential uses so as to minimize the impacts of the Employee Accessory Dwelling Units upon the abutting properties.

350-48(a)(4) Adult Entertainment Establishment

(A) Definition: An establishment including, but not limited to, a book or video store, theater, retail or wholesale facility, nightclub, eating or drinking facility, which provides entertainment in any format, including but not limited to live entertainment, books, films, magazines, paraphernalia or novelties, primarily exhibiting, featuring or dealing with, but not limited to, Specified Sexual Activities or Specified Anatomical Areas. An Adult Entertainment Establishment shall not be allowed as part of any other use. Such use specifically excludes a Massage Service Establishment and Massage School.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception											X	X	X	X			
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Use the parking requirements of the use that is most similar to the specific type of Adult Entertainment Establishment, for example, an Adult Bookstore use would be required to meet the Off-Street Parking requirements of a Retail use and “Gentlemen’s Club would be required to meet the Off-Street Parking requirements of a Nightclub.

(E) Additional Regulations: Where so noted in subsection (C) above, Adult Entertainment Establishments shall be permitted by Special Exception in the zoning districts subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

(i) No Adult Entertainment Establishment shall be located within five hundred (500) feet of any elementary or secondary school, Place of Worship, public park, library, Hospital or Child Daycare Center, or within fifteen hundred (1,500) feet of any other Adult Entertainment Establishment; said distance shall be measured in a straight line between the closest Lot Lines of the Adult Entertainment Establishment and the uses named above.

350-48(a)(5) Agricultural, Horticultural, Nursery, excluding raising and keeping of farm Animals

- (A) Definition: None.
- (B) Use Classification: Agricultural
- (C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary	X	X	X													X	X
Accessory																	
Special Exception				X	X	X	X	X	X		X	X	X	X			
Conditional Use																	

- (D) Minimum Off-Street Parking Calculations: Not Applicable.

- (E) Additional Regulations:

(i) Where so noted in subsection (C) above, Agricultural, Horticultural, Nursery, excluding raising and keeping of farm Animals shall be permitted by Special Exception subject to the minimum standards and criteria set forth in Section 350-41(d).

(ii) For Agricultural, Horticultural and/or Nursery Uses wherein the crop is grown in a controlled environment completely contained within a structure and independent of sunlight, rainfall and other climactic variables, such uses shall be permitted only in the Industrial-Commercial-1 (IC-1) and Industrial (I) zoning districts. Such crops shall include, but not be limited to, mushrooms and medical marijuana. Such uses shall not include crops that are germinated or grown in a controlled environment for less than fifty percent of the life cycle of the crop and transplanted in an outdoor growing area on the same lot for the balance of the life cycle of the crop.

350-48(a)(6) Agricultural, Horticultural, Nursery, including raising and keeping of farm Animals

- (A) Definition: None.
- (B) Use Classification: Agricultural
- (C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary	X	X	X														X
Accessory																	
Special Exception																	
Conditional Use																	

- (D) Minimum Off-Street Parking Calculations: Not applicable.
- (E) Additional Regulations: None.

350-48(a)(7) Amusement Park

(A) Definition: A commercial establishment having various devices, within buildings and/or open-air, for entertainment and may include arcades, conference centers, Stables, food and beverage service stands, Golf Driving Ranges, Miniature Golf courses, Mixed-Use Buildings, Nightclubs, administrative offices, pavilions, Pitch and Putt Golf, playground apparatus, Recreation Facilities, uses included within High-Intensity Recreation and Low-Intensity Recreation, Sit-Down Restaurants, souvenir vending, stage and entertainment facilities, warehousing, storage and maintenance facilities, utility-like uses that are necessary for the operation of the park, and other uses customarily ancillary to Amusement Parks.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary															X		
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space for each four (4) persons using the facilities at the projected peak hour of Use.

(E) Additional Regulations: None.

(i) Additional On-Premises Signs for Amusement Parks. In addition to the signs permitted in Section 350-48(s)(10), signs that expressly and directly pertain to the business or activity conducted on the same premises shall be permitted in accordance with the following:

(a) The entire complex or development, whether under single or multiple-ownership, shall be treated as one establishment and permitted the signs specified in Section 350-48(s)(10)(E)(xii).

(b) Each recreational or amusement activity within the complex or development shall be permitted unlimited signage so long as the Sign is not within one hundred (100) feet of any public Street Right-of-Way line and the Sign is not visible from public rights-of-way, with the exception of existing signs along Dorney Park Road where the existing Setback shall be applied.

350-48(a)(8) Arcade

(A) Definition: A use that primarily utilizes mechanical, electrical, or electronic (or combination thereof) devices designed to amuse, alarm, excite, or thrill the user which is used commercially and requires a fee, charge, admission, or recommendation for its Use, not including devices used in connection with Betting Activities or Adult Entertainment Establishments.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary									X	X	X	X	X	X	X	X	
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space for every employee on the largest shift, plus 1.0 space for every three (3) seats and/or arcade stations (including those part of the amusements), plus 1.0 space for every fifty (50) square feet of any additional room used for the general public, if applicable, excluding lobbies, vestibules and similar areas.

(E) Additional Regulations:

350-48(a)(9) Assisted Living Residence

(A) Definition: A facility, licensed by the Commonwealth of Pennsylvania, Department of Public Welfare, pursuant to title 55 – Public Welfare, Part IV – Adult Services Manual, of the Pennsylvania Code of Regulations, Chapter 2800 Assisted Living Residences, as amended from time to time; in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24 hours for four (4) or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration. The term “Assisted Living Residences” shall not include drug and alcohol rehabilitation facilities.

(B) Use Classification: Commercial, Institutional, and Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary							X	X									
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 0.5 spaces per unit plus one (1) Parking Space for each employee on the largest work shift; PLUS 1 Large Off-Street Loading Zone if the use area is greater than 10,000 square feet, or 1 Oversized Off-Street Loading Zone if the use area is greater than 50,000 square feet.

(E) Additional Regulations: None.

350-48(b)(1) Bank

(A) Definition: A use, the primary function of which is the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary									X	X	X	X	X	X		X	
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space for every two hundred (200) square feet of total Floor Area.

(E) Additional Regulations: None.

350-48(b)(2) Bed and Breakfast

(A) Definition: An existing Single Detached Dwelling Unit that has a minimum of three (3) and a maximum of twelve (12) guestrooms to rent to overnight guests and is operated by the resident of the dwelling.

(B) Use Classification: Commercial, Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary	X	X	X						X	X	X	X	X	X			
Accessory																	
Special Exception	X*	X*	X*														
Conditional Use																	

* See regulations below.

(D) Minimum Off-Street Parking Calculations: 1.0 Parking Space for each guestroom plus 2.0 spaces for the owners (permanent residents) of the facility.

(E) Additional Regulations:

(i) At least one (1) bathroom shall be provided for each three (3) guestrooms or fraction thereof. At least one (1) separate bathroom shall be provided for the primary residential Use.

(ii) A Dwelling that is converted shall maintain the appearance of a Single Detached Dwelling Unit.

(iii) The existing on-site sanitary sewerage disposal system shall be recertified as being adequate, in accordance with local and State regulations.

(iv) No retail display or advertising shall be visible from outside the premises. Signage is permitted in accordance with Section 350-48(s)(10)(E)(ix)(j).

(v) At least one (1) owner-operator of the Bed and Breakfast shall be an occupant of the Dwelling.

(vi) There shall be no separate cooking facilities in any guestroom. Guest meals shall be limited to breakfast and only served to guests who are staying overnight.

(vii) The maximum, uninterrupted length of stay at a “Bed and Breakfast” shall be fourteen (14) days.

(viii) Parking shall be provided in accordance with Section 350-48(o)(2).

(ix) A floor plan and site plan of the property shall be submitted for review and approval. The plans shall include locations for parking, and signs.

(x) Shall be restricted to Buildings that existed prior to January 1, 1950.

(xi) If the Bed and Breakfast establishment is located within a Residential Zoning District and is located on a lot of less than one (1) acre, the Bed and Breakfast shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

(a) Compliance with the conditions listed in subsections (E)(i) through (x) above.

(b) The applicant demonstrates that the driveway and off-street parking areas are adequately screened from adjoining residential uses.

350-48(b)(3) Betting Parlor

(A) Definition: An indoor establishment in which legal Betting Activities are conducted. The term shall specifically include “nonprimary location” as defined in the Race Horse Industry Reform Act, as amended, 35 Pa. Stat. Ann. S 325.101 et. seq.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception																	
Conditional Use														X			

(D) Minimum Off-Street Parking Calculations: 1.0 space for every two hundred (200) square feet of total Floor Area.

(E) Additional Regulations: Where so noted in subsection (C) above, a Betting Parlor shall be permitted by Conditional Use review and approval subject to the minimum standards and criteria set forth in Section 350-41(e).

350-48(b)(4) Billboard

(A) Definition: A Sign, at least 50 square feet in area, which directs attention to an object, product, service, place, activity, person or entity sold, offered or existing elsewhere than upon the same Tract of land where such Sign is displayed. The term “Billboard” shall also include off-premise outdoor advertising signs on which space is leased or rented by the owner thereof to others or used by such owner for the purpose of conveying a commercial or noncommercial message.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception													X	X			
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: None.

(E) Additional Regulations: Where so noted in subsection (C) above, Billboards shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d).

(i) A Billboard shall be located no closer than one thousand (1,000) feet from any other Billboard located along the same traffic route.

(ii) Billboards shall be located no closer than one hundred fifty (150) feet from the intersecting Street Center Lines of two (2) or more traffic routes or from an overpass of one (1) or more traffic routes over one (1) or more other traffic routes. The same limitation shall apply where one (1) or more of the routes involved in the intersection or overpass is a railroad Right-of-Way.

(iii) Billboards shall be setback a minimum of 35 feet from an Ultimate Right-Of-Way Line, and a minimum of 50 feet from a side or rear property line, or comply with the Setbacks provided in Section 350-24(c), whichever is more restrictive.

(iv) Illuminated Billboards shall comply with the Illuminating Engineering Society of North America's (IESNA) recommended practices and criteria in the IESNA Lighting Handbook, including but not limited to criteria for full-cutoff fixtures. Fixtures shall be equipped with or be capable of being backfitted with light-directing devices such as shields, visors or hoods when necessary to redirect offending light distribution. All lighting shall be aimed, located, designed, fitted and maintained so as not to project or reflect light onto a neighboring Use or property (light trespass), the traffic route, or a nearby intersecting road, and to shield the lamp and its reflective surfaces from direct off-site view. Externally illuminated Billboards shall have luminaires mounted at the top of the Billboard and aimed downward.

(v) Each application for a Billboard shall be accompanied by eight (8) copies of a site plan showing all matters required to be set forth under this Ordinance.

(vi) Each application for a Billboard shall be accompanied by a certification under seal of a Professional Engineer that the existence of the Billboard, as proposed:

(a) shall not present a safety hazard;

(b) shall certify that the orientation of the Billboard had been evaluated to mitigate potential negative impacts to residentially zoned or residential property.

(vii) A Billboard designed to be viewed from the following traffic routes: (a) United States Interstate 78; (b) Northeast Extension of the Pennsylvania Turnpike; (c) United States Route 22; and (d) Pennsylvania Route 309 between United States Interstate 78 and Walbert Avenue (excluding tracts or Lots abutting residentially zoned districts) (hereinafter individually and collectively referred to as the "Designated Highways") shall:

(a) have a maximum surface area of six hundred seventy-five (675) square feet, and each such Billboard shall have one (1) face, except that Billboards with two (2) parallel and opposing faces each having a maximum surface area of six hundred seventy-five (675) square feet, may be permitted.

(b) have a maximum height of thirty-five (35) feet as measured from the lowest grade directly under the Billboard or the grade of the adjacent traffic route, whichever is lower.

(viii) A Billboard designed to be viewed from a traffic route other than one of the Designated Highways shall:

(a) have a maximum surface area of two hundred (200) square feet per face, as permitted by one of the following three subsections below:

(1) a Billboard located on corner lots shall be permitted two (2) faces, each face designed to be viewed from a different single road fronting the lot

(2) a Billboard fronting roads permitting two-way traffic shall be permitted two (2) parallel and opposing faces designed to be viewed by both directions of traffic on a fronting road

(3) a Billboard shall be permitted one face designed to be viewed from a fronting road

(b) have a maximum height of twenty-five (25) feet as measured from the lowest grade directly under the Billboard or the grade of the adjacent traffic route, whichever is lower.

(c) be situated in a front yard with at least seven hundred (700) feet of abutting public road frontage

(d) be separated from any other free-standing Sign requiring a permit by at least two hundred (200) feet

350-48(b)(5) Billboard, Electronic Graphic Display

(A) Definition: A Billboard or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately. Electronic Graphic Display Billboards shall include computer programmable, microprocessor controlled electronic digital displays. The Billboard may not include lighting devices forming part of the message or border, video or scrolling messages.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception													X	X			
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: None.

(E) Additional Regulations: Where so noted in subsection (C) above, Electronic Graphic Display Billboards shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d).

(i) A Billboard shall be located no closer than one thousand (1,000) feet from any other Billboard located along the same traffic route.

(ii) Billboards shall be located no closer than one hundred fifty (150) feet from the intersecting Street Center Lines of two (2) or more traffic routes or from an overpass of one (1) or more traffic routes over one (1) or more other traffic routes. The same limitation shall apply where one (1) or more of the routes involved in the intersection or overpass is a railroad Right-of-Way.

(iii) Billboards shall be setback a minimum of 35 feet from an Ultimate Right-Of-Way Line, and a minimum of 50 feet from a side or rear property line, or comply with the Setbacks provided in Section 350-24(c), whichever is more restrictive.

(iv) Illuminated Billboards shall comply with the Illuminating Engineering Society of North America's (IESNA) recommended practices and criteria in the IESNA Lighting Handbook, including but not limited to criteria for full-cutoff fixtures. Fixtures shall be equipped with or be capable of being backfitted with light-directing devices such as shields, visors or hoods when necessary to redirect offending light distribution. All lighting shall be aimed, located, designed, fitted and maintained so as not to project or reflect light onto a neighboring Use or property (light trespass), the traffic route, or a nearby intersecting road, and to shield the lamp and its reflective surfaces from direct off-site view. Externally illuminated Billboards shall have luminaires mounted at the top of the Billboard and aimed downward.

(v) Each application for a Billboard shall be accompanied by eight (8) copies of a site plan showing all matters required to be set forth under this Ordinance.

(vi) Each application for a Billboard shall be accompanied by a certification under seal of a Professional Engineer that the existence of the Billboard, as proposed:

(a) shall not present a safety hazard;

(b) shall certify that the orientation of the Billboard had been evaluated to mitigate potential negative impacts to residentially zoned or residential property.

(vii) Electronic Graphic Display Billboards (EGD Billboards). Electronic Graphic Display Billboards are permitted by Special Exception in the HC-1 (Highway Commercial - Special Height Limitation) zoning district subject to the following minimum standards and criteria:

(a) At least ten seconds shall elapse between static images.

(b) Maximum transition time between successive static images shall be one (1) second and dissolving or fading of static images shall not be permitted.

(c) EGD Billboards may not include lighting devices forming part of the message or border, video or scrolling messages.

(d) In the event of a malfunction, a default mechanism shall freeze the image in one position.

(e) Automatic Dimming and Brightness. EGD Billboards shall be equipped with automatic dimming technology which automatically:

(1) Dims the luminance during ambient low-light and nighttime (dusk to dawn) conditions to 150 Nits or less during the period 30 minutes after sunset to 30 minutes before sunrise.

(2) Limits the luminance during daylight conditions to 5,000 nits provided that the luminance at no time exceeds 0.3 foot-candles of light above the normal ambient light levels.

(3) A certification from the EGD Billboard manufacturer verifying that the EGD Billboard is equipped with automatic dimming technology in accordance with this subsection shall be submitted with the building permit application.

(4) The illumination level shall not exceed .5 foot-candles on any adjoining property that is residentially zoned or contains a residential Use.

(5) An operation test report shall be submitted as part of the final inspection certified by an electrical or professional engineer that the Sign complies with the luminance requirements of this subsection.

(f) EGD Billboards shall not be located within 1,000 feet of interchange entrance or exit ramps, or freeway traffic merging lanes measured from the point where the ramp or merging lane taper terminates along the priority road.

(viii) A Billboard designed to be viewed from the following traffic routes: (a) United States Interstate 78; (b) Northeast Extension of the Pennsylvania Turnpike; (c) United States Route 22; and (d) Pennsylvania Route 309 between United States Interstate 78 and Walbert Avenue (excluding tracts or Lots abutting residentially zoned districts) (hereinafter individually and collectively referred to as the "Designated Highways") shall:

(a) have a maximum surface area of six hundred seventy-five (675) square feet, and each such Billboard shall have one (1) face, except that Billboards with two (2) parallel and opposing faces each having a maximum surface area of six hundred seventy-five (675) square feet, may be permitted.

(b) have a maximum height of thirty-five (35) feet as measured from the lowest grade directly under the Billboard or the grade of the adjacent traffic route, whichever is lower.

(ix) A Billboard designed to be viewed from a traffic route other than one of the Designated Highways shall:

(a) have a maximum surface area of two hundred (200) square feet per face, as permitted by one of the following three subsections below:

(1) a Billboard located on corner lots shall be permitted two (2) faces, each face designed to be viewed from a different single road fronting the lot

(2) a Billboard fronting roads permitting two-way traffic shall be permitted two (2) parallel and opposing faces designed to be viewed by both directions of traffic on a fronting road

(3) a Billboard shall be permitted one face designed to be viewed from a fronting road

(b) have a maximum height of twenty-five (25) feet as measured from the lowest grade directly under the Billboard or the grade of the adjacent traffic route, whichever is lower.

(c) be situated in a front yard with at least seven hundred (700) feet of abutting public road frontage

(d) be separated from any other free-standing Sign requiring a permit by at least two hundred (200) feet

350-48(b)(6) Boarding House

(A) Definition: A Residential Use that is operated by a permanent resident of the property and provides lodging to a maximum of ten (10) guests for compensation, with or without food. For purposes of this Ordinance, this definition does not include a Bed and Breakfast, community shelter, or Group Home.

(B) Use Classification: Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception	X	X	X	X	X	X	X	X	X		X	X	X	X			X
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 2.0 spaces for the Residential Use, plus 1.0 space per guestroom.

(E) Additional Regulations: Where so noted in subsection (C) above, a Boarding House shall be permitted by Special Exception subject to the minimum standards and criteria set forth in Section 350-41(d). If the Boarding House establishment is located within a Residential Zoning District, the Boarding House shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

- (a) the number of guests shall be limited to two (2) per night.
- (b) No retail display or advertising shall be visible from outside the premises.
- (c) At least one (1) owner-operator of the Boarding House shall be an occupant of the Dwelling.
- (d) There shall be no separate cooking facilities in any guestroom.

350-48(b)(7) Body Art Establishment

(A) Definition: An establishment where the work of tattooing or body piercing is conducted for a fee.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary											X	X	X				
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space for every two hundred (200) square feet of total Floor Area or 1.0 space per employee on the largest shift and 2.0 spaces per customer service station, whichever is greater.

(E) Additional Regulations: None.

350-48(c)(1) Cemetery

(A) Definition: A use, the primary function of which is the interment of human remains.

(B) Use Classification: Institutional

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary		X	X														
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space for every two hundred (200) square feet of total enclosed Floor Area open to the public, plus 1.0 space per employee on the largest shift.

(E) Additional Regulations: None.

350-48(c)(2) Clubhouse or Lodge

(A) Definition: A meeting place for a non-profit, religious, fraternal, and/or community-service organization that caters principally to members and their guests, except that the periodic rental of the premises to nonmembers shall be expressly permitted, unless better defined elsewhere in this Ordinance.

(B) Use Classification: Institutional

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary									X				X	X			
Accessory																	
Special Exception	X	X	X														
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space per seventy-five (75) square feet of total Floor Area.

(E) Additional Regulations: Where so noted in subsection (C) above, a Clubhouse or Lodge shall be permitted by Special Exception in the zoning districts subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

(i) The applicant shall submit criteria for membership within the organization owning, managing, or otherwise controlling the Clubhouse or Lodge. Should the Clubhouse or Lodge not be owned, managed or controlled by a non-profit, religious, fraternal, and/or community-service organization, the applicant shall submit criteria for membership within the organization or organizations that would be the primary users of the Clubhouse or Lodge.

(ii) The applicant shall demonstrate a common bond between the members of such organizations to which subsection (a) above applies.

(iii) The applicant shall demonstrate adequate screening of driveways, parking areas and areas of outdoor public assembly from adjoining residential uses.

(iv) Except during religious services, no alcoholic beverages are to be served on the property upon which a Clubhouse or Lodge is established.

350-48(c)(3) Commercial Camp

(A) Definition: Facility for the temporary parking of recreation vehicles, the pitching of tents, or facility including cabins and/or tents for temporary occupancy.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception	X	X	X														
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 per employee.

(E) Additional Regulations: Where so noted in subsection (C) above, a Commercial Camp shall be permitted by Special Exception in the zoning districts subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d)

(i) A permanent Building shall be on the premises, which is capable of containing all of the persons who can reasonably be anticipated to be at the camp at any one time including owner/operator, employees and guests or campers. The purpose of such Building is to provide emergency shelter in the event of extreme weather or other circumstances making such shelter desirable. The Dwelling of the owner/operator or the Structure containing sanitary facilities except for individual water closet enclosures may qualify in meeting this requirement.

(ii) No two (2) permanent Structures within the camp shall be closer to each other than twenty (20) feet and no permanent Structure shall be closer to an interior roadway than ten (10) feet. Camp or Trailer sites shall be of sufficient size to maintain at least thirty five (35) feet between tents, trailers, or other recreation vehicles.

(iii) No improved Parking Area shall be required for Commercial Campsites or cabins. The arrangement of the campsites or cabins and facilities shall be designed to provide ample space for the parking of at least one (1) vehicle for each campsite or cabin plus one (1) space for each employee at the camp office.

350-48(c)(4) Commercial Car Wash

(A) Definition: The Building or portion thereof for the manual or mechanical washing of vehicles.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary													X	X			
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.5 spaces per employee on the largest shift, plus 1.0 space at every vacuum station and/or detailing station.

(E) Additional Regulations:

(i) The site for mechanized Commercial Car Washes shall provide for stacking of at least six (6) vehicles per bay, plus required employee parking, and an additional three (3) drying spaces per bay.

(ii) The repair, rental or sale of any kind of vehicle is prohibited at Commercial Car Washes.

350-48(c)(5) Communication Facility, Cellular

(A) Definition: A use, the primary function of which is to create a cell within a cellular communications network, which may be characterized by antennae placed on a radio mast, tower or other elevated location and nearby associated electronics communication and supporting equipment.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Special Exception	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: At least two (2) standard off-Street Parking Spaces shall be available at each tower or Antenna.

(E) Additional Regulations:

(i) Additional Definitions for this Section:

(a) "Alternative tower Structure" means man-made trees, clock towers, bell steeples, light poles, farm silos, windmills, flagpoles, and similar non-traditional mounting Structures for Antennas or towers that camouflage or conceal the presence of such Antennas or towers. Such Structures shall not be subject to Section 350-48(c)(5)(E)(6)(b)(iv)(A)"Table 1 – Visual Isolation Distances". Such devices and Structures shall not be deemed to be a "Public Utility" or "Public Use."

(b) "Antenna" means any exterior transmitting or receiving device mounted on a tower, Building, or Structure, and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals. Such devices shall not be deemed to be a "Public Utility" or "Public Use."

(c) "Backhaul Network" means the lines that connect a provider's towers/cell sites to either one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network. Such lines shall not be deemed to be either a "Public Utility" or a "Public Use."

(d) "Commercial Center" means a commercial Coordinated Development or single commercial property with a total area of at least ten (10) acres.

(e) "FAA" means the Federal Aviation Administration.

(f) "FCC" means the Federal Communications Commission.

(g) "Height of a tower" means, when referring to a tower or other Structure, used or to be used in wireless communications, the maximum distance measured from the original

grade or elevation at the perimeter of the tower or other Structure, to the highest point on the tower or other Structure, including the base pad and any Antenna, but excluding the lightning rod. If the base of the tower or other Structure is not on ground level, then the height of a tower shall include the base of the Building or other Structure to which the tower is attached.

(h) "Institutional Use": See Section 350-05 DEFINITIONS.

(i) "Pre-existing towers" and "pre-existing Antennas" means any tower or Antenna for which: a Building permit, special Use permit, or a zoning permit has been properly issued prior to the effective date of this Ordinance, including such permitted towers or Antennas that have not yet been constructed, so long as such approval is current and has not expired; or other tower or Antenna which has been lawfully constructed, erected, or installed in South Whitehall Township.

(j) "Steel utility Structure" shall mean a steel pole or Structure owned by a PUC-regulated utility.

(k) "Substantial Change" shall mean to increase the height of a Tower by more than ten percent (10%), or by the height of one additional Antenna array with separation from the nearest existing Antenna not to exceed twenty feet (20'), whichever is greater, except that the mounting of the proposed Antenna may exceed the size limits set forth herein if necessary to avoid interference with existing Antennas.

(l) "Tower" means any Structure that is designed and constructed primarily for the purpose of supporting one or more Antennas for telephone, radio, and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, personal communications services ("PCS") towers, Alternative Tower Structures, and the like. The term includes the Structure and any support thereto. Such Structures shall not be deemed to be a "Public Utility" or "Public Use."

(ii) Applicability.

(a) New Towers and Antennas. All new towers or Antennas in South Whitehall Township shall be subject to the regulations in this Section 350-48(c)(5)(E)(ii), except as provided in subsections (b), (c), (d) and (e) immediately below.

(b) Amateur Radio Station Operators and "Receive-Only" Antennas. This Section 350-48(c)(5) shall not govern any tower, or the installation of any Antenna, that is:

(1) under fifty (50) feet in height, and is owned and operated solely by one or more federally-licensed amateur radio station operators; or,

(2) used exclusively for "receive only" Antennas.

(c) Customer-Use Only Small Antennas and Dishes. Sections 350-24 and 350-48(c)(5), (6) and (7) shall not govern any non-provider Antenna or dish that is:

(1) Under 1220 square inches in receiving and transmitting surface area; and

(2) Used for customer end Use only, for applications such as but not limited to cell phones, television and radio satellite reception, and wireless fidelity internet reception.

(d) Modifications, replacements and collocations to Pre-existing Towers or Antennas that:

(1) do not Substantially Change the physical dimensions of the Tower; provided, however that any further increase in the height of a Tower which has already been Substantially Changed in accordance with the provisions of this Section 350-48(c)(5) shall not occur without Township approval;

(2) do not further increase the Height of the Tower which has already been extended by more than ten (10%) percent of its originally approved height or the height of one (1) additional Antenna array;

(3) do not increase the dimensions of the equipment compound;

(4) comply with the applicable conditions of approval for the initial facility; and

(5) do not exceed the applicable wind loading and structural loading requirements of the Tower, as certified in writing by an engineer or design specialist.

(e) Pre-Existing Towers or Antennas. Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this Section 350-48(c)(5)(E)(iii) General Requirements for New Towers and Antennas.

(iii) General Requirements for New Towers and Antennas.

(a) Principal or Accessory Use. Antennas and towers may be considered as either principal or Accessory Uses. A different existing Use of an existing Structure on the same Lot shall not preclude the installation of an Antenna or tower on such Lot. Unmanned equipment cabinets, shelters, or Structures shall be considered to be Accessory Uses within such Lot.

(b) Lot Size. For purposes of determining whether the installation of a tower or Antenna on a certain Lot complies with zoning district regulations, including but not limited to Setback requirements, Lot Coverage requirements, and other such requirements, the dimensions of the entire Lot shall control, even though the Antennas or towers may be located on leased parcels within such Lot. However, the minimum area within such Lot that shall be devoted exclusively to the tower Use shall be 2,500 square feet.

(c) Inventory of Existing Sites. Each applicant for an Antenna and/or tower where the applicant had previously not owned, leased or operated an antenna or tower shall provide to the Zoning Officer an inventory of applicant's existing towers, Antennas, or sites approved for towers or Antennas, that are either within the jurisdiction of South Whitehall Township or within five (5) miles of the border thereof, including specific information about the locations, height, and type of each tower. The Zoning Officer may share such information with other applicants applying for permits under this Section 350-48(c)(5), or other organizations seeking to locate Antennas within the jurisdiction of South Whitehall Township; provided, however that the Zoning Officer is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(d) Aesthetics. Towers and Antennas shall meet the following requirements:

(1) Finish/Paint: Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

(2) Design to Blend: At a tower site, the design of the Buildings and related Structures shall, to the extent possible, Use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding Buildings.

(3) Color to Match Structure: If an Antenna is installed on a Structure other than a tower, the Antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting Structure so as to make the Antenna and related equipment as visually unobtrusive as possible.

(e) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen shall cause the least disturbance to the surrounding views.

(f) Measurement. For purposes of measurement, tower Setbacks and separation distances shall be calculated and applied to facilities located in and outside South Whitehall Township, irrespective of municipal and county jurisdictional boundaries.

(g) Non-Essential Services. Towers and Antennas shall be regulated or permitted pursuant to this subsection 350-48(c)(5) and shall not be regulated or permitted as essential services, public Utilities, or private Utilities.

(h) Public Notice. For purposes of this Section 350-48(c)(5), any permit application or hearing shall require Public Notice to all abutting property owners, and to all property owners of properties that are located within the corresponding separation distance listed in Section 350-48(c)(5)(E)(vi)(b)(4)(A), "Table 1 – Visual Isolation Distances", in addition to any notice otherwise required by law.

(i) Signs. No signs shall be allowed on an Antenna or tower, except those required by law or regulation.

(j) Buildings and Support Equipment. Buildings and support equipment associated with Antennas or towers shall comply with the requirements of Section 350-48(c)(5)(E)(viii) (relating to Buildings or Other Equipment Structures).

(k) Preference for Multiple Antennas/ Towers/ Users. South Whitehall Township encourages the users of towers and Antennas to submit a single application for approval of multiple towers and/or Antenna sites within the Township, or multiple users on the same tower.

(l) Maximum Height. The height of any new tower shall not exceed one hundred fifty feet (150') in any event, including the grant of a variance by the Zoning Hearing Board.

(m) Township and EMS Use. The Zoning Hearing Board may require that an applicant reserve space on any tower for Use by the Township or any Township EMS provider.

(iv) Types and Locations of Permitted Uses:

(a) General Rule. No new tower or Antenna shall be permitted anywhere in the Township, except as further set forth below under this subsection (iv), or pursuant to Section 350-48(c)(5)(E)(ii)(b) and (c) above.

(b) Permitted Uses – Township and Authority Lands; Not Parks. Antennas or towers located on property owned, leased, or otherwise controlled by South Whitehall Township or the South Whitehall Township Authority are deemed permitted without further zoning approval, provided that the Township or the Authority (as the case may be) has, in its sole discretion, entered into an agreement, license, or lease for such a tower or Antenna. Under no circumstances shall any such new tower(s) or Antenna(s) be permitted in any parklands – regardless of ownership or jurisdiction - which are situated within the Township.

(c) Administratively Approved Uses. Antennas to be attached to existing Structures or towers may be approved in accordance with Section 350-48(c)(5)(E)(v) hereof.

(d) Special Exceptions.

(1) By Zoning District: New towers shall be permitted in the I, IC-1, and HC-1 zoning districts, and on lands owned by a PUC-regulated Public Utility, as a "Special Exception" Use, in strict accordance with Section 350-48(c)(5)(E)(vi) and (vii) hereof.

(2) By Site Criteria: Monopoles and Alternative Tower Structures shall be permitted in other zoning districts of the Township as a "Special Exception" Use, in strict accordance with Section 350-48(c)(5)(E)(vi) and (vii) hereof, and subject to the following provisions:

(A) Institutional sites having at least 12 acres shall be permitted Alternative Tower Structures with a maximum height of 50 feet.

(B) Institutional sites having at least 25 acres shall be permitted Alternative Tower Structures with a maximum height of 100 feet. Monopoles shall be permitted at height not to exceed 100 feet provided they meet the requirements of Section 350-48(c)(5)(E)(vi)(b)(4)(A), "Table 1 – Visual Isolation Distances", and Section 350-48(c)(5)(E)(vi)(b)(4)(B), "Table 2 – Minimum Separation Distances From Nearby Towers".

(C) Commercial Centers having at least 15 acres, and which abut a limited access highway, shall be permitted Alternative Tower Structures reaching a maximum height of 100 feet. Monopoles shall be permitted at a maximum height of 100 feet, provided they meet the requirements of Section 350-48(c)(5)(E)(vi)(b)(4)(A), "Table 1 – Visual Isolation Distances", and Section 350-48(c)(5)(E)(vi)(b)(4)(B), "Table 2 – Minimum Separation Distances From Nearby Towers". Alternative Tower Structures and monopoles shall not be permitted in a front yard that abuts a Local or Collector Street.

(D) Commercial Centers having at least fifteen (15) acres, which do not abut a limited access highway, shall be permitted Alternative Tower Structures with a maximum height of seventy (70) feet. Alternative Tower Structures shall not be permitted in a front yard abutting a Local Street.

(E) The Commercial Recreation zone shall be permitted Alternative Tower Structures with a maximum height of one hundred (100) feet.

(F) Legally licensed junk yards and landfills having at least 10 acres shall be permitted monopoles with a maximum height of one hundred (100) feet which meet the requirements of Section 350-48(c)(5)(E)(vi)(b)(4)(A), "Table 1 – Visual Isolation Distances", and Section 350-48(c)(5)(E)(vi)(b)(4)(B), "Table 2 – Minimum Separation Distances From Nearby Towers".

(3) Modification of Existing Towers or Alternative Tower Structures for Additional Height: Existing towers and Alternative Tower Structures may be modified one time to a greater height, not to exceed twenty (20) feet over the tower's previously existing height, to accommodate the collocation of an additional Antenna. The modified tower or Alternative Tower Structure shall meet all relevant Setback requirements of this Ordinance. Any application to modify an existing tower or Alternative Tower Structure shall not be submitted before the completion of construction of the existing tower or Alternative Tower Structure.

(v) List of Administratively Approved Uses. The Zoning Officer may approve and issue permits for the construction, erection, and installation of Antennas on existing Structures or towers,

after performing an administrative review to assure compliance with the terms of either subsections (1) or (2) immediately below, as the case may be:

(a) Antennas on Existing Structures Other than Towers

(1) Antennas on Existing Structures Other than Towers: Any Antenna which is not attached to a tower may be approved by the Zoning Officer as an Accessory Use to any steel utility Structure carrying power lines energized to fifty (50) kilovolts or more, or Building which is used for either commercial, industrial, professional, or institutional uses, provided that the Antenna does not extend more than twenty-five (25) feet above any other highest point of the Building or Structure.

(2) An Antenna which is not attached to a tower may be approved by the Zoning Officer as an Accessory Use to any existing distribution utility pole or concealed within a Structure, provided that:

(A) Height Limitation: The Antenna does not extend more than ten (10) feet above any other highest point of the utility pole; and,

(B) Associated Equipment Size Limitation: The associated equipment cabinet or Structure, including external appendages (such as ice shields or bridges, GPS Antennas and the like), is not more than four (4) cubic feet in volume and mounted directly to the utility pole or within the Structure on which the Antenna or Antenna array is mounted or within an existing utility Structure within five hundred (500) feet of the Antenna or Antenna array.

(b) Antennas on Existing Towers: An Antenna which is attached to an existing tower or Alternative Tower Structure may be approved by the Zoning Officer, provided that there is no increase in the tower height as a result.

(c) Modification of Existing Towers or Alternative Tower Structures for Additional Height in the Industrial (I), Industrial-Commercial-Special Height (IC-1), and Highway-Commercial-Special Height Limitation (HC-1) Zoning Districts: Existing towers and Alternative Tower Structures within the Industrial (I), Industrial-Commercial (IC-1), and Highway Commercial-Special Height (HC-1) Zoning Districts may be modified one time to a greater height, not to exceed twenty (20) feet over the tower's previously existing height, to accommodate the co-location of an additional Antenna, with the administrative approval of the Zoning Officer. The modified tower or Alternative Tower Structure shall meet all relevant Setback requirements of this Ordinance. Any application to modify an existing tower or Alternative Tower Structure shall not be submitted before the completion of construction of the existing tower or Alternative Tower Structure.

(vi) Special Exceptions.

(a) General. The following provisions shall govern the issuance of "Special Exceptions" for towers or Antennas by the Zoning Hearing Board.

(1) Required, Unless Otherwise Permitted. If the proposed tower or Antenna is neither a permitted Use under Section 350-48(c)(5)(E)(iv)(b) nor subject to administrative approval pursuant to Section 350-48(c)(5)(E)(iv)(c) or Section 350-48(c)(5)(E)(v), then a Special Exception shall be required for the construction, erection, or installation of a tower or the placement of an Antenna in the circumstances specified in Section 350-48(c)(5)(E)(iv)(d). All other relief from strict compliance with the provisions of this Ordinance shall be granted only pursuant to the "variance" procedures of Section 350-16(h) of this Ordinance.

(2) Application Procedure. Applications for a Special Exception under this subsection shall be subject to the general procedures and requirements of Zoning Ordinance Section 350-16(i), except as modified in subsections (vi) and (vii) of this Ordinance.

(3) Conditions Imposed. In granting a Special Exception, the Zoning Hearing Board may impose conditions to the extent the Zoning Hearing Board concludes that such conditions are necessary to minimize any adverse effect(s) of the proposed tower on adjoining properties.

(4) Certified Engineering Information. Any information and testimony of an engineering nature that the applicant submits, whether civil, mechanical, structural, electrical, electronic, or "radio frequency (RF)", shall be either certified as in writing or sworn to under oath as to its accuracy by an engineer, as appropriate within such engineer's competence. For civil and structural information and testimony, the engineer shall be licensed as a "Professional Engineer" by the Commonwealth of Pennsylvania, unless exempted by the "Professional Engineer's Registration Law", as amended from time to time. All other engineering information shall be submitted by a person who holds at least an associated degree from an accredited college or technical school, and has been employed for at least two (2) years on a full-time basis, or equivalent, in the same specialized technical field as the information or testimony which that person submits.

(5) Required Information and Fee. An applicant for a Special Exception shall submit all of the information described in Section 350-48(c)(5)(E)(vi)(b)(1) immediately below, together with a non-refundable fee as established from time to time by resolution of the Board of Commissioners of South Whitehall Township, before the application may be considered as complete.

(b) Towers.

(1) Information required. In addition to any information generally required from applicants for Special Exceptions pursuant to Section 350-16(i), applicants for a Special Exception for a tower shall submit the following additional information:

- (A) Plan Requirements List: A scaled site plan clearly indicating:
- (i) Location, type and height of the proposed tower;
 - (ii) On-site land uses and zoning;
 - (iii) Adjacent land uses and zoning (including when adjacent to other municipalities);
 - (iv) Zoning classification of the site and all properties within the applicable separation distances set forth in Section 350-48(c)(5)(E)(vi)(b)(4)(B), "Table 2 – Minimum Separation Distances From Nearby Towers" below;
 - (v) Adjacent roadways and proposed means of access;
 - (vi) Setbacks from Lot Lines;
 - (vii) Elevation drawings of the proposed tower and any other Structures;
 - (viii) Topography;
 - (ix) Parking;
 - (x) Such other information deemed by the Zoning Officer to be necessary to assess compliance with this Section 350-48(c)(5) and the South Whitehall

Township Zoning Ordinance.

(B) Surveyor's Description: Legal/surveyor's description of the subject site, with a tie-in to the Tract or Lot boundary.

(C) Setback Distances: The Setback distance between the proposed tower and the nearest residential unit, the nearest Lot lines of platted residentially zoned property, and the nearest unplatted residentially zoned Lots.

(D) Separation Distances and Information on Other Towers: The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 350-48(c)(5)(E)(vi)(b)(2) – Availability of Suitable Existing Towers, Other Structures, or Alternative Technology - shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of those other existing tower(s) and the owner/operator of the existing tower(s), if known.

(E) Landscape Plan: A landscape plan showing specific landscape materials.

(F) Fencing Details: Method of fencing, finished color, and if applicable, the method of camouflage and illumination.

(G) Description of Compliance With Other Subsections: A description of compliance with the preceding subsections of this Section 350-48(c)(5) which are listed below:

Section 350-48(c)(5)(E)(iii)(c) Inventory of Existing Sites;

Section 350-48(c)(5)(E)(iii)(d) Aesthetics;

Section 350-48(c)(5)(E)(iii)(e) Lighting;

Section 350-48(c)(5)(E)(iii)(i) Signs;

Section 350-48(c)(5)(E)(iii)(j) Building and Support

Equipment;

Section 350-48(c)(5)(E)(vi)(b)(3) Setbacks

Section 350-48(c)(5)(E)(vi)(b)(4) Separation Distances;

Section 350-48(c)(5)(E)(vi)(b)(5) Security Fencing;

Section 350-48(c)(5)(E)(vi)(b)(6) Landscaping;

and all other applicable Federal, State, and Local laws.

(H) Co-Location Statement: A notarized statement by the applicant as to whether the proposed tower will accommodate collocation of additional Antennas for future users.

(I) Identification of Entities Involved With Application: Identification of the legal entities providing the Backhaul Network for the tower(s) described in the application, and other cellular sites owned or operated by the applicant in South Whitehall Township. The applicant shall possess a minimum of one (1) lease or commitment letter for the site from an FCC-licensed carrier.

(J) Alternatives Analysis: A description of the suitability of existing towers, other Structures, or alternative technology not requiring the Use of towers or Structures, for the telecommunications services to be provided through the proposed new tower.

(K) Future Tower Analysis: A description of the feasible location(s) of future towers or Antennas within South Whitehall Township, based upon existing physical, engineering, technological or geographical limitations, in the event that the proposed tower is erected.

(L) Demonstration of Need for New Tower: The applicant shall submit competent and reliable documentation and testimony showing that the applicant has a genuine, imminent, expected or existing, actual need for the proposed tower, due to reasons of one or more of: inadequate or incomplete geographical coverage; insufficient capacity; unreliable service or signals; excessive number or frequency of "dropped" or uncompleted calls; or for other good cause shown.

(2) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. New towers shall not be permitted unless the applicant demonstrates to the reasonable satisfaction of the Zoning Hearing Board that no existing tower, Structure, or alternative technology that does not require the Use of new towers or Structures, can accommodate the applicant's proposed Antenna. The applicant shall submit an inventory of all existing towers, Antennas, and sites approved for towers or Antennas that are known to the applicant, that are within the Township or within five (5) miles of the border of the Township. The inventory shall include specific information about the location, height, type of construction, Antenna position, and opportunities for co-location, to the extent known or reasonably obtainable by the applicant. An applicant shall submit all additional information requested by the Zoning Hearing Board related to the availability of suitable existing towers, other Structures, or alternative technologies. Evidence submitted to demonstrate that no existing tower, Structure, or alternative technologies can accommodate the applicant's proposed Antenna may consist of any of the following:

(A) Locations: No existing towers or Structures are located within the geographic area which meet applicant's radio frequency ("RF") engineering requirements;

(B) Heights: Existing towers or Structures are not of sufficient height to meet applicant's RF engineering requirements;

(C) Structural Strength: Existing towers or Structures do not have sufficient structural strength to support applicant's proposed Antenna and related equipment;

(D) Interference: The applicant's proposed Antenna would cause unacceptable electromagnetic interference with Antennas on the existing towers, or other Structures would cause unacceptable interference with the applicant's proposed Antenna;

(E) Unreasonable Fees and Costs: The fees, costs, or contractual provisions required by the owner in order to collocate on an existing tower or Structure or to adapt an existing tower or Structure, for collocation, are unreasonable. Fees and costs which would exceed those for new tower development are presumed to be unreasonable;

(F) Other Factors: The applicant demonstrates that there are other limiting factors that render existing towers and Structures unsuitable;

(G) No Alternative Technologies: The applicant demonstrates that an alternative technology which does not require the Use of towers or Structures (e.g., a cable

microcell network using multiple low-powered transmitters/receivers attached to a wireline system) is unsuitable. However, costs of alternative technology which exceed costs new tower or Antenna development shall not be presumed to render the technology unsuitable.

(3) Setbacks (Safety Zone): Towers and Alternative Tower Structures shall be set back from any adjoining Lot Line a distance equal to at least one hundred percent (100%) of the height of the tower or Alternative Tower Structure.

(4) Separation Distances. The following minimum separation distance requirements shall apply to all towers and Antennas for which a Special Exception is required:

(A) Separation from Residential Uses and Zones: Tower separation shall be measured from the base of the proposed tower to the closest Lot Line of the residential uses and zones, and shall comply with the minimum standards established in Table 1, below.

TABLE 1 – VISUAL ISOLATION DISTANCES.
(Shall Not Apply to Alternative Tower Structures)

Off-Site Use/Designated Area:	Minimum Required Separation Distance*
Existing residential Dwellings or uses of any type, and residentially zoned land which is either platted or has preliminary subdivision plan approval which has not expired.	Two hundred percent (200%) of the height of the tower.
Vacant unplatted residentially zoned lands. Includes any unplatted residential zones properties without an approved preliminary subdivision plan or other valid development plan approval.	100 feet or 100% height of tower, whichever is greater.

*From nearest Lot Line of the off-site Use/designated area.

(B) Separation Distances Between Towers. Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing towers. The separation distances shall be measured by drawing or following a straight line between the center of the base of the existing tower and the center of the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2, below.

TABLE 2 – MINIMUM SEPARATION DISTANCES FROM NEARBY TOWERS:

New Tower Type	Existing Towers Types		
	Lattice	Monopole 75 Ft. or More in Height	Monopole Less Than 75 Ft. in Height
Lattice or Guyed	5,000	2,500	750
Monopole 75 Ft. in Height or Greater	2,500	1,500	750
Monopole Less Than 75 Ft. in Height	750	750	750

(5) Security Fencing. Towers shall be enclosed by security fencing not less than eight (8) feet in height, with an appropriate anti-climbing device (Zoning Ordinance Section 350-42(e) notwithstanding).

(6) Landscaping. The following requirements shall govern the landscaping surrounding towers for which a Special Exception is required.

(A) Planting Screen Requirements. Tower facilities shall be landscaped with a dense planting screen of evergreens which effectively screens the view of the tower compound from any residential Lots or uses. The standard Buffer as specified in Section 350-42(b) shall be installed, except that all "planted" heights shall be six feet (6') minimum.

(B) Existing Trees and Natural Features: Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded Lots, existing natural growth around the Lot perimeter may be a sufficient Buffer.

(c) Tower Modification for Greater Height - Information Required: In addition to any information generally required from applicants for Special Exceptions pursuant to Section 350-16(i), applicants for a Special Exception to modify a tower or alternative tower Structure for greater height shall submit additional information, per the following subsections of Section 350-48(c)(5)(E)(vi)(b)(1):

- (1) Plan Requirements List.
- (2) Surveyor's Description;
- (3) Setback Distances;
- (4) Separation Distances and Information on Other Towers;
- (5) Description of Compliance with Other Subsections
- (6) Identification of Entities Involved With Applications; and
- (7) Alternatives Analysis.

(vii) Factors Considered in Granting Special Exceptions for Towers. In addition to any standards for consideration of Special Exceptions pursuant to Section 350-16(i), the Zoning Hearing Board shall consider the following factors in determining whether to issue a Special Exception:

- (a) Height: Height of the proposed tower;
- (b) Proximity to Residential Uses: Proximity of the proposed tower to existing residential Buildings and residential zoning district boundaries;
- (c) Other Nearby Uses: Nature of uses on adjacent and nearby properties;
- (d) Topography: Surrounding topography;
- (e) Foliage: The Zoning Hearing Board may allow for monopoles or Alternative Tower Structures to reach a height of up to fifty (50) feet greater than the height of the surrounding foliage, subject to the 150 feet maximum height of Section 350-48(c)(5)(E)(iii)(I) if located on sites permitted by Section 350-48(c)(5)(E)(iv)(d)(2), provided that the applicant demonstrates that the monopole or alternate tower Structures will not significantly alter the visual landscape. The monopole or alternate tower Structures shall be erected within a stand of trees that will provide screening of at least 180 degrees of horizontal arc centered at the base of the tower or alternate tower Structures. The height of the surrounding foliage is determined by the height of the tallest tree within a 100-foot radius from the base of the proposed tower or alternate tower Structures;
- (f) Tower Design and Obtrusiveness: Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (g) Access: Proposed ingress and egress; and

(h) Alternatives Analysis: Availability of suitable existing towers, other Structures, or alternative technologies not requiring the Use of towers and Structures, as discussed in Section 350-48(c)(5)(E)(vi)(b)(1)(J).

(viii) Buildings or Other Equipment Structures. The equipment cabinets, shelters, and Structures for each carrier shall be limited to, as an aggregate, the equivalent square footage listed in the applicable subsection(s) below. External appendages, such as "ice shields or bridges", lighting, GPS Antennas, and like objects, shall be excluded from the gross Floor Area calculation.

(a) For Antennas Located on Towers:

(1) The related unmanned equipment cabinet, shelter, or Structure shall not contain more than three hundred (300) square feet of gross Floor Area.

(2) The related unmanned equipment cabinet, shelter, or Structure shall be a maximum of twelve (12) feet in height.

(3) The related unmanned equipment cabinet, shelter, or Structure, as well as any other accessory Structures or guys, shall have a Setback distance of twenty-five (25) feet from any rear or side Lot Lines, and Setback distance of fifty (50) feet from the Front Lot Line.

(b) For Antennas Mounted on Utility Poles or Light Poles:

(1) The equipment cabinet, shelter, or Structure shall not contain more than three hundred (300) square feet of gross Floor Area.

(2) The equipment cabinet, shelter, or Structure shall not be more than twelve (12) feet in height.

(3) The equipment cabinet, shelter, or Structure shall not be located within the Street Right-of-Way or any clear-sight triangles.

(c) For Antennas Mounted on Structures or Buildings: The equipment cabinet, shelter, or Structure used in association with Antennas which are mounted on a Building or Structure may be mounted on the roof of said Building or Structure provided the following conditions are met. Should any or all of the following conditions not be met, then the equipment cabinet, shelter or Structure shall be located either on the ground in accordance with subsections (1) hereof, or else within the said Building or Structure.

(1) The equipment cabinet, shelter, or Structure shall not contain more than one hundred (100) square feet of gross Floor Area.

(2) The equipment cabinet, shelter, or Structure shall not be more than ten (10) feet in height.

(3) The equipment cabinet, shelter, or Structure shall not occupy more than twenty percent (20%) of the roof area.

(d) Modified Screening Requirements: Any equipment cabinet, shelter, or Structure which is located on the ground shall be screened in accordance with Section 350-42(b), except that all "as-planted" heights shall be six (6) feet minimum, and any Fence shall be eight (8) foot minimum height (Section 350-42(e) notwithstanding). Provided, that the screening need not be installed across an access road or Driveway entrance or approach, as long as said entrance or approach does not face or abut an existing residential Use or Building.

(ix) Financial Security for Maintenance and Removal of Abandoned Antennas and Towers.

(a) Financial Security for Maintenance and Removal of Tower. Before commencing any installation work, the applicant shall post and maintain with the Township financial security in an amount sufficient to cover the costs to maintain the tower in accordance with this Ordinance; and to remove and dispose of the tower and base down to the ground surface, and to restore the site to its previously existing condition. The amount of the financial security shall be subject to approval by the Township Engineer, and shall be subject to adjustment from time to time to reflect changes in costs. The form of the financial security shall be in accordance with Pennsylvania Municipalities Planning Code ("MPC") Section 509(c) (53 P.S. Sec. 10509(c)). The administration of the financial security shall be in accordance with Sections 509 and 510 of the said MPC, except that failure of the applicant (or its successor) to furnish replacement or substitute financial security at least thirty (30) days before the expiration of any financial security shall be sufficient reason for the Township to withdraw the financial security for this purpose.

(b) Removal of Abandoned Antennas and Towers. Any Antenna or tower that is not operated, and for which there is no intent or attempt to operate, for a continuous period of time of twelve (12) months shall be presumed to be abandoned. The owner of such Antenna or tower shall remove the same within ninety (90) days after receipt of written notice from South Whitehall Township notifying the owner of such abandonment. Failure to remove an abandoned Antenna or tower within said ninety (90) day shall be sufficient grounds for the Township to remove the tower or Antenna, at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all such users have abandoned the tower or Antenna.

(x) Nonconforming Uses.

(a) Pre-existing Towers. Pre-existing, Nonconforming towers shall be allowed to continue their Use as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing towers. New construction other than routine maintenance on a pre-existing tower shall comply with the requirements of this Ordinance.

(b) Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas Notwithstanding Section 350-48(c)(5)(E)(ii)(c), bona fide nonconforming towers or Antennas that are damaged or destroyed may be restored in like kind without having to meet the separation requirements specified in Section 350-48(c)(5)(E)(vi)(b)(4). The type, height, and location of the restored tower shall be the same and the intensity of the Antenna array as the original previously existing tower. Building permits to rebuild the tower or Antenna shall comply with the then-applicable Building codes, and shall be obtained within 90 days from the date the tower or Antenna is damaged or destroyed. If no permit is obtained or if said permit expires, then the tower or Antenna shall be deemed abandoned as specified in Section 350-48(c)(5)(E)(x)(b) hereof.

350-48(c)(6) Communication Facility, Radio and Television (Non-Residential)

(A) Definition: A use, the primary function of which is to receive or receive and transmit electro-magnetic communications signals in support of a commercial establishment or venture.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory									X	X	X	X	X	X	X	X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable

(E) Additional Regulations:

(i) Applicability.

(a) Amateur Radio Station Operators and "Receive-Only" Antennas. This Section 350-48(c)(6) shall not govern any tower, or the installation of any Antenna, that is:

(1) under fifty (50) feet in height, and is owned and operated solely by one or more federally-licensed amateur radio station operators; or,

(2) used exclusively for "receive only" Antennas.

(b) Customer-Use Only Small Antennas and Dishes. Sections 350-24 and 350-48(c)(6) shall not govern any non-provider Antenna or dish that is:

(1) Under 1220 square inches in receiving and transmitting surface area;

and

(2) Used for customer end Use only, for applications such as but not limited to cell phones, television and radio satellite reception, and wireless fidelity internet reception.

(ii) TV Dish Antennas

(a) Permit Required. All Antennas measuring greater than 1220 square inches shall be subject to the Zoning Officer's issuance of a Zoning Permit.

(b) Permit Requirements. All applications shall be accompanied by a complete set of plans and specifications, including a plot plan showing the location of the proposed Antenna with respect to adjoining rights-of-way, Lot Lines and Buildings.

(1) Any application for a permit to erect a Antenna of ten (10) feet or more in diameter, shall also be accompanied by additional specifications including footings, dead load

(plus ice load), and wind load (uplift) specifications, which shall be sufficient to establish that the Antenna is properly secured.

(c) Location. All Antennas, constructed pursuant to a permit hereunder, shall conform to the following regulations:

(A) No Antenna shall be located in the front yard of a Lot or in the Street Side Yard of a Corner Lot in a rural Residential and Agricultural Zoning district, a Residential Zoning District, or in a neighborhood commercial Zoning District.

(B) All Antennas are subject to the Setback and height requirements contained in Section 350-24(c) of this Ordinance regarding such Antennas.

(d) Intent. No Antenna located in a Residential Zoning district shall be used for commercial purposes.

(e) Size. No Antenna shall exceed twelve (12) feet in diameter.

(f) Height Limitation. No Antenna located on any roof shall exceed an overall height of ten (10) feet above the highest point of the roof.

(g) Temporary Placement. A Antenna may be placed in a Rear Yard on a trial basis for a period not exceeding ten (10) days without the necessity of obtaining a Zoning Permit.

(h) Screening. Antennas shall be properly screened on at least three (3) sides so as to obscure their visibility from abutting property owners. No screening shall be required for roof mounted Antenna or in the front of a Antenna which creates reception interference or prevents a shift in the position of such Antenna.

(i) Inspection. All Antennas shall be subject to periodic inspection by the Zoning Officer, or designated agent, to determine compliance with the provisions of this Ordinance regulating such Antennas.

350-48(c)(7) Communication Facility, Residential

(A) Definition: A use, the primary function of which is to receive or receive and transmit electro-magnetic communications signals as an ancillary use to a residential use.

(B) Use Classification: Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations:

(i) Applicability.

(a) Amateur Radio Station Operators and "Receive-Only" Antennas. This Section 350-48(c)(7) shall not govern any tower, or the installation of any Antenna, that is:

(1) under fifty (50) feet in height, and is owned and operated solely by one or more federally-licensed amateur radio station operators; or,

(2) used exclusively for "receive only" Antennas.

(b) Customer-Use Only Small Antennas and Dishes. Sections 350-24 and 350-48(c)(7) shall not govern any non-provider Antenna or dish that is:

(1) Under 1220 square inches in receiving and transmitting surface area;

and

(2) Used for customer end Use only, for applications such as but not limited to cell phones, television and radio satellite reception, and wireless fidelity internet reception.

(ii) TV Dish Antennas

(a) Permit Required. All Antennas measuring greater than 1220 square inches shall be subject to the Zoning Officer's issuance of a Zoning Permit.

(b) Permit Requirements. All applications shall be accompanied by a complete set of plans and specifications, including a plot plan showing the location of the proposed Antenna with respect to adjoining rights-of-way, Lot Lines and Buildings.

(1) Any application for a permit to erect a Antenna of ten (10) feet or more in diameter, shall also be accompanied by additional specifications including footings, dead load (plus ice load), and wind load (uplift) specifications, which shall be sufficient to establish that the Antenna is properly secured.

(c) Location. All Antennas, constructed pursuant to a permit hereunder, shall conform to the following regulations:

(A) No Antenna shall be located in the front yard of a Lot or in the Street Side Yard of a Corner Lot in a rural Residential and Agricultural Zoning district, a Residential Zoning District, or in a neighborhood commercial Zoning District.

(B) All Antennas are subject to the Setback and height requirements contained in Section 350-24(c) of this Ordinance regarding such Antennas.

(d) Intent. No Antenna located in a Residential Zoning district shall be used for commercial purposes.

(e) Size. No Antenna shall exceed twelve (12) feet in diameter.

(f) Height Limitation. No Antenna located on any roof shall exceed an overall height of ten (10) feet above the highest point of the roof.

(g) Temporary Placement. A Antenna may be placed in a Rear Yard on a trial basis for a period not exceeding ten (10) days without the necessity of obtaining a Zoning Permit.

(h) Screening. Antennas shall be properly screened on at least three (3) sides so as to obscure their visibility from abutting property owners. No screening shall be required for roof mounted Antenna or in the front of a Antenna which creates reception interference or prevents a shift in the position of such Antenna.

(i) Inspection. All Antennas shall be subject to periodic inspection by the Zoning Officer, or designated agent, to determine compliance with the provisions of this Ordinance regulating such Antennas.

350-48(c)(8) Community Mailbox Structure

(A) Definition: A structure or building, the primary function of which is the centralized collection and/or distribution of mail.

(B) Use Classification: Commercial, Industrial, Institutional, Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space per every thirty (30) mail boxes, or fraction thereof, provided. The Minimum Off-Street Parking requirement may be reduced by the number of on-street parking spaces available that meet the following conditions:

(i) the fronting street is designated as a Local Street

(ii) the entirety of the parking space (22 feet in length for parallel parking) is within the frontage of the lot containing the Community Mailbox Structure

(iii) the Community Mailbox Structure is the Primary Use on the lot, or is an Accessory Use to an open space use or a Stormwater Management Facility use.

(E) Additional Regulations: None.

350-48(c)(9) Community Shelter

(A) Definition: A residence providing food, shelter, medical care, legal assistance, job training, and/or other services to persons who temporarily require shelter and assistance in order to protect their physical or psychological welfare. Such shelter shall not include housing for treatment of drug or alcohol addiction or correctional facilities.

(B) Use Classification: Institutional

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception														X			
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space for every guest room, plus 1.0 space per employee on the largest shift.

(E) Additional Regulations: Where so noted in subsection (C) above, a Community Shelter shall be permitted by Special Exception subject to the minimum standards and criteria set forth in Section 350-41(d).

350-48(c)(10) Concentrated Animal Feeding Operation

(A) Definition: An agricultural operations where Animals are kept and raised in confined situations and meet the US Environmental Protection Agency’s regulatory definition for a large, medium or small CAFO.

(B) Use Classification: Agricultural

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception	X	X															
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space per employee on the largest two shifts (or largest shift, if there is no more than one shift), PLUS three (3) oversized spaces per loading dock.

(E) Additional Regulations: Where so noted in subsection (C) above, a Concentrated Animal Feeding Operation shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

(i) Minimum Lot Area: 50 acres

(ii) All Buildings used for the housing of livestock or poultry shall be provided with a solid concrete slab or slotted floor. If expert testimony is provided demonstrating that a dirt or ground floor will not have any adverse effects, the Zoning Hearing Board may authorize a dirt or ground floor by Special Exception.

(iii) All Buildings used for the housing of livestock or poultry shall be equipped with the most advanced technological equipment, machinery, mechanisms, processes and/or devices for the purpose of reducing and/or controlling odors, insects and other environmental and pollution problems.

(iv) Any area used for the housing, feeding, watering and/or outdoor exercise of livestock or poultry shall be set back at least four hundred (400) feet from all Street rights-of-way and Lot Lines; six hundred (600) feet from any residential district); and 300 feet from an existing residence, except for a residence on the same Lot as the commercial livestock operation or commercial poultry operation.

(v) The applicant shall furnish qualified evidence that the proposed Use has an approved nutrient management plan that complies with Title 25, PA Code, “Environmental Protection,” Chapter 83, Subchapter D, “Nutrient Management Rules and Regulations.” All subsequent operations on the site shall be required to strictly adhere to this approved nutrient management plan.

(vi) The applicant shall furnish evidence from the Lehigh County Conservation District

that the proposed Use has an approved conservation plan.

(vii) Maximum Lot Coverage: 10%.

350-48(c)(11) Coordinated Development

(A) Definition: Two (2) or more uses permitted in the appropriate Zoning District Schedules that are developed in accordance with a unified site plan and architectural scheme, and are either in a single ownership or are legally bound to conform to the aforementioned required unified site plan and architectural scheme. This definition also includes specific types of Coordinated Developments, such as Office Parks, Retirement Facilities, and Shopping Centers. The regulations for Coordinated Developments apply to the specific types of Coordinated Developments, unless otherwise superseded by the regulations of any particular specific Coordinated Development. This definition does not permit the establishment of a use within a Coordinated Development that would not otherwise be permitted in accordance with this Zoning Ordinance, nor does it abrogate any requirements of any individual Use proposed within the Coordinated Development that are in accordance with this Zoning Ordinance.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary									X	X	X	X	X	X	X	X	X
Accessory																	
Special Exception																	
Conditional Use																	

(D) Off-Street Parking Calculations: For any Coordinated Development that is not considered to be a Shopping Center or and Office Park, the standard parking space requirements are calculated by totaling the individual uses within the Coordinated Development, and then applying the following modifiers:

- (i) For Coordinated Developments of 25,000 square feet or more, but less than 75,000 square feet, of primary use area, reduce the parking requirement by 10%
- (ii) For Coordinated Developments of 75,000 square feet or more of primary use area, reduce the parking requirement by 15%

PLUS Off-Street Large and Oversized Parking Spaces and Loading Zones as required by each individual use.

(E) Additional Regulations:

- (i) All development shall be in accordance with a unified site plan and architectural scheme. Said plan and/or its amendments shall be approved by the Township.
- (ii) Satisfactory assurance shall be given that initial construction will comprise not less than fifty percent (50%) of the planned total construction as measured in terms of the gross Floor Area of the Buildings to be built.
- (iii) It shall not be required that the whole of the development be in a single ownership or built and financed by a single party, if satisfactory evidence is given that all parties

financially or otherwise concerned in the development are legally bound to conform to the above required unified site plan and architectural scheme.

(iv) The combined development shall be considered as a single Tract when providing Driveways and parking in accordance with Sections 350-37 and 350-38.

(v) The combined development shall be considered as a single Tract with regard to setbacks, unless divided by Public Streets. If divided by Public Streets, each part of the tract so divided is to be considered a single tract with regard to setbacks. Should the area of the Coordinated Development tract fall under more than one Zoning District, the greater of the appropriate setbacks shall be used for the entire Coordinated Development tract.

(vi) For additional signage regulations, see Section 350-48(s)(10) Signs. Section 350-48(s)(10)(E)(x) shall not apply to Signs in Coordinated Developments. Signs shall be permitted in accordance with Section 350-48(s)(10)(E)(xi) and (xii), as appropriate, except with respect to Motor Vehicle Service Facilities, which may be permitted additional signs as described in Section 350-48(m)(9).

350-48(c)(12) Correctional Facility

(A) Definition: A public or privately owned and operated facility or institution designed to provide living accommodations for persons who are incarcerated.

(B) Use Classification: Institutional

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception																	X
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 0.1 space for every bed, plus 1.0 space per employee on the largest two shifts, plus calculated parking requirements for any areas of Public Assembly, such as court rooms, meeting rooms or similar, PLUS three (3) oversized spaces per loading dock.

(E) Additional Regulations: Where so noted in subsection (C) above, a Correctional Facility shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

(i) No Correctional Facility shall be located within one (1) mile of another existing Correctional Facility. The one (1) mile Setback shall be measured from the Lot Line to Lot Line of each Use.

(ii) No Correctional Facility shall be constructed within 250 feet of a residence or residentially zoned Lot, nor within 1,000 feet of a school, Place of Worship, playground, park, camp, community center, Child Day Care Center or other area where minor children assemble or congregate. This Setback shall be measured from Lot Line to Lot Line.

350-48(c)(13) Crematorium

(A) Definition: A use, the primary function of which, is the reduction of dead bodies to ashes by burning.

(B) Use Classification: Institutional

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception		X	X														
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space per employee on the largest two shifts (or largest shift, if there is no more than one shift), plus calculated parking requirements for any areas of Public Assembly, such as chapels, meeting rooms or similar, PLUS three (3) oversized spaces per loading dock.

(E) Additional Regulations:

(i) Crematoriums shall be set back two-hundred and fifty (250) feet from any lot line.

(ii) Where so noted in subsection (C) above, a Crematorium shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

(a) The applicant shall demonstrate that the operation of the crematorium shall occur during hours which shall not negatively impact the adjoining properties due to traffic, noise or odors.

350-48(d)(1) Dairy and Food Processing and Distribution

- (A) Definition: none
- (B) Use Classification: Commercial
- (C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																X	X
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space per employee on the largest two shifts (or largest shift, if there is no more than one shift), PLUS three (3) oversized spaces per loading dock.

(E) Additional Regulations: None.

350-48(d)(2) Daycare Center

(A) Definition:

(i) Primary Use. A day care facility that is the Primary Use of a site and is licensed by the Commonwealth to provide care to seven (7) or more children (Child Daycare Center) or four (4) or more adults (Adult or Elder Daycare Center) at any one time.

(ii) Accessory Use. A day care facility that is the Accessory Use of a site and is licensed by the Commonwealth to provide care to seven (7) or more children at any one time, where all of the children being cared for are children of persons employed on the premises.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary									X	X	X	X	X	X		X	
Accessory									X	X	X	X	X	X	X	X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space per employee including all persons involved in the daily or periodic operation of the facility plus one (1) space for each five hundred (500) sq. ft. of Floor Area.

(E) Additional Regulations:

(i) Outdoor play areas shall not be located within the front yard and shall be Setback a minimum of ten (10) feet from all Lot Lines. Outdoor play areas shall be completely enclosed by Fence with a minimum height of four (4) feet, and screened from adjoining residentially-zoned properties. All outdoor play areas shall provide a means of shade such as a shade tree(s) or Pavilion(s).

(ii) Where such Day Care Center is a Primary Use, the following standards shall apply:

(a) Loading and Unloading. Each facility shall provide a loading and unloading area immediately adjacent to the Primary Building or a pedestrian walkway. Loading and unloading areas shall be designated by pavement markings and free standing signs and shall be at minimum sixty (60) feet in length and ten (10) feet in width.

(b) Pedestrian Walkways. Where the loading and unloading area accesses a pedestrian walkway rather than the Primary Building, the walkway shall not be interrupted before terminating at the primary Building. Such walkway shall be Setback a minimum of twenty-five (25) feet from Street ultimate right of way lines.

(c) Vehicle Stacking. Including the loading and unloading area each facility shall provide a vehicle stacking area on the Lot for a minimum of five (5) vehicles.

(d) Traffic flow. One-way traffic flow shall be provided as the sole means of

access to the loading and unloading area.

(e) Speed Bumps. Speed bumps shall be provided at the beginning and terminus of the loading and unloading area.

350-48(d)(3) Dwelling, Apartment as part of a Mixed-Use Building

- (A) Definition: Attached Dwelling Units divided both horizontally and vertically.
- (B) Use Classification: Residential
- (C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary									X	X			X	X			
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 2.0 spaces for each Dwelling unit, 1 Large parking space for parking areas containing more than 50 Standard spaces. Apartments shall provide an additional 0.25 spaces per unit for overflow parking. Such parking shall be within 300 feet of the residential units for which they are providing the overflow spaces.

- (E) Additional Regulations: None.

350-48(d)(4) Dwelling, Apartment Building

(A) Definition: A Building, other than a Three-flat Dwelling or Townhouse, which contains three (3) or more Dwelling units which are separated horizontally and vertically, and may contain ancillary uses customarily associated with apartment buildings such as rental offices, laundry facilities and storage.

(B) Use Classification: Commercial, Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary								X						X			
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 2.0 spaces for each Dwelling unit, 1 Large parking space for parking areas containing more than 50 Standard spaces. Apartment Buildings shall provide an additional 0.25 spaces per unit for overflow parking. Such parking shall be within 300 feet of the residential units for which they are providing the overflow spaces.

(E) Additional Regulations:

(i) General Regulations

(a) The front Façade of an Apartment Building shall not continue on the same plane for a distance of more than seventy (70) feet. Offsets between front Façade planes shall be at least four (4) feet.

(b) Apartment Buildings shall front on an improved Street in accordance with Section 350-42(g) or upon a courtyard or a close fronting said Street.

(c) Outside service areas for storage, or for the location of refuse disposal containers shall be visually screened in accordance with Section 350-42(b)(4).

(d) At least twenty percent (20%) of the gross tract area shall be set aside for the recreational use of the residents of the Apartment Building(s) and their guests. The area to be set aside shall meet the Open Space Design Standards of Section 350-31(g). Should the Apartment Building(s) be developed under an Innovation Overlay District, the appropriate Innovation Overlay District regulation applies, however Open Space required in the subsections below may apply to Open Space requirements of the appropriate Innovation Overlay District if the said Open Space meets the standards for both.

(1) At least ten percent (10%) of the gross tract area shall meet the Design Standards of Section 350-31(g)(6), Active Open Space. Such recreational sites or facilities shall be located in an area or areas which will not be detrimental to adjacent property owners by virtue of noise, light, glare or any other nuisance feature emanating from such a facility.

(2) If, due to the physical characteristics of the land, achieving the required ten percent (10%) of the gross tract area meeting the Design Standards of Section 350-31 (g)(6) Active Open Space is not possible, an additional two percent (2%) of the tract (above the required twenty percent (20%)), shall be set aside for the recreational use of the residents of the Apartment Building(s) and their guests for each percentage point below the ten percent (10%) as required in subsection (1) above. If the aforementioned offset is utilized, the area required to meet the Design Standards of Section 350-31 (g)(6), Active Open Space, shall not be less than five percent (5%) of the gross tract area.

(3) Off-Street Parking Requirements for Open Space do not apply to the Open Space required under this subsection (d).

(4) Open Space required under this Section may be publicly dedicated in accordance with Section 312-36(d)(4) or may be held in private ownership as an ancillary Low Intensity Recreation Use.

(e) If there are other uses on the same tract, the portion of the tract for which the Apartment Building(s) is/are the Primary Use, including any required and optional Open Space improvements, shall be delineated, both physically and on an appropriate plan, to ensure compliance with subsection (d) above.

(ii) Density Increases. Maximum Dwelling Units Per Gross Acre, Maximum Units per Building, and/or Maximum Height of Building (Base Density Requirements) may be increased above the maximum amounts specified in the appropriate Zoning District Schedule through the use of Density Credits as stipulated below. Density increases shall be optional and shall not be mandatory.

(a) Achieving Density Credits for Apartment Building(s).

(1) For each additional 5% of the gross tract area beyond the minimum percentage of gross tract area required in subsection (E)(i)(d) above dedicated for Open Space, one-half Density Credit may be permitted above the Base Density Requirements.

(2) For each additional 2.5% of the gross tract area beyond the minimum percentage of gross tract area required in subsection (E)(i)(d)(1) above dedicated for Active Open Space, one-half Density Credit may be permitted above the Base Density Requirements.

(3) For each fifteen (15) percent of Dwelling units within the Apartment Building(s) provided with an assigned garage, one-half Density Credit may be permitted above the Base Density Requirements.

(4) For each twenty-five (25) percent of Dwelling units within the Apartment Building(s) provided with an assigned carport, one-half Density Credit may be permitted above the Base Density Requirements.

(5) For each public bus shelter provided within the development in coordination with the local transit authority, one-half Density Credit may be permitted above the Base Density Requirements.

(6) Where an applicant provides a Recreational Clubhouse for the enjoyment of residents and guests, one-half Density Credit may be permitted above the Base Density Requirements so long as the Recreational Clubhouse meets the following requirements.

(A) Each Recreational Clubhouse shall have a minimum area of 5,000 square feet.

(B) All Apartment Buildings within the tract shall be within 1,320 linear feet of a Recreational Clubhouse, measured along improved pedestrian pathways from front door to front door.

(C) The aforementioned requirements may be satisfied by multiple Recreational Clubhouses.

(b) Applying Density Credits. Density Credits relating specifically to the Apartment Building(s) are to be totaled. Only full credits may be applied; partial credits are lost. Credits may be divided between any or all requirements below, or applied to a single requirement (example: if a total of 3.0 credits are achieved, 3.0 credits may be applied to one requirement, or 1.0 credit may be applied to all three requirements, or 2.0 credits applied to one and 1.0 credit applied to another).

(1) Apartment Buildings may be permitted to exceed the Maximum Dwelling Units per Gross Acre by one (1) additional Dwelling Unit per Acre per Density Credit, up to three (3) additional Dwelling Units per Acre above the listed Maximum Dwelling Units per Gross Acre.

(2) Apartment Buildings may be permitted to exceed the Maximum Dwelling Units per Building by up to four (4) Dwelling Units per Building per Density Credit, up to twelve (12) Dwelling Units per Building above the listed Maximum Dwelling Units per Building.

(3) Apartment Buildings may be permitted to exceed the Maximum Height of Building Structure by up to ten (10) feet per Density Credit, up to twenty (20) feet above the listed Maximum Building Structure Height. All portions of the Building that exceed the Maximum Height of Building Structure shall have all setbacks increased by one (1) foot for every one (1) foot that the aforementioned portion of the building exceeds the Maximum Height of Building Structure.

350-48(d)(5) Dwelling, Single Detached

(A) Definition: A single unit, not structurally attached to any other Dwelling units, providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Includes Manufactured Home and Industrialized Housing Unit.

(B) Use Classification: Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary	X	X	X	X	X	X	X	X	X								
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 2.0 spaces for each Dwelling unit

(E) Additional Regulations: None.

350-48(d)(6) Dwelling, Single Detached - Lot Averaging Development Option

- (A) Definition: None.
- (B) Use Classification: Residential
- (C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary	X	X															
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 2.0 spaces for each Dwelling unit

(E) Additional Regulations:

(i) Intent. The Lot Averaging Development Option is intended to provide an additional tool in the preservation of Open Space in the Rural Residential-3 and Rural Residential-2 Districts.

(ii) Applicability. The Lot Averaging Development Option shall be permitted as-of-right in the RR-3 and RR-2 Districts, except that when the residual Open Space is to be deed restricted to an agricultural Use, such Use shall require Conditional Use Approval by the Board of Commissioners.

(iii) Minimum Eligible Lot Area.

- (a) RR-2 District: 5 acres
- (b) RR-3 District: 6 acres

(iv) Use Regulations. Only uses permitted as Primary Uses or Special Exception Uses in the underlying district shall be permitted as a Primary Use or Special Exception Use within the Lot Averaging Development Option.

(v) Maximum Density. The maximum number of Dwelling units permitted on a Tract to be developed shall be determined by dividing the total Lot Area:

- (a) by 80,000 square feet in the RR-2 district; or
- (b) by 130,000 square feet in the RR-3 District.

(vi) Area and Bulk

Primary Use	Minimum Lot Area (sq. ft.)	Minimum Frontage (ft.)	Minimum Front Yard (ft.)	Minimum Side Yard (ft.)	Minimum Rear Yard (ft.)	Max Height of Building (ft.)
Single Detached Dwelling Unit	43,560	75	35	15	50	35

(vii) General Regulations

(a) Any and all Lots included in the calculation of maximum Density shall be restricted from further subdivision or development by deed restriction or other agreement acceptable to the Township Solicitor and duly recorded in the Office of the Recorder of Deeds.

(b) The area that is in excess of the minimum Lot Area shall be deemed as Open Space. Such Open Space may be retained on one of the following options:

(1) Such Open Space may be retained on one of the individual residential Lots created as part of the subdivision, as-of-right; or

(2) Such Open Space may be subdivided as its own Lot, and owned and maintained in accordance with Section 350-32(h), substituting "Lot Averaging Development" for "Planned Residential Development" when applying that section to Lot Averaging Developments; or

(3) Where such Open Space is larger than 5 acres, such Open Space may be subdivided as its own Lot and the Board of Commissioners, by Conditional Use Approval, may approve the Lot to be deed restricted for the raising of crops, bee keeping, grazing of Animals, orchards, or other like type agricultural uses, so long as such Use is set back a minimum of fifty (50) feet from all Lot Lines.

350-48(d)(7) Dwelling Unit, Three Flat

(A) Definition: Three-unit Attached Dwelling Units divided horizontally. Three-Flats are generally characterized by three dwelling units, each occupying one floor, served by a single street-facing outside entrance which accesses the lower floor’s interior entrance and a stairwell leading to the upper floors’ interior entrances. Separate rear entrances may be provided for each dwelling unit.

(B) Use Classification: Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary							X	X	X					X			
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 2.0 spaces for each Dwelling unit

(E) Additional Regulations: None.

350-48(d)(8) Dwelling Unit, Townhouse

(A) Definition: Attached Dwelling Units divided vertically.

(B) Use Classification: Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary							X	X						X			
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 2.0 spaces for each Dwelling unit. Townhouses shall provide an additional 0.25 spaces per unit for overflow parking. Such parking shall be within 300 feet of the residential units for which they are providing the overflow spaces. If provided as the primary use on a separate parcel to serve a townhouse development:

(i) the off-street parking lot shall contain no fewer than six (6) and no more than twelve (12) parking spaces;

(ii) the underlying parcel shall be owned and maintained by a Home Owners' Association;

(iii) the off-street parking lot shall meet the requirements of Sections 350-42(d), 350-42(r) and 350-48(o)(2), as applicable.

(E) Additional Regulations:

(i) Each Dwelling unit shall be located and constructed in such a manner as to permit its ownership to be completely severed from adjacent Dwelling units. This shall include the appropriate construction and location of utility entrances, and associated land in such a manner as to permit such severability.

(ii) The front Facade shall not continue on the same plane for a distance of more than fifty (50) feet. Offsets between front Facade planes shall be at least four (4) feet.

(iii) A maximum of eight (8) Townhouse units shall be constructed in one group.

(iv) All Townhouses shall be accessed via alleys located to the rear of the dwellings.

350-48(d)(9) Dwelling Unit, Twin

(A) Definition: Two Attached Dwelling Units divided vertically.

(B) Use Classification: Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary						X	X	X	X								
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 2.0 spaces for each Dwelling unit

(E) Additional Regulations: None.

350-48(d)(10) Dwelling Unit, Two-Flat

(A) Definition: Two Attached Dwelling Units divided horizontally. Two-Flats are generally characterized by two dwelling units, each occupying one floor, served by a single street-facing outside entrance which accesses the lower floor’s interior entrance and a stairwell leading to the upper floor’s interior entrance. Separate rear entrances may be provided for each dwelling unit.

(B) Use Classification: Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary						X	X	X	X								
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 2.0 spaces for each Dwelling unit

(E) Additional Regulations: None.

350-48(e)(1) Electric Vehicle Charging Station

(A) Definition: A Non-Residential Accessory Use characterized by equipment for the purpose of recharging battery-operated electric motor vehicles which is accessible from a parking space in an off-street parking lot or parking garage and is operated by the operator of the vehicle utilizing the equipment. This use shall also include Charging Stations established for the recharging of battery-operated electric motor vehicles associated with the operation of the associated Primary Use. This use shall not be interpreted to include any Motor Vehicle Service activities. This use shall not be interpreted to include the non-commercial recharging of battery-operated electric motor vehicles on a residential property, which is considered to be ancillary to the residential use. The parking spaces from which the Charging Station may be accessed shall not be restricted to vehicle charging-only parking. If the parking spaces from which the Charging Station may be accessed are restricted in opposition to the preceding sentence, those spaces shall not be counted within the total off-street parking spaces required by the provisions of Section 350-48(o)(2) by the associated Primary Use.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations: None.

350-48(e)(2) Emergency Response Service Facility

(A) Definition: A building or buildings that is used by organizations specializing in responses to emergency or life-threatening situations, such as but not limited to fire companies, ambulance services, paramedical organizations, search and rescue organizations and disaster recovery organizations. The building, buildings or structures associated with the Emergency Response Service Facility may include emergency vehicle bays, administrative offices, instruction areas, associated equipment storage, sleeping quarters and break areas for emergency personnel only.

(B) Use Classification: Institutional

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 4.0 per vehicle bay plus 1.0 per 100 square feet of public assembly area.

(E) Additional Regulations: None.

350-48(e)(3) Exhibition Center

(A) Definition: A Building or group of Buildings, used for trade, consumer and recreational shows and expositions, which feature a regularly changing collection of information booths, display stations, and/or presentation areas, with or without food and live entertainment features on an incidental basis, where such events are intended to inform, educate, promote, sell or otherwise bring together people to participate in a given market activity; or used to conduct formal ceremonies, meetings, conferences, banquets, and live entertainment events, concerts, or similar events subject to requirements for High Attendance Uses excluding activities such as or related to Adult Uses, or Outdoor Concerts.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary														X			
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space for each one hundred (100) square feet of total Floor Area. Hotel guest rooms shall be calculated separately. In the event that there are insufficient Parking Spaces on site to accommodate an event at an Exhibition Center, the required parking may be provided off-site provided that proof (in the form of a license or lease agreement executed by the owner of such other property) is provided to the Zoning Officer no less than thirty (30) days prior to such event that sufficient parking is available. PLUS 1 Oversized Off-Street Loading Zone.

(E) Additional Regulations:

(i) Exhibition Center High Attendance Uses, as defined by this ordinance shall only be permitted by Special Exception approval of the Zoning Hearing Board for each separate event.

(ii) There shall be no living quarters within any Building situated at an Exhibition Center.

(iii) The owner or operator of an Exhibition Center shall not permit any preparation of food or drinking in the Parking Areas unless same is part of an event.

(iv) Temporary Parking in the Highway Commercial-1 Zoning district. To accommodate temporary parking needs for Exhibition Centers, temporary Parking Areas may be established but need not be converted to a permanent Parking Area within thirty-six months (36) months after commencement of its Use. A temporary Parking Area shall conform to the requirements set forth for Seasonal Parking in the CR District in Section 350-48(o)(3) except that:

(a) the requirements relating to paving shall not apply provided that the Parking Area is maintained with crushed stone or other similar surface;

(b) the requirements relating to Buffering and screening shall only apply where such parking abuts a commercial or residential Use;

(c) the requirements of Sections 350-42(d), 350-42(r) and 350-48(o)(2)(E)(3)(d) relating to illumination, but excluding the foot-candle requirements of Sections 350-42(d), 350-42(r) and 350-48(o)(2)(E)(3)(d) will not apply, provided that temporary illumination sufficient to insure the safe passage of patrons to and from the ground where Exhibition Center activities are being conducted, is provided.

350-48(e)(4) Exhibition Center, High Intensity Use

(A) Definition: An activity held in an Exhibition Center, as defined by this Ordinance, for which parking requirements exceed on-site parking capacity, or which consists of an event, such as, but not limited to an indoor concert or sporting event, where the bulk of the attendees arrive at the same time, attend the entire activity and leave at the same time.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception														X			
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space for each one hundred (100) square feet of total Floor Area. Hotel guest rooms shall be calculated separately. In the event that there are insufficient Parking Spaces on site to accommodate an event at an Exhibition Center, the required parking may be provided off-site provided that proof (in the form of a license or lease agreement executed by the owner of such other property) is provided to the Zoning Officer no less than thirty (30) days prior to such event that sufficient parking is available. PLUS 1 Oversized Off-Street Loading Zone.

(E) Additional Regulations: Where so noted in subsection (C) above, a High Intensity Use Exhibition Center shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d)

(i) Exhibition Center High Attendance Uses, as defined by this ordinance shall only be permitted by Special Exception approval of the Zoning Hearing Board for each separate event.

(ii) There shall be no living quarters within any Building situated at an Exhibition Center.

(iii) The owner or operator of an Exhibition Center shall not permit any preparation of food or drinking in the Parking Areas unless same is part of an event.

(iv) The owner shall provide proof, in a form of a license or lease agreement executed by the owner of such other property owner, that sufficient parking is available.

(v) The owner shall address to the satisfaction of the Zoning Hearing Board, traffic impact issues and traffic control measures on nearby roads and intersections.

(vi) Temporary Parking in the Highway Commercial-1 Zoning district. To accommodate temporary parking needs for Exhibition Centers, temporary Parking Areas may be established but need not be converted to a permanent Parking Area within thirty-six months (36) months after commencement of its Use. A temporary Parking Area shall conform to the requirements set forth for Seasonal Parking in the CR District in Section 350-48(o)(3) except that:

(a) the requirements relating to paving shall not apply provided that the Parking Area is maintained with crushed stone or other similar surface;

(b) the requirements relating to Buffering and screening shall only apply where such parking abuts a commercial or residential Use;

(c) the requirements of Sections 350-42(d), 350-42(r) and 350-48(o)(2)(E)(3)(d) relating to illumination, but excluding the foot-candle requirements of Sections 350-42(d), 350-42(r) and 350-48(o)(2)(E)(3)(d) will not apply, provided that temporary illumination sufficient to insure the safe passage of patrons to and from the ground where Exhibition Center activities are being conducted, is provided.

350-48(f)(1) Family Day Care Homes

(A) Definition: A Family Day Care Home is a facility that is operated as an Accessory Use to a Single Detached Dwelling Unit that is registered by the Commonwealth of Pennsylvania and offers care and supervision to no more than six (6) children, during any calendar day, who are not permanent residents of the Dwelling unit.

(B) Use Classification: Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 2.0 spaces for the Residential Dwelling use, plus 2.0 spaces for the Family Day Care Home use.

(E) Additional Regulations: None.

350-48(f)(2) Farm Outbuilding

(A) Definition: Any Building used for the storage of agricultural equipment or farm produce, or housing livestock or poultry. The term “Farm Outbuilding” shall not include Dwellings.

(B) Use Classification: Agricultural

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X		X	X	X	X		X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations:

(i) No part of any Farm Outbuildings shall be used for the slaughtering and/or processing of poultry or livestock for commercial purposes.

350-48(f)(3) Farm Roadside Stand

(A) Definition: A use, the primary function of which is the temporary or seasonal sale of agricultural products from the farm upon which the Farm Roadside Stand is located.

(B) Use Classification: Agricultural

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X		X	X	X	X		X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Parking for a minimum of four (4) vehicles shall be provided for a temporary stand or one (1) space per four hundred square feet shall be provided for a permanent Building.

(E) Additional Regulations: Where so noted in subsection (C) above, a Farm Roadside Stand shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

(i) At least fifty (50) percent of the foodstuffs or products offered for sale shall have been primarily grown or produced on the same premises on which they are offered for sale, or on adjacent property contiguous to where they were grown or produced, or on non-contiguous land owned or leased by the same entity who grew or produced the products. .

(ii) Sale of such items shall be conducted from a roadside stand located no closer than ten(10) feet to the Street Right-of-Way line, and no farther than 50 feet from the Street Right-of-Way line. Such stands shall be set back a minimum of 25 feet from any side or rear Lot Line.

(iii) The Floor Area of any portable stand shall not exceed one thousand (1,000) square feet; the Floor Area of any permanent Building shall not exceed four thousand (4,000) square feet.

(iv) No improved parking in accordance with Section 350-48(o)(2) shall be required for a roadside stand. All parking shall be located behind the Street Right-of-Way line. The parking shall be surfaced with gravel or paved, and the boundaries shall be clearly demarcated.

(v) The hours of operation shall be confined to the daylight hours between astronomical sunrise and astronomical sunset.

350-48(f)(4) Flex Space

(A) Definition: A use, the primary function of which is to house a mix of Manufacturing; Professional Office; Printing, Binding, Publishing; Research and Development; Service Business; Warehousing and Distribution; and Wholesale Sales uses. This definition does not permit the establishment of a use within a Flex Space that would not otherwise be permitted in accordance with this Zoning Ordinance, nor does it abrogate any requirements of any individual Use proposed within the Flex Space that are in accordance with this Zoning Ordinance.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary									X		X	X	X	X		X	X
Accessory																	
Special Exception												X*		X*			
Conditional Use																	

* See the appropriate Zoning District Schedule for more information

(D) Minimum Off-Street Parking Calculations: Calculated by totaling the required Off-Street Parking spaces required by the individual uses occupying the Flex Space.

(E) Additional Regulations: Where so noted in subsection (C) above, a Flex Space shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

(i) That the applicant provides evidence that sufficient parking is provided.

(ii) That the applicant provides evidence that sufficient Outdoor Storage is provided for equipment, supplies and stock that is not to be stored within a building is provided.

350-48(f)(5) Forestry

(A) Definition: The management of Forests and timberland when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development.

(B) Use Classification: Agricultural

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations:

(i) Any Timber Harvesting Operation shall be undertaken in accordance with a timber harvesting plan approved by the Township. All Timber Harvesting Plans shall be submitted to the Township for review for compliance with the standards for Timber Harvesting Operations set forth herein not less than forty-five (45) days prior to commencement of the Timber Harvesting Operation. Within thirty (30) days of submission to the Township, a Timber Harvesting Plan shall be approved, denied, or approved subject to reasonable conditions and the Applicant so notified in writing. The Township shall hire a qualified consultant to review a Timber Harvesting Plan, suggest conditions or revisions, and enforce an approved plan at the Applicant’s expense.

(ii) Any Timber Harvesting Plan submitted to the Township for review and approval shall be consistent with the Timber Harvesting Guidelines of the Pennsylvania Model Forestry Regulations of the Penn State School of Forest Resources, as amended, and shall include a plan or plans indicating the following information:

(a) Site location and boundaries of both the entirety of the Lot upon which the Timber Harvesting Operation shall occur and the specific area proposed for timber harvesting;

(b) Significant natural features on the Lot including, but not limited to: steep slopes, wetlands, and specimen trees or vegetation;

(c) Identification of the entirety of the Woodland or Woodland(s) where the Timber Harvesting Operation is proposed to occur;

(d) The general location of the proposed operation in relation to municipal and state highways and any proposed accesses to those highways;

(e) Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings;

(f) Design, construction, and maintenance of water control measures and Structures such as culverts, broad-based dips, filter strips, and water bars;

(g) Design, construction and maintenance of proposed stream and wetland crossings; and

(h) Identification of forest canopy to remain.

(iii) Any permits required by any other agency under any applicable regulation shall be the responsibility of the Landowner or timber harvesting operator as applicable. Copies of all required permits shall be submitted to the Township at least twenty (20) days prior to commencement of the Timber Harvesting Operation.

(iv) The following management practices shall apply to all Timber Harvesting Operations:

(a) Felling and skidding of trees shall be undertaken in a manner which minimizes damage to trees or other vegetation not intended to be harvested (e.g., successive limbing up the tree rather than felling in its entirety).

(b) Felling or skidding across any public Street is prohibited without the express consent of the Township or PennDOT, whichever is responsible for the maintenance of said thoroughfare.

(c) Prior to initiating any Timber Harvesting Operation, the Applicant shall review with the Township the condition of any Township road that will be used to transport log loads or that may otherwise be impacted by the Timber Harvesting Operation, and shall provide the Township Zoning Officer with a description of the gross vehicle weight, axle load, and size of vehicles to be used in removal of timber. The Township may require the posting of a bond or other approved security in an amount commensurate with the potential costs of repair to public facilities that may be necessary as a result of the Timber Harvesting Operation. Any such bond or security shall be held by the Township until after the Timber Harvesting Operation has been completed and the Township determines that any damage to public facilities resulting therefrom has been satisfactorily repaired.

(d) Slash, tops or litter resulting from a Timber Harvesting Operation shall either be cut to a height of three (3) feet or less and left on-site, or chipped and recycled on-site or otherwise dealt with as approved by the Township. The burning of slash shall be prohibited.

(e) No tops, slash or litter shall be left within twenty-five (25) feet of any public thoroughfare or private Street.

(v) No Timber Harvesting Operation or grubbing of trees shall be permitted within any Wetland nor within twenty-five (25) feet of any NPDI site.

(vi) In all Woodlands, a minimum of 50% of the Forest canopy trees shall remain in good condition after the completion of any Timber Harvesting Operation. Remaining Forest canopy trees shall be well distributed throughout the area subject to the Timber Harvesting Operation.

(vii) Township representative(s) shall be permitted access to the site of any Timber Harvesting Operation before, during, or after active timber harvesting to review, inspect and ascertain compliance with the provisions set forth herein.

(viii) Prior to any Timber Harvesting Operation, a meeting of Township representative(s) and the Applicant or Applicant's representative(s) shall be held on the subject site. The purpose of such meeting shall be to review the approved plan and timber harvesting procedures.

(ix) Upon determination that a Timber Harvesting Operation is in violation of these regulations, each day where any violation occurs shall constitute a separate violation subject to the provisions of this Chapter.

350-48(f)(6) Funeral Parlor

(A) Definition: A use, the primary function of which is the preparation of the dead for burial or cremation, for the viewing of the bodies, and for funerals.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary													X	X			
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space for each three (3) permanent seats, plus 1.0 space per fifty (50) square feet of any additional room used for the assembly of the general public, if applicable. Lobbies, vestibules and similar areas are excluded. PLUS 1 Large Off-Street Loading Zone.

(E) Additional Regulations: None.

350-48(g)(1) Garage/Carport, Private

(A) Definition: A Structure or portion thereof maintained for the storage and parking of vehicles operated by customers, employees, and visitors of the Principal Building(s) and in which no business or other Use is carried on and no services rendered to the general public.

(B) Use Classification: Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations: None.

350-48(g)(2) Gazebo

(A) Definition: A small roofed structure used for outdoor entertaining that is generally open or screened on all sides.

(B) Use Classification: Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations: None.

350-48(g)(3) Geexchange Energy Systems

(A) Definition: A Geexchange system, also referred to as a geothermal heat pump, ground source heat pump or ground heat pump, is a central heating and/or cooling system that pumps heat to or from the ground consisting of pipes drilled into the ground, horizontal trenches, a ground heat exchanger, a heat pumping unit, and ductwork into the Building.

(B) Use Classification: Non-Residential, Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations:

(i) A Geexchange Energy System is allowed as an accessory Use to any lawful residential Use in any zoning district in the Township.

(ii) Open Water Geoexchange Energy Systems are explicitly prohibited. An Open Loop system shall be permitted provided that the water is discharged back underground in accordance with the following:

- (a) Returned water shall contain no treatment additives or other introduced chemicals.
- (b) The return well shall be located a minimum distance of two hundred (200) feet from wells on adjacent properties.
- (c) The return well shall be located a minimum distance of one hundred (100) feet from the on-site well.
- (d) The return well shall recharge the groundwater from which supply water is extracted.

(iii) Minimum Setback and Horizontal Isolation Distance Requirements.

- (a) Shall not be located within a surface drainage area, floodway, or stormwater management detention or retention pond
- (b) 10 feet from all Lot Lines
- (c) 10 feet from water supply lines under pressure
- (d) 10 feet from stormwater infiltrator pits

- (e) 10 feet from on-Lot sewage disposal systems
 - (f) 10 feet from rock outcrop
 - (g) 25 feet from streams, lakes, or other surface water
 - (h) 25 feet from delineated wetlands
 - (i) 25 feet from sink holes
 - (j) 25 feet from an individual water supply if the Geoexchange Energy System is a horizontal system
 - (k) 25 feet from an individual water supply if the Geoexchange Energy System is a vertical system
- (iv) A plot plan shall be submitted with the HVAC Permit and Zoning Permit applications that contains the following information:
- (a) Name and address of applicant
 - (b) A North reference
 - (c) Street address
 - (d) Proposed or existing Dwelling footprint dimensions from all Lot Lines, including all proposed patios, Decks, etc.
 - (e) Size and location of all existing Easements, rights-of-way and Utilities (i.e. Public Water and sanitary sewer laterals)
 - (f) Existing stormwater management facilities (i.e. inlets, piping, infiltration facilities, etc.)
 - (g) The location of public and private water lines, supplies, wells, springs, streams, swamps, rivers and other bodies of water, and public and private sewer lines and septic systems,
 - (h) The location of pipeline Right-of-Ways,
 - (i) The location of geologic and hydrologic features,
 - (j) The location of the proposed Geoexchange system including bores and trenching,
 - (k) The proposed type of heat exchange medium and bore hole seal material.
- (v) An as-built plot plan shall be submitted as part of the final inspection for all horizontal and vertical systems. A well driller log may suffice as an as-built plan for a vertical system.
- (vi) Metallic tracers of wire or tape shall be used to mark all non-metallic Geoexchange Systems.

350-48(g)(4) Golf Course

(A) Definition: An area of one hundred fifty (150) or more contiguous acres containing a full size professional Golf Course, at least eighteen (18) holes in length together with the necessary and usual Ancillary Uses and Structures such as, but not limited to: Clubhouse facilities, drinking and refreshment facilities, Swimming Pools, tennis courts and the like, provided that the operation for such facilities is incidental and subordinate to the operation of the Golf Course. The sum of the individual “tee to green” yardage for each nine (9) holes shall be not less than two thousand five hundred (2,500) yards.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary	X	X	X														
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space per employee on the largest shift, 4.0 spaces per tee, plus other specific calculated parking requirements as appropriate for ancillary uses.

(E) Additional Regulations:

(i) In Residential Zoning Districts, hours of operation shall be restricted to between 8:00 a.m. and 8:00 p.m.

(ii) In Residential Zoning Districts, signage shall be subject to Section 350-48(s)(10)(E)(xiii).

350-48(g)(5) Golf Driving Range

(A) Definition: A use, the primary function of which is the practicing of golf shots.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary	X	X	X								X		X	X	X		
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space per employee on the largest shift, 2.0 spaces per tee.

(E) Additional Regulations:

(i) In Residential Zoning Districts, hours of operation shall be restricted to between 8:00 a.m. and 8:00 p.m.

(ii) In Residential Zoning Districts, signage shall be subject to Section 350-48(s)(10)(E)(xiii).

350-48(g)(6) Greenhouse, Private

(A) Definition: A structure enclosed (as by glass or clear plastic) and used for the cultivation or protection of plants.

(B) Use Classification: Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations: None.

350-48(h)(1) Helipad

(A) Definition: A landing area suitable only for use by helicopters. An accessory use which no more than one helicopter may utilize at a time. This definition also includes a helistop.

(B) Use Classification: Commercial, Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception																	X
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations: Where so noted in subsection (C) above, a Helipad shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

(i) Minimum Lot Area: 5 acres

(ii) All portions of the Helipad shall be a minimum of 1,000 feet from the Lot Line of any abutting residential Use or district.

(iii) The applicant shall provide evidence that:

(a) The parcel on which the Helipad is to be located and the design of the Helipad have been approved by the Pennsylvania Bureau of Aviation and the Federal Aviation Administration; and

(b) The Helipad has received any and all required licenses from applicable state and federal government agencies including, but not limited to, licenses from the Pennsylvania Department of Transportation (AV-4 and AV-6 licenses).

(iv) The Helipad shall be designed and operated in compliance with all applicable state and federal laws and regulations.

(v) The landing surface of the Helipad shall conform to the following:

(a) The landing surface shall be paved and level and shall be at least sixty (60) square feet or, in the case of a circle, shall be at least sixty (60) feet in diameter. Except for rooftop pads, a secondary thirty (30) foot perimeter area shall contain a gravel or grass cover.

(b) Both the landing surface and secondary perimeter shall be well-maintained and shall be kept dirt-free to preclude blowing dust or debris caused by rotor downwash and shall contain no Structures or other obstacles other than those required for safety purposes.

(c) The landing surface of the Helipad shall be enclosed by a barrier to control access into the Helipad area. The barrier shall consist of a chain-link fence six (6) feet in height above grade on the side that faces away from the Helipad. The barrier may also include a building wall that effects the performance criteria listed within this subsection. The maximum mesh size shall be 2.25 inches square. The maximum clearance between grade and the bottom of the barrier shall be two (2) inches. Access gates shall be self-closing and equipped with a self-latching device.

(vi) No helicopter shall be stored and/or parked at a Helipad. No helicopter shall remain at a Helipad for longer than seventy-two (72) hours.

(vii) The proposed flight paths shall be over open areas and along major transportation corridors to the extent possible, and shall be designed to minimize noise hazards to existing residences and/or residential developments. These requirements shall not apply to helicopters operated by the following:

- (a) A health care network and/or hospital to respond to a medical emergency;
- (b) Law Enforcement; and/or
- (c) Public Utility Providers.

(viii) A maximum of 200 gallons of Fuel for helicopters may be stored at any Helipad.

(ix) The Helipad shall be limited to Use between the hours of 7:00 a.m. and 5:00 p.m., except for situations where the helicopter and/or Helipad is operated by: (A) a health care network and/or hospital (i.e., MedEvac, LifeLion, PennSTAR) and is used for the medical transport of acutely ill and/or critical care patients; and/or (B) Law Enforcement.

(x) Permits for establishing and maintaining a Helipad shall be issued to the owner, lessee and/or operator of a Helipad by the Zoning Officer. A permit for a Helipad shall be valid for a period of three (3) years, after such time an applicant must apply for a new permit from the Zoning Officer.

(xi) The permit shall be deemed automatically revoked if:

(a) The Pennsylvania Bureau of Aviation, the Federal Aviation Administration and/or any other state or federal agency regulating the use, construction, operation and maintenance of a Helipad revokes or suspends any license required to use, construct, operate or maintain a Helipad;

(b) Thirty (30) days after the Zoning Officer has notified the permit holder in writing that the site is no longer in compliance with the requirements set forth herein for the initial granting of the permit, provided the alleged defect has not been cured within said thirty (30) day period; or

(c) The Township receives notice that the Helipad is being operated in violation of state or federal law.

350-48(h)(2) Heliport

(A) Definition: A small airport suitable only for use by helicopters. A principal use where one or more helicopters may land/take off and be stored. Such use may also include support services, such as helicopter parking/storage, waiting room, fueling, and maintenance equipment.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception																	X
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 off-street parking space for each employee (including, but not limited to independent contractors and pilots) on the largest shift, 3.0 off-street parking spaces for each helicopter flight per day that the Heliport can accommodate and 1.0 off-street parking space for every two hundred (200) square feet of Floor Area open to the public; provided, however, that the minimum number of off-street parking spaces at a Heliport shall be 6.0 spaces. All other parking requirements of Section 350-48(o)(2) shall be met.

(E) Additional Regulations: Where so noted in subsection (C) above, a Heliport shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

(i) Minimum Lot Area: 7 acres

(ii) All portions of the Heliport shall be a minimum of 1,000 feet from the Lot Line of any abutting residential Use or district.

(iii) The applicant shall provide evidence that:

(a) The parcel on which the Heliport is to be located and the design of the Heliport have been approved by the Pennsylvania Bureau of Aviation and the Federal Aviation Administration; and

(b) The Heliport has received any and all required licenses from applicable state and federal government agencies including, but not limited to, licenses from the Pennsylvania Department of Transportation (AV-4 and AV-6 licenses).

(iv) The Heliport shall be designed and operated in compliance with all applicable state and federal laws and regulations.

(v) The landing surface of the Heliport shall conform to the following:

(a) The landing surface shall be paved and level and shall be at least sixty (60) square feet or, in the case of a circle, shall be at least sixty (60) feet in diameter. Except for rooftop pads, a secondary thirty (30) foot perimeter area shall contain a gravel or grass cover.

(b) Both the landing surface and secondary perimeter shall be well-maintained and shall be kept dirt-free to preclude blowing dust or debris caused by rotor downwash and shall contain no Structures or other obstacles other than those required for safety purposes.

(c) The landing surface of the Heliport shall be enclosed by a barrier to control access into the Helipad area. The barrier shall consist of a chain-link fence six (6) feet in height above grade on the side that faces away from the Helipad. The barrier may also include a building wall that effects the performance criteria listed within this subsection. The maximum mesh size shall be 2.25 inches square. The maximum clearance between grade and the bottom of the barrier shall be two (2) inches. Access gates shall be self-closing and equipped with a self-latching device.

(vi) The proposed flight paths shall be over open areas and along major transportation corridors to the extent possible, and shall be designed to minimize noise hazards to existing residences and/or residential developments. These requirements shall not apply to helicopters operated by the following:

- (a) A health care network and/or hospital to respond to a medical emergency;
- (b) Law Enforcement; and/or
- (c) Public Utility Providers.

(vii) A maximum of 500 gallons of Fuel for helicopters may be stored at any Heliport.

(viii) The Heliport shall be limited to Use between the hours of 7:00 a.m. and 9:00 p.m., except for situations where the helicopter and/or Heliport is operated by: (A) a health care network and/or hospital (i.e., MedEvac, LifeLion, PennSTAR) and is used for the medical transport of acutely ill and/or critical care patients; and/or (B) Law Enforcement.

(ix) Permits for establishing and maintaining a Heliport shall be issued to the owner, lessee and/or operator of a Heliport by the Zoning Officer. An administrative permit for a Heliport shall be valid for a period of three (3) years, after such time an applicant must apply for a new permit from the Zoning Officer.

(x) The permit shall be deemed automatically revoked if:

(a) The Pennsylvania Bureau of Aviation, the Federal Aviation Administration and/or any other state or federal agency regulating the use, construction, operation and maintenance of a Heliport revokes or suspends any license required to use, construct, operate or maintain a Heliport;

(b) Thirty (30) days after the Zoning Officer has notified the permit holder in writing that the site is no longer in compliance with the requirements set forth herein for the initial granting of the permit, provided the alleged defect has not been cured within said thirty (30) day period; or

(c) The Township receives notice that the Heliport is being operated in violation of state or federal law.

350-48(h)(3) Historic Resource

(A) Definition: : A site, object, Building, Historic Structure, monument or landmark that is listed on the National Registry of Historic Places or designated by the Township Board of Commissioners as a Historic Resource having unique historical, architectural, or patriotic interest or value. A Historic Resource may serve as a primary or accessory use if no other permitted use occurs on the Lot.

(B) Use Classification: Non-Residential, Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: If the Historic Resource is also being utilized as a listed use, utilize the Parking calculations of that Use; otherwise Not Applicable.

(E) Additional Regulations:

(i) Short Title - This Ordinance shall be known and may be cited as the Historic Resource Ordinance.

(ii) Purpose – The purposes of this Historic Resource Ordinance are:

(a) To promote the retention of community character through preservation of the local heritage by recognition and protection of historic resources.

(b) To promote the general welfare, education, and culture of the Township.

(c) To increase public knowledge and appreciation of the Township’s historic past and unique sense of place.

(d) To encourage and provide incentives for the continued use of historic structures and to facilitate their appropriate reuse.

(e) To promote the objectives of the South Whitehall Township Comprehensive Plan relating to historic resources.

(f) To implement the goals of the Pennsylvania Constitution, Article I, Section 27, which establishes the Commonwealth’s policy of encouraging the preservation of historic and aesthetic resources.

(g) To implement Sections 604(1) and 605(2)(vi) of the Pennsylvania Municipalities Planning Code to permit additional classifications within any zoning district for the regulation of uses and structures at, along, or near “places having unique historical, architectural, or patriotic interest or value.”

(iii) Definitions – The provisions for Historic Resources shall be subject to the definitions set forth in Section 350-05, in addition to those definitions set forth below:

(a) Historic Structure: A Structure that is listed on the National Registry of Historic Places or designated by Resolution by the Township Board of Commissioners as a Historic Structure by reason of its unique historical, architectural, or patriotic interest or value.

(b) National Registry of Historic Places: The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation, authorized by the National Historic Preservation Act of 1966, and part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources.

(c) Historic Resource Owner's Consent Statement ("Owner's Consent"): A notarized written statement to the Board of Commissioners, which is signed by the property owner of record of the Lot containing a Historic Resource, consenting to the application of the provisions of Section 350-48(h)(3) Provisions for Historic Resources. The Owner's Consent shall be in a form prepared by the Township Solicitor and satisfactory to the Township and shall be recorded in the Lehigh County Clerk of Judicial Records - Recorder of Deeds Division.

(d) Historic Resource Preservation Easement ("Preservation Easement"): A binding legal agreement between a property owner and the Township which is designed to maintain the historic character of a Historic Resource, and which shall be required of every property owner who submits an Owner's Consent. When a Preservation Easement is created, the owner of a Historic Resource agrees to create and/or maintain certain protections so as to achieve the preservation of the historic nature of the Historic Resource. The Preservation Easement may require the property owner to retain the original façade while still allowing the property owner to alter the interior of a Historic Structure. The Preservation Easement shall be in a form prepared by the Township Solicitor and satisfactory to the Township and shall be recorded in the Lehigh County Clerk of Judicial Records - Recorder of Deeds Division.

(iv) Applicability

(a) The provisions of this Section 350-48(h)(3) shall apply to all Historic Resources or Lots containing Historic Resources within the Township provided the property owner submits an Owner's Consent, which shall be executed as a condition of land development approval, or in the event that the property owner is not proposing land development, an Owner's Consent shall be executed and submitted along with a building or zoning permit application.

(b) The provisions of this Section 350-48(h)(3) shall cease to be applied to the Historic Resource and Lot containing the Historic Resource should:

(1) the Historic Resource be removed from the National Registry of Historic Places, if the Historic Resource has not been designated as a Historic Resource by the Township Board of Commissioners;

(2) the Township Board of Commissioners remove the designation of Historic Resource, if the Historic Resource is not on the National Registry of Historic Places; or

(3) the Historic Resource be removed from the National Registry of Historic Places and the Township Board of Commissioners remove the designation of Historic Resource.

(c) Notwithstanding subsection (b) immediately above, a property owner shall not lose the right to proceed with an approved land development plan where the Historic Resource is

eliminated by Acts of God such as fire, sinkholes, or earthquakes, or other circumstances beyond the property owner's control such as condemnation or other governmental action.

(v) General Requirements - Should the owner of a Historic Resource submit an Owner's Consent, the following provisions apply to the Lot containing the Historic Resource, including a Lot that has been consolidated or made part of a coordinated development. Should the Lot be subdivided, the provisions shall be applied only to the Lot containing the Historic Resource named in the Owner's Consent. More than one Historic Resource may be named in an Owner's Consent and more than one Owner's Consent may apply to a given Lot if the owner elects to provide an Owner's Consent for each Historic Resource.

(a) Owner Responsibilities

(1) Legal Protections.

(A) The owner of the Lot on which the Historic Resource is located shall execute and record a Preservation Easement to guarantee permanent protection of the historical integrity of the Historic Resource.

(B) The owner of the Lot on which the Historic Resource is located shall represent and warrant in the Preservation Easement that no judgment lien, construction lien, mortgage, or other financial encumbrance of the property exists that could adversely affect (including possible divestiture) the Preservation Easement, or, if such encumbrance does exist, the holder of any such lien, mortgage, or other financial encumbrance that could adversely affect the Township's rights granted under the Preservation Easement shall consent to the granting of the Preservation Easement, and agree by separate instrument, to subordinate or partially release its rights in the property to the extent necessary to permit the Township to enforce the purposes of and its rights under the Preservation Easement in perpetuity and to prevent any modification or extinguishment of the Preservation Easement by the exercise of any rights of the holder of the lien, mortgage or other financial encumbrance.

(C) The Preservation Easement shall be submitted to the Township accompanied by an opinion of record title or such other evidence of lien priority as required by the Township in its sole discretion, to confirm the status of the Preservation Easement in first lien position.

(2) Maintenance of the Historic Resource. A Historic Resource shall be maintained so as to prevent the loss of historic material and the deterioration of important character defining details and features, except for loss caused by Acts of God such as fire, sinkholes, or earthquakes, or other circumstances beyond the Owner's control such as condemnation or other governmental action. Nothing in this Ordinance shall be construed so as to prevent the ordinary repairs and maintenance of any Historic Resource provided that such repairs or maintenance do not result in a conspicuous change in the design, form, proportion, mass, configuration, building material, texture, location, or external visual appearance of any Historic Resource or part thereof, unless authorized by the Preservation Easement.

(A) Security Requirement. Should either the property owner or the Township, in either of their sole discretions, determine that restoration work on a Historic Resource is required at any time, the property owner shall submit a statement prepared by a registered architect or professional engineer licensed by and in good standing in the Commonwealth of Pennsylvania detailing the type of restoration work to be performed and the estimated cost. The statement prepared by a registered architect or professional engineer shall be submitted

contemporaneously with the Owner's Consent, or if restoration work becomes necessary at any point subsequent to the submission of the Owner's Consent, the property owner shall submit the statement at that time or upon request by the Township.

Where a Historic Resource requires restoration work of a type determined by a registered architect or professional engineer, the property owner shall be required to enter into a Security Agreement with the Township in a form acceptable to the Township Solicitor and post security prior to performing any restoration work on the external features of the Historic Resource. The property owner shall not be required to post security for ordinary repairs and maintenance but the Township may require the property owner to post security for internal restoration work to a Historic Resource. The form of security shall be a Letter of Credit, a cash deposit, or any other form of security acceptable to the Township and shall be determined by the terms of the Preservation Easement. The amount of security shall be One Hundred Ten Percent (110%) of the estimated cost of the restoration work to be performed with the specific amount to be determined by the terms of the Preservation Easement.

The requirement to post security is being made to protect the Township against loss in the event of failure of the property owner to complete restoration work. The Township has the right to use any portion or all of the security to remedy and resolve any restoration work that the property owner either left unfinished or defective or any damages resulting from the property owner's work, if the property owner fails to respond to a Township request to complete restoration work.

(B) Municipal Lien. If the property owner refuses or fails to perform the necessary work to restore and/or maintain the Historic Resource as required by the provisions herein, the Township may cause such restoration and/or maintenance to be done, and the owner shall reimburse the Township for all costs incurred in doing the work, plus an administrative fee equal to twenty percent (20%) of the work performed. The cost of the work performed by the Township shall constitute a lien against the property on which the work is performed.

(3) Modifications to the Historic Resource. No modifications to a Historic Resource that result in the alteration of the distinguishing features or historic character shall be permitted unless such modifications are authorized by the Preservation Easement or such modifications were necessitated by Acts of God or other circumstances beyond the property owner's control.

(4) Demolition or Removal of the Historic Resource. The Historic Resource shall not be demolished by the owner of the Lot on which the Historic Resource is located or by the owner's agents, employees, representatives, contractors, successors and/or assigns, either through direct action or through neglect.

(5) Historical markers or plaques may be required by the Township subject to the provisions stipulated by the Township and the owner of the Historic Resource and incorporated into the Preservation Easement.

(b) Historic Structure Adaptive Re-use Incentives

(1) Adaptive Re-Use as Conditional Uses. The following additional uses of the Historic Structure, if not permitted by right within the Zoning District within which the Historic Structure is located, may be permitted by Conditional Use within the Historic Structure only.

(A) Single Dwelling Unit

- (B) Two-Flat
- (C) Bed and Breakfast
- (D) Business or Professional Office
- (E) Art or Craft Gallery (as Retail Sales)
- (F) Mixed-Use Building (containing a mix of the uses listed

within this subsection (1).

(2) With regard to uses permitted by subsection (1) immediately above as Conditional Uses, residential uses permitted as Adaptive Re-uses within non-residential zoning districts shall use the bulk criteria listed under the R-5 Medium Density Residential zoning district.

(3) With regard to uses permitted by subsection (1) above as Conditional Uses, non-residential uses permitted as Adaptive Re-uses within residential zoning districts shall use the bulk criteria listed under the Neighborhood Commercial NC zoning district.

(4) With regard to uses permitted by subsection (1) above as Conditional Uses, such uses shall meet all requirements associated with the use proposed.

(5) The criteria that shall be used in determining whether a Conditional Use may be permitted, in addition to the general criteria set forth at Section 350-41(d), shall be the United States Secretary of the Interior's Standards for Historic Rehabilitation, 36 C.F.R. § 67.7 applied in a reasonable manner, taking into consideration economic and technical feasibility. The standards are as follows:

(A) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the character defining characteristics of the building and its site and environment.

(B) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterized a property shall be avoided.

(C) Each property shall be recognized as a physical record of its times, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(D) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(E) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved and the applicant for conditional use approval shall demonstrate how the distinctive features, finishes, etc., shall be preserved.

(F) Deteriorated features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

(G) Chemical or physical treatments, such as sandblasting, that cause damage to historical materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(H) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(I) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(J) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(6) No proposed change shall conflict with the terms of the recorded Preservation Easement.

(c) Historic Structure Complementary Use Incentives. As an incentive to provide for Historic Resource preservation, the following provisions shall apply to new Buildings or Structures on a Lot or in a coordinated development where a Historic Resource is located.

(1) Building Height. The maximum permitted height of a Building is increased by 50% from the provisions applicable to the underlying zoning district. Any portion of a Building with an increased height shall have a setback of 400% of the standard setback as measured from the property line of the nearest residentially-zoned property to that portion of the Building with the increased height. The permitted height increase only pertains to Principal Buildings, not Structures such as Signs, Billboards, cell Towers and the like. Traditional setbacks shall continue to apply to any portion of the Building or Structure for which the height is not increased.

(2) Building Setback Lines. Where the Historic Structure is non-conforming as to required setback distances from a public street, new Buildings or Structures are permitted to utilize the Historic Structure's non-conforming setback.

(3) Parking Setback Lines. Where existing parking areas are non-conforming as to required setback distances from a public street, new parking areas may utilize the non-conforming setback distances established by the non-conforming parking, provided that, under no circumstances may any parking area encroach into the ultimate right-of-way area of such street.

(4) Design Standards. The design guidelines specified herein are applicable to the construction of new Buildings and other Structures proposed to be built on the Lot or in a coordinated development on which a Historic Resource is located.

(A) Exterior Wall Face. All exterior wall faces shall be covered by at least 50% primary masonry product limited to brick, stone, or stucco. No more than 50% of any exterior wall face may be covered by stucco. Concrete masonry units may be used as a building component, but not as an exposed wall face.

(B) No more than four materials (in addition to glass) shall be used on the exterior walls of any single new Building or Structure unless other materials are approved by the Township to allow for unanticipated architectural features.

(C) Roofing Materials and Design. Flat roofs shall be prohibited except where parapets with a minimum height of at least five (5) feet are used to screen flat roofs and rooftop equipment.

350-48(h)(4) Hospital

(A) Definition: A facility licensed by the Commonwealth of Pennsylvania as a hospital pursuant to 28 Pa. Code Part IV, Subpart B (Defined therein as a facility having an organized medical staff and providing equipment and services primarily for inpatient care to persons who require definitive diagnosis or treatment, or both, for injury, illness, pregnancy, or other disability) which provides equipment and services primarily for inpatient care to persons who require treatment for injury, illness, disability or pregnancy. The term does not include public or private psychiatric hospitals, drug and alcohol rehabilitation hospitals, county-operated nursing facilities, intermediate care facilities for the mentally retarded, or psychiatric transitional facilities. This term also includes any uses customarily considered ancillary to hospitals, such as but not limited to: associated out-patient services, medical or administrative offices, diagnostic laboratories, facility supply and/or maintenance, employee-related services, patient visitor-related services, medical education services, patient transportation services, and the like. Such ancillary uses and facilities may be incorporated into a Hospital building or be in stand-alone buildings, which may be ancillary to a Hospital that is located outside of the municipal boundary of the Township, so long as the parcel on which the building is to be located is adjacent to a parcel containing an existing Hospital use, primary or accessory.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception			X*										X	X			
Conditional Use																	

* See subsection (E) Additional Regulations below.

(D) Minimum Off-Street Parking Calculations: 1.0 space for each two (2) beds of planned capacity; extended, intermediate or long term care: 1.0 space for each three (3) beds plus 1.0 for each employee on the largest work shift; PLUS 1 Large Off-Street Loading Zone if the use area is greater than 10,000 square feet, or 1 Oversized Off-Street Loading Zone if the use area is greater than 50,000 square feet.

(E) Additional Regulations: Where so noted in subsection (C) above, a Hospital shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

(i) Hospital Primary and Accessory Uses in the RR Rural Residential & Agriculture zoning district. Hospitals and their associated Accessory Uses shall be permitted within the RR Rural Residential & Agriculture zoning district as a Special Exception use, so long as the parcel on which the use is to be located is adjacent to a parcel containing an existing Hospital use, primary or accessory. The aforementioned adjacent parcel upon which the existing Hospital use, primary or accessory, exists may be located outside of the municipal boundary of South Whitehall Township. When a Hospital or

associated Accessory Use is proposed in South Whitehall Township, the required number of off-street parking spaces and/or required stormwater management improvements to control rate and volume may, but need not, be provided by improvements located on the adjacent parcel containing the existing Hospital use, primary or accessory, located outside of the municipal boundary of the Township. The Applicant shall provide information acceptable to the Zoning Officer and/or Township Engineer, as applicable, to demonstrate compliance with the Township's parking and stormwater management requirements.

350-48(h)(5) Hotel

(A) Definition: A facility that provides lodging to guests for compensation, which contains two or more guestrooms, where no guest rooms have direct access to the outside, and which may have a Restaurant, meeting rooms, lounges, recreational facilities and other services as a part of the compensation. In no case shall any guest stay for a period exceeding thirty (30) days in any six (6) month period.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary													X	X	X	X	
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space per guest room plus calculated spaces for Restaurants. If publicly-accessible meeting rooms are available, 1.0 space per 100 square feet of total Floor Area devoted to meeting room area. 1 Large parking space for parking areas containing more than 50 Standard spaces; PLUS 1 Large Off-Street Loading Zone if the use is greater than 50,000 square feet in area.

(E) Additional Regulations: None.

350-48(h)(6) Hotel, Extended Stay

(A) Definition: shall be defined as a Hotel permitting continuous occupancy of hotel guests exceeding thirty (30) days.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary													X	X			
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space per guest room plus calculated spaces for Restaurants. If publicly-accessible meeting rooms are available, 1.0 space per 100 square feet of total Floor Area devoted to meeting room area. 1 Large parking space for parking areas containing more than 50 Standard spaces; PLUS 1 Large Off-Street Loading Zone if the use is greater than 50,000 square feet in area.

(E) Additional Regulations:

(i) A Hotel, Extended Stay shall not be used for permanent residential occupancy of any person;

(ii) A Hotel, Extended Stay shall not be used for the following purposes as those terms are defined in Section 350-05 of the South Whitehall Township Zoning Ordinance:

- (a) Apartment
- (b) Club House or Lodge Building
- (c) Multi-Family Housing
- (d) Transient Multi-Family Dwelling

(iii) No guest shall be accommodated in the same room or suite for more than thirty-five (35) continuous days;

(iv) A Hotel, Extended Stay shall provide housekeeping service for occupied rooms a minimum of two times per week, which shall include but is not limited to linen changing, towel and soap change, cleaning of bathroom, dusting, vacuuming, and removal of trash;

(v) A Hotel, Extended Stay shall have a registration lobby which is staffed twenty-four (24) hours per day during all periods of operation to provide check-in/out services, custodial or maintenance response, and other guest services;

(vi) A Hotel, Extended Stay shall have a “porte-cochere” or an attached, covered, drive-through area adjacent to the hotel lobby;

(vii) A Hotel, Extended Stay shall provide the following amenities:

(a) Indoor and/or outdoor swimming pool with a minimum surface area of 400 square feet of water; and

(b) Other recreational facilities with a minimum combined area of 500 square feet such as, but not limited to, exercise rooms equipped with at least three (3) types of exercise equipment, tennis or racquetball courts, spas, or game areas;

(viii) No outdoor storage or permanent parking of equipment or vehicles shall be permitted for guests at an Extended Stay Hotel; and

(ix) Except for employees and registered guests, all access to a Hotel, Extended Stay shall be restricted to the front lobby entrance only.

350-48(i)(1) Incinerator

(A) Definition: A use, the primary function of which is the burning of waste material, at high temperatures until it is reduced to ash.

(B) Use Classification: Industrial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception																	
Conditional Use																X	

(D) Minimum Off-Street Parking Calculations: 1.0 space per employee on the largest two shifts (or largest shift, if there is no more than one shift) OR 1.0 space per 1,000 square feet of total floor area, whichever is greater; PLUS 1.0 Oversized Space for every 5 loading docks (or fraction thereof), and 1.0 (trailer) spaces (55' x 10' in size) for every 5 loading docks (or fraction thereof). The area serving the loading dock does not count as a parking or container space, but does count toward the required Off-Street Loading Zones.

(E) Additional Regulations: Where so noted in subsection (C) above, an Incinerator shall be permitted by Conditional Use review and approval subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(e):

(i) Such sites or facilities shall submit copies of any permits, letters of approval, air or water testing or monitoring reports, or like type documentation that demonstrates compliance with applicable federal and state rules, regulations and requirements, and with the requirements of any Solid Waste Management Ordinance enacted by South Whitehall Township;

(ii) A fifty (50) yard Buffer zone shall be established adjacent to the perimeter Lot lines upon which no solid wastes shall be deposited or stored;

(iii) Within the required Buffer zone, two parallel rows of dense shrubbery six (6) feet high set three (3) feet apart, as well as trees, shrubs and other suitable vegetation, shall be planted and landscaping provided in a manner acceptable to the Township Shade Tree Commission to fully obscure any view of the site or facility from public roadways and adjacent public or private properties, and to maintain, preserve and enhance the environmental integrity of the surrounding area;

(iv) Such sites or facilities shall be completely enclosed by chain-link fencing, or such other durable fencing as approved by the Township, which fencing shall be no less than six (6) feet in height but which shall not exceed a maximum height limitation of eight (8) feet. All fencing shall be set back at least forty-five (45) feet from a Lot line.

(v) The Buffering and fencing requirements of subsection (iv) immediately above shall be deemed inapplicable to facilities utilized solely for the storage and transfer of clean recyclables

approved as to content by the Township.

(vi) No site or facility shall be permitted or established on any portion of a site which is subject to flooding, chronic wetness or is located within a Flood plain, flood fringe or in areas where continuous or Intermittent contact occurs between solid waste and the ground water table;

(vii) The disposal of sewage and hazardous wastes in any form shall be prohibited at any such site or facility (however, nothing herein stated shall preclude the proper application of nonhazardous sewage sludge from a waste water treatment plant to agricultural land for agricultural purposes if such application is approved by the Commonwealth Department of Environmental Protection);

(viii) Such sites and facilities shall be operated and maintained in such manner so as to prevent health hazards, environmental degradation, the attraction, harborage or breeding of insects, rodents, vectors, and to eliminate conditions which create safety hazards, odors, dust, unsightliness, excessive noise, toxic or obnoxious fumes, public nuisances, or impose a hardship on adjoining property owners or result in an undue burden upon the Township, its municipal services and infrastructure;

(ix) All equipment shall be stored inside totally enclosed Buildings;

(x) No solid wastes shall be stored outdoors or in such a manner as to permit dispersal or exposure to the natural elements;

(xi) Access to any such site or facility shall be limited in the following manner:

(a) Access to the site or facility shall be limited to normal operating hours. Attendants shall be present at the site during all operating hours.

(b) A gate or barrier as approved by the Township at the entrance to the site or facility shall be erected to block access to the site or facility.

(c) Normal operating hours for all sites or facilities (excepting incinerators) and normal delivery hours of all sites or facilities during weekdays shall be from 7:30 A.M. to 4:30 P.M. and on weekends from 7:00 A.M. to noon on Saturdays. No waste deliveries shall be permitted at any other time. Additionally, the site or facility shall be closed on Christmas Day, New Year's Day, Thanksgiving Day, Good Friday, Labor Day, Memorial Day, and Fourth of July. Incinerators shall be permitted to operate in excess of the time limitations set forth in this subparagraph (3); however, waste deliveries shall be limited to the times set forth herein.

(d) Hours of operation and other limitations regarding access to the site or facility shall be prominently displayed on a Sign at the entrance. The Sign shall have a minimum size of three (3) feet by four (4) feet and a maximum of twenty (20) square feet.

(e) Access shall be limited to collection vehicles bearing identification stickers issued by the Township. Such stickers shall be plainly visible on all vehicles admitted to the facility. Access by unauthorized vehicles or persons shall be prohibited.

(f) Operators shall upon request provide access keys to the facility for emergency personnel.

(xii) Measures and procedures to prevent and minimize fire hazards shall be established and practiced at the site or facility (which measures the procedures shall be not less stringent than the Township fire prevention ordinance or regulations) including, among other, the following measures and procedures:

(a) Water of adequate volume and pressure, as determined by the Township Engineer after consultation with the Township Manager, to supply water hose streams, or foam producing equipment or water spray systems, as well as necessary equipment, compatible with local fire department equipment, such as hoses, nozzles, and pumps for minimizing fire hazards, shall be available at the site.

(b) Telephone or radio communication shall be located at the site or facility, and shall be readily available or accessible. Furthermore, a list of all emergency numbers shall be provided for the plant operators. The Township shall be provided with information noting the names, addresses, and phone numbers of the appropriate plant officials to be contacted in case of an emergency.

(xiii) The site or facility shall be adequately policed, and adequate provision shall be made to prevent the dispersal or accumulation of any litter on or off site, and to prevent dust, fumes or debris from interrupting, hampering or obstructing operations at the site or facility or from causing health or safety hazards or public nuisances.

(xiv) Any burning or incineration process shall be equipped with adequate air pollution and emissions control devices and equipment to prevent any degradation of the quality or integrity of the environment below standards now or hereafter enacted in the Solid Waste Management Program of South Whitehall Township.

(xv) The operator of such site or facility shall take appropriate measures to guarantee that all waste materials shall remain within the transportation vehicles utilizing or transporting solid waste to or from the site or facility.

(xvi) No site or facility shall be operated which does not conform with any applicable state or federal laws, regulations and requirements regarding air pollution and emissions control or the protection and preservation of streams, waterways or any natural resources.

(xvii) Truck traffic and truck access to any such site or facility shall be arranged so as to minimize danger to or the interruption of normal traffic flow and so as to prevent any nuisance to adjacent or surrounding properties.

(xviii) Every facility having or generating residues, residual wastes or other wastes as a result of the conduct or operation of such facility, shall submit evidence of effective and binding contractual agreements with sites that are properly permitted by the appropriate state's regulatory agency, for the proper disposal of any such wastes, where the wastes will not or cannot be stored, or disposed of on-site.

350-48(k)(1) Kennel

(A) Definition: The keeping of four (4) or more dogs or other house Animals for breeding, training, sale or boarding.

(B) Use Classification: Residential, Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X														X
Special Exception	X*	X*															X*
Conditional Use																	

* See Additional Regulations below.

(D) Minimum Off-Street Parking Calculations: If a Commercial Use, 1.0 space for every three runs, plus 1.0 per employee on the largest shift; Not Applicable if an Accessory Use.

(E) Additional Regulations:

(i) Housing of as many as four (4) dogs or other house Animals over three (3) months old shall not be within the front yard and shall be no closer than four (4) feet to a Lot Line and not closer than twenty (20) feet to a Dwelling on an adjoining premise.

(ii) Housing of as many as five (5) but not more than eight (8) dogs or other house Animals over three (3) months old shall not be within the front yard and shall be no closer than one hundred (100) feet to a Lot Line and not closer than two hundred (200) feet to a Dwelling on an adjoining premise.

(iii) Housing of as many as nine (9) dogs or other house Animals but not more than twelve (12) pets more than three (3) months old shall not be within the front yard and shall be no closer than two hundred (200) feet to a Lot Line and not closer than four hundred (400) feet to a Dwelling on an adjoining premise.

(iv) Where so noted in subsection (C) above, the housing of more than twelve (12) dogs or other house Animals more than three (3) months old, as well as the establishment of a Commercial Kennel, shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d).

(a) In Residential Zoning Districts, hours of operation shall be restricted to between 8:00 a.m. and 8:00 p.m.

(b) In Residential Zoning Districts, signage shall be subject to Section 350-48(s)(10)(E)(xiii).

350-48(I)(1) Laundry and Dry Cleaning Processing and Distribution

(A) Definition: A use, the primary function of which is the processing and distribution of apparel items to be dry-cleaned.

(B) Use Classification: Industrial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																X	X
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space per employee on the largest two shifts (or largest shift, if there is no more than one shift) OR 1.0 space per 1,000 square feet of total floor area, whichever is greater; PLUS 1.0 Oversized Space for every 5 loading docks (or fraction thereof), and 1.0 (trailer) spaces (55' x 10' in size) for every 5 loading docks (or fraction thereof). The area serving the loading dock does not count as a parking or container space, but does count toward the required Off-Street Loading Zones.

(E) Additional Regulations: None.

350-48(I)(2) Lumber Yard

(A) Definition: A use, the primary function of which is the storage and display of lumber for sale.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary													X			X	
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space for every two hundred (200) square feet of total Floor Area open to the public, 1.0 space for every two hundred (200) square feet of exterior display area open to the public, 1.0 space per employee on the largest two shifts (or largest shift, if there is no more than one shift), PLUS three (3) oversized spaces per loading dock.

(E) Additional Regulations: None.

350-48(m)(1) Manufacturing and Processing of Chemicals and Explosives

(A) Definition: The treatment or processing of raw products, and the production of articles or finished product from raw products or prepared materials by giving them new forms or quantities.

(B) Use Classification: Industrial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception																	X
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space per employee on the largest two shifts (or largest shift, if there is no more than one shift) OR 1.0 space per 1,000 square feet of total floor area, whichever is greater; PLUS 1.0 Oversized Space for every 5 loading docks (or fraction thereof), and 1.0 (trailer) spaces (55' x 10' in size) for every 5 loading docks (or fraction thereof). The area serving the loading dock does not count as a parking or container space, but does count toward the required Off-Street Loading Zones.

(E) Additional Regulations: Where so noted in subsection (C) above, the Manufacturing and Processing of Chemicals and Explosives shall be permitted by Special Exception subject to the minimum standards and criteria set forth in Section 350-41(d).

(i) Prior to the issuance of a Certificate of Occupancy, the owner shall satisfy the Fire Chief and Emergency Service Responder Authorities with respect to emergency response to public safety issues at the facility.

350-48(m)(2) Manufacturing

(A) Definition: The treatment or processing of raw products, and the production of articles or finished product from raw products or prepared materials by giving them new forms or quantities, including processing, fabrication or assembly of hard or soft goods, metal, wood, plastic, or paper products, machinery, appliances, sub-assemblies and components.

(B) Use Classification: Industrial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																X	X
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space per employee on the largest two shifts (or largest shift, if there is no more than one shift) OR 1.0 space per 1,000 square feet of total floor area, whichever is greater; PLUS 1.0 Oversized Space for every 5 loading docks (or fraction thereof), and 1.0 (trailer) spaces (55' x 10' in size) for every 5 loading docks (or fraction thereof). The area serving the loading dock does not count as a parking or container space, but does count toward the required Off-Street Loading Zones.

(E) Additional Regulations: None.

350-48(m)(3) Massage Service Establishment

(A) Definition: An establishment providing, as a principal service, remedial or hygienic treatment of the body by manipulation. Said service shall also be considered a customary ancillary Use in fitness centers, barber and beauty shops, Hotels, resorts, and medical facilities.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary										X						X	
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space for every two hundred and fifty (250) square feet of total Floor Area or 1.0 space per employee on the largest shift and 2.0 spaces per customer service station, whichever is greater.

(E) Additional Regulations: None.

350-48(m)(4) Mixed-Use Building

(A) Definition: A single Building containing a combination of permitted commercial uses or residential and commercial uses, in which the permitted commercial uses are located on the ground floor with residential or commercial above.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary									X	X	X	X	X	X	X	X	X
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Per the individual uses.

(E) Additional Regulations:

(i) A Mixed-Use Building shall be permitted in all zoning districts, so long as all of the uses within are permitted within the Zoning District or Overlay District in which the Mixed-Use Building is located.

(ii) Where different bulk criteria are required by the each of the uses within the Mixed-Use Building, the greater of the criteria shall apply.

(iii) Residential and nonresidential uses shall have separate entrances.

(iv) No commercial Use shall be located above a residential Use.

(v) Mixed-Use Buildings in the IC-1 district shall contain residences only where such Building is located a minimum of 1,320 feet from any industrial Use requiring a Special Exception or Conditional Use Approval.

(vi) For all Mixed-Use Buildings greater than 5,000 square feet in floor area, the residential uses shall comprise no more than 50% of the total floor area.

350-48(m)(5) Motel

(A) Definition: a facility, which contains two or more guestrooms and provides lodging to guests for compensation, where at least twenty-five (25) percent of all rooms have direct access to the outside without the necessity of passing through the main lobby of the Building, and which may have a Restaurant and other services as a part of the compensation. No more than ten percent (10%) of the guests accommodated by the Motel on any given day shall have resided in the Motel for a continuous period in excess of five (5) days, and in no case shall any guest stay for a period exceeding thirty (30) days in any six (6) month period.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary													X	X	X	X	
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space per guest room plus calculated spaces for Restaurants; If publicly-accessible meeting rooms are available, 1.0 space per 100 square feet of total Floor Area devoted to the meeting room area; 1 Large parking space for parking areas containing more than 50 Standard spaces; PLUS 1 Large Off-Street Loading Zone if the use is greater than 50,000 square feet in area.

(E) Additional Regulations: None.

350-48(m)(6) Motor Freight Terminals

(A) Definition: A use, the primary function of which is the processing and transfer of materials or products from one transportation asset to another transportation asset, and the secondary functions of short-term storage of product or materials to be transferred. Ancillary functions may include the storage and servicing of motor freight vehicles and trailers, convenience accommodations for their drivers, and administrative offices. Motor Freight Terminals are physically characterized by a ratio of less than 3,000 square feet of total floor area for each Loading Dock.

(B) Use Classification: Industrial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception																	
Conditional Use																X	

(D) Minimum Off-Street Parking Calculations: 1.0 space per employee on the largest two shifts (or largest shift, if there is no more than one shift), plus 1.0 space for every two loading docks OR 1.0 space per 3,000 square feet of floor area used for material storage and distribution and vehicle maintenance and service, plus 1.0 space per 250 square feet of floor area used for office space and driver convenience areas, whichever is greater; PLUS 1.0 Oversized Space for every 2 loading docks, and 1.0 container (trailer) spaces (55' x 10' in size) per loading dock. The area serving the loading dock does not count as a parking or container space but does count toward the required Off-Street Loading Zones.

(E) Additional Regulations: Where so noted in subsection (C) above, a Motor Freight Terminal shall be permitted by Conditional Use review and approval subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(e):

(i) All repair work at motor freight terminals shall be performed within an enclosed Building and no inoperative, dismantled, or partially dismantled vehicles or trailers or parts thereof shall be parked or stored outdoors except in storage areas totally screened from the Street and from adjoining properties. Such screening shall be of sufficient height as to completely hide such vehicles twelve (12) months of the year.

(ii) Specific Standards for Conditional Use. Motor Freight Terminals shall comply with and satisfy all of the following specific standards:

(a) Such uses shall require the submission of a transportation impact study of the primary access route(s) between the use and PA Route 309, US Route 22, I-476, or I-78, for that portion of the access route(s) located within South Whitehall Township, as part of the establishment of a new use proposing ten (10) or more loading docks, or the expansion of an existing use that proposes ten (10) or more loading docks (existing and proposed) in the aggregate, or the expansion of an

existing use proposing ten (10) or more additional loading docks, cumulatively, since the prior submission of a transportation impact study or the establishment of the use, whichever is applicable. The transportation impact study shall be prepared by a civil engineer licensed to practice in Pennsylvania with experience preparing such studies and shall be prepared in accordance with the Institute of Transportation Engineer's (ITE) Recommended Practice Traffic Access and Impact Studies for Site Development, current edition, and PennDOT Publications "Policies and Procedures for Transportation Impact Studies", 201 and 282, current editions

(b) Such uses shall require the submission of evidence that the proposed new use or expansion of the existing use provides sufficient off-street trailer parking spaces available for pre- and post- loading and unloading activities

(c) Such uses shall require the submission of evidence that the off-street trailer parking spaces are located on concrete or similar deformation-resistant surfaces constructed in a manner that ensures the stability of a fully-loaded trailer stored for an extended period of time

(d) Such uses shall require the submission of evidence that the proposed new use or expansion of the existing use provides sufficient off-street tractor trailer parking spaces available for tractor trailers arriving during non-business hours to prevent tractor-trailers from parking on public streets while waiting for access to the facility

(e) Such uses shall require the submission of evidence that the proposed new use or expansion of the existing use provides sufficient off-street queueing space available at facility entrances to prevent vehicles from queueing on public streets while waiting for access to the facility

(f) Such uses require the submission of written plans, checklists or other measures to deal with the outdoor storage of hazardous materials, either in trailers or other containers, to the Public Safety Commission for their review and advisory recommendation to the Board of Commissioners

(g) Submission of a truck routing map indicating anticipated routes to and from the proposed facility. The aforementioned transportation impact study shall include all anticipated routes shown on the truck routing map submitted by the applicant.

(h) Submission of engineered access/intersection plans and sign package(s) that guide truck movements in a manner consistent with the above mentioned routing map.

(i) Submission of a written description of strategies that will be implemented to reduce gate wait times and free up internal parking spaces at the facility. Such strategies may include electronic data, automated vehicle identification, and equipment tracking technology.

(j) If the facility is located adjacent to an active railroad line, the applicant shall send a written request to the rail line inquiring whether rail service sidings or siding reserve areas are something that the rail line would permit at the subject site. If the rail line will permit rail service sidings or siding reserve areas at the subject site, the applicant shall include same on the plan.

(k) Submission of a written description of the strategy to assure that trucks are able to access the facility at any time of the day or night. This may include key cards, on-duty security and separated secure areas. A plan note containing this description shall also be included on the final, recordable plan.

(l) The site shall have a minimum of one (1) secure truck parking space (outside of the shown dock positions) for each fifty (50) trucks served per day at the facility.

(m) The site shall have driver amenities in each building, including showers, food services, sleeping areas, and entertainment and waiting areas. At least one amenity shall be provided for every twenty-five (25) truck loading/unloading docks/doorways of the use. The size of each such amenity shall be proportionate to the number of loading/unloading docks/doorways, with a minimum area to accommodate six (6) seats and one (1) four-person table.

(n) Submission of plan(s) and/or description identifying pedestrian and/or bicycle accommodations to be incorporated internal and external to the facility. At a minimum, this submission shall include:

(1) Employee bicycle rack;

(2) If the site is located on a public transit route, a public transit stop or an area reserved for a future public transit stop, as may be determined by the serving transit authority;

(3) Sidewalks along the perimeter of the subject property where the perimeter is bounded by roads;

(4) An employee gathering space internal to the site which shall be at least 1,200 square feet in size for every twenty-five (25) truck loading/unloading docks/doorways. The employee gathering space shall not be the same area as the driver amenity area.

(5) Development of a defined internal pedestrian network.

(o) Submission of a written description of strategies that the facility will use to shift truck traffic from the most congested peak hours of traffic to off-peak hours. These strategies may include extending or modifying facility operating hours.

(p) Submission of a written description of strategies that the facility will use to prevent trucks from idling for extended periods, including facility policies, provision of sleeping facilities or electrical power hook-ups.

350-48(m)(7) Motor Vehicle Repair Facility

(A) Definition: A commercial use engaging primarily in the repair of motor vehicles, including, but not limited to, automobiles, motorcycles, all-terrain vehicles, trucks, recreational vehicles, motor homes, and motorized boats and watercraft. A Motor Vehicle Repair Facility engages primarily in the major repair or replacement of motor vehicle components, including, but not limited to, engine, drive train, exhaust, and frame, as well as body work and painting. Motor Vehicle Repair Facilities may secondarily include services associated with the use of the vehicles being repaired, including Motor Vehicle Service, cleaning, and Retail Sales of accessory products.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception														X		X	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space for each employee on the largest work shift plus 4.0 spaces per service bay, 1 Large parking space for parking areas containing more than 50 Standard spaces. In addition, the site for mechanized Commercial Car Washes shall provide for stacking of at least six (6) vehicles per bay, plus required employee parking, and an additional three (3) drying spaces per bay; PLUS 1 Large Off-Street Loading Zone.

(E) Additional Regulations: Where so noted in subsection (C) above, a Motor Vehicle Repair Facility shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

(i) Fuel dispensing equipment shall be located no closer than twenty-five (25) feet to the Ultimate Right-of-Way Line or an adjoining property.

(ii) Overhead canopies providing protection for the Fuel dispensing equipment and motorists shall be located no closer than ten (10) feet to the Ultimate Right-of-Way Line or an adjoining property.

(iii) The entire area of the site for the travel or parking of motor vehicles shall be paved.

(iv) Repair of motor vehicles shall be performed in a fully enclosed Building. No motor vehicle parts shall be stored outdoors.

(v) No Motor Vehicle Repair Facility that engages in the sale or dispensing of liquid or gaseous motor vehicle fuel to the general public shall be located within five hundred (500) feet of any elementary or secondary school, library, Hospital or within fifteen hundred (1,500) feet of any other facility that engages in the sale or dispensing of liquid or gaseous motor vehicle fuel to the general

public. Said distance shall be measured in a straight line between the closest Lot Lines of the proposed Use and the Public Use or other facility that engages in the sale or dispensing of liquid or gaseous motor vehicle fuel to the general public.

(vi) Rental or sale of any kind of vehicle is prohibited.

(vii) No vehicles shall be permitted to be standing or parked on the premises for more than fifteen (15) days other than those used by the employees in direct or indirect operation of the establishment and vehicles for rental, sale or being repaired when permitted by other sections of this Ordinance. Any outdoor storage area shall be wholly screened from the Street and from adjoining Lots in accordance with Section 350-42(b).

350-48(m)(8) Motor Vehicle Sales Facility

(A) Definition: A commercial use engaging primarily in the sale or rental of motor vehicles, including, but not limited to, automobiles, motorcycles, all-terrain vehicles, trucks, recreational vehicles, motor homes, and motorized boats and watercraft. Motor Vehicle Sales Facilities may secondarily include services associated with the sale or rental of the vehicles being sold, including Motor Vehicle Repair, Motor Vehicle Service, cleaning, and Retail Sales of accessory products. This shall not be interpreted, however, to include the sale and service of motorized vehicles for which a license is not required of either the vehicle or operator, such as, but not limited to, mopeds, golf carts, segueways, and the like. This shall not include the sale and dispensing of fuel to the general public.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary													X	X			
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space for every two hundred (200) square feet of Floor Area and ground area devoted to sales, plus 4.0 spaces per service bay, and 1.0 space for each employee on the largest shift. In addition, the site for mechanized Commercial Car Washes shall provide for stacking of at least six (6) vehicles per bay, plus required employee parking, and an additional three (3) drying spaces per bay.

(E) Additional Regulations:

(i) Fuel dispensing equipment shall be located no closer than twenty-five (25) feet to the Ultimate Right-of-Way Line or an adjoining property.

(ii) Overhead canopies providing protection for the Fuel dispensing equipment and motorists shall be located no closer than ten (10) feet to the Ultimate Right-of-Way Line or an adjoining property.

(iii) The entire area of the site for the travel or parking of motor vehicles shall be paved.

(iv) Repair of motor vehicles shall be performed in a fully enclosed Building. No motor vehicle parts shall be stored outdoors.

350-48(m)(9) Motor Vehicle Service Facility

(A) Definition: A commercial use engaging in the sale or dispensing of liquid or gaseous motor vehicle fuel, the sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; or performance of minor automotive maintenance and repairs, supply of other customer service and products relating to the operation and maintenance of vehicles. This use shall not be interpreted, however, to include Motor Vehicle Repair activities. Motor Vehicle Service Facilities may secondarily include Retail Sales activities and Fast Food Restaurant activities, including, but not limited to, the sale of food, beverages, periodicals, and other consumer goods. Any dining areas, inside or outside the Building, shall be included in the total square footage.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception									X		X	X	X	X		X	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space for each one hundred (100) square feet of gross Floor Area and one (1) for each employee on the largest work shift. In addition, the site for mechanized Commercial Car Washes shall provide for stacking of at least six (6) vehicles per bay, plus required employee parking, and an additional three (3) drying spaces per bay; PLUS 1 Large Off-Street Loading Zone

(E) Additional Regulations: Where so noted in subsection (C) above, a Motor Vehicle Service Facility shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

(i) Additional Parking. In addition, the site for mechanized Commercial Car Washes shall provide for stacking of at least six (6) vehicles per bay, plus required employee parking, and an additional three (3) drying spaces per bay.

(ii) Fuel dispensing equipment shall be located no closer than twenty-five (25) feet to the required Ultimate Right-of-Way Line.

(iii) Overhead canopies providing protection for the Fuel dispensing equipment and motorists shall be located no closer than ten (10) feet to the required Ultimate Right-of-Way Line.

(iv) The entire area of the site for the travel or parking of motor vehicles shall be paved.

(v) Servicing of motor vehicles, except for those services performed by customers, shall be performed in a fully enclosed Building. No motor vehicle parts shall be stored outdoors.

(vi) No Motor Vehicle Service Facilities shall be located within five hundred (500) feet

of any elementary or secondary school, library, Hospital or within fifteen hundred (1,500) feet of any other facility that engages in the sale or dispensing of liquid or gaseous motor vehicle fuel to the general public. Said distance shall be measured in a straight line between the closest Lot Lines of the proposed Use and the Public Use or other facility that engages in the sale or dispensing of liquid or gaseous motor vehicle fuel to the general public.

(vii) Rental or sale of any kind of vehicle is prohibited.

(viii) No vehicles shall be permitted to be standing or parked on the premises for more than fifteen (15) days other than those used by the employees in direct or indirect operation of the establishment and vehicles for rental, sale or being repaired when permitted by other sections of this Ordinance. Any outdoor storage area shall be wholly screened from the Street and from adjoining Lots in accordance with Section 350-42(b).

(ix) Additional Regulations for On-Premises Signs Permitted for a Motor Vehicle Service Facility. In addition to signage permitted by Sections 350-48(s)(10)(E)(x), (xi) or (xii) (as applicable), a maximum of one (1) additional free-standing signs shall be permitted for Motor Vehicle Service Facilities. Each sign shall:

(a) not to exceed one hundred fifty (150) square feet in sign area

(b) have a maximum height of twenty five (25) feet

(c) contain an area not to exceed 50% of the sign area for the purpose of displaying fuel pricing, the area of which may be changeable characters and/or Electronic Graphic Display. Should an Electronic Graphic Display be used, the following subsections apply:

(1) At least one (1) minute shall elapse between static images.

(2) Maximum transition time between successive static images shall be one (1) second and dissolving or fading of static images shall not be permitted.

(3) In the event of a malfunction, a default mechanism shall freeze the image in one (1) position.

(4) Automatic Dimming and Brightness. The Sign shall be equipped and operated with automatic dimming technology which automatically dims the luminance during ambient low-light and nighttime (dusk to dawn) conditions to 150 nits or less during the period 30 minutes after sunset to 30 minutes before sunrise and limits the luminance during daylight conditions to 5,000 nits provided that the luminance at no time exceeds 0.3 foot-candles of light above the normal ambient light levels. A certification from the Sign manufacturer verifying that the Sign is equipped with automatic dimming technology in accordance with this subsection shall be submitted with the Sign permit application. An operation test report shall be submitted as part of the final inspection certified by an electrical or professional engineer that the Sign complies with the luminance requirements of this subsection.

(5) No Sign shall be located within a 250 foot radius of intersecting Centerlines of public Streets at an intersection controlled by a traffic signal or similar safety device. No Sign shall be placed in such a position that it would provide a background into which the traffic signal or similar safety device might blend, thereby interfering with vehicular vision of the traffic signal or similar safety device.

(6) No Sign shall be located within a 100 foot radius from the intersecting Centerlines of a public Street and a non-residential Driveway. No Sign shall be placed in

such a position that it would provide a background into which the traffic signal or similar safety device might blend, thereby interfering with vehicular vision of the traffic signal or similar safety device.

(7) No Sign shall be located within a 100 foot radius from the end of an exit ramp and the separation shall be measured from the point where the ramp taper terminates along the priority road. Also, no Sign shall be located within a 100 foot radius from the beginning of an entrance ramp and the separation shall be measured from the point where the ramp taper begins along the priority road.

(8) No Sign shall be located within a 100 foot radius from the end of an exit ramp or beginning of an entrance ramp at an interchange.

(9) No Sign shall be located within 150 feet of an Electronic Graphic Display Sign along the same side of a Street.

350-48(n)(1) Nightclub

(A) Definition: Any commercial Building or portion thereof used for on-site consumption of alcoholic beverages where live music, entertainment or dancing is offered. For purposes of this definition, “live music” shall include the Use of disc-jockeys.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary											X		X		X		
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space per employee on the largest shift, 1.0 spaces for each permanent seat, plus 1.0 space for every fifty (50) square feet of any additional room used for the assembly of the general public, if applicable, excluding lobbies, vestibules and similar areas, PLUS 1 Large Off-Street Loading Zone.

(E) Additional Regulations: None.

350-48(n)(2) No-Impact Home–Based Businesses

(A) Definition: 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 (except with regard to music teachers, art instructors, or academic tutors), whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential Use.

(B) Use Classification: Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations:

(i) Zoning Permits are to be secured from the Community Development Department.

(ii) No-impact Home-based Businesses shall be owned and controlled by a resident of the property on which the activity takes place. Termination of residence by the owner who establishes the No-impact Home-based Business shall automatically terminate the No-impact Home-based Business at that residence.

(iii) The business activity shall be compatible with the residential Use of the property and surrounding residential uses.

(iv) Only residents of the Dwelling unit may be employed onsite at the business.

(v) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

(vi) There shall be no appearance of a business Use, including, but not limited to, parking, signs or lights.

(vii) The business activity may not Use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical interference, including interference with radio or television reception, which is detectable on the adjacent Lots.

(viii) The business activity may not generate any solid waste or sewage discharge in volume or type, which is not normally associated with residential Use in the neighborhood.

(ix) The business activity shall be conducted only within the Dwelling and may not occupy more than 25% of the gross Floor Area.

(x) The business may not involve any illegal activity.

(xi) Special requirements for music teachers, art instructors, and academic tutors.

(a) Hours of operation shall be limited to 7:30 a.m. to 9:30 p.m.

(b) Sounds relating to the above occupations shall not be audible at the Lot Line of any adjacent Lots, without the express written approval of the occupants of the adjacent Lot; and

(c) No more than six (6) non-occupant students shall be present at the residence at any time.

(xii) The No-Impact Home-Based Business provisions of this Section shall not apply to Kennels permitted as residential accessory uses or to Family Day Care Homes.

350-48(n)(3) Nursing Home

(A) Definition: A Building or part thereof used for the lodging, boarding and nursing care, on a 24-hour basis, of four (4) or more persons who, because of mental or physical incapacity, may be unable to provide for their own needs and safety without the assistance of another person. Nursing Home wherever used in this Code, shall include nursing care facilities and convalescent homes, skilled nursing facilities, intermediate care facilities, and infirmaries contained within homes for the aged.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception												X		X		X	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: PLUS 1 Large Off-Street Loading Zone if the use area is greater than 10,000 square feet, or 1 Oversized Off-Street Loading Zone if the use area is greater than 50,000 square feet.

(E) Additional Regulations: Where so noted in subsection (C) above, a Nursing Home shall be permitted by Special Exception subject to the minimum standards and criteria set forth in Section 350-41(d).

350-48(o)(1) Off-Street Loading Zone

(A) Definition: A labeled and delineated area of paved or hardscaped surface accessible by motor vehicles for the temporary loading and unloading of said motor vehicles.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations:

(i) Adequate space for loading and unloading services shall be provided and maintained so that the orderly flow of vehicular and pedestrian traffic throughout the site is not unduly interrupted.

(a) Large loading space provided. A Large loading space shall comply with the requirements of a Large Parking Space as defined in Section 350-48(o)(2) and shall have a height clearance of not less than fourteen (14) feet.

(b) Oversized loading space provided. An Oversized loading space shall comply with the requirements of an Oversized Parking Space as defined in Section 350-48(o)(2) and shall have a height clearance of not less than fourteen (14) feet.

(c) Location of loading and unloading space. Loading and unloading space shall be located adjacent to the principal building. If an outdoor storage area is available, one or more of the required loading and unloading spaces may be within the outdoor storage area. Loading and unloading spaces shall be designated by appropriate striping and labeling.

(ii) The quantity of Large or Oversized loading and unloading spaces required shall be as follows:

(a) Industrial (unless otherwise specified): 1 Oversized space for every 20,000 square feet or fraction thereof

(b) Skilled Nursing Care >10,000 square feet: 1 Large space. If the use exceeds 50,000 square feet, 1 Oversized space shall be provided instead of the Large space.

350-48(o)(2) Off-Street Parking

(A) Definition: An Off-Street area consisting of Parking Spaces, Access Lanes, and other passageways such as, but not limited to, fire lanes (excluding those approved as unpaved stabilized turf areas), vehicular turn-around areas, queuing and exiting lanes for Drive-through services, drop off and pick up areas, and loading and unloading areas.

(B) Use Classification: Agricultural, Non-Residential, Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary							X	X						X			
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations:

(i) Except during construction, logging, mining or agricultural activities, or otherwise permitted within this Zoning Ordinance, the use and operation, including parking, storage or repair, of any motor vehicle, the use and operation of which requires a license for either the vehicle or the operator, on private property shall be restricted to areas conforming with the requirements of Sections 350-42(d), 350-42(r), Section 350-48(o)(2), or within an enclosed building or structure. Off-Street Parking Spaces, open air or indoor, shall be provided with all uses as specified in this Ordinance. The establishment of any off-Street Parking Area having a capacity of four (4) or more vehicles shall be subject to the issuance of a zoning permit and shall be in conformance with all requirements of Section 350-48(o)(2).

(a) Residential Off-Street Parking servicing three (3) or fewer dwelling units shall comply with all regulations within this Section, as applicable, except for subsections (iii), (iv), and (v) below.

(b) All Off-Street Parking Spaces, except those regulated under subsection (a) above, shall comply will all regulations within this Section, as applicable.

(1) No Parking Area requiring a permit per Section 350-48(o)(2)(E)(i)(b) shall be located in the required front yard of a Dwelling unit, except where such front yard or other restricted area has been used for parking and has been established as a Nonconforming Use, this Use may continue. Any Alteration, remodeling or addition to such Parking Area shall be approved by the Zoning Hearing Board upon finding that there is no reasonable alternative.

(2) Up to fifty percent (50%) of the off-Street Parking Spaces required of a Principal Use may be located on a Lot other than that Lot which the Principal Use is located on, so long as such spaces lie within six hundred (600) feet of such Principal Use and is not separated from the

Principal Use by a Collector or Arterial Street.

(ii) Spaces to be Provided. The standards of this Ordinance shall be deemed the minimum requirements of the Township and it is hereby declared to be the intent of this Article that each and all uses shall provide sufficient space to accommodate the vehicles of all persons expected to be employed or otherwise visit or occupy the premises in question.

(a) The types of off-Street Parking Spaces to be provided for each Use and establishment shall be for Standard, Large and Oversize spaces, the specifications for each are set forth in subsection (iii) below. The proportion of Large spaces to be provided to Standard spaces to be provided is 1 to 150, with fractions rounded down to the nearest whole number. For the purposes of this Section 350-48(o)(2), the term “spaces” refers to Standard Spaces, unless otherwise specified. Requirements for Standard Spaces are calculated first, and then calculations for Large and Oversized Spaces are based upon those Standard Space calculations. Large and Oversized Spaces are not to be included in the Standard Space requirements of this Section. If a Large space is specified for a particular use under subsection (b) below, that number is added to the number required within this subsection (a). The proportion of Oversize spaces to be provided to Standard spaces to be provided is 1 to 300, with fractions rounded down to the nearest whole number. Unless otherwise specified, references to parking spaces in subsection (b) below refer to Standard parking spaces.

(b) The number of off-Street Parking Spaces to be provided for each Use and establishment shall be sufficient to accommodate the vehicles of the Use, its employees and customers or visitors but not less than the aggregate of the following:

(1) Commercial General Rule: 1.0 space for each two hundred (200) square feet of total Floor Area

(2) Industrial General Rule: 1.0 space per employee on the largest two shifts (or largest shift, if there is no more than one shift) OR 1.0 space per 1,000 square feet of total floor area, whichever is greater; PLUS 1.0 Oversized Space for every 5 loading docks (or fraction thereof), and 1.0 (trailer) spaces (55' x 10' in size) for every 5 loading docks (or fraction thereof). The area serving the loading dock does not count as a parking or container space, but does count toward the required Off-Street Loading Zones.

(3) Public Assembly General Rule: 1.0 space for each three (3) permanent seats, plus 1.0 space per fifty (50) square feet of any additional room used for the assembly of the general public, if applicable, excluding lobbies, vestibules and similar areas.

(c) When the computation of the number of required Parking Spaces results in a fraction, such fractions shall be resolved to the next highest whole number.

(d) Where a Building contains a number of uses or activities, the required off-Street parking shall be the aggregate, sum of that which would be required for each Use individually.

(e) The Zoning Hearing Board may grant a variance to the above requirements when it is documented to the Board's satisfaction that the requirements would result in unneeded parking. Sufficient area shall be reserved, however, to meet these requirements in full, and the Board of Commissioners may require partial or complete enlargement up to these standards as conditions indicate such enlargement is warranted.

(f) The collective provision of off-Street parking by two (2) or more Buildings or uses located on adjacent industrial or commercial district Lots is permitted, provided there is a recorded right for the adjacent properties to continue using those facilities so long as either Use or

Building continue to exist and that the total of such facilities shall not be less than the sum required of the various Buildings or uses computed separately.

(iii) Design and Construction.

(a) Design Standards

(1) Indented parking, i.e., creating Parking Spaces by indenting the curb line or Right-of-Way of a Street or by traversing said curb line is hereby prohibited.

(2) No Parking Area for five (5) or more vehicles shall be permitted which will cause vehicles to back onto a Collector or Arterial Street, except in RR-3, RR-2 or R-R districts or where land is being used for agricultural, horticultural, nursery, including raising and keeping of farm Animals.

(3) Parking Areas shall be designated so that each vehicle may proceed to and from its Parking Space without requiring the movement of any other vehicle.

(4) All Parking Areas shall be adequately graded, drained, paved with a hard surface such as macadam, concrete, etc., and maintained annually. Adequate provision satisfactory to the Township shall be made to channel, divert and/or retain storm water runoff to prevent or minimize flooding both upstream and downstream. Such provisions shall take into account the effect of future development within the watershed.

(5) All Parking Areas shall be confined within Portland cement concrete curbing, guardrails, or anchored bumper blocks to prevent or discourage parking or traveling off the paved area. Portland cement concrete curbing may also be specified where it is necessary to control storm water runoff.

(6) All Parking Areas shall be clearly marked for vehicle spaces.

(7) No Parking Area shall provide for more than twenty-five (25) vehicle spaces in any row without being separated by planting strips at least ten (10) feet in width or planting aisles with a minimum area of one hundred sixty two (162) square feet.

(8) Parking Areas exceeding thirty thousand (30,000) square feet in commercial and industrial districts shall be provided with curbing, and planter strips to control traffic flow and to provide walkways for pedestrian safety in the Parking Areas to the satisfaction of the Township.

(b) Parking Space Size

(1) Standard Parking Spaces

(A) All non-parallel Standard Parking Spaces shall be nine (9) feet wide and eighteen and one-half (18.5) feet long.

(B) All parallel Standard Parking Spaces shall be twenty two (22) feet long and eight (8) feet wide.

(2) Large Parking Spaces

(A) All non-parallel Large Parking Spaces shall be ten (10) feet wide and thirty-seven (37) feet long.

(B) All parallel Large Parking Spaces shall be forty-five (45) feet long and nine (9) feet wide.

(3) Oversize Parking Spaces

(A) All non-parallel Oversize Parking Spaces shall be 12 feet wide and 65 feet long.

(B) All parallel Oversize Parking Spaces be eighty (80) feet long and twelve (12) feet wide.

(c) Minimum width of Access Lanes

(1) Minimum Width (feet) of Access Lanes Adjacent to Standard and Large Parking Spaces

<u>Angle of Parking</u>	<u>One-Way Traffic</u>	<u>Two-Way Traffic</u>
Parallel	12	22
30	13	25
45	13	25
60	18	24
90	22	24

(2) Minimum Width (feet) of Access Lanes Not Adjacent to Standard and Large Parking Spaces

<u>Lane Type</u>	<u>One-Way Traffic</u>	<u>Two-Way Traffic</u>
All , excluding those with Fire Lanes	12	22
Access Lanes Having Posted Fire Lanes	18 Greater than 18 if required by the fire official	24 Greater than 24 if required by the fire official

(3) Minimum Width (feet) of Access Lanes Adjacent to Oversize Parking Spaces

<u>Angle of Parking</u>	<u>One-Way Traffic</u>	<u>Two-Way Traffic</u>
Parallel	12	22
30	30	40
45	36	46
60	54	64
90	60	70

(d) Illumination. All Parking Areas, except those servicing three (3) or fewer dwelling units, shall be illuminated adequately during the hours between sunset and sunrise when the Use is in operation in accordance with the standards set forth in Section 350-42(i) which standards are also the applicable standards for Parking Areas.

(iv) Setbacks Required.

(a) The following Setbacks are required for all Parking Areas not entirely contained in a Garage or Building:

<u>Size of Parking Area</u>	<u>Setback from Ultimate Right-of-Way Line</u>	<u>Side and Rear Setback From Lot Line(s)</u>
Less than 8,000 sq. ft.	25 ft.	15 ft.
8,000 sq. ft. or Greater	50 ft.	25 ft.

(b) For purposes of this Section 350-48(o)(2)(E)(iv), the size of the Parking Area shall be the sum of all Parking Areas that are not separated from each other by at least fifty (50) feet at their closest point.

(c) The Side and Rear Yard Setbacks for Parking Areas provided for commercial and/or industrial uses shall be double that specified in this Section 350-48(o)(2)(E)(iv) when said Parking Area abuts the boundary line of a residential district or the Lot Line of a residential Use.

(d) The Side and/or Rear Yard Setbacks specified in in subsection (c) immediately above may be omitted in commercial and industrial districts between adjacent Parking Areas.

(e) The Setbacks specified in this Section 350-48(o)(2)(E)(iv) for Parking Areas less than 8,000 sq. ft. also shall apply for Parking Areas greater than 8,000 sq. ft. where the Lot on which the business office and Parking Area exist:

- (1) is located in the Office Commercial (OC) zoning district and
- (2) the Lot Area does not exceed 2.0 acres.

(f) The Side and Rear Yard Setbacks specified in subsection (c) above shall not be required for a Parking Area in an Office Commercial (OC) zoning district where the subject Lot has Frontage on an Arterial road and the abutting Lot either is (i) developed with a commercial or industrial Use, or (ii) municipally owned. When the foregoing criteria are met and the subject Lot also abuts an existing residential Use, the Side and Rear Yard Setbacks specified in subsection (c) above shall continue to apply for that portion of the Parking Area that abuts the existing residential Use, but shall not apply for the remainder of the Parking Area. As used in this Section, “abuts” and “abutting” shall mean that the property containing the Parking Area physically touches/adjoins the other Lot, and shall not apply to a circumstance where the other Lot is separated by a road from the subject Lot containing the Parking Area.

(g) For uses utilizing the provisions of Section 350-45(d), the parking setbacks from the Ultimate Right-of-Way line listed in this subsection(a) above may be reduced by the same amount applied to the front yard setback under Section 350-45(d), notwithstanding any other applicable subsections of this Section 350-48(o)(2)(E)(iv).

(h) Residential Parking Spaces required by Section 350-48(o)(2)(E)(i)(a) shall have no setback requirements.

(v) Buffer Strips, Screening and Landscaping. All improved off-Street Parking Areas required or specified in this Ordinance and not entirely contained in a Garage or Building shall:

(a) Have a Buffer strip and screening between it and any adjacent residential Lot in accordance with Sections 350-42(b). Such screening shall be augmented as necessary to prevent the glare of headlights from shining on adjacent residential properties.

(b) Provide one shade tree for every ten (10) Parking Spaces located in a planned manner within or adjacent to the parking Lot Areas. Where more than fifty (50%) percent of a Parking Area is effectively precluded from planting shade trees because of an overhead power line electric utility restriction, the foregoing shade tree requirement shall not apply to those spaces located within the area that is restricted by such electric utility requirement. Provided however, that substitute plantings as may be deemed to be appropriate by the Township may be required to the extent they are not in conflict with the utility restriction. The Township shall have the right to confirm specific landscaping restrictions with the utility company.

(c) The area between the Parking Area and a public Street shall be landscaped to include plantings at least thirty (30) inches in height. Said plantings shall be at least fifty percent (50%) evergreen shrubbery and shall average at least one (1) for every ten (10) feet of Frontage.

(d) The planting and screening required by this section shall not be located so as to obstruct vision at intersections of Driveways and Streets.

(vi) Maintenance. All improved Parking Areas shall be maintained in good condition. Pavement shall be patched, replaced or resurfaced and snow or ice removed in such a manner that at least eighty-five percent (85%) of the Parking Area may be used at all times without risk of danger to persons or vehicles using said area. The period of time that the 100% of the parking spaces is not available shall not exceed forty-eight (48) hours for any given seven-day period. Parking Areas shall not be used for storage of materials or goods. Litter, paper, junk, cinders, mud, etc., shall be removed as frequently as necessary to prevent a nuisance to persons using the facility or to adjoining property owners.

(vii) Parking Canopies. Structures that are open on all vertical sides and designed to shade or provide some overhead cover from the elements for vehicles parking in designated parking spaces may be provided and shall conform to the following regulations:

(a) Parking canopies shall conform to the appropriate parking setbacks.

(b) Parking canopies (including any attached structures or appurtenances) shall be no taller than twenty-five (25) feet above the parking surface and shall not exceed the maximum height of building structure requirements for the applicable zoning district.

(c) No signs shall be permitted on parking canopies except those noted in Section 350-48(s)(10)(E)(ii) Exempt Signs.

(viii) Parking Garages. Parking Garages may be provided to satisfy the off-Street parking requirements of this Ordinance provided:

(a) Parking Garages, if provided, shall have a Floor Area of not less than two hundred (200) square feet per vehicle, not including aisle space which shall be at least twenty (20) feet in width. Such Garage may be built into the principal Structure or separately constructed as herein provided. Spaces within the Garage shall be ten (10) feet wide and twenty (20) feet long per vehicle, exclusive of access drives.

(b) All parking Garages shall observe all yard requirements imposed on the Principal Building. In no case shall a Parking Garage be permitted between the Principal Building and a Street whether private or public. Parking Garages rented separately from the Principal Use shall not be counted as off-Street parking for that Use.

(c) Each Parking Garage shall be so designed that each vehicle may proceed to and from its Parking Space without requiring the movement of any other vehicle.

(d) The architectural design and materials used in the construction of parking Garages shall be similar to and compatible with the design and materials used in the construction of the Principal Buildings.

350-48(o)(3) Off-Street Parking, Seasonal

(A) Definition: An area of off-street parking that may be used on a seasonal basis wherein only the access aisles are paved or hardscaped.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception															X		
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations: Where so noted in subsection (C) above, a Seasonal Off-Street Parking shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

(i) The unpaved portions of the Parking Area are properly graded, mowed and otherwise maintained to avoid ruts, catch basins for water and other surface irregularities; and;

(ii) All Access Lanes are properly paved in the manner required by Section 350-42(d)(2) hereof to the minimum lane widths by Section 350-48(o)(2)(E)(iii)(c).

(iii) Except for the Parking Space confinement and delineation requirements of Sections 350-48(o)(E)(iii)(a)(5) and (6), seasonal Parking Areas shall meet all criteria set forth in this Ordinance which otherwise regulate commercial Off-Street Parking areas.

(iv) No seasonal Parking Area established after September 30, 1984, shall be utilized for any commercial or recreational purpose whatsoever between November 1 and March 31.

350-48(o)(4) Off-Street Parking, Temporary Seasonal

(A) Definition: A Parking Area or a portion of a Parking Area used for seasonal purposes which will be eliminated or converted to a permanent Parking Area within thirty-six (36) months after commencement of its Use for seasonal parking purposes.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory															X		
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations:

(i) Except as otherwise provided in Section 350-48(o)(3), a Parking Area or a portion of a Parking Area used for seasonal purposes which will be eliminated or converted to a permanent Parking Area within thirty-six (36) months after commencement of its Use for seasonal parking purposes shall be considered a temporary seasonal Parking Area. A temporary seasonal Parking Area shall conform with the requirements of a seasonal Parking Area except that the requirements of Sections 350-48(o)(2)(E)(ii) relating to paving; Section 350-48(o)(2)(E)(v) relating to Buffering and screening; and Section 350-42(i) relating to illumination are hereby waived, provided the aisle and passageways of the temporary Parking Area are maintained with crushed stone or other similar surface (including grass paving systems approved by the Township Engineer) and temporary illumination sufficient to ensure the safe passage of patrons to and from the grounds, where Commercial Recreation activities are being conducted, is provided. Except as otherwise provided in subsection (ii) immediately below, a temporary seasonal Parking Area which is not eliminated or converted into a permanent Parking Area within thirty-six (36) months after the commencement of its Use shall no longer be used for parking purposes until the same is either converted into a permanent Parking Area or a Special Exception has been granted to allow its Use as a seasonal Parking Area.

(ii) A temporary seasonal Parking Area which will be used only as an “overflow Parking Area” does not need to be eliminated or converted into a permanent Parking Area within thirty-six (36) months after commencement of its Use. For purposes of this section, an “overflow Parking Area” shall mean that temporary seasonal Parking Area or portion of a temporary seasonal Parking Area which is used for regular parking less than fifteen (15) days per year.

350-48(o)(5) Office Park

(A) Definition: A specific type of Coordinated Development of at least one (1) of the following uses – Business or Professional Office, Medical Office – in at least two (2) buildings which are planned, constructed and managed as one entity of at least 15,000 square feet of total Primary Use area, and where customer and employee parking is shared and provided on-site. Other Primary Uses permitted in the zoning district may be permitted in an Office Park so long as the Business or Professional Office and/or Medical Office uses comprise the majority of the total Primary Use area within the Office Park. The regulations for Coordinated Developments also apply to Office Parks, unless otherwise specified in Subsection (E) below.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary									X	X	X	X	X	X		X	
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space for each two hundred seventy-five (275) square feet of total Primary Use area. PLUS Off-Street Loading Zones as required by each individual use.

(E) Additional Regulations:

(i) For additional signage regulations, see Section 350-48(s)(10)(E)(xii).

350-48(o)(6) Office, Business and Professional

(A) Definition: A facility where the Principal Use is conducting the affairs of a business, profession, service, or government, in which only such personnel are employed as are customarily required for the practice of such business, profession, service, or government. Office functions shall include administration, record keeping, clerical work and similar business functions and shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods, or products, or the sale or delivery of any materials, goods or products. For purposes of this ordinance, Business and Professional Office shall not include Medical Offices as defined herein.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary									X	X	X	X	X	X		X	
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space for each three hundred (300) square feet of “Useable Office Area” within the Building, PLUS 1 Large Off-Street Loading Zone

(E) Additional Regulations: None.

350-48(o)(7) Office, Medical

(A) Definition: A facility for human ailments operated by a group of state-licensed physicians, dentists, chiropractors, or other licensed practitioners for the treatment and examination of outpatients, provided that no patients shall be kept overnight on the premises. As an Accessory Use, this Use may involve the testing of tissue, blood or other human materials for medical or dental purposes.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary									X	X	X	X	X	X		X	
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: For Buildings up to 14,999 square feet the parking ratio shall be 1.0 Parking Space provided for each two hundred (200) square feet of “Useable Office Area”. For Buildings 15,000 square feet and larger the parking ratio shall be 1.0 Parking Space provided for each two hundred fifty (250) square feet of “Useable Office Area”; PLUS 1 Large Off-Street Loading Zone if the use is greater than 10,000 square feet in area.

(E) Additional Regulations: None.

350-48(o)(8) Open Space

(A) Definition: A Lot, or portion thereof, of land or water, which is dedicated as Open Space to the Township, a Homeowners’ Association, a governmental or quasi-governmental organization, or similar organization, and is accessible to the residents of a particular development or the public at large.

(B) Use Classification: Institutional, Non-Residential, Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations:

(i) Active Open Space: For areas determined by the Zoning Officer to be Active Open Space, the Minimum Off-Street Parking Calculations for High Intensity Recreation, Low Intensity Recreation, Recreation Facility or Recreation Fields shall be used, as appropriate to the use proposed in the area. Off-Street Parking shall be reduced by the number of Parking Spaces that may be provided along the public street frontage of the portion of the lot upon which the Open Space fronts.

(ii) Passive Open Space: For areas determined by the Zoning Officer to be Passive Open Space, no off-street parking is required.

(E) Additional Regulations

(i) Open Space Owned by a Homeowners’ Association

(a) Ownership, Maintenance and Preservation of Open Space owned by a Homeowners’ Association shall be regulated under Section 350-32(h), wherein any references to “Planned Residential Development” or “P.R.D.” shall be replaced by the term “Development”, as appropriate.

350-48(o)(9) Outdoor Storage

(A) Definition: Outdoor storage facilities occupying, in aggregate, more than 4,000 square feet for Fuel, raw materials, and/or products; Fuel, raw materials, and/or products stored outdoors; and/or any of the following items not owned or leased by the property owner or tenant of the building or structure that are present during non-business hours when no employees of the property owner or tenant of the building or structure are onsite: commercial motor vehicles parked or stored on the property, towed or impounded vehicles, trailers, and construction vehicles and/or equipment. Outdoor storage of less than 4,000 square feet is considered an ancillary use and shall meet all applicable requirements under this Zoning Ordinance.

(B) Use Classification: Commercial, Industrial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception													X	X		X	X
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: One (1) space for every 5,000 square feet of enclosed Outdoor Storage area. Not applicable if an Accessory Use

(E) Additional Regulations: Unless otherwise more specifically addressed in this Zoning Ordinance, where so noted in subsection (C) above, Outdoor Storage, as a Primary or as an Accessory Use, shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

- (i) be enclosed by an eight (8) foot chain-link Fence and visual screen in accordance with Section 350-42(b).
- (ii) shall conform to all setbacks imposed upon the Primary Use.
- (iii) shall be paved to the extent that vehicles exiting the Outdoor Storage area do not introduce mud or debris onto a public street.
- (iv) In the case of trailers that are required to be licensed by the Commonwealth of Pennsylvania being parked or stored in Outdoor Storage areas, the areas of Outdoor Storage upon which trailers are parked shall be paved and the design and construction of which shall conform to the standards established by South Whitehall Township and shall be subject to approval by the Township Engineer.
- (v) No materials or waste shall be deposited upon a Lot in such form or manner that they may be transferred off the Lot by natural causes or forces, or Animals, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to

enter any stream or watercourse.

(vi) All materials or waste which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

350-48(p)(1) Pavilion

(A) Definition: A roofed Structure providing an area for picnicking or passive recreation that is generally open on all sides,.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory									X	X	X	X	X	X		X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations: None.

350-48(p)(2) Personal Service Business

(A) Definition: Businesses whose principal activities involve the provision of personal services to the general public, including but not limited to barber, beauty shop, nail salon, tailor, dressmaking, Massage Service Establishment, shoe repair, photographer, travel agency or similar service uses, including a dry cleaning storefront for pickup and drop-off, but excluding processing, and laundromats, and secondarily may involve the minor retail sale of products associated with the principal activity. This definition excludes adult uses.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary									X		X	X	X	X			
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space for each two hundred fifty (250) square feet of total Floor Area.

(E) Additional Regulations: None.

350-48(p)(3) Pet Shop

(A) Definition: A use, the primary function of which is the sale of pets, the sale of pet supplies and/or the provision of pet-related services, such as, but not limited to, feeding, grooming, training or boarding. Pet Shops shall service and house all animals indoors. Any outdoor housing, feeding or sheltering of animals is considered to be a Kennel use.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary									X		X	X	X	X			X
Accessory																	
Special Exception	X	X															
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space for every two hundred (200) square feet of total Floor Area.

(E) Additional Regulations:

(i) Pet Shops shall only offer for sale those animals permitted for ownership within the Township of South Whitehall.

(ii) Any buildings, structures or areas within which animals are to be housed, serviced, exercised or kept shall be no less than two-hundred (200) feet from a residential dwelling.

(iii) Where so noted in subsection (C) above, a Pet Shop shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

(1) In Residential Zoning Districts, hours of operation shall be restricted to between 8:00 a.m. and 8:00 p.m.

(2) In Residential Zoning Districts, signage shall be subject to Section 350-48(s)(10)(E)(xiii).

350-48(p)(4) Place of Worship

(A) Definition: A Building or group of Buildings, including customary Ancillary Buildings, designed for public worship and other activities customarily associated with public worship, including but not limited to administration of the place of worship and associated activities, religious teaching, religious ceremonies, non-profit and/or charity-related community gatherings and events, but excluding Schools.

(B) Use Classification: Institutional

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Within the dedicated worship area, 1.0 space for each four (4) permanent seats, where provided, or where permanent seating is not provided 1.0 space for each seventy (70) square feet of assembly area. Within areas other than those dedicated for worship, parking requirements appropriate for the use of the area. Parking requirements for all uses are cumulative, as if all uses are active concurrently; PLUS 1 Large Off-Street Loading Zone.

(E) Additional Regulations:

(i) Additional On-Premise Signs for elementary or secondary Schools, Public Buildings, and Places of Worship. In addition to the signs permitted in Section 350-48(s)(10)(E)(ix), signs that expressly and directly pertain to the business or activity conducted on the same premises shall be permitted in residential districts for elementary or secondary schools, Public Buildings, or places of worship in accordance with the following:

(a) Signs described in Section 350-48(s)(10)(E)(x)(a) are permitted provided the aggregate area of said signs shall not exceed two hundred fifty (250) square feet.

(b) One (1) free-standing Sign not exceeding one hundred (100) square feet in area consisting of changeable letters or providing an enclosure for temporary signs or posters for the purpose of announcing events, programs or other matters of general interest to the public.

(c) The South Whitehall Township Zoning Hearing Board may approve a zoning application for an identification ground Sign that includes digital messaging subject to the following:

(1) The minimum standards and criteria of Sections 350-48(s)(10)(E)(x)(c)(2) through (12) and 350-41(d) shall apply.

(2) The applicant has provided evidence deemed adequate by the Zoning Hearing Board that the applicant has successfully mitigated any potential negative impacts to residentially zoned or residential property.

350-48(p)(5) Printing, Binding, Publishing, etc.

(A) Definition: A use, the primary function of which is printing, binding, publishing or other similar commercial or institutional activities.

(B) Use Classification: Industrial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																X	X
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space per employee on the largest two shifts (or largest shift, if there is no more than one shift) OR 1.0 space per 1,000 square feet of total floor area, whichever is greater; PLUS 1.0 Oversized Space for every 5 loading docks (or fraction thereof), and 1.0 (trailer) spaces (55' x 10' in size) for every 5 loading docks (or fraction thereof). The area serving the loading dock does not count as a parking or container space, but does count toward the required Off-Street Loading Zones.

(E) Additional Regulations: None.

350-48(p)(6) Public Building

(A) Definition: Any Building owned or leased by a governmental or quasi-governmental entity and used primarily for public purposes, such as, but not limited to, public libraries or museums, or county, state, and/or federal Buildings, excluding prisons, criminal rehabilitation and Correctional Facilities. A Public Building owned or operated by South Whitehall Township or on Township-owned property or easements is exempt from the requirements of the Zoning Ordinance. “Public Building” shall not include Cellular Communications Facilities or Open Space.

(B) Use Classification: Institutional

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary									X	X	X	X	X	X	X	X	X
Accessory																	
Special Exception																	
Conditional Use	X	X	X	X	X	X	X	X									

(D) Minimum Off-Street Parking Calculations: Per the individual use. If publicly-accessible meeting rooms are available, 1.0 space per 100 square feet of total Floor Area devoted to meeting room area.

(E) Additional Regulations: Where so noted in subsection (C) above, Public Building shall be permitted by Conditional Use approval, subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

(i) Additional On-Premise Signs. In addition to the signs permitted in Section 350-48(s)(10)(E)(ix), signs that expressly and directly pertain to the activity conducted on the same premises shall be permitted in residential districts in accordance with the following:

(a) Signs described in Section 350-48(s)(10)(E)(x)(a) are permitted provided the aggregate area of said signs shall not exceed two hundred fifty (250) square feet.

(b) One (1) free-standing Sign not exceeding one hundred (100) square feet in area consisting of changeable letters or providing an enclosure for temporary signs or posters for the purpose of announcing events, programs or other matters of general interest to the public.

(c) The South Whitehall Township Zoning Hearing Board may approve a zoning application for an identification ground Sign that includes digital messaging subject to the following:

(1) The minimum standards and criteria of Sections 350-48(s)(10)(E)(x)(c)(2) through (12) and 350-41(d) shall apply.

(2) The applicant has provided evidence deemed adequate by the Zoning Hearing Board that the applicant has successfully mitigated any potential negative impacts to residentially zoned or residential property.

350-48(q)(1) Quarry

(A) Definition: A use, the primary purpose of which is the extraction of stone or similar natural materials. Ancillary uses may include material processing, material shipping activities, administrative offices, and similar customary uses.

(B) Use Classification: Industrial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception																	X
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space per employee on the largest two shifts (or largest shift, if there is no more than one shift), PLUS three (3) oversized spaces.

(E) Additional Regulations: Where so noted in subsection (C) above, a Quarry shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

(i) No excavation, blasting or stock piling of materials shall be closer than three hundred (300) feet to any Lot Line, including a Street Right-of-Way line.

(ii) No power-activated sorting machinery or equipment shall be closer than six hundred (600) feet to any Lot Line, including a Street Right-of-Way line.

(iii) The proposed Use shall be approved by the Lehigh County Air Pollution Control Commission with respect to the standards applied by that agency.

(iv) Any open excavation having a slope of more than forty-five (45) degrees shall be Fenced at the top of the slope by a safety Fence of at least six (6) feet in height.

(v) All Buildings, Structures and equipment shall be removed within ninety (90) days after termination or cessation of the Use, which for this purpose, shall be deemed to be inactivity of the quarry for a period of ninety (90) days. In the event a Structure or Building associated with the quarry is useable for another Use permitted in the district, and an occupancy permit is obtained for such other Use within ninety (90) days after termination or cessation of the quarry, that Structure or Building need not be removed.

(vi) Not more than thirty percent (30%) of the total property covered by the quarry permit or twenty-five (25) acres, whichever is less, shall be in a state of excavation at any one time. Reclamation, according to the reclamation plan, may be carried on as soon as excavation is completed on any part. If the above excavation limits have been met without any reclamation, no new excavation areas may be opened until such time as reclamation has been accomplished on a sufficient area to allow excavation to proceed and the thirty percent (30%) or twenty-five (25) acre limit to be

maintained.

(vii) The application shall state full particulars as to the proposed Use: construction, operation, and maintenance of the quarry as well as the plan for ultimate reclamation of the land. The application shall include a complete site plan and site layout, location of Building, Structures, and equipment; an existing and ultimate topographic or contour map; plans for moving and shipping any products processed or sold; a reclamation plan indicating how the excavated land can be restored for productive Use; and such other material as may be required to indicate the full scope of the operation.

(viii) The transfer of any products, by-products, or any other materials from the quarrying operation by trucks shall be done in a covered vehicle or be sufficiently wet before leaving the site so as not to cause undue amounts of dust or spillage in any part of the Township.

(ix) Provision shall be made for the disposal of waste products on the premises and a sanitary landfill cover method shall be used periodically for covering said waste products.

(x) No excavation shall be made to a ground-water-producing depth and excavations must be graded or backfilled to meet the following requirements:

(a) All banks shall be left with a slope no greater than thirty (30) degrees, except that greater slope will be permitted if in substantial conformity to the land immediately surrounding of the reclamation plan.

(b) The property shall be so graded that stagnant water will not be permitted to collect thereon.

(xi) Upon the completion of operations, the land shall be left in a safe condition, so that sufficient drainage shall be provided so as to prevent water pockets or undue erosion with all grading and drainage such that runoff water leaves the entire property at the original, natural drainage points, and that the area drainage to any one such point is not increased except as may be approved in the reclamation plan.

(xii) Where topsoil is removed, sufficient arable soil shall be set aside for respreading over the excavated area.

(xiii) Upon replacement of the topsoil, trees, shrubs, legumes, grasses or other ground cover shall be planted upon such area in order to avoid erosion as far as is practicable and consistent with the reclamation plan.

(xiv) In approving or denying any quarry application, the Zoning Hearing Board shall give careful consideration to the above standards and specifications and shall have been provided with maps, drawings and other suitable supporting documents giving reasonable assurance that such standards will be met by the operation before granting a permit. In their review of these matters and in arriving at their decision, the Zoning Hearing Board shall be guided by and take into consideration the public health, safety, general welfare and particular consideration shall be given to the following factors:

- (a) Erosion by water and wind.
- (b) Draining.
- (c) Soil fertility.
- (d) Grades and elevations of adjoining lands and Streets.
- (e) Land values and uses.

(f) Such other factors as may bear upon or relate to the coordinated, adjusted and harmonious physical development of the Township.

(xv) Before any permit or permission for a quarry shall be granted or issued, the owner or applicant shall file with the Township Manager a bond, in form, and with surety acceptable to the Township Commissioners in such amount as in their opinion shall be sufficient to insure the faithful performances of the work to be undertaken pursuant to the permission granted under the provision of this Ordinance and in compliance with the reclamation plan.

(xvi) The entire quarrying operation including excavation, grading, reclamation, drainage, equipment and Structures shall be subjected to an annual inspection by the Township Engineer. The Engineer shall be directed to make each such inspection and the fees for his services shall be paid by the permit holder. The purpose of such inspection shall be to determine whether all requirements of this Ordinance have been and are being met. The Engineer shall file a complete report on the results of his inspection with the Building Inspector providing the permittee with a copy thereof.

350-48(r)(1) Recreation, High Intensity

(A) Definition: An activity operated for the purpose of recreation or entertainment, and characterized by one (1) or more of the following: Building or site development intensive, regional in nature, spectator oriented, event oriented, commercial in nature (i.e., a fee is charged), associated with an increase in lighting, trash, noise, and traffic. Such uses include, but are not limited to: movie theaters, indoor sports arenas, performing arts facilities, indoor skating rinks. Outdoor uses include, but are not limited to fairgrounds, outdoor stadiums, outdoor theaters, and racing facilities. The use may include the Accessory Use “Recreation Fields”, which requires Special Exception use review. This definition shall not include a Golf Driving Range, any Adult Entertainment Establishments or Betting Activities.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary															X		X
Accessory																	
Special Exception											X	X	X	X			
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: A minimum of 1.0 space per employee on the largest shift, plus 1.0 space for every 3 permanent seats, plus 1.0 space per fifty (50) square feet of any additional room used for the assembly of the general public (not including lobbies, vestibules and similar areas), plus 1.0 space for every three players or performers in the most intensive use for every playing area or venue available within the High Intensity Recreation use.

(E) Additional Regulations: Where so noted in subsection (C) above, High Intensity Recreation shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

(i) Such uses shall require the submission of evidence that the facility provides sufficient off-street parking to accommodate the maximum capacity of the facility.

(ii) Such uses shall require the submission of evidence that the facility provides sufficient traffic queuing area to prevent traffic entering or exiting the facility from queuing on public streets.

(iii) Such uses shall require the submission of evidence that exterior lighting is sufficiently screened so as to limit the effects of sky glow, limit the intensity of illumination on adjoining properties, and to prohibit the direct view of the lamp source from adjoining properties.

350-48(r)(2) Recreation, Low Intensity

(A) Definition: A use, the primary function of which is recreation or entertainment, characterized by one (1) or more of the following: an emphasis on Open Space, passive recreation activities, minimal site impact, low spectator emphasis, and club membership or entrance fees. Such uses include, but are not limited to: private libraries, museums, arboretums, botanical gardens, wildlife sanctuaries, zoos or aquariums; privately-held unstructured Open Space (including Greens, Squares, Plazas or similar open spaces); and other commercial passive recreation parks. This definition shall not include any Adult Entertainment Establishments or Betting Activities, Commercial Camps, Rod and Gun Clubs. The use may include the Accessory Use “Recreation Fields”, which requires Special Exception use review.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary									X	X	X	X	X	X	X	X	X
Accessory																	
Special Exception	X	X	X														
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: A minimum of 1.0 space per employee on the largest shift, plus 4.0 spaces for every playing court (tennis, squash, or similar), and/or 1.0 space for every 75 square feet of water surface open to swimming, and/or 1.0 space for every 500 square feet of total Floor Area (not included in other parking calculations for the use), and/or 1.0 space for every 0.1 acres of publicly-accessible open space (not included in other parking calculations for the use).

(E) Additional Regulations: Where so noted in subsection (C) above, Low Intensity Recreation shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

(i) Such uses shall require the submission of evidence that the facility provides sufficient off-street parking to accommodate the maximum capacity of the facility.

(ii) Such uses shall require the submission of evidence that the facility provides sufficient traffic queuing area to prevent traffic entering or exiting the facility from queuing on public streets.

(iii) Such uses shall require the submission of evidence that exterior lighting is sufficiently screened so as to limit the effects of sky glow, limit the intensity of illumination on adjoining properties, and to prohibit the direct view of the lamp source from adjoining properties.

(iv) In Residential Zoning Districts, signage shall be subject to Section 350-48(s)(10)(E)(xiii).

350-48(r)(3) Recreation Facility

(A) Definition: A use, the primary function of which is for the purposes of recreation or entertainment, whether indoor or outdoor, and does not meet the definition of Low Intensity Recreation Facility or High Intensity Recreation Facility and including such uses as bowling alleys, health and fitness clubs, karate or similar training facilities, gymnastics or similar training facilities, outdoor swim clubs/tennis courts, miniature golf, pitch and putt golf, batting cages and the like. The use may include the Accessory Use “Recreation Fields”, which requires Special Exception use review.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary									X		X	X	X	X	X	X	
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space for every employee on the largest shift, plus 1.0 space for every 150 square feet of total Floor Area, and/or 3.0 spaces for every tee, and/or 2.0 spaces for every batting cage or similar station that would be used by one user or participant at a time.

(E) Additional Regulations: None.

350-48(r)(4) Recreation Fields

(A) Definition: A use, the primary function of which is the playing of, or practice for, team sports. Shall include ancillary structures traditionally associated with Recreation Fields, including, but not limited to, bleachers, concession stands, press boxes, storage sheds, batting cages, fencing, scoreboards, and lighting.

(B) Use Classification: Commercial, Institutional

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary															X		
Accessory															X		
Special Exception	X	X	X	X	X	X	X	X	X		X	X	X	X			
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: A minimum of 15.0 spaces per field, plus 1.0 space for every four (4) permanent seats and/or every eight (8) linear feet of bleacher seating.

(E) Additional Regulations: Where so noted in subsection (C) above, a Recreation Field shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

(i) Parking.

(a) Such uses shall require the submission of evidence that the facility provides sufficient off-street parking to accommodate the maximum capacity of the facility.

(b) Such uses shall require the submission of evidence that the facility provides sufficient traffic queuing area to prevent traffic entering or exiting the facility from queuing on public streets.

(ii) Recreation Field Lighting. The illumination of recreation fields shall meet the following requirements, in order to limit the effects of sky glow, limit the intensity of illumination on adjoining properties, and to limit the direct view of the lamp source from adjoining properties.

(a) General Requirements:

(1) Luminaires should be selected with an optical system and proper orientation such that the defined beam does not extend beyond the sports or Recreation Facility.

(2) Ensure that proper mounting heights are selected, with the top of the field angle of the luminaire a minimum of ten (10) degrees below the horizontal plane projected from the luminaire. Low luminaire mounting heights increase glare and have a negative impact on the illumination of the field, and may be objectionable to the players or participants on the field. Greater Setback and higher mounting heights will produce an effective shield from viewing the direct source of illumination.

(3) Internal or external glare shields shall be utilized on all luminaries. The impact of the shields must be properly reflected in the point-by-point calculations.

(4) Low reflectance colors shall be used on surrounding critical surfaces to minimize the impact of reflected light and resultant "sky glow".

(b) Specific Requirements:

(1) The aiming angles of the luminaires shall be such that the arc tube of the lamp is not directly visible from an adjoining property.

(2) Illumination levels on adjoining properties shall not exceed 0.5 footcandles horizontal, and 1.0 vertical footcandles, measured at a height of 4'-0" above grade.

(3) A site plan must be submitted to the Township Engineer for review and recommendation, and for approval by the Township, and shall include a general layout of the site indicating field layouts, locations of all lighting standards, point-by-point level indication, catalog information for the fixtures and poles used including number of luminaires, arrangement of luminaires, and aiming angles of luminaires. The site plan shall also define the surrounding properties indicating the zoning designation and grading. In order to determine that spill light does not exceed the levels indicated in item 2, the calculation grid for illumination levels shall extend sufficiently into surrounding properties.

(4) In general, illuminance criteria should not exceed the values established in RP-6-01 based on the sport and class of the field. Special consideration may be given to exceed these values when television broadcasting is proposed on a regular basis. Requests will be evaluated on a case-by-case basis with special consideration of the impact on surrounding properties.

(5) Automatic controls shall be incorporated into the design to ensure the luminaries are extinguished no later than 11:00 p.m. Manual override control should be included to allow for earlier extinguishing of the luminaries at the conclusion of the function. Conversely, the manual override control shall allow for illumination beyond 11:00 p.m., if needed, to provide illumination for the attendees to exit the premises, for the unexpected circumstance in which the event has not concluded by 11:00 p.m.

(6) Degree or factory preset timing is the preferred method for fixture installation and aiming. If target aiming is to be performed, the aiming plan shall be submitted to the Township for review to ensure the field-aiming matches the submitted design criteria.

(iii) Ancillary Buildings or Structures.

(a) Such Buildings or Structures shall require the submission of evidence that the buildings or structures shall not cause excessive light, noise, odor, dust or vibration to be directed toward nearby residential uses so as to adversely impact the nearby residential uses.

350-48(r)(5) Recreational Clubhouse

(A) Definition: A use, the primary function of which is to provide indoor recreational, meeting and/or administrative space to serve the residents of a development and that is maintained and operated as part of the Open Space, and the Township approved agreement for maintenance of the same.

(B) Use Classification: Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X					X			
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: For office areas, 1.0 space for every three hundred square feet; for areas of public assembly, 1.0 spaces for each permanent seat, plus 1.0 space for every fifty (50) square feet of any additional room used for the assembly of residents and guests, if applicable, excluding lobbies, vestibules and similar areas.

(E) Additional Regulations:

(i) Any development that provides Open Space, which is maintained and operated in accordance with Section 350-32(h), may provide a Recreational Clubhouse as part of that Open Space.

350-48(r)(6) Research and Development Facility

(A) Definition: A use, the primary function of which is work directed toward the innovation, introduction, and improvement of products and processes. Such a use may include ancillary manufacturing and/or production facilities used to assist the research or test the products or processes.

(B) Use Classification: Industrial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																X	X
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space per employee on the largest two shifts (or largest shift, if there is no more than one shift) OR 1.0 space per 1,000 square feet of total floor area, whichever is greater; PLUS 1.0 Oversized Space for every 5 loading docks (or fraction thereof), and 1.0 (trailer) spaces (55' x 10' in size) for every 5 loading docks (or fraction thereof). The area serving the loading dock does not count as a parking or container space, but does count toward the required Off-Street Loading Zones.

(E) Additional Regulations: None.

350-48(r)(7) Restaurant, Fast Food

(A) Definition: An establishment where the primary use is the serving to the public pre-prepared or rapidly prepared food, soft drinks, ice cream, or similar confections directly to customers without the use of wait staff for consumption on or off the premises. Fast Food Restaurants may or may not have Drive-through facilities. This shall not include establishments which provide similar services that are incidental to the primary use, such as, but not limited to, Bed and Breakfasts, Boarding House, Child Daycare Centers, convenience stores, Motor Vehicle Service Facilities, Educational Institutions, Exhibition Centers, Golf Courses, Pitch and Putt Golf Courses, grocery stores without seating areas, Hospitals, Hotels, Extended Stay Hotels, Motels, Nursing Homes, Offices of any kind, Public Park And Recreation Area, Recreation Facilities of any kind, Retirement Facilities, Elementary or Secondary Schools, Commercial or Trade Schools, Service Clubs, Swimming Pool, or theaters.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary									X*		X	X	X	X			
Accessory																	
Special Exception									X*								
Conditional Use																	

* See subsection (E) Additional Regulations below.

(D) Minimum Off-Street Parking Calculations: The greater of 8.0 spaces OR 1.0 space for each three (3) seats plus 1.0 space for each employee on the largest work shift OR 1.0 space for each one hundred (100) square feet of total Floor Area, 1 Large parking space for parking areas containing more than 50 Standard spaces.

(E) Additional Regulations:

(i) Fast Food Restaurants located within the Neighborhood Commercial NC zoning district shall be permitted without Drive-Through facilities.

(ii) Within the Neighborhood Commercial NC zoning district, Drive-Through facilities associated with Fast Food Restaurants require Special Exception review by the Zoning Hearing Board.

350-48(r)(8) Restaurant, Sit Down

(A) Definition: An establishment where the primary use is the serving to the public prepared food and drink with the use of wait staff for consumption upon or off the premises (not for resale offsite). Sit-Down restaurants shall not have Drive-through facilities.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary									X		X	X	X	X	X	X	
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: The greater of 1.0 space for each three (3) seats plus 1.0 space for each employee on the largest work shift OR 1.0 space per eighty (80) square feet of total Floor Area, 1 Large parking space for parking areas containing more than 50 Standard spaces; PLUS 1 Large Off-Street Loading Zone if the use is greater than 5,000 square feet in area.

(E) Additional Regulations: None.

350-48(r)(9) Retail Sales

(A) Definition: Businesses whose principal activities involve the display and sale of goods and products to the general public, and secondarily may involve services associated with the principal activity. This term shall not include Motor Vehicle Service Facilities, Drive-through facilities, Adult Entertainment Establishments, or Body Art Establishments.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary									X		X	X	X	X			
Accessory																	
Special Exception												X*		X*			
Conditional Use																	

* See the appropriate Zoning District Schedule for more information

(D) Minimum Off-Street Parking Calculations: 1.0 space for each two hundred (200) square feet of total Floor Area; PLUS 1 Large Off-Street Loading Zone if the use is greater than 10,000 square feet, or 1 Oversized Off-Street Loading Zone if the use is greater than 50,000 square feet, 1.0 space for every two hundred (200) square feet of exterior display area open to the public.

(E) Additional Regulations: Where so noted in subsection (C) above, a Retail Sales establishment shall be permitted by Special Exception subject to the minimum standards and criteria set forth in Section 350-41(d).

350-48(r)(10) Retirement Facility

(A) Definition: A specific type of Coordinated Development which is a planned residential community for persons of retirement age (aged 55 or older), consisting of Independent Living Units, Assisted Living Residences, Skilled Nursing Care, Nursing Home, or a combination thereof. A retirement facility shall include communal dining, recreation, and Open Space. Ancillary Health Care facilities and ancillary retail sales of food and drugs may also be provided specifically for the use of residents of the complex. The regulations for Coordinated Developments also apply to Retirement Facilities, unless otherwise specified in Subsection (E) below.

(B) Use Classification: Commercial, Institutional and, Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary							X	X								X	
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.5 Parking Spaces per independent Dwelling unit plus the spaces required in accordance with other applicable regulations within this section, such as, but not limited to, Assisted Living Residences, Skilled Nursing Care, and/or Nursing Home; PLUS 1 Large Off-Street Loading Zone if the use area is greater than 10,000 square feet, or 1 Oversized Off-Street Loading Zone if the use area is greater than 50,000 square feet.

(E) Additional Regulations:

(i) The following uses are permitted.

- (a) Single Detached Dwelling Units
- (b) Two-unit Dwellings
- (c) Townhouses
- (d) Apartments
- (e) Medical Offices
- (f) Assisted Living Residences
- (g) Nursing Home
- (h) Community Building(s), including dining and recreational facilities
- (i) Ancillary retail sale of food and drugs
- (j) Ancillary Low Intensity Recreation, limited to serving the residents of the Retirement Facility and their guests. See subsection (v) below.

Retirement Facility and their guests. See subsection (v) below.

- (ii) Medical offices shall be limited to those needed to serve current residents
- (iii) The maximum Lot Area of ancillary retail space shall be 5% of the gross Tract area.
- (iv) Minimum Tract Requirements:
 - (a) Minimum Tract Size: 10 acres
 - (b) Minimum Frontage: 200 feet
- (v) Open Space: A minimum of 15% of the gross Tract area shall be designated as an ancillary Low Intensity Recreation Use and designed and maintained in accordance with the Active Open Space requirements of Section 350-31(g).
- (vi) Maximum Density: 13.0 Dwelling units per acre. For purposes of calculating Density, two (2) long term care beds shall equal one (1) Dwelling unit.
- (vii) Maximum Building coverage shall be 40%; Maximum impervious coverage shall be 75%.
- (viii) Maximum Building height shall be 50 feet.
- (ix) A Perimeter Buffer with a minimum width of twenty-five (25) feet shall abut any existing residential uses or districts. Buffers shall be planted in accordance with Section 350-42(b).
- (x) The overall plan shall be designed and built as a visually cohesive and unified architectural and landscaping scheme.
- (xi) Where subsections of the Retirement Facility are permitted to be under individual ownership (such as any commercial area, Independent Living Units, or assisted/skilled nursing facilities), the overall management and maintenance of all common areas and functions of the CCRC, including Open Space, stormwater management areas, parking, walkways, private roads, refuse/recycling collection, snow removal, and other common elements, shall be the responsibility of one (1) management entity.

350-48(r)(11) Rod and Gun Clubs

(A) Definition: A use, the primary function of which is the hosting of organizations and events dedicated to hunting, fishing, archery, target shooting, and/or similar outdoor sporting hobbies. Rod and Gun Clubs may contain archery and firearms ranges, a lodge or clubhouse, buildings or outdoor areas of public assembly, administrative offices and other similar and customary ancillary uses.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	RR-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception	X	X	X														
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space per staff person on the largest shift; plus 1.0 space for every firing point for all projectile weapons or 1.0 spaces for each permanent seat and 1.0 space for every fifty (50) square feet of any additional room used for the assembly of the membership and general public, if applicable, excluding lobbies, vestibules and similar areas, whichever is greater.

(E) Additional Regulations: Where so noted in subsection (C) above, a Rod and Gun Club shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

- (i) No projectile, including but not limited to bullets, pellets and arrows, shall be propelled in such a manner or in such a direction as to cause the projectile to leave the property.
- (ii) Discharge of firearms or propelling of projectiles shall be confined to approved firing or target ranges equipped with adequate backstops and safety fences.
- (iii) Indoor firing or target ranges shall be no closer to a Lot Line than one hundred (100) feet; outdoor ranges for the discharge of firearms shall be no closer than two hundred fifty (250) feet.
- (iv) Ranges for the discharge of firearms shall not be used after 10:00 p.m. nor before 9:00 a.m.
- (v) Such uses shall require the submission of evidence that the facility provides sufficient off-street parking to accommodate the maximum capacity of the facility.
- (vi) Such uses shall require the submission of evidence that the facility provides sufficient traffic queuing area to prevent traffic entering or exiting the facility from queuing on public streets.

350-48(s)(1) Sanitary Landfill

(A) Definition: A use, the primary function of which is the disposal and/or isolation of waste materials from the environment, primarily through burial or containment.

(B) Use Classification: Industrial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception																	
Conditional Use																X	

(D) Minimum Off-Street Parking Calculations: 1.0 space per employee on the largest two shifts (or largest shift, if there is no more than one shift).

(E) Additional Regulations: Where so noted in subsection (C) above, a Sanitary Landfill shall be permitted by Conditional Use review and approval subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(e):

(i) Such sites or facilities shall submit copies of any permits, letters of approval, air or water testing or monitoring reports, or like type documentation that demonstrates compliance with applicable federal and state rules, regulations and requirements, and with the requirements of any Solid Waste Management Ordinance enacted by South Whitehall Township;

(ii) A fifty (50) yard Buffer zone shall be established adjacent to the perimeter Lot lines upon which no solid wastes shall be deposited or stored;

(iii) Within the required Buffer zone, two parallel rows of dense shrubbery six (6) feet high set three (3) feet apart, as well as trees, shrubs and other suitable vegetation, shall be planted and landscaping provided in a manner acceptable to the Township Shade Tree Commission to fully obscure any view of the site or facility from public roadways and adjacent public or private properties, and to maintain, preserve and enhance the environmental integrity of the surrounding area;

(iv) Such sites or facilities shall be completely enclosed by chain-link fencing, or such other durable fencing as approved by the Township, which fencing shall be no less than six (6) feet in height but which shall not exceed a maximum height limitation of eight (8) feet. All fencing shall be set back at least forty-five (45) feet from a Lot line.

(v) The Buffering and fencing requirements of subsection (iv) immediately above shall be deemed inapplicable to facilities utilized solely for the storage and transfer of clean recyclables approved as to content by the Township.

(vi) No site or facility shall be permitted or established on any portion of a site which is subject to flooding, chronic wetness or is located within a Flood plain, flood fringe or in areas where continuous or Intermittent contact occurs between solid waste and the ground water table;

(vii) The disposal of sewage and hazardous wastes in any form shall be prohibited at any such site or facility (however, nothing herein stated shall preclude the proper application of nonhazardous sewage sludge from a waste water treatment plant to agricultural land for agricultural purposes if such application is approved by the Commonwealth Department of Environmental Protection);

(viii) Such sites and facilities shall be operated and maintained in such manner so as to prevent health hazards, environmental degradation, the attraction, harborage or breeding of insects, rodents, vectors, and to eliminate conditions which create safety hazards, odors, dust, unsightliness, excessive noise, toxic or obnoxious fumes, public nuisances, or impose a hardship on adjoining property owners or result in an undue burden upon the Township, its municipal services and infrastructure;

(ix) All equipment shall be stored inside totally enclosed Buildings;

(x) No solid wastes shall be stored outdoors or in such a manner as to permit dispersal or exposure to the natural elements;

(xi) Access to any such site or facility shall be limited in the following manner:

(a) Access to the site or facility shall be limited to normal operating hours. Attendants shall be present at the site during all operating hours.

(b) A gate or barrier as approved by the Township at the entrance to the site or facility shall be erected to block access to the site or facility.

(c) Normal operating hours for all sites or facilities (excepting incinerators) and normal delivery hours of all sites or facilities during weekdays shall be from 7:30 A.M. to 4:30 P.M. and on weekends from 7:00 A.M. to noon on Saturdays. No waste deliveries shall be permitted at any other time. Additionally, the site or facility shall be closed on Christmas Day, New Year's Day, Thanksgiving Day, Good Friday, Labor Day, Memorial Day, and Fourth of July. Incinerators shall be permitted to operate in excess of the time limitations set forth in this subparagraph (3); however, waste deliveries shall be limited to the times set forth herein.

(d) Hours of operation and other limitations regarding access to the site or facility shall be prominently displayed on a Sign at the entrance. The Sign shall have a minimum size of three (3) feet by four (4) feet and a maximum of twenty (20) square feet.

(e) Access shall be limited to collection vehicles bearing identification stickers issued by the Township. Such stickers shall be plainly visible on all vehicles admitted to the facility. Access by unauthorized vehicles or persons shall be prohibited.

(f) Operators shall upon request provide access keys to the facility for emergency personnel.

(xii) Measures and procedures to prevent and minimize fire hazards shall be established and practiced at the site or facility (which measures the procedures shall be not less stringent than the Township fire prevention ordinance or regulations) including, among other, the following measures and procedures:

(a) Water of adequate volume and pressure, as determined by the Township Engineer after consultation with the Township Manager, to supply water hose streams, or foam producing equipment or water spray systems, as well as necessary equipment, compatible with local fire department equipment, such as hoses, nozzles, and pumps for minimizing fire hazards, shall be

available at the site.

(b) Telephone or radio communication shall be located at the site or facility, and shall be readily available or accessible. Furthermore, a list of all emergency numbers shall be provided for the plant operators. The Township shall be provided with information noting the names, addresses, and phone numbers of the appropriate plant officials to be contacted in case of an emergency.

(xiii) The site or facility shall be adequately policed, and adequate provision shall be made to prevent the dispersal or accumulation of any litter on or off site, and to prevent dust, fumes or debris from interrupting, hampering or obstructing operations at the site or facility or from causing health or safety hazards or public nuisances.

(xiv) Any burning or incineration process shall be equipped with adequate air pollution and emissions control devices and equipment to prevent any degradation of the quality or integrity of the environment below standards now or hereafter enacted in the Solid Waste Management Program of South Whitehall Township.

(xv) The operator of such site or facility shall take appropriate measures to guarantee that all waste materials shall remain within the transportation vehicles utilizing or transporting solid waste to or from the site or facility.

(xvi) No site or facility shall be operated which does not conform with any applicable state or federal laws, regulations and requirements regarding air pollution and emissions control or the protection and preservation of streams, waterways or any natural resources.

(xvii) Truck traffic and truck access to any such site or facility shall be arranged so as to minimize danger to or the interruption of normal traffic flow and so as to prevent any nuisance to adjacent or surrounding properties.

(xviii) Every facility having or generating residues, residual wastes or other wastes as a result of the conduct or operation of such facility, shall submit evidence of effective and binding contractual agreements with sites that are properly permitted by the appropriate state's regulatory agency, for the proper disposal of any such wastes, where the wastes will not or cannot be stored, or disposed of on-site.

350-48(s)(2) School, College and/or University

(A) Definition: A use, the primary function of which is to offer post-high school program of academic instruction. The use may include the Accessory Use “Recreation Fields”, which requires Special Exception use review.

(B) Use Classification: Institutional

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception											X		X	X		X	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: A minimum of 1.0 space per student plus 1.0 space for each 500 square feet of classroom and office space; PLUS 1 Large Off-Street Loading Zone.

(E) Additional Regulations: Where so noted in subsection (C) above, a College or University shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

(a) Such uses shall require the submission of evidence that the facility provides sufficient off-street parking to accommodate the maximum capacity of the facility.

(b) Such uses shall require the submission of evidence that adequate housing of students will be provided.

350-48(s)(3) School, Commercial and/or Trade

(A) Definition: A training institution operated on a profit or non-profit basis offering instruction or training that leads to proficiency in a vocational or trade skill.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary											X	X	X	X			X
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space per student plus 1.0 space for each 500 square feet of classroom and office space; PLUS 1 Large Off-Street Loading Zone.

(E) Additional Regulations: None.

350-48(s)(4) School, Elementary and/or Secondary

(A) Definition: Any public, parochial, or private place of instruction licensed or accredited by the state or lawfully constituted ecclesiastical governing body for education up to grade 12, and where standards of instruction meet the requirements of the Commonwealth of Pennsylvania. The use may include the Accessory Use “Recreation Fields”, which requires Special Exception use review. This term shall exclude colleges, universities, and any Commercial and Trade School.

(B) Use Classification: Institutional

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary	X	X	X		X	X	X	X									
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Elementary: 2.5 spaces per classroom; PLUS 1 Large Off-Street Loading Zone. Secondary: 1.0 space per staff member plus 3.0 for each administrative office plus 5.0 per high school classroom; PLUS 1 Large Off-Street Loading Zone.

(E) Additional Regulations:

(i) Additional On-Premise Signs for elementary or secondary Schools, Public Buildings, and Places of Worship. In addition to the signs permitted in Section 350-48(s)(10)(E)(ix) signs that expressly and directly pertain to the business or activity conducted on the same premises shall be permitted in residential districts for elementary or secondary schools, Public Buildings, or places of worship in accordance with the following:

(a) Signs described in Section 350-48(s)(10)(E)(x)(a) are permitted provided the aggregate area of said signs shall not exceed two hundred fifty (250) square feet.

(b) One (1) free-standing Sign not exceeding one hundred (100) square feet in area consisting of changeable letters or providing an enclosure for temporary signs or posters for the purpose of announcing events, programs or other matters of general interest to the public.

(c) The South Whitehall Township Zoning Hearing Board may approve a zoning application for an identification ground Sign that includes digital messaging subject to the following:

(1) The minimum standards and criteria of Sections 350-48(s)(10)(E)(x)(c)(2) through (12) and 350-41(d) shall apply.

(2) The applicant has provided evidence deemed adequate by the Zoning Hearing Board that the applicant has successfully mitigated any potential negative impacts to residentially zoned or residential property.

350-48(s)(5) School, Massage

(A) Definition: A training institution offering instruction in massage therapy operating on a profit or nonprofit basis that is licensed by the Pennsylvania Department of Education through the Pennsylvania State Board of Private Licensed Schools.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary											X	X	X	X			
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space per student plus 1.0 space for each 500 square feet of classroom and office space; PLUS 1 Large Off-Street Loading Zone.

(E) Additional Regulations: None.

350-48(s)(6) Self Storage Facility

(A) Definition: A use, the primary function of which is the renting or leasing individual storage space to renters who are to have access to such facility for the purpose of storing and removing personal property. Such space (such as rooms, lockers, containers, and/or outdoor space), is usually rented to tenants on a short-term (month-to-month or annual) basis. Also known as “self-service storage” and “mini-storage”.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary													X	X		X	X
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 3.5 spaces per 1,000 square feet of sales/rental office Floor Area.

(E) Additional Regulations: None.

350-48(s)(7) Service Business

(A) Definition: A use, the primary function of which is a business or not-for-profit enterprise that provides services to customers or clients that are primarily off-site. Secondary functions include the same or associated services provided onsite, retail sales of associated products, administrative offices and ancillary functions customarily associated with the service business. Service Businesses may be characterized by administrative offices and equipment/stock storage areas that direct and serve a predominantly mobile staff. Examples of Service Businesses include plumbers, contractors, landscapers, cleaning services, security firms, exterminators, etc.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary									X		X	X	X	X		X	X
Accessory																	
Special Exception												X*		X*			
Conditional Use																	

* See the appropriate Zoning District Schedule for more information

(D) Minimum Off-Street Parking Calculations: 1.0 space per 200 square feet of total floor area

(E) Additional Regulations: Where so noted in subsection (C) above, a Service Business shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d):

(i) That the applicant provides evidence that sufficient parking for associated vehicles is provided.

(ii) That the applicant provides evidence that sufficient Outdoor Storage is provided for equipment, supplies and stock that is not to be stored within a building is provided.

350-48(s)(8) Shopping Center

(A) Definition: A specific type of Coordinated Development consisting of a group of at least three (3) of the following uses - Retail Sales, Personal Service Business, Business and Professional Office, Medical Office, bank, Restaurant - which are planned, constructed and managed as one entity of at least 10,000 square feet of gross Primary Use area, where each establishment has an individual entrance from the Parking Area or Street, and where customer and employee parking is shared and provided on-site. Other Primary Uses permitted within the zoning district may be permitted in a Shopping Center so long as the Retail Sales and/or Personal Service Business comprise the majority of the total Primary Use area within the Shopping Center. The regulations for Coordinated Developments also apply to Shopping Centers, unless otherwise specified in Subsection (E) below.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary											X	X	X	X			X
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space for each two hundred twenty five (225) square feet of gross Floor Area, plus 1.0 space for every two hundred twenty-five (225) square feet of exterior display area open to the public, 1 Large parking space for parking areas containing more than 50 Standard spaces. PLUS Off-Street Loading Zones as required by each individual use.

(E) Additional Regulations:

(i) For additional signage regulations, see Section 350-48(s)(10) Signs

350-48(s)(9) Short-Stay Medical Center

(A) Definition: An in-patient or out-patient elective surgery and/or medical or dental treatment facility, not providing emergency trauma care services, and having at least five (5) beds but no more than thirty (30) beds for in-patient care, at which the average length of in-patient stay does not exceed 72 hours. The term Short-Stay Medical Center shall not include any facility in which is conducted the housing of the criminally insane or which provides treatment or housing of persons actively charged with or serving a sentence after being convicted of a felony. A Short-Stay Medical Center shall be permitted to include transitional skilled nursing services as an ancillary Use, so long as such services are located on the same Lot as the Short-Stay Medical Center or within a Coordinated Development of which the Short-Stay Medical Center is part thereof, and so long as the number of beds allocated to the skilled nursing services does not exceed thirty (30) beds. In addition, the average length of stay for skilled nursing patients in a Short-Stay Medical Center shall not exceed twenty-one (21) days. The skilled nursing services offered in connection with the Short-Stay Medical Center shall include professionally supervised nursing care and related medical and other health services provided for a period exceeding twenty-four (24) hours to an individual not in need of Hospitalization, but whose needs are above the level of room and board and can only be met in a long-term care nursing facility on an inpatient basis because of age, illness, disease, injury, convalescence or physical or mental infirmity. The term “skilled nursing services” includes the provision of inpatient services that are needed on a daily basis by the resident, ordered by and provided under the direction of a physician, and which require the skills of professional personnel, such as registered nurses, licensed practical nurses, physical therapists, occupational therapists, speech pathologists or audiologists.

For purposes of this definition, the average length of stay shall be calculated by first adding the aggregate number of hours or days, as applicable, that all patients have been admitted in the Short-Stay Medical Center at any given point in time. This aggregate sum of hours or days, as applicable, shall then be divided by the number of patients then admitted in the Short-Stay Medical Center to determine the average length of stay. By way of example, if 10 patents are currently admitted into the Short-Stay Medical Center’s transitional skilled nursing services component and the 10 patients have been admitted for an aggregate total of 93 days, the average length of stay at that point is 9.3 days. The average length of stay is anticipated to be a “rolling” figure and change from day to day as patients are admitted and discharged from the Short-Stay Medical Center.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary											X	X		X			
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 2.0 spaces for each in-patient bed and 1.0 space for each employee on the largest work shift; PLUS 1 Large Off-Street Loading Zone if the use area is greater than 10,000 square feet, or 1 Oversized Off-Street Loading Zone if the use area is greater than 50,000 square feet.

(E) Additional Regulations: None.

350-48(s)(10) Signs

(A) Definition: A Sign shall be defined as any permanent or temporary Structure or part thereof, or any device attached, painted, or represented directly or indirectly on or in a Structure or other outdoor surface, including, but not by way of limitation, any letter, word, symbol, logo, insignia, flag, or representation, the primary purpose and function of which is to advertise, inform, announce or direct, and which is designed to attract the eye and bring the attention of the public or portion thereof to the said advertisement, information, announcement or direction or to the object of the said advertisement, information, announcement or direction. Excluded from the definition of “Sign” are architectural designs and features used as standard Building types. A Building itself shall not be construed to be a “Sign” even though its specific design may communicate a message by virtue of its specific or peculiar features. In no event, however, shall a letter, word, insignia, symbol, or logo be excluded from the definition of “Sign”, no matter how utilized.

(B) Use Classification: Commercial, Industrial, Institutional

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations:

(i) Additional Definitions:

(a) Sign, Building Face - A Sign that is attached and parallel with or painted on the face of a Building.

(b) Sign, Directory - A Sign relating the name and/or address of the Building and/or the tenants and/or activities performed within said Building.

(c) Sign, Electronic Graphic Display - A Sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately. Electronic Graphic Display Signs shall include computer programmable, microprocessor controlled electronic digital displays. Electronic Graphic Display Signs include projected images or messages with these characteristics onto Buildings or other objects. The Sign may not include lighting devices forming part of the message or border, video or scrolling messages.

(d) Sign, Ground Entrance Identification - A free-standing Sign placed near the driveway mouth to identify the use served by said driveway.

(e) Sign, Personal Expression - A Sign, excluding Billboards, that expresses non-commercial, philosophical, social, religious or political ideas or viewpoints which are protected by the First Amendment of the Constitution of the United States, or which offers endorsements of or announces opposition to candidates for political office or matters of electoral or legislative interest.

(f) Sign, Pylon - A free-standing Sign exceeding ten (10) feet in height that informs as to the use of the property upon which it is located

(g) Sign, Temporary - A Sign which shall remain in place for not more than ninety (90) days.

(h) Sign, Wayfinding - A Sign of less than twelve (12) square feet that serves only to direct traffic within a property or Coordinated Development.

(ii) Exempt signs: The following signs are exempt from the requirements of this ordinance, except as expressly noted in this subsection (ii).

(a) Official traffic, directional, identification and other signs authorized by federal, state, county or Township governments.

(b) On-premises signs that are informative or directive in nature, which are related to activities being conducted on the subject premises where placed, such as but not limited to; organizing traffic flow, way finding, parking or Building access for the handicapped, public telephones, public rest rooms, park and recreational amenities, Driveway entrances and exits, drive through and queuing lanes, automatic teller machines, and educational, any of which are required to be in accordance with the following restrictions:

(1) Such signs shall not exceed four square feet in size except for signage that is expressly used to facilitate the ordering of items in a drive-through of a commercial use, which would be limited to fifty (50) square feet in area.

(2) Such signs that are free-standing shall not be closer than ten feet (10') to any Street legal Right-of-Way or Lot line and shall not exceed eight feet (8') in height above grade.

(3) Such signs shall not be illuminated (internally or externally) within twenty-five feet (25') of any residential Lot Line.

(4) Such Sign may bear text, logos, symbols or other related representation which would constitute advertisement or promotion but shall not exceed fifty (50) percent of the Sign face.

(5) Such signs shall abide by the provisions found in Sections 350-48(s)(10)(E)(vii), 350-48(s)(10)(E)(viii) and 350-48(s)(10)(E)(xvi).

(c) Temporary Event Signs. On premises signs for Temporary Events are exempt. Off-premises signs regulated under Section 350-48(s)(10)(E)(xv).

(d) Certain Coordinated Development Signs. After the initial permit approval, changes to Signs permitted via the provisions of Sections 350-48(s)(10)(E)(xii)(d), (e), (f), and (g), as long as the changes do not alter the existing approved location, illumination or dimensions of said sign.

(e) **Personal Expression Signs.** Personal Expression Signs shall comply with the requirements of Sections 350-48(s)(10)(E)(vii), 350-48(s)(10)(E)(viii) and 350-48(s)(10)(E)(xvi) . Personal Expression Signs that fall within the definition of Billboards shall comply with the requirements of Section 350-48(b)(4) or (5), as applicable. Personal Expression Signs which are not Billboards shall not exceed ten (10) square feet in size. Except with regard to the size limitations of this subsection, notwithstanding any other provision of the Sign regulations found in this Ordinance, Personal Expression Signs shall, in all cases, be subject to only the least restrictive provisions found in Sections 350-48(s)(10)(E)(iii) through (xvi) for any Sign type in any location in the zoning district within which it is to be placed.

(f) In addition to any other signage permitted by this article, a nonresidential Lot may display a maximum of three (3) flags, where each flag is a maximum of thirty-five (35) square feet and flown on a standard flagpole with a maximum height of thirty-five (35) feet. Such flags may display the flag of the United States, a US Military branch, the flag of the Commonwealth of Pennsylvania, or the POW/MIA. Each flagpole shall be Setback a distance equal to its height from all Lot Lines. In the event that a flagpole is attached to a Building, such flagpole shall not extend above the Sign height line of such Building.

(iii) Nonconforming Signs. Nonconforming signs once removed shall be replaced only with conforming signs; however, nonconforming signs may be repainted or repaired provided such repainted or repaired Sign does not exceed the dimensions of the existing Sign. When the cost of repair or restoration of any nonconforming Sign shall exceed fifty percent (50%) of its current replacement value, said nonconforming Sign shall be replaced with a conforming Sign.

(iv) Permit Requirements. All signs in excess of six (6) square feet in area and all signs regardless of size located other than on the Lot to which they apply shall require the issuance of a zoning permit before erection, replacement, or repair. All signs shall comply with all of the regulations contained herein, irrespective of whether a permit is required.

(v) Measurement of Area. A Sign shall be measured at the outer edges of the Sign Structure. In the case of a wall Sign not mounted on a single Sign Structure, or a Sign of irregular shape, the areas of the smallest regular geometric figure encompassing all component parts of the Sign shall be the area of the Sign. In computing the area of a double-face Sign, only one side shall be considered provided both faces are identical. If they are not identical, the larger side shall be used.

(vi) Illumination. Signs that are indicated as illuminated in this Ordinance may be internally or externally illuminated in accordance with the following:

(a) Signs indicated as non-illuminated shall not be illuminated but may be constructed of reflective materials.

(b) Rotating, traveling, pulsing, Flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.

(c) No illuminated Sign shall be closer to a Lot Line in a residential district or to the boundary of said district than twenty-five (25) feet.

(d) Externally-illuminated signs shall have either luminaires mounted at the top of the Sign and aimed downward, or luminaires located on the ground and screened from view. The luminaires shall be designed, fitted and aimed to shield the lamp and its reflective surfaces from direct off-site view and to place the light output onto and not beyond the Sign.

(vii) Interferences with Traffic and Safety. No Sign shall be erected, placed or

maintained upon any public Right-of-Way and no Sign shall be erected, placed, or maintained so that it impedes, interferes with, or distracts from the operation of any traffic control light or Sign, official traffic directional Sign, or other traffic safety or control device, or general traffic safety.

(a) No Sign illuminated in the colors red, amber, or green that match or closely match those of official traffic signals shall be located within a radius of two hundred (200) feet of any official traffic Sign signal or similar safety device. No illuminated Sign of the colors red, amber, or green that match or closely match those of official traffic signals shall be placed in such a position that it would provide a background into which the traffic signal might blend, thereby interfering with vehicular vision of the signal.

(b) No Sign shall be located so as to obscure a motorist's view of roadway, intersections, railway crossings, traffic signals, stop Sign, or other warning devices as viewed from a distance of five hundred (500) feet while traveling along established thoroughfares.

(c) No Sign shall be located so as to limit a pedestrian's view of vehicular traffic to less than five hundred (500) feet while standing inside the curb line at an intersection or other established cross point.

(d) No Sign shall be located within one hundred (100) feet of the Right-of-Way line of a limited access highway such as the Pennsylvania Turnpike, Route 22, 1-78, and portions of Route 309 except as follows:

(1) A Sign not exceeding four (4) square feet in area pertaining to the sale or lease of the property and set back at least twenty-five (25) feet and placed so as not to obstruct a driver's view of official signs.

(2) An on-premises unilluminated Sign attached to the main wall of a Building at a height not less than ten (10) feet, nor more than twenty (20) feet above the ground. Said Sign shall not exceed thirty (30) inches in height or bear an advertisement other than the name of the person, firm or corporation operating the place of business, or owning the property and a description of the general character of the business conducted on the premises.

(viii) General Sign Regulations. The following requirements apply to all signs:

(a) No Sign with visible moving or movable parts or Flashing, animated or Intermittent illumination shall be permitted in a residential or commercial districts nor within five hundred (500) feet of the boundary of residential or commercial districts. The top of said signs shall not be more than twenty-five (25) feet above ground level nor shall any part of said signs be closer to the Right-of-Way line of a Street than twenty-five (25) feet. Changeable copy signs, whether such copy is changed manually or electronically, shall not be considered to have movable parts and are therefore not subject to this regulation. This section shall not apply to tri-vision Billboard signs, which display three different messages separately at set intervals. Tri-vision signs shall be considered a change of copy only and not prohibited as a Sign containing visible moving or moveable parts.

(b) The Use of pennants, flags, streamers, balloons, windmills or other moving devices, searchlights or banners is prohibited, other than for a period of seven (7) days from the date of opening of a new establishment. However, the restriction against the Use of flags, streamers, balloons and banners shall not apply to signs erected pursuant to Section 350-48(s)(10)(E)(xv)(e) or Section 350-41(c), required by State or Federal Regulations, or flags erected on flagpoles in accordance with Section 350-48(s)(10)(E)(ii)(e).

(c) No Sign other than those permitted in Sections 350-48(s)(10)(E)(ix) and 350-

48(s)(10)(E)(xiii) shall be erected or maintained except signs which expressly and directly pertain to the business or activity conducted on the same premises upon which the Sign is located. Except for signs advertising the sale or lease of the property, upon termination or abandonment of any Building or land Use, all signs pertaining to that Use shall be removed.

(d) No Sign shall be mounted, erected or maintained on a tree or other natural vegetation or utility pole.

(e) No sign of any kind shall be mounted, erected or maintained directly on a Historic Resource except as permitted by Section 350-48(h)(3)(E)(v) and the terms of the Preservation Easement.

(f) No Sign shall be mounted or located in such a manner as to block or restrict the operation of any door or to block or restrict the movement into or out of any exit or entrance of a Building or Driveway.

(g) All signs except temporary signs of four (4) square feet or less shall be constructed of durable material. All signs shall be kept in good condition and repair. All dilapidated and deteriorated signs shall be repaired or removed at the owner's expense, within thirty (30) days after notice from the Zoning Officer. Otherwise, the Sign will be subject to removal by the Township and the owner billed for the costs thereof.

(h) No Sign shall exceed a height (measured from the ground to the top of the Sign Structure) equal to the height permitted for the Building to which it is accessory. In the event the Building exceeds the height limit prescribed by the schedule by variance, the height limit of the schedule shall govern the height of the Sign.

(i) No Sign of any kind, or portion thereof, including Personal Expression Signs, shall be placed within or extend across the traveled or Cartway portion of any Street except upon prior approval by the Board of Commissioners.

(j) No Sign shall project more than six (6) inches above the primary Roofline nor more than twelve (12) inches out from the wall to which it is attached. Signs not exceeding two (2) square feet in area may be placed perpendicular to a Building face if attached to and below a canopy projection from said Building.

(k) No Sign shall be located within ten (10) feet of any property or Right-of-Way line except:

(1) one Sign displaying the name and/or address of the occupant of a Dwelling provided the area of said Sign shall not exceed one square foot;

(2) signs displaying the title of a minor residential development, provided said Sign meets the conditions of Section 350-48(s)(10)(E)(ix); and

(3) Personal Expression Signs.

(l) On Lots abutting on more than one public Street, any combination of signs permitted may be erected on each side of the Building or in the yard area abutting each public Street.

(m) Electronic Graphic Display Signs are prohibited in all zoning districts except as specifically permitted in this ordinance.

(ix) On-Premises Signs Permitted. The following signs are allowed without a permit, unless noted, in all districts which expressly and directly pertain to the business, activity, sale or lease conducted on or for the premises upon which the Sign is located:

(a) Sign displaying the name and address of the occupant of a Dwelling is permitted, provided that the area of any such Sign shall not exceed two (2) square feet and not more than one (1) such Sign shall be erected for each Dwelling.

(b) One (1) Sign advertising the sale or rental of real property is permitted provided that the area of any such a Sign shall not exceed four (4) square feet for an individual Dwelling unit or Lot, exceed sixteen (16) square feet for a nonresidential Lot of ten (10) acres or less, nor thirty-two (32) square feet for a nonresidential Lot greater than ten (10) acres in size. Such signs shall be removed within seven (7) days after final settlement or renting of said property. One (1) temporary attached Sign advertising the sale or rental of office or retail property is permitted, provided the area of such Sign shall not exceed one hundred (100) square feet. Such Sign may be displayed for the duration of the initial leasing of all Buildings on the property. The issuance of initial Certificates of Occupancy for all rental units shall terminate the initial leasing period. In no event, however, shall the temporary Sign be displayed for a period in excess of eighteen (18) months.

(c) One (1) temporary contractor's, Developer's, architect's, or builder's Sign is permitted provided that the area of any such Sign shall not exceed twelve (12) square feet. Such Sign shall be removed within seven (7) days after completion of the work or eighteen (18) months after erection of the signs, whichever shall occur first.

(d) Trespassing signs, signs indicating the private nature of a road, Driveway, or premises, signs controlling fishing or hunting on the premises provided that the area of any such Sign shall not exceed four (4) square feet.

(e) Temporary signs announcing an event of a civic, philanthropic, educational, or religious organization or a drive or campaign other than signs in conjunction with a political election. Such signs shall not exceed twelve (12) square feet in area and shall be removed within seven (7) days after completion of the campaign, drive, or event.

(f) Any Sign that is embedded or set into a Building or which is so constructed as to become a part of such Building provided that such Sign bears only such information as the following: the name of the owner of the Building, the name of the Building, the date of the erection of the Building, and the nature of the business conducted therein. Said Sign shall not exceed ten percent (10%) of the Building face of which it is a part or three hundred (300) square feet in area, whichever is smaller.

(g) Any tablet constructed entirely of stone, metal or other incombustible material that is built into or firmly attached to the wall of a Building providing that such tablet contains only such information as is mentioned in subsection (f) immediately above or reading matter commemorating a person or an event. Said Sign shall not exceed twenty (20) square feet in area.

(h) A Permanent Title Sign, not to exceed an area of one hundred (100) square feet, not to exceed a height of ten (10) feet and not to impart more than the title of a major residential subdivision containing more than five (5) Lots, shall be permitted.

(1) No more than two (2) Permanent Title Signs may be constructed at each intersection of an Arterial or Collector Street. Permanent Title Signs shall not be permitted at intersections that do not contain an Arterial or Collector Street.

(2) Permanent Title Signs shall not be located within the clear-sight triangle of the intersection.

(3) Permanent Title Signs shall be owned and maintained by the

Homeowner's Association of the associated development, or if there is no Homeowner's Association, owned and maintained by the owner of the property upon which the Permanent Title Sign is located, subject to deed restrictions governing ownership and maintenance, to be approved by the Township, on the property upon which the Permanent Title Sign is located.

(4) A Permanent Title Sign may be located on a separate Lot or on the same Lot as a Dwelling Unit as an Accessory Use to the Dwelling Unit.

(5) Permanent Title Signs shall observe a minimum five (5) foot setback from the ultimate right-of-way of any public street.

(i) With respect to Assisted Living Residences, one (1) identifying Sign, not to exceed fifty (50) square feet, is permitted.

(j) Signs which do not individually exceed four (4) square feet in area and bear only the property owner's non-commercial personal expression or belief.

(x) Additional On-Premises Signs for Establishments Separated by Setbacks. In addition to the signs permitted in Section 350-48(s)(10)(E)(ix), signs that expressly and directly pertain to the business or activity conducted on the same premises shall be permitted in commercial or industrial districts for those businesses whose Building(s) or activities are separated from those of surrounding businesses by the Setbacks prescribed in Section 350-24(c) in accordance with the following subsections. This section shall not apply to businesses providing commercial recreation or amusements except as provided in Section 350-48(a)(7).

(a) Illuminated or non-illuminated signs are permitted that are attached and parallel with or painted on the face of Building, the aggregate area of which shall not exceed ten percent (10%) of the Building face to which they are attached or painted. The aggregate area of said signs shall be further limited to three hundred (300) square feet in commercial districts and five hundred (500) square feet in industrial districts plus one (1) illuminated or non-illuminated free-standing Sign provided the area of said Sign shall not exceed one hundred (100) square feet.

(b) In place of the signs permitted in Section 350-48(s)(10)(E)(x), two (2) illuminated or non-illuminated free-standing signs may be substituted provided the aggregate area of the signs shall not exceed one hundred fifty (150) square feet and the area of either Sign shall not exceed one hundred (100) feet.

(c) One Free-Standing On-Premise Sign permitted in either paragraphs (1) or (2) above may be an Electronic Graphic Display Sign provided that the following restrictions are met:

(1) Electronic Graphic Display Signs are not permitted in any residentially zoned district, the Neighborhood Commercial (NC), or Office Commercial (OC) zoning districts.

(2) No more than 33% of the Sign shall be comprised of electronic graphic display area.

(3) At least one minute shall elapse between static images.

(4) Maximum transition time between successive static images shall be one (1) second and dissolving or fading of static images shall not be permitted.

(5) In the event of a malfunction, a default mechanism shall freeze the image in one position.

(6) Automatic Dimming and Brightness.

(A) Electronic Graphic Display Signs shall be equipped and operated with automatic dimming technology which automatically dims the luminance during ambient low-light and nighttime (dusk to dawn) conditions to 150 nits or less during the period 30 minutes after sunset to 30 minutes before sunrise and limits the luminance during daylight conditions to 5,000 nits provided that the luminance at no time exceeds 0.3 foot-candles of light above the normal ambient light levels.

(B) A certification from the Sign manufacturer verifying that the Electronic Graphic Display Sign is equipped with automatic dimming technology in accordance with this subsection shall be submitted with the Sign permit application.

(C) The illumination level shall not exceed .5 foot-candles on any adjoining property that is residentially zoned or contains a residential Use.

(D) An operation test report shall be submitted as part of the final inspection certified by an electrical or professional engineer that the Electronic Graphic Display Sign complies with the luminance requirements of this subsection.

(7) No Sign shall be located within a 250 foot radius of intersecting public Street Centerlines of an intersection controlled by a traffic signal or similar safety device. No Sign shall be placed in such a position that it would provide a background into which the traffic signal or similar safety device might blend, thereby interfering with vehicular vision of the traffic signal or similar safety device.

(8) No Sign shall be located within a 100 foot radius from the intersection of Centerlines of an intersection involving a public Street and non-residential Driveways controlled by a traffic signal or similar safety device. No Sign shall be placed in such a position that it would provide a background into which the traffic signal or similar safety device might blend, thereby interfering with vehicular vision of the traffic signal or similar safety device.

(9) No Sign shall be located within a 100 foot radius of the intersecting Street Centerlines of a non-signalized intersection involving public Streets.

(10) No Sign shall be located within a 100 foot radius of the intersecting Centerlines of a non-signalized four-way intersection involving a public Street and non-residential Driveways.

(11) No Sign shall be located within a 100 foot radius from the end of an exit ramp and the separation shall be measured from the point where the ramp taper terminates along the priority road. Also, no Sign shall be located within a 100 foot radius from the beginning of an entrance ramp and the separation shall be measured from the point where the ramp taper begins along the priority road.

(12) No Electronic Graphic Display Sign shall be located within 150 feet of another Electronic Graphic Display Sign along the same side of a Street.

(xi) Additional On-Premises Signs for Coordinated Developments that are Shopping Centers. In addition to the signs permitted in Section 350-48(s)(10)(E)(ix), signs that expressly and directly pertain to the businesses or activities conducted within the same Coordinated Development shall be permitted in accordance with the following subsections. This section shall not apply to businesses providing commercial recreation or amusements except as provided in Section 350-48(a)(7).

(a) Coordinated Development Pylon Signs. Coordinated Developments shall

be permitted one Pylon Sign provided the following restrictions are met:

(1) Sign area. The Pylon Sign shall not exceed 200 square feet.

(2) Height and Setbacks. The Pylon Sign shall adhere to the provisions of Section 350-24(c) with regard to setbacks and height of sign. However, additional height may be permitted at a rate of one additional foot of height for each additional ten (10) feet of setback beyond the required setback, to a maximum of fifty (50) feet in height. If the Pylon Sign exceeds the height specified by Section 350-24(c), the Pylon Sign shall be set back from a Residential Zoning District a minimum of ten (10) feet for every one (1) foot of height.

(b) Ground Entrance Identification Signs. Coordinated Developments shall be permitted one Ground Entrance Identification Sign per Driveway entrance from a public street, provided the following restrictions are met:

(1) Sign area. The Ground Entrance Identification Sign shall not exceed 72 square feet.

(2) Height. Ground Entrance Identification Sign shall not exceed six (6) feet in height.

(3) Setbacks. Ground Entrance Identification Sign shall comply with Sign Setback provisions set forth in the zoning district schedule that is applicable to the Tract of Land.

(4) Separation Distance. Ground Entrance Identification Signs shall maintain a separation distance of at least two hundred and fifty (250) feet from other Ground Entrance Identification Signs.

(c) Building Face Signs. Signs are permitted that are attached and parallel with or painted on the face of a Building, the aggregate area of which shall not exceed ten percent (10%) of the Building face of the tenant space to which they are attached or painted. The aggregate area of signs on each building face of the tenant space shall be further limited to three hundred (300) square feet in commercial districts and five hundred (500) square feet in industrial districts.

(d) Canopy Identification Signs mounted entirely under a canopy or the roof of a covered walkway shall not project:

(1) more than 12 inches vertically from the underside of the canopy or roof of a covered walkway.

(2) horizontally from the underside of the canopy or roof of a covered walkway.

(e) Illuminated Signs. An Illuminated Sign shall not be closer:

(1) than twenty five (25) feet to a Front Lot Line

(2) than fifty (50) feet to any side or rear coordinated development

Tract line

(3) to the property line of a Residential Zoning District than a distance calculated by multiplying the Height of the Illuminated Sign by fifteen (15), minimum two hundred and fifty (250) feet, unless the Residential Zoning District is separated from the Coordinated Development by an Arterial or Collector Road.

(f) Electronic Graphic Display. A Sign may include electronic graphic display provided the following restrictions are met:

(1) The Coordinated Development Tract of Land is at least 10 acres and is not located in a Residential Zoning District, the Neighborhood Commercial (NC), or Office Commercial (OC) zoning districts.

(2) The Coordinated Development Tract of Land is permitted a maximum of one (1) Electronic Graphic Display Sign on each public Street fronting the Tract, to be incorporated within a Coordinated Development Pylon Sign or a Ground Entrance Identification Sign. The EGD portion shall not display fuel pricing for a Motor Vehicle Service Facility. The use of EGD signage for the display of fuel pricing for Motor Vehicle Service Facilities is regulated under Section 350-48(m)(9).

(3) No more than 33% of the Sign shall be comprised of electronic graphic display area.

(4) At least one (1) minute shall elapse between static images.

(5) Maximum transition time between successive static images shall be one (1) second and dissolving or fading of static images shall not be permitted.

(6) In the event of a malfunction, a default mechanism shall freeze the image in one (1) position.

(7) Automatic Dimming and Brightness. The Sign shall be equipped and operated with automatic dimming technology which automatically dims the luminance during ambient low-light and nighttime (dusk to dawn) conditions to 150 nits or less during the period 30 minutes after sunset to 30 minutes before sunrise and limits the luminance during daylight conditions to 5,000 nits provided that the luminance at no time exceeds 0.3 foot-candles of light above the normal ambient light levels. A certification from the Sign manufacturer verifying that the Sign is equipped with automatic dimming technology in accordance with this subsection shall be submitted with the Sign permit application. An operation test report shall be submitted as part of the final inspection certified by an electrical or professional engineer that the Sign complies with the luminance requirements of this subsection.

(8) No Sign shall be located within a 250 foot radius of intersecting Centerlines of public Streets at an intersection controlled by a traffic signal or similar safety device. No Sign shall be placed in such a position that it would provide a background into which the traffic signal or similar safety device might blend, thereby interfering with vehicular vision of the traffic signal or similar safety device.

(9) No Sign shall be located within a 100 foot radius from the intersecting Centerlines of a public Street and a non-residential Driveway. No Sign shall be placed in such a position that it would provide a background into which the traffic signal or similar safety device might blend, thereby interfering with vehicular vision of the traffic signal or similar safety device.

(10) No Sign shall be located within a 100 foot radius from the end of an exit ramp and the separation shall be measured from the point where the ramp taper terminates along the priority road. Also, no Sign shall be located within a 100 foot radius from the beginning of an entrance ramp and the separation shall be measured from the point where the ramp taper begins along the priority road.

(11) No Sign shall be located within a 100 foot radius from the end of an exit ramp or beginning of an entrance ramp at an interchange.

(12) No Sign shall be located within 150 feet of an Electronic Graphic

Display Sign along the same side of a Street.

(xii) Additional On-Premises Signs for Coordinated Developments Other Than Shopping Centers. In addition to the signs permitted in Section 350-48(s)(10)(E)(ix), signs that expressly and directly pertain to the businesses or activities conducted within the same Coordinated Development shall be permitted in accordance with the following subsections. This section shall not apply to businesses providing commercial recreation or amusements except as provided in Section 350-48(a)(7).

(a) Coordinated Development Pylon Signs. Coordinated Developments shall be permitted one Pylon Sign provided the following restrictions are met:

(1) Sign area. The Pylon Sign shall not exceed 200 square feet.

(2) Height and Setbacks. The Pylon Sign shall adhere to the provisions of Section 350-24(c) with regard to setbacks and height of sign. However, additional height may be permitted at a rate of one additional foot of height for each additional ten (10) feet of setback beyond the required setback, to a maximum of fifty (50) feet in height. If the Pylon Sign exceeds the height specified by Section 350-24(c), the Pylon Sign shall be set back from a Residential Zoning District a minimum of ten (10) feet for every one (1) foot of height.

(b) Ground Entrance Identification Signs. Coordinated Developments shall be permitted one Ground Entrance Identification Sign per Driveway entrance from a public street, provided the following restrictions are met:

(1) Sign area. The Ground Entrance Identification Sign shall not exceed 150 square feet.

(2) Height. Ground Entrance Identification Sign shall not exceed ten (10) feet in height.

(3) Setbacks. Ground Entrance Identification Sign shall comply with Sign Setback provisions set forth in the zoning district schedule that is applicable to the Tract of Land.

(4) Separation Distance. Ground Entrance Identification Signs shall maintain a separation distance of at least two hundred and fifty (250) feet from other Ground Entrance Identification Signs.

(5) Sign Content. At least 25% of the sign face shall reference the name of the Coordinated Development.

(c) Building Face Signs. Signs are permitted that are attached and parallel with or painted on the face of a Building, the aggregate area of which shall not exceed ten percent (10%) of the Building face of the tenant space to which they are attached or painted. The aggregate area of signs on each building face of the tenant space shall be further limited to three hundred (300) square feet in commercial districts and five hundred (500) square feet in industrial districts.

(d) Directory Signs. Signs relating the name and/or address of the building and/or the tenants and/or activities performed within said building are permitted at each public entrance of said building.

(1) The Directory Sign shall not exceed twenty-four (24) square feet in face area.

(2) The Directory Sign shall not exceed more than six (6) feet in height.

(3) The Directory Sign shall not be located:

- (A) more than fifty (50) feet from the public entrance it serves.
- (B) less than twenty-five (25) feet from a Coordinated

Development Tract line.

(e) Canopy Identification Signs mounted entirely under a canopy or the roof of a covered walkway shall not project:

- (1) more than 12 inches vertically from the underside of the canopy or roof of a covered walkway.
- (2) horizontally from the underside of the canopy or roof of a covered walkway.

(f) Wayfinding Signs. The provisions of Section 350-48(s)(10)(E)(ii) shall apply, except that each sign shall not exceed twelve (12) square feet in area.

(g) Decorative Signs. Signs that are not otherwise regulated under Sections 350-48(s)(10)(E)(xi) and (xii) shall adhere to the following:

(1) The provisions of Section 350-48(s)(10)(E)(viii)(b) shall not apply to pennants, flags, and banners.

(2) Each sign shall not exceed twelve (12) square feet in area.

(3) The maximum height of each sign shall not exceed twenty-five (25) feet.

(4) Each sign shall not be closer than:

(A) one hundred (100) feet to a Front Coordinated Development

Tract Line

(B) fifty (50) feet to any side or rear Coordinated Development

Tract line

(C) one hundred (100) feet to a Residential Zoning District.

(h) Illuminated Signs

(1) An Illuminated Sign shall not be closer:

(A) than twenty five (25) feet to a Front Lot Line

(B) than fifty (50) feet to any side or rear coordinated

development Tract line

(C) to an abutting Residential Zoning District than a distance calculated by multiplying the Height of the Illuminated Sign by fifteen (15), minimum two hundred and fifty (250) feet, unless the Residential Zoning District is separated from the Coordinated Development by an Arterial or Collector Road.

(i) Electronic Graphic Display. A Sign may include electronic graphic display provided the following restrictions are met:

(1) The Coordinated Development Tract of Land is at least 10 acres and is not located in a Residential Zoning District, the Neighborhood Commercial (NC), or Office Commercial (OC) zoning districts.

(2) The Coordinated Development Tract of Land is permitted a maximum of one (1) Electronic Graphic Display Sign on each public Street fronting the Tract, to be incorporated within a Ground Entrance Identification Sign.

(3) No more than 33% of the Sign shall be comprised of electronic graphic display area.

(4) At least one (1) minute shall elapse between static images.

(5) Maximum transition time between successive static images shall be one (1) second and dissolving or fading of static images shall not be permitted.

(6) In the event of a malfunction, a default mechanism shall freeze the image in one (1) position.

(7) Automatic Dimming and Brightness. The Sign shall be equipped and operated with automatic dimming technology which automatically dims the luminance during ambient low-light and nighttime (dusk to dawn) conditions to 150 nits or less during the period 30 minutes after sunset to 30 minutes before sunrise and limits the luminance during daylight conditions to 5,000 nits provided that the luminance at no time exceeds 0.3 foot-candles of light above the normal ambient light levels. A certification from the Sign manufacturer verifying that the Sign is equipped with automatic dimming technology in accordance with this subsection shall be submitted with the Sign permit application. An operation test report shall be submitted as part of the final inspection certified by an electrical or professional engineer that the Sign complies with the luminance requirements of this subsection.

(8) No Sign shall be located within a 250 foot radius of intersecting Centerlines of public Streets at an intersection controlled by a traffic signal or similar safety device. No Sign shall be placed in such a position that it would provide a background into which the traffic signal or similar safety device might blend, thereby interfering with vehicular vision of the traffic signal or similar safety device.

(9) No Sign shall be located within a 100 foot radius from the intersecting Centerlines of a public Street and a non-residential Driveway. No Sign shall be placed in such a position that it would provide a background into which the traffic signal or similar safety device might blend, thereby interfering with vehicular vision of the traffic signal or similar safety device.

(10) No Sign shall be located within a 100 foot radius from the end of an exit ramp and the separation shall be measured from the point where the ramp taper terminates along the priority road. Also, no Sign shall be located within a 100 foot radius from the beginning of an entrance ramp and the separation shall be measured from the point where the ramp taper begins along the priority road.

(11) No Sign shall be located within a 100 foot radius from the end of an exit ramp or beginning of an entrance ramp at an interchange.

(12) No Sign shall be located within 150 feet of an Electronic Graphic Display Sign along the same side of a Street.

(xiii) Additional On-Premise Signs for Non-Residential Uses in Residential Districts.

The Zoning Hearing Board may permit as a Special Exception the signs permitted for commercial district in Section 350-48(s)(10)(E)(x) for non-residential uses in residential districts subject to the following conditions:

(a) The Zoning Hearing Board may further limit and/or add to the conditions of Section 350-48(s)(10)(E)(x) as it applies hereto as to size, height, number and location of said signs.

(b) The signs shall expressly and directly apply to the business or activity conducted on the premises.

(c) The signs shall be in keeping in nature, size and location of said business or activity.

(d) The signs shall not interfere with the Use of enjoyment of the surrounding residential properties.

(e) Apartments, Mobile Home Parks, shall be considered to be non-residential for purposes of this section.

(xiv) Additional On-Premise Signs Attached to Nonconforming Buildings: Signs permitted under Section 350-48(s)(10)(E)(x)(a), Section 350-48(s)(10)(E)(xi)(c), and Section 350-48(s)(10)(E)(xii)(c), which are proposed to be attached to, embedded in, or otherwise set into a lawfully nonconforming front or side wall of a Principal Building shall be permitted.

(xv) Off-Premises Signs Permitted. The following signs which do not pertain to the business or activity conducted on the premises upon which the Sign is located are permitted in all districts with the express permission of the property owner.

(a) Signs which are used for directing patrons, members, or audiences to Service Clubs, churches or other non-profit organizations may be erected subject to the following requirements:

(1) A Sign shall indicate only the name of the organization and the direction to the facility.

(2) Only one (1) such Sign shall be erected prior to each intersection turning movement necessary to reach such facility.

(3) Signs shall not exceed two (2) square feet in area.

(4) Signs shall not be located within a Street Right-of-Way.

(b) Temporary signs which are used for directing patrons, members, or audience to new or relocated commercial or industrial organizations or facilities may be erected upon the approval of the Zoning Hearing Board and subject to the same requirements as for signs in subsection (a) immediately above.

(c) Temporary signs directing patrons, members or audience to temporary exhibits, shows or events subject to the following requirements:

(1) No Sign shall exceed four (4) square feet in area.

(2) Signs shall be removed within seven (7) days after the date of the exhibit, show, or event.

(3) No permit shall be issued for the erection of such signs until a deposit shall be made with the Zoning Officer in accordance with a fee schedule adopted by the Commissioners to guarantee removal within the time prescribed. Failure to remove such signs within the prescribed time shall result in forfeiture of the deposit.

(4) No such Sign shall be posted earlier than thirty (30) days before the

occurrence of the event to which it relates.

(5) No Sign, other than directional signs, identification signs, and other signs of a public or quasi-public nature which are expressly authorized by the Board of Commissioners, may be erected or maintained in or on any real estate, Building or Structure owned in fee or leased by South Whitehall Township or South Whitehall Township Authority. Nothing contained in this subparagraph (E) shall be construed to prevent the posting of any official notice, Sign, poster or chart required to be posted by any court, or by any law, statute, regulation or ordinance.

(d) Nationally recognized Service Clubs are permitted to erect signs within the rights-of-way of roads under jurisdiction of the Township subject to the following:

(1) A specific written approval shall be received from the Township Board of Commissioners.

(2) No Sign shall exceed ten (10) square feet.

(3) Signs shall be single faced.

(4) Signs shall not be located in or within the Cartway of any Street.

(5) No Sign shall be located within two (2) feet from a curb line or five (5) feet from the edge of pavement if no curbing exists.

(6) All signs located within a Street Right-of-Way shall be placed on a breakaway post.

(e) For the exclusive purpose of their own fundraising, nonprofit youth organizations may arrange for the temporary establishment of signs on the properties of government owned parks (including school district properties) which have corresponding athletic fields upon which they play; provided the following criteria is met:

(1) The property owner agrees to the erection of the signs, and

(2) the property owner expressly agrees to ensure the signs will comply with the limiting criteria set forth in this paragraph (5) as well as any other applicable codes, and

(3) No other entity shall receive any compensation for the rental of advertising space, other than the nonprofit youth organization that arranged for the Sign, and

(4) The display of said signs shall not occur sooner than seven days prior to the beginning of the season for organized play or scheduled official playoff, and shall be discontinued within seven days after the end of the season, and

(5) No Sign, erected under this section shall be illuminated, and

(6) No Sign erected under this section shall be greater in size than 32 square feet, and

(7) Only signs attached to athletic field fencing are permitted. Any Sign attached to field fencing shall have its message displayed only on one face of the Sign and that Sign face shall be directed toward the athletic field. These signs may not be:

(A) within 20 feet of a public Street Cartway.

(B) within 100 feet of home plate.

(xvi) Nuisance Signs Prohibited. In addition to the signs prohibited under Section 350-48(s)(10), Signs that are determined to be a nuisance, based on any one or more of the following are

prohibited:

- (a) Creates safety or traffic hazards to motorists, pedestrians, or children by distracting people or obstructing someone's view or movement;
- (b) Impairs the value of the surrounding properties;
- (c) Disrepair that endangers the public; or
- (d) Signs displayed in a residential area for a fee or any commercial advertisements on residential property not otherwise permitted under this section.
- (e) All signs determined to be a Nuisance shall be removed at the owner's expense, within ten (10) days after written notice from the Zoning Officer. Otherwise, the Sign will be subject to removal by the Township and the owner billed for the costs thereof.

350-48(s)(11) Solar Energy Facility

(A) Definition: An electric generation facility whose main purpose is to supply electricity, consisting of one or more Solar Energy Systems and other ancillary Structures and Buildings, with the primary intention of the production of electricity for its transmission off-site. The term does not include Solar Energy Systems constructed primarily for Use on site as an Accessory Use.

(B) Use Classification: Industrial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception																	
Conditional Use																	X

(D) Minimum Off-Street Parking Calculations: 1.0 space per employee on the largest two shifts (or largest shift, if there is no more than one shift) or 2.0 spaces, whichever is greater, PLUS 1.0 oversized space.

(E) Additional Regulations: Where so noted in subsection (C) above, a Solar Energy Facility shall be permitted by Conditional Use review and approval subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(e):

(i) Tract Eligibility Requirements.

(a) The Tract shall be at least 20 acres in size.

(b) The Tract shall have a minimum of 400 feet in road frontage.

(ii) Minimum Setback Requirements. All Structures shall be Setback at least 150 feet from all property lines. Setbacks may be reduced as much as fifty percent if the applicant demonstrates the glare impacts are mitigated.

(iii) Maximum Percent Lot Coverage. A Solar Energy Facility shall be limited to 75 percent Lot Coverage.

(iv) Maximum Height. No Structure or Building in a Solar Energy Facility shall exceed 20 feet in height.

(v) A Solar Energy Facility shall be enclosed by perimeter fencing to restrict unauthorized access at a minimum height of 8 feet and not to exceed 10 feet. Such fencing shall be in accordance with Section 350-42(e).

(vi) The manufacturers’ or installers’ identification and appropriate warning signage shall be posted on or near the panels in a clearly visible manner.

(vii) Utility Notification. No Solar Energy Facility shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer owned generator. Off-grid systems shall be exempt from this requirement.

(viii) Glare Control. As part of the Conditional Use application, the applicant shall include an analysis of glare impact from the Solar Energy Facility on adjacent neighboring properties. Included in the analysis shall be recommendations to mitigate and control glare.

(ix) A Decommissioning Agreement Plan shall be required at the discretion of the South Whitehall Township Board of Commissioners and shall address the following:

(a) The facility owner and operator shall, at its expense, complete decommissioning of the Solar Energy Facility, within 12 months after the end of the useful life of the facility. The Solar Energy Facility will presume to be at the end of its or their useful life if no electricity is generated for a continuous period of 12 months.

(b) Disturbed earth shall be graded, reseeded and/or reforested to reclaim the site back to its predevelopment condition, unless the Landowner requests in writing and approval granted by the Board of Commissioners that the access roads or other land surface areas not be restored.

(c) An independent and certified professional Engineer shall be retained by South Whitehall Township at the cost of the property owner or operator 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.

(d) The facility owner or 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 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.

(e) 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.

(f) If the facility owner or operator fails to complete decommissioning within the period prescribed by subsection (a) above, then the Landowner shall have six months to complete decommissioning.

(g) If neither the facility owner or operator nor the Landowner complete decommissioning within the periods prescribed by subsection (a) above and subsection (f) immediately above, 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 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 at owner, operator and/or Landowners expense.

(h) The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed or upon written request of the municipality in order to implement the decommissioning plan.

350-48(s)(12) Solar Energy Systems, Non-Residential

(A) Definition: a Solar Energy System which is an Accessory Use to a lawful non-residential Use in any zoning district. a system and all associated equipment which converts solar energy into a useable electrical energy, heats water or produces hot air or other similar function through the Use of Solar Panels mounted on a roof, ground rack, or pole, with the primary intention of reducing on-site consumption of utility-supplied electricity.

(B) Use Classification: Commercial, Industrial, Institutional

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations:

(i) Regulations pertaining to all Non-Residential Solar Energy Systems

(a) A property on which a Non-residential Use Solar Energy System is proposed to be located must have a permitted Principal Use which would be drawing electricity from said Solar Energy System.

(b) A Non-residential Use Solar Energy System is allowed as an Accessory Use for any lawful non-residential Use in any zoning district in the Township.

(c) Non-functioning Solar Energy Systems shall be repaired, replaced or removed within three months of becoming nonfunctional.

(d) The manufacturers’ or installers’ identification and appropriate warning signage shall be posted on or near the panels in a clearly visible manner.

(e) The design of Solar Energy Systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.

(f) Solar Energy Systems shall not block any required travel ways, Parking Areas, and sidewalks.

(ii) Additional regulations pertaining to roof-mounted solar panels

(a) Solar Panels shall not exceed the height of the roof line on a pitched roof by more than three feet (3'). On a flat roof, the Solar Panels shall be angled such that they are not more than six feet (6') above the roofline.

(iii) Additional regulations pertaining to ground-mounted solar panels

(a) The ground mounted energy system shall be set back from all Lot Lines at least the minimum distance equal to Setbacks prescribed for the Principal Use.

(b) Ground mounted energy systems shall only be permitted in the rear and Side Yards.

(c) The area occupied by a ground mounted Solar Energy System shall be included in the overall site coverage calculation.

(d) The area occupied by a ground mounted Solar Energy System shall not exceed 50 percent of the Building foot print area of the principle Use.

(e) Ground mounted Solar Energy Systems shall not exceed a height of 10 feet above the ground.

(iv) Additional regulations pertaining to parking canopy-mounted solar panels

(a) Parking canopies shall conform to the appropriate parking setbacks.

(b) Parking canopies (including solar panels and all other attachments) shall be no taller than twenty-five (25) feet above the parking surface and shall not exceed the maximum height of building structure requirements for the applicable zoning district.

(c) No signs shall be permitted on parking canopies except those noted in Section 350-48(s)(10)(E)(ii) Exempt Signs.

350-48(s)(13) Solar Energy Systems, Residential

(A) Definition: a system and all associated equipment which converts solar energy into a useable electrical energy, heats water or produces hot air or other similar function through the Use of Solar Panels mounted on a roof, ground rack, or pole, with the primary intention of reducing on-site consumption of utility-supplied electricity.

(B) Use Classification: Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations:

(i) A Residential Solar Energy System is allowed as an Accessory Use to any lawful residential Use in any zoning district in the Township.

(ii) Setback and Lot Coverage Requirements for Residential Solar Energy Systems that are ground mounted.

(a) The minimum front yard Setback shall be equal to the prescribed Setback for the Principal Use. All other Setbacks shall be at least 10 feet.

(b) Yard area devoted to ground mounted systems shall not exceed the lesser of 500 square feet or 10 square feet per every 1000 square feet of Lot Area.

(iii) Height shall be limited as follows:

(a) Freestanding Solar Panels and ground arrays shall not exceed a height of 8 feet above the ground unless the Lot Area exceeds one acre in which the height limit shall not exceed 11 feet.

(b) Solar Panels as a roof top installation. The Solar Panels shall not exceed the height of the roof line on a pitched roof by more than three feet (3'). On a flat roof, the Solar Panels shall be angled such that they are not more than six feet (6') above the roof line.

(iv) A Residential Solar Energy System shall be designed and installed as follows:

(a) Residential Solar Energy Systems shall not block any required travel ways, Parking Areas, and sidewalks.

(b) Glare Control. For Solar Energy Systems proposing more than 15 square feet of Solar Panel area, the applicant shall provide sufficient documentation certifying that glare

control measures are incorporated into the Residential Solar Energy System to mitigate glare impact on adjacent property.

(v) A non-functioning Residential Solar Energy System shall be repaired or replaced within three months of becoming non-functional.

350-48(s)(14) Special Event Venue

(A) Definition: A Primary or Accessory Use, the primary function of which is the hosting of gatherings, weddings, parties, galas and other similar events where large groups of people are gathered, generally involving food, drink and music, and generally having convenient access to outdoor areas. A Special Event Venue may be an Accessory Use to a Single Detached Dwelling, an Agriculture, Horticulture, Nursery Use (including or excluding the raising and keeping of farm animals), or to a Stable, with or without Riding Trails Use.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception																	
Conditional Use	X	X	X								X	X	X	X		X	X

(D) Minimum Off-Street Parking Calculations: 1.0 space per 100 square feet of total floor area, both interior and exterior, of the gathering area to be utilized by staff and guests, PLUS 1 Oversized Off-Street Loading Zone. In the event that there are insufficient Parking Spaces on site to accommodate an event at a Special Event Venue, the required parking may be provided off-site provided that proof (in the form of a license or lease agreement executed by the owner of such other property) is provided to the Zoning Officer no less than thirty (30) days prior to such event that sufficient parking is available.

(E) Additional Regulations: Where so noted in subsection (C) above, the Special Event Venue shall be permitted by Conditional Use approval subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(e):

(i) The applicant shall submit evidence of the size, type and frequency of events to be held at the Venue. Approval of the Conditional Use may be conditioned upon adherence to the information submitted.

(ii) The owner or operator of a Seasonal Event Venue shall not permit any preparation of food or drinking in the Parking Areas.

(iii) To accommodate temporary parking needs for Special Event Venues, Temporary Seasonal Off-Street Parking Areas may be established. The minimum standards of a Temporary Seasonal Off-Street Parking Area shall apply, unless higher standards are imposed as part of the Conditional Use approval.

350-48(s)(15) Sport Court

(A) Definition: A hardscaped area marked with lines upon which tennis squash, basketball or similar recreational activities are played.

(B) Use Classification: Residential, Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations:

(i) Sport courts shall have a permanent open mesh Fence ten (10) feet in height enclosing the entire play area. Such Fence shall comply with Section 350-42(e).

(ii) No artificial illumination specifically installed to illuminate a private sport court shall be permitted.

350-48(s)(16) Stables, with or without Riding Trails

(A) Definition: A use, the primary function of which is the sheltering and feeding of horses or similar riding animals. The use may include the training of riding animals, the instruction of the care and maintenance of riding animals, the instruction of riding said animals, and/or facilities and trails for the exercising and/or riding of said animals, and/or the commercial boarding of riding animals.

(B) Use Classification: Non-Residential or Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary															X		
Accessory	X	X	X												X		
Special Exception	X	X	X														
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: For commercial use: 1.0 oversized space for every four stalls, 1.0 space per employee on the largest shift, and 1.0 space for every two hundred (200) square feet of total Floor Area of retail and/or administrative space, if applicable. For residential use: not applicable.

(E) Additional Regulations:

(i) No part of any Structure housing or intended to house more than two (2) horses may be located within one hundred (100) feet of a Lot Line or two hundred (200) feet of a Dwelling on an adjoining Lot.

(ii) Where so noted in subsection (C) above, the commercial use of a Stable shall be permitted by Special Exception subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(d).

(a) In Residential Zoning Districts, hours of operation shall be restricted to between 8:00 a.m. and 8:00 p.m.

(b) In Residential Zoning Districts, signage shall be subject to Section 350-48(s)(10)(E)(xiii).

350-48(s)(17) Storage Building (Shed)

(A) Definition: An Accessory Building, not otherwise defined by this Ordinance, subordinate to and detached from the Primary Building on the same Lot and used for the storage of items customarily incidental to the Use of property.

(B) Use Classification: Non-Residential, Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations:

(i) For Non-Residential Accessory Storage Buildings, the area of any Storage Building shall not exceed 300 square feet in gross area or exceed fifteen (15) percent of the area of the Building Footprint of the associated Principal Building on the same Lot, whichever is smaller.

(ii) For Residential Accessory Storage Buildings, the total gross Floor Area of residential Accessory Buildings shall not exceed the gross square footage of the principal use. The footprint of any one Accessory Building shall be smaller than the Building Footprint of the principal Dwelling unit.

350-48(s)(18) Stormwater Management Facilities

(A) Definition: None.

(B) Use Classification: Non-Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable

(E) Additional Regulations: None.

350-48(s)(19) Swimming Pool, Portable

(A) Definition: Any Swimming Pool having no rigid support structures and capable of being no more than 42 inches in height above grade when filled.

(B) Use Classification: Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations: None.

350-48(s)(20) Swimming Pool, Residential

(A) Definition: Any Swimming Pool that is accessory to a residence; is not used for commercial purposes; and requires a rigid support structure and/or is capable of being greater than forty-two (42) inches above grade when filled.

(B) Use Classification: Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations: None.

350-48(t)(1) Temporary Construction Site Trailer

(A) Definition: A non-motorized vehicle used only for office facilities or for storage of construction-related equipment or materials.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: A hard paved or stone mud-free Parking Area shall be provided containing one (1) parking stall, 10'x 20' in size for each ten (10) Lots in the subdivision.

(E) Additional Regulations:

(i) Temporary Construction Site Trailers (Pre-Fabricated, Manufactured Housing, or Industrialized Housing type Structures) may be established via the Township permit process, when purposed for an Township-approved construction project.

(a) Temporary Construction Site trailers shall observe the minimum Setback requirements imposed upon the Township approved principal primary use of the subject lot.

(b) Temporary Construction Site trailer permits shall be subject to renewal on a yearly basis.

(c) Temporary Construction Site trailers shall not serve as sleeping quarters.

(d) Temporary Construction Site trailers when used as occupied Contractor, Lease or Sales offices shall be equipped with appropriate skirting or safety fence/mesh material to prevent children and Animals from crawling under said Structure.

(e) A Temporary Construction Site trailer may serve as a temporary lease or sales office until a model housing unit is complete, provided the following criteria are met:

(1) A hard paved or stone (mud-free) driveway and Parking Lot Area shall be provided containing one (1) parking stall, 10'x 20' in size, for each ten (10) Lots in the subdivision. Access Aisles shall be a minimum 20' in width.

(2) A Pennsylvania Department of Transportation Highway Occupancy or Township Street Occupancy Permit shall be required if the Parking Lot Area's driveway accesses such roads.

(3) The temporary sales operation shall only be permitted between 8:00 a.m. and astronomical sunset.

350-48(t)(2) Treatment Center

(A) Definition: An institutional facility with an organized staff providing therapeutic, rehabilitation, counseling, and/or medical treatment and support services for the care of persons who need such facilities, for a period not to exceed one (1) year, because of:

(1) Criminal rehabilitation, such as a criminal halfway house or center for persons convicted of driving under the influence of alcohol; or

(2) Addiction to alcohol and/or a controlled substance.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception														X		X	X
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space per guest room plus calculated spaces for Restaurants; If publicly-accessible meeting rooms are available, 1.0 space per 100 square feet of total Floor Area devoted to the meeting room area; 1 Large parking space for parking areas containing more than 50 Standard spaces; PLUS 1 Large Off-Street Loading Zone if the use is greater than 50,000 square feet in area.

(E) Additional Regulations: Where so noted in subsection (C) above, a Treatment Center shall be permitted by Special Exception subject to the minimum standards and criteria set forth in Section 350-41(d).

(i) That the applicant provide evidence of compliance with all applicable Federal, State or County licensing and requirements.

(ii) That, prior to the issuance of a Certificate of occupancy, the applicant shall fully disclose to the Fire Chief and Emergency Service Responder Authorities the day-to-day operations, level of care, level of staffing, level of security, behavioral management, discharge procedures, and evacuation plans and to provide ample time for Township Emergency Service Providers to be fully trained and have a comfortable level of understanding of the facility.

350-48(u)(1) Utility Support Facility

(A) Definition: A use, the primary function of which is the administration, basing and/or training of personnel and/or the storage and/or maintenance of materials and/or equipment required for the implementation and maintenance of Public Utilities.

(B) Use Classification: Industrial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																X	X
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: 1.0 space per employee on the largest two shifts (or largest shift, if there is no more than one shift), plus 1.0 space for every 100 square feet of meeting room space within the building (if applicable); PLUS 1 Large Off-Street Loading Zone.

(E) Additional Regulations:

- (i) All Outdoor Storage shall be subject to Section 350-48(o)(8).

350-48(v)(1) Veterinarian Office

(A) Definition: A facility operated by one or more state-licensed veterinarians or other licensed practitioners for the examination and treatment of animal ailments. Veterinarian Offices shall treat and house all animals indoors. Any outdoor housing, feeding or sheltering of animals is considered to be a Kennel use.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary	X	X							X		X	X	X	X			X
Accessory																	
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: For Buildings up to 14,999 square feet the parking ratio shall be 1.0 Parking Space provided for each two hundred (200) square feet of “Useable Office Area”. For Buildings 15,000 square feet and larger the parking ratio shall be 1.0 Parking Space provided for each two hundred fifty (250) square feet of “Useable Office Area”; PLUS 1 Large Off-Street Loading Zone if the use is greater than 10,000 square feet in area.

(E) Additional Regulations:

(i) Any buildings, structures or areas within which animals are to be housed, serviced, exercised or kept shall be no less than two-hundred (200) feet from a residential use.

(ii) In Residential Zoning Districts, hours of operation shall be restricted to between 8:00 a.m. and 8:00 p.m.

(iii) In Residential Zoning Districts, signage shall be subject to Section 350-48(s)(10)(E)(xiii).

350-48(w)(1) Warehousing and Distribution

(A) Definition: A use, the primary function of which is the indoor storage of products and materials, and the secondary functions of transfer and distribution of those products and materials on to and off of transportation assets. Ancillary functions may include the processing and packaging of finished products for shipping, inventory control, material handling, order administration, and administrative offices. Warehouse and Distribution Uses are characterized by a ratio of one Loading Dock for every 3,000 square feet or more of total floor area.

(B) Use Classification: Industrial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception																	
Conditional Use																X	

(D) Minimum Off-Street Parking Calculations: 1.0 space per employee on the largest two shifts (or largest shift, if there is no more than one shift) OR 1.0 space per 5,000 square feet of floor area used for warehouse and distribution plus 1.0 space per 250 square feet of floor area used for office space, whichever is greater; PLUS 1.0 Oversized Space for every 3.5 loading docks, and 1.0 (trailer) spaces (55' x 10' in size) per loading dock. The area serving the loading dock does not count as a parking or container space, but does count toward the required Off-Street Loading Zones.

(E) Additional Regulations:

(i) Specific Standards for Conditional Use. Warehousing and Distribution facilities shall comply with and satisfy all of the following specific standards:

(a) Such uses shall require the submission of a transportation impact study of the primary access route(s) between the use and PA Route 309, US Route 22, I-476, or I-78, for that portion of the access route(s) located within South Whitehall Township, as part of the establishment of a new use proposing ten (10) or more loading docks, or the expansion of an existing use that proposes ten (10) or more loading docks (existing and proposed) in the aggregate, or the expansion of an existing use proposing ten (10) or more additional loading docks, cumulatively, since the prior submission of a transportation impact study or the establishment of the use, whichever is applicable. The transportation impact study shall be prepared by a civil engineer licensed to practice in Pennsylvania with experience preparing such studies and shall be prepared in accordance with the Institute of Transportation Engineer's (ITE) Recommended Practice Traffic Access and Impact Studies for Site Development, current edition, and PennDOT Publications "Policies and Procedures for Transportation Impact Studies", 201 and 282, current editions

(b) Such uses shall require the submission of evidence that the proposed new use or expansion of the existing use provides sufficient off-street trailer parking spaces available for pre- and post- loading and unloading activities

(c) Such uses shall require the submission of evidence that the off-street trailer parking spaces are located on concrete or similar deformation-resistant surfaces constructed in a manner that ensures the stability of a fully-loaded trailer stored for an extended period of time

(d) Such uses shall require the submission of evidence that the proposed new use or expansion of the existing use provides sufficient off-street tractor trailer parking spaces available for tractor trailers arriving during non-business hours to prevent tractor-trailers from parking on public streets while waiting for access to the facility

(e) Such uses shall require the submission of evidence that the proposed new use or expansion of the existing use provides sufficient off-street queueing space available at facility entrances to prevent vehicles from queueing on public streets while waiting for access to the facility

(f) Such uses require the submission of written plans, checklists or other measures to deal with the outdoor storage of hazardous materials, either in trailers or other containers, to the Public Safety Commission for their review and advisory recommendation to the Board of Commissioners

(g) Submission of a truck routing map indicating anticipated routes to and from the proposed facility. The aforementioned transportation impact study shall include all anticipated routes shown on the truck routing map submitted by the applicant.

(h) Submission of engineered access/intersection plans and sign package(s) that guide truck movements in a manner consistent with the above mentioned routing map.

(i) Submission of a written description of strategies that will be implemented to reduce gate wait times and free up internal parking spaces at the facility. Such strategies may include electronic data, automated vehicle identification, and equipment tracking technology.

(j) If the facility is located adjacent to an active railroad line, the applicant shall send a written request to the rail line inquiring whether rail service sidings or siding reserve areas are something that the rail line would permit at the subject site. If the rail line will permit rail service sidings or siding reserve areas at the subject site, the applicant shall include same on the plan.

(k) Submission of a written description of the strategy to assure that trucks are able to access the facility at any time of the day or night. This may include key cards, on-duty security and separated secure areas. A plan note containing this description shall also be included on the final, recordable plan.

(l) The site shall have a minimum of one (1) secure truck parking space (outside of the shown dock positions) for each fifty (50) trucks served per day at the facility.

(m) The site shall have driver amenities in each building, including showers, food services, sleeping areas, and entertainment and waiting areas. At least one amenity shall be provided for every twenty-five (25) truck loading/unloading docks/doorways of the use. The size of each such amenity shall be proportionate to the number of loading/unloading docks/doorways, with a minimum area to accommodate six (6) seats and one (1) four-person table.

(n) Submission of plan(s) and/or description identifying pedestrian and/or bicycle accommodations to be incorporated internal and external to the facility. At a minimum, this submission shall include:

(1) Employee bicycle rack;

(2) If the site is located on a public transit route, a public transit stop or an area reserved for a future public transit stop, as may be determined by the serving transit authority;

(3) Sidewalks along the perimeter of the subject property where the perimeter is bounded by roads;

(4) An employee gathering space internal to the site which shall be at least 1,200 square feet in size for every twenty-five (25) truck loading/unloading docks/doorways. The employee gathering space shall not be the same area as the driver amenity area.

(5) Development of a defined internal pedestrian network.

(o) Submission of a written description of strategies that the facility will use to shift truck traffic from the most congested peak hours of traffic to off-peak hours. These strategies may include extending or modifying facility operating hours.

(p) Submission of a written description of strategies that the facility will use to prevent trucks from idling for extended periods, including facility policies, provision of sleeping facilities or electrical power hook-ups.

350-48(w)(2) Waste to Energy Facility

(A) Definition: A use, the primary function of which is the burning of waste material to produce electrical energy. Also known as “Energy Resource Recovery” facilities.

(B) Use Classification: Industrial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception																	
Conditional Use																X	

(D) Minimum Off-Street Parking Calculations: 1.0 space per employee on the largest two shifts (or largest shift, if there is no more than one shift) OR 1.0 space per 1,000 square feet of total floor area, whichever is greater; PLUS 1.0 Oversized Space for every 5 loading docks (or fraction thereof), and 1.0 (trailer) spaces (55’ x 10’ in size) for every 5 loading docks (or fraction thereof). The area serving the loading dock does not count as a parking or container space, but does count toward the required Off-Street Loading Zones.

(E) Additional Regulations: Where so noted in subsection (C) above, a Waste to Energy Facility shall be permitted by Conditional Use review and approval subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(e):

(i) Such sites or facilities shall submit copies of any permits, letters of approval, air or water testing or monitoring reports, or like type documentation that demonstrates compliance with applicable federal and state rules, regulations and requirements, and with the requirements of any Solid Waste Management Ordinance enacted by South Whitehall Township;

(ii) A fifty (50) yard Buffer zone shall be established adjacent to the perimeter Lot lines upon which no solid wastes shall be deposited or stored;

(iii) Within the required Buffer zone, two parallel rows of dense shrubbery six (6) feet high set three (3) feet apart, as well as trees, shrubs and other suitable vegetation, shall be planted and landscaping provided in a manner acceptable to the Township Shade Tree Commission to fully obscure any view of the site or facility from public roadways and adjacent public or private properties, and to maintain, preserve and enhance the environmental integrity of the surrounding area;

(iv) Such sites or facilities shall be completely enclosed by chain-link fencing, or such other durable fencing as approved by the Township, which fencing shall be no less than six (6) feet in height but which shall not exceed a maximum height limitation of eight (8) feet. All fencing shall be set back at least forty-five (45) feet from a Lot line.

(v) The Buffering and fencing requirements of subsection (iv) immediately above shall be deemed inapplicable to facilities utilized solely for the storage and transfer of clean recyclables approved as to content by the Township.

(vi) No site or facility shall be permitted or established on any portion of a site which is subject to flooding, chronic wetness or is located within a Flood plain, flood fringe or in areas where continuous or Intermittent contact occurs between solid waste and the ground water table;

(vii) The disposal of sewage and hazardous wastes in any form shall be prohibited at any such site or facility (however, nothing herein stated shall preclude the proper application of nonhazardous sewage sludge from a waste water treatment plant to agricultural land for agricultural purposes if such application is approved by the Commonwealth Department of Environmental Protection);

(viii) Such sites and facilities shall be operated and maintained in such manner so as to prevent health hazards, environmental degradation, the attraction, harborage or breeding of insects, rodents, vectors, and to eliminate conditions which create safety hazards, odors, dust, unsightliness, excessive noise, toxic or obnoxious fumes, public nuisances, or impose a hardship on adjoining property owners or result in an undue burden upon the Township, its municipal services and infrastructure;

(ix) All equipment shall be stored inside totally enclosed Buildings;

(x) No solid wastes shall be stored outdoors or in such a manner as to permit dispersal or exposure to the natural elements;

(xi) Access to any such site or facility shall be limited in the following manner:

(a) Access to the site or facility shall be limited to normal operating hours. Attendants shall be present at the site during all operating hours.

(b) A gate or barrier as approved by the Township at the entrance to the site or facility shall be erected to block access to the site or facility.

(c) Normal operating hours for all sites or facilities (excepting incinerators) and normal delivery hours of all sites or facilities during weekdays shall be from 7:30 A.M. to 4:30 P.M. and on weekends from 7:00 A.M. to noon on Saturdays. No waste deliveries shall be permitted at any other time. Additionally, the site or facility shall be closed on Christmas Day, New Year's Day, Thanksgiving Day, Good Friday, Labor Day, Memorial Day, and Fourth of July. Incinerators shall be permitted to operate in excess of the time limitations set forth in this subparagraph (3); however, waste deliveries shall be limited to the times set forth herein.

(d) Hours of operation and other limitations regarding access to the site or facility shall be prominently displayed on a Sign at the entrance. The Sign shall have a minimum size of three (3) feet by four (4) feet and a maximum of twenty (20) square feet.

(e) Access shall be limited to collection vehicles bearing identification stickers issued by the Township. Such stickers shall be plainly visible on all vehicles admitted to the facility. Access by unauthorized vehicles or persons shall be prohibited.

(f) Operators shall upon request provide access keys to the facility for emergency personnel.

(xii) Measures and procedures to prevent and minimize fire hazards shall be established and practiced at the site or facility (which measures the procedures shall be not less stringent than the Township fire prevention ordinance or regulations) including, among other, the following measures and procedures:

(a) Water of adequate volume and pressure, as determined by the Township Engineer after consultation with the Township Manager, to supply water hose streams, or foam

producing equipment or water spray systems, as well as necessary equipment, compatible with local fire department equipment, such as hoses, nozzles, and pumps for minimizing fire hazards, shall be available at the site.

(b) Telephone or radio communication shall be located at the site or facility, and shall be readily available or accessible. Furthermore, a list of all emergency numbers shall be provided for the plant operators. The Township shall be provided with information noting the names, addresses, and phone numbers of the appropriate plant officials to be contacted in case of an emergency.

(xiii) The site or facility shall be adequately policed, and adequate provision shall be made to prevent the dispersal or accumulation of any litter on or off site, and to prevent dust, fumes or debris from interrupting, hampering or obstructing operations at the site or facility or from causing health or safety hazards or public nuisances.

(xiv) Any burning or incineration process shall be equipped with adequate air pollution and emissions control devices and equipment to prevent any degradation of the quality or integrity of the environment below standards now or hereafter enacted in the Solid Waste Management Program of South Whitehall Township.

(xv) The operator of such site or facility shall take appropriate measures to guarantee that all waste materials shall remain within the transportation vehicles utilizing or transporting solid waste to or from the site or facility.

(xvi) No site or facility shall be operated which does not conform with any applicable state or federal laws, regulations and requirements regarding air pollution and emissions control or the protection and preservation of streams, waterways or any natural resources.

(xvii) Truck traffic and truck access to any such site or facility shall be arranged so as to minimize danger to or the interruption of normal traffic flow and so as to prevent any nuisance to adjacent or surrounding properties.

(xviii) Every facility having or generating residues, residual wastes or other wastes as a result of the conduct or operation of such facility, shall submit evidence of effective and binding contractual agreements with sites that are properly permitted by the appropriate state's regulatory agency, for the proper disposal of any such wastes, where the wastes will not or cannot be stored, or disposed of on-site.

350-48(w)(3) Waste Treatment Facility

(A) Definition: A use, the primary function of which is the receiving, storage, transfer, treatment, processing, recycling and/or disposal of waste material, unless better defined elsewhere in this Ordinance.

(B) Use Classification: Industrial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception																	
Conditional Use																X	

(D) Minimum Off-Street Parking Calculations: 1.0 space per employee on the largest two shifts (or largest shift, if there is no more than one shift) OR 1.0 space per 250 square feet of total floor area, whichever is greater; PLUS three (3) oversized spaces per loading dock.

(E) Additional Regulations: Where so noted in subsection (C) above, a Waste Treatment Facility shall be permitted by Conditional Use review and approval subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(e):

(i) Such sites or facilities shall submit copies of any permits, letters of approval, air or water testing or monitoring reports, or like type documentation that demonstrates compliance with applicable federal and state rules, regulations and requirements, and with the requirements of any Solid Waste Management Ordinance enacted by South Whitehall Township;

(ii) A fifty (50) yard Buffer zone shall be established adjacent to the perimeter Lot lines upon which no solid wastes shall be deposited or stored;

(iii) Within the required Buffer zone, two parallel rows of dense shrubbery six (6) feet high set three (3) feet apart, as well as trees, shrubs and other suitable vegetation, shall be planted and landscaping provided in a manner acceptable to the Township Shade Tree Commission to fully obscure any view of the site or facility from public roadways and adjacent public or private properties, and to maintain, preserve and enhance the environmental integrity of the surrounding area;

(iv) Such sites or facilities shall be completely enclosed by chain-link fencing, or such other durable fencing as approved by the Township, which fencing shall be no less than six (6) feet in height but which shall not exceed a maximum height limitation of eight (8) feet. All fencing shall be set back at least forty-five (45) feet from a Lot line.

(v) The Buffering and fencing requirements of subsection (iv) immediately above shall be deemed inapplicable to facilities utilized solely for the storage and transfer of clean recyclables approved as to content by the Township.

(vi) No site or facility shall be permitted or established on any portion of a site which is subject to flooding, chronic wetness or is located within a Flood plain, flood fringe or in areas where

continuous or Intermittent contact occurs between solid waste and the ground water table;

(vii) The disposal of sewage and hazardous wastes in any form shall be prohibited at any such site or facility (however, nothing herein stated shall preclude the proper application of nonhazardous sewage sludge from a waste water treatment plant to agricultural land for agricultural purposes if such application is approved by the Commonwealth Department of Environmental Protection);

(viii) Such sites and facilities shall be operated and maintained in such manner so as to prevent health hazards, environmental degradation, the attraction, harborage or breeding of insects, rodents, vectors, and to eliminate conditions which create safety hazards, odors, dust, unsightliness, excessive noise, toxic or obnoxious fumes, public nuisances, or impose a hardship on adjoining property owners or result in an undue burden upon the Township, its municipal services and infrastructure;

(ix) All equipment shall be stored inside totally enclosed Buildings;

(x) No solid wastes shall be stored outdoors or in such a manner as to permit dispersal or exposure to the natural elements;

(xi) Access to any such site or facility shall be limited in the following manner:

(a) Access to the site or facility shall be limited to normal operating hours.

Attendants shall be present at the site during all operating hours.

(b) A gate or barrier as approved by the Township at the entrance to the site or facility shall be erected to block access to the site or facility.

(c) Normal operating hours for all sites or facilities (excepting incinerators) and normal delivery hours of all sites or facilities during weekdays shall be from 7:30 A.M. to 4:30 P.M. and on weekends from 7:00 A.M. to noon on Saturdays. No waste deliveries shall be permitted at any other time. Additionally, the site or facility shall be closed on Christmas Day, New Year's Day, Thanksgiving Day, Good Friday, Labor Day, Memorial Day, and Fourth of July. Incinerators shall be permitted to operate in excess of the time limitations set forth in this subparagraph (3); however, waste deliveries shall be limited to the times set forth herein.

(d) Hours of operation and other limitations regarding access to the site or facility shall be prominently displayed on a Sign at the entrance. The Sign shall have a minimum size of three (3) feet by four (4) feet and a maximum of twenty (20) square feet.

(e) Access shall be limited to collection vehicles bearing identification stickers issued by the Township. Such stickers shall be plainly visible on all vehicles admitted to the facility. Access by unauthorized vehicles or persons shall be prohibited.

(f) Operators shall upon request provide access keys to the facility for emergency personnel.

(xii) Measures and procedures to prevent and minimize fire hazards shall be established and practiced at the site or facility (which measures the procedures shall be not less stringent than the Township fire prevention ordinance or regulations) including, among other, the following measures and procedures:

(a) Water of adequate volume and pressure, as determined by the Township Engineer after consultation with the Township Manager, to supply water hose streams, or foam producing equipment or water spray systems, as well as necessary equipment, compatible with local fire department equipment, such as hoses, nozzles, and pumps for minimizing fire hazards, shall be

available at the site.

(b) Telephone or radio communication shall be located at the site or facility, and shall be readily available or accessible. Furthermore, a list of all emergency numbers shall be provided for the plant operators. The Township shall be provided with information noting the names, addresses, and phone numbers of the appropriate plant officials to be contacted in case of an emergency.

(xiii) The site or facility shall be adequately policed, and adequate provision shall be made to prevent the dispersal or accumulation of any litter on or off site, and to prevent dust, fumes or debris from interrupting, hampering or obstructing operations at the site or facility or from causing health or safety hazards or public nuisances.

(xiv) Any burning or incineration process shall be equipped with adequate air pollution and emissions control devices and equipment to prevent any degradation of the quality or integrity of the environment below standards now or hereafter enacted in the Solid Waste Management Program of South Whitehall Township.

(xv) The operator of such site or facility shall take appropriate measures to guarantee that all waste materials shall remain within the transportation vehicles utilizing or transporting solid waste to or from the site or facility.

(xvi) No site or facility shall be operated which does not conform with any applicable state or federal laws, regulations and requirements regarding air pollution and emissions control or the protection and preservation of streams, waterways or any natural resources.

(xvii) Truck traffic and truck access to any such site or facility shall be arranged so as to minimize danger to or the interruption of normal traffic flow and so as to prevent any nuisance to adjacent or surrounding properties.

(xviii) Every facility having or generating residues, residual wastes or other wastes as a result of the conduct or operation of such facility, shall submit evidence of effective and binding contractual agreements with sites that are properly permitted by the appropriate state's regulatory agency, for the proper disposal of any such wastes, where the wastes will not or cannot be stored, or disposed of on-site.

350-48(w)(4) Wholesale Sales

(A) Definition: Establishments engaged primarily in selling and/or renting merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling and/or merchandise to, such individuals or companies, but not excluding related retail sales and/or rental which comprise less than 25% of their business activities. May also include ancillary incidental manufacturing or assembly required to support the wholesaling use.

(B) Use Classification: Commercial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary											X	X	X	X		X	X
Accessory																	
Special Exception											X*	X*	X*	X*			
Conditional Use																	

* See additional regulations below.

(D) Minimum Off-Street Parking Calculations: 1.0 space per employee on the largest two shifts (or largest shift, if there is no more than one shift), 1.0 space for every two hundred (200) square feet of total Floor Area open to the public, PLUS three (3) oversized spaces per loading dock, PLUS 1 Oversized Off-Street Loading Zone for every 25,000 square feet of use area.

(E) Additional Regulations: Where so noted in subsection (C) above, Wholesale Sales uses greater than 75,000 square feet in total Floor Area shall be permitted by Special Exception subject to the minimum standards and criteria set forth in Section 350-41(d).

350-48(w)(5) Wind Energy Facility

(A) Definition: An electric generation facility whose main purpose is to supply electricity, consisting of one or more wind energy systems and other ancillary Structures and Buildings, with the primary intention of the producing electricity on-site and transmitting it off-site. The term does not include Small Wind Energy Systems constructed primarily for Use on site as an Accessory Use.

(B) Use Classification: Industrial

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory																	
Special Exception																	
Conditional Use																	X

(D) Minimum Off-Street Parking Calculations: 1.0 space per employee on the largest two shifts (or largest shift, if there is no more than one shift) or 2.0 spaces, whichever is greater, PLUS 1.0 oversized space.

(E) Additional Regulations: Where so noted in subsection (C) above, a Wind Energy Facility shall be permitted by Conditional Use review and approval subject to the following minimum standards and criteria, in addition to those set forth in Section 350-41(e):

(i) Eligibility Requirements.

(a) In order for a Lot(s) to be eligible for a Wind Energy Facility it shall be located in the Industrial Zoning District and shall have a minimum Lot size derived as follows: (2 acres x number of Wind Turbines) + 18 acres = minimum Lot size

(b) The minimum Lot size may be broken into multiple contiguous Lots, each under separate ownership, if all of the Wind Energy Facilities are to be owned, operated and maintained by one facility owner.

(ii) Setback and Separation Requirements.

(a) Wind turbines shall be Setback from the nearest occupied Building on site 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 foundation of the occupied Building.

(b) Wind turbines shall be set back from the nearest occupied Building located on a neighboring property a distance of not less than five times the Turbine Height measured from the center of the Wind Turbine base to the nearest point on the foundation of the occupied Building. This Setback shall not apply to property owners who have negotiated Easements and/or an agreement with the turbine Developer to become a participating land owner or not have the Setbacks and noise provisions apply to their property.

(c) Lot Lines. All Wind Turbines shall be set back from the nearest Lot Line a distance of not less than the greater of the maximum Setback requirements for that zoning

classification where the turbine is located or 1.1 times the Turbine Height, whichever is greater. The Setback distance shall be measured to the center of the Wind Turbine base.

(d) Separation of Towers. Towers shall be separated by a distance at least equal to 15 times the largest blade diameter. A blade diameter is the diameter the blade covers circle wise.

(e) Public roads. All Wind Turbines shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the Right-of-Way Line of the nearest public road to the center of the Wind Turbine base.

(f) Wetlands. All Wind Turbines shall be set back a distance of 1000 feet from any wetlands listed on the Township Comprehensive Plan Natural Resources Map 5-1.

(iii) Design and Installation. Wind Energy Facilities shall be designed and installed as follows:

(a) Design safety certification. The design of the Wind Energy Facility 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 Energy, or other similar certifying organization(s).

(b) Visual appearance. Wind Turbines and poles shall not be of colors that are not based upon shades of blue, black, or grey, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

(c) 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.

(d) On-site transmission and power lines between Wind Turbines, to the maximum extent possible, be placed underground.

(iv) Warnings and safety measures.

(a) A clearly visible warning Sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

(b) 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 10 feet from the ground.

(c) Caution signs shall be placed at the Setback limits warning of ice and blade throws. Signs shall be placed at one-hundred-foot intervals and be four feet to six feet high (eye level). Said signs shall be a minimum of one square foot and no larger than two square feet in size and shall have the words "Caution: Falling Objects" printed thereon. In addition, the owner's and/or operator's name and current address shall be printed thereon.

(d) Wind turbines shall not be climbable up to 15 feet above ground surface.

(e) All access doors to the Wind Energy Facility and electrical equipment shall be locked or Fenced, as appropriate, to prevent entry by non-authorized persons.

(f) Blade clearance. The minimum distance between the ground and any protruding blade(s) utilized on all Wind Turbines shall be 15 feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where oversized vehicles might travel.

(v) Agreements for Operational Standards shall be required at the discretion of the South Whitehall Township Board of Commissioners to address the following:

(a) Use of public roads.

(1) The applicant shall identify all state and Local public roads to be used within South Whitehall Township to transport equipment and parts for construction, operation or maintenance of the Wind Energy Facility.

(2) The Township Engineer, or a qualified third-party Engineer hired by the Township and paid for by the applicant, shall document road conditions prior to construction. The Engineer shall document road conditions again 30 days after construction is complete or as weather permits.

(3) The Township may bond the road in compliance with state regulations.

(4) Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.

(5) The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

(b) Noise.

(1) Audible sound from a Wind Energy Facility measured at the exterior of any occupied Building on a non-participating Landowner’s property within 1.25 miles of the Wind Turbine shall not exceed the ambient noise level by 5dB(A) OR the dB(A) limits referenced in the table below, whichever is less:

Character Type and Zoning District	Daytime and Evening Limit (7:00 AM – 10:00 PM)	Night Limit (10:00 PM – 7:00AM)
Rural (RR-3, RR-2, R-R, and NC that abuts RR-3, RR-2 or RR)	35db(A)	25db(A)
Low Density Residential (R2, R3)	40db(A)	30db(A)
Medium/High Density Residential/Nonresidential (R4, R5, R10, NC, HC, GC, GC-1, OC, I, IC-1, HC-1, CR)	45db(A)	35db(A)

(2) Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in the current American Wind Energy Association Standard 9.1 and by reference, the latest edition of the International Electrical Code 61400-11 ed.2. The municipality may grant a partial waiver of such standards where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest.

(3) The existing ambient noise level is to be established according to ANSI S350-18-1994 with a sound meter that meets or exceeds ANSI.4-1983 specifications for a Type I sound meter. The measured existing ambient noise level must be included in the Conditional Use application.

(c) Shadow Flicker. The facility owner and operator shall make reasonable efforts to minimize Shadow Flicker to any occupied Building on a neighboring property.

(d) Signal interference. 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 Wind Energy Facility. The applicant shall test signal reception at occupied Buildings within a one-mile radius of any proposed Wind Turbine prior to construction. During a time period of 30 days to 60 days post-construction, signal reception shall be tested again at the same Buildings tested prior. Any significant signal degradation shall be corrected by the applicant.

(e) Liability insurance. There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1,000,000 per occurrence and \$1,000,000 in the aggregate. Certificates shall be made available to South Whitehall Township upon request.

(f) Public inquiries. The facility owner and operator shall maintain on file with the Township a phone number and identify a responsible person for the public to contact with inquiries and complaints available 24 hours a day, seven days a week throughout the life of the project. If there is a mechanical failure or possible ordinance violation, the facility owner or operator shall begin to correct the problem within 24 hours and have it corrected within 10 business days from the time of the complaint or inquiry was received. If the problem has not been corrected within the 10 business days, the Township may, at its discretion, instruct the facility owner and/or operator to shut down the affected Wind Turbine until a repair or correction is made to eliminate the problem.

(g) Waste management. All solid waste, whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the facility, including old parts and equipment, shall be removed from the site in a timely manner consistent with industry standards. All hazardous waste generated by the operation and maintenance of the facility, including but not limited to lubricating materials, shall be handled in a manner consistent with all local, state and federal rules and regulations.

(vi) A Decommissioning Agreement Plan shall be required at the discretion of the South Whitehall Township Board of Commissioners and shall address the following:

(a) The facility owner and operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within 12 months after the end of the useful life of the facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will presume to be at the end of its or their useful life if no electricity is generated for a continuous period of 12 months.

(b) Decommissioning shall include removal of Wind Turbines, Buildings, cabling, electrical components, access roads, foundations to a depth of 36 inches, and any other associated facilities.

(c) Disturbed earth shall be graded, reseeded and/or reforested to reclaim the site back to its predevelopment condition, unless the Landowner requests in writing and approval granted by the Board of Commissioners that the access roads or other land surface areas not be restored.

(d) An independent and certified professional Engineer shall be retained by South Whitehall Township at the cost of the property owner or operator 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.

(e) The facility owner or 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 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.

(f) 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.

(g) If the facility owner or operator fails to complete decommissioning within the period prescribed by subsection (a) above, then the Landowner shall have six months to complete decommissioning.

(h) If neither the facility owner or operator nor the Landowner complete decommissioning within the periods prescribed by subsection (a) above and subsection (g) immediately above, 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 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 at owner, operator and/or Landowners expense.

(i) The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed or upon written request of the municipality in order to implement the decommissioning plan.

350-48(w)(6) Wind Energy Systems, Small Free- Standing

(A) Definition: A wind energy conversion system consisting of a Wind Turbine mounted on a tower, associated control or conversion electronics, which has a rated capacity of not more than 60 kilowatts (kW) and is intended to primarily reduce on-site consumption of utility-supplied electricity.

(B) Use Classification: Agricultural, Non-Residential, Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X									X		X	X	X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable

(E) Additional Regulations:

(i) Non-Residential Small Wind Energy System General Regulations

(a) A property on which a Small Wind Energy System is proposed to be located must have a permitted Principal Use which would be drawing electricity from said Small Wind Energy System.

(b) Wind Turbine Free-standing systems eligibility, Setback, and height requirements.

(1) The Lot shall be at least three acres in size and located in an Industrial, Commercial Recreation, Highway Commercial – 1 (Special Height Limitation), General Commercial – 1 (Special Height Limitation), or Industrial-Commercial - 1 zoning district.

(2) The Lot shall be permitted to have one Small Wind Energy System involving a Wind Turbine attachment to a freestanding tower. One additional tower shall be permitted if the Lot is 35 acres or larger in size. Wind turbines may only be attached to freestanding towers.

(3) All Small Wind Energy Systems involving Wind Turbine attachment to a freestanding tower shall meet the requirements for Setbacks, height, design and installation, warnings and safety measures, noise and nuisance mitigation, and decommissioning pursuant to subsection (ii) immediately below.

(ii) Residential Small Wind Energy System General Regulations

(a) A Lot on which a Small Wind Energy System is proposed to be located shall have a permitted Principal Use that would be drawing electricity from said Small Wind Energy System.

(b) Wind Turbine Free-standing systems eligibility, Setback, and height requirements.

(1) The Lot shall be located in the Rural Residential RR-3, Rural Residential RR-2, or Rural Residential and Agricultural RR zoning district and be at least three acres in size.

(2) A Setback distance equal to 1.1 times the Turbine Height shall be required from all Lot Lines.

(3) A Setback distance equal to 1.1 times the total height shall be required from any travel ways to include but not limited to Driveways, parking Lots, nature trails or sidewalks.

(4) A Setback distance equal to 1.1 times the total height shall be required from any public road Right-of-Way way, unless written permission is granted by the Governmental entity with jurisdiction over the road.

(5) A Setback distance of at least 250 feet from the nearest occupied Building on a neighboring property at the time of turbine installation shall be required.

(6) The Setback shall be measured to the center of the tower's base to the nearest point of any given limitation described herein.

(d) Small Wind Energy System height shall be limited as follows:

<u>Lot Size (acres)</u>	<u>Height (feet)</u>
3 to 4.99	80
5 and greater	130

(e) Small Wind Energy Systems shall be designed and installed as follows:

(1) Design safety certification. The design of the Wind Energy Facility 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 Energy, or other similar certifying organization(s)

(2) Wind Turbines and poles shall not be of colors that are not based upon shades of blue, black, or grey, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

(3) Small Wind Energy Systems shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

(4) On-site transmission and power lines between Wind Turbines, to the maximum extent possible, be placed underground

(5) Utility Notification. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer owned generator. Off-grid systems shall be exempt from this requirement.

(6) The turbine shall include automatic devices to address high speed winds, such as mechanical brakes and overspeed controls.

(f) Warnings and safety measures.

(1) A clearly visible warning Sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

(2) Small Wind Energy Systems shall not be climbable up to 15 feet above ground surface.

(3) All access doors to Small Wind Energy Systems and electrical equipment shall be locked or Fenced, as appropriate, to prevent entry by non-authorized persons.

(4) Blade clearance. The minimum distance between the ground and any protruding blade(s) utilized on all Wind Turbines shall be 15 feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where oversized vehicles might travel.

(g) Noise and Nuisances.

(1) Audible sound from a Small Wind Energy System shall not exceed 5 dBA above the ambient noise level measured at the exterior of any occupied Building on a nonparticipating Landowner's property.

(2) Methods for measuring and reporting acoustic emissions from Wind Turbines and the small wind energy system shall be equal to or exceed the minimum standards for precision described in AWEA Standard 9.1 – 2009 and by reference, the latest edition of the IEC 61400-11 ed.2. The municipality may grant a partial waiver of such standards where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest.

(3) The existing ambient noise level is to be established according to ANSI S350-18-1994 with a sound meter that meets or exceeds ANSI.4-1983 specifications for a Type I sound meter.

(4) Shadow/Flicker: Small Wind Energy Systems shall be sited in a manner that does not result in significant Shadowing or Flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring properties or adjacent uses either through positioning or mitigation.

(h) Decommissioning.

(1) A Small Wind Energy System that is out of service for a continuous twelve-month period will be deemed to have been abandoned. The Zoning Officer may issue a notice of abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The owner shall have the right to respond to the notice of abandonment within 30 days from notice receipt date. The Zoning Officer shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the Small Wind Energy System has not been abandoned.

(2) If the Small Wind Energy System is determined to be abandoned, the owner of a Small Wind Energy System shall remove the wind generator and the tower at the owner's sole expense within three months of receipt of notice of abandonment. If the owner fails to remove the wind generator from the tower, the Zoning Officer may pursue a legal action to have the wind generator removed at the owner's expense.

350-48(w)(7) Wind Energy Systems, Small Roof-Mounted

(A) Definition: A wind energy conversion system consisting of a Wind Turbine or a series of Wind Turbines mounted on a roof-top, associated control or conversion electronics, which has a rated capacity of not more than 60 kilowatts (kW) and is intended to primarily reduce on-site consumption of utility-supplied electricity.

(B) Use Classification: Non-Residential, Residential

(C) Where Permitted:

Zoning District	RR-3	RR-2	RR	R-2	R-3	R-4	R-5	R-10	NC	OC	GC	GC-1	HC	HC-1	CR	IC-1	I
Primary																	
Accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Special Exception																	
Conditional Use																	

(D) Minimum Off-Street Parking Calculations: Not Applicable.

(E) Additional Regulations:

(i) Non-Residential Small Wind Energy System General Regulations

(a) A property on which a Small Wind Energy System is proposed to be located must have a permitted Principal Use which would be drawing electricity from said Small Wind Energy System.

(b) Wind Turbine Roof Mounted Systems are permitted as an Accessory Use in all zoning districts.

(ii) Residential Small Wind Energy System General Regulations

(a) A Lot on which a Small Wind Energy System is proposed to be located shall have a permitted Principal Use that would be drawing electricity from said Small Wind Energy System.

(b) Wind Turbine Roof Mounted Systems are permitted as an Accessory Use in all zoning districts.

(c) Small Wind Energy Systems shall be designed and installed as follows:

(1) Design safety certification. The design of the Wind Energy Facility 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 Energy, or other similar certifying organization(s)

(2) Wind Turbines and poles shall not be of colors that are not based upon shades of blue, black, or grey, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

(3) Small Wind Energy Systems shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

(4) On-site transmission and power lines between Wind Turbines, to the maximum extent possible, be laced underground

(5) Utility Notification. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer owned generator. Off-grid systems shall be exempt from this requirement.

(6) The turbine shall include automatic devices to address high speed winds, such as mechanical brakes and overspeed controls.

(d) Warnings and safety measures.

(1) A clearly visible warning Sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

(2) Small Wind Energy Systems shall not be climbable up to 15 feet above ground surface.

(3) All access doors to Small Wind Energy Systems and electrical equipment shall be locked or Fenced, as appropriate, to prevent entry by non-authorized persons.

(4) Blade clearance. The minimum distance between the ground and any protruding blade(s) utilized on all Wind Turbines shall be 15 feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where oversized vehicles might travel.

(e) Noise and Nuisances.

(1) Audible sound from a Small Wind Energy System shall not exceed 5 dBA above the ambient noise level measured at the exterior of any occupied Building on a nonparticipating Landowner's property.

(2) Methods for measuring and reporting acoustic emissions from Wind Turbines and the small wind energy system shall be equal to or exceed the minimum standards for precision described in AWEA Standard 9.1 – 2009 and by reference, the latest edition of the IEC 61400-11 ed.2. The municipality may grant a partial waiver of such standards where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest.

(3) The existing ambient noise level is to be established according to ANSI S350-18-1994 with a sound meter that meets or exceeds ANSI.4-1983 specifications for a Type I sound meter.

(4) Shadow/Flicker: Small Wind Energy Systems shall be sited in a manner that does not result in significant Shadowing or Flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring properties or adjacent uses either through positioning or mitigation.

(f) Decommissioning.

(1) A Small Wind Energy System that is out of service for a continuous twelve-month period will be deemed to have been abandoned. The Zoning Officer may issue a notice of abandonment to the owner of a small wind energy system that is deemed to have been abandoned.

The owner shall have the right to respond to the notice of abandonment within 30 days from notice receipt date. The Zoning Officer shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the Small Wind Energy System has not been abandoned.

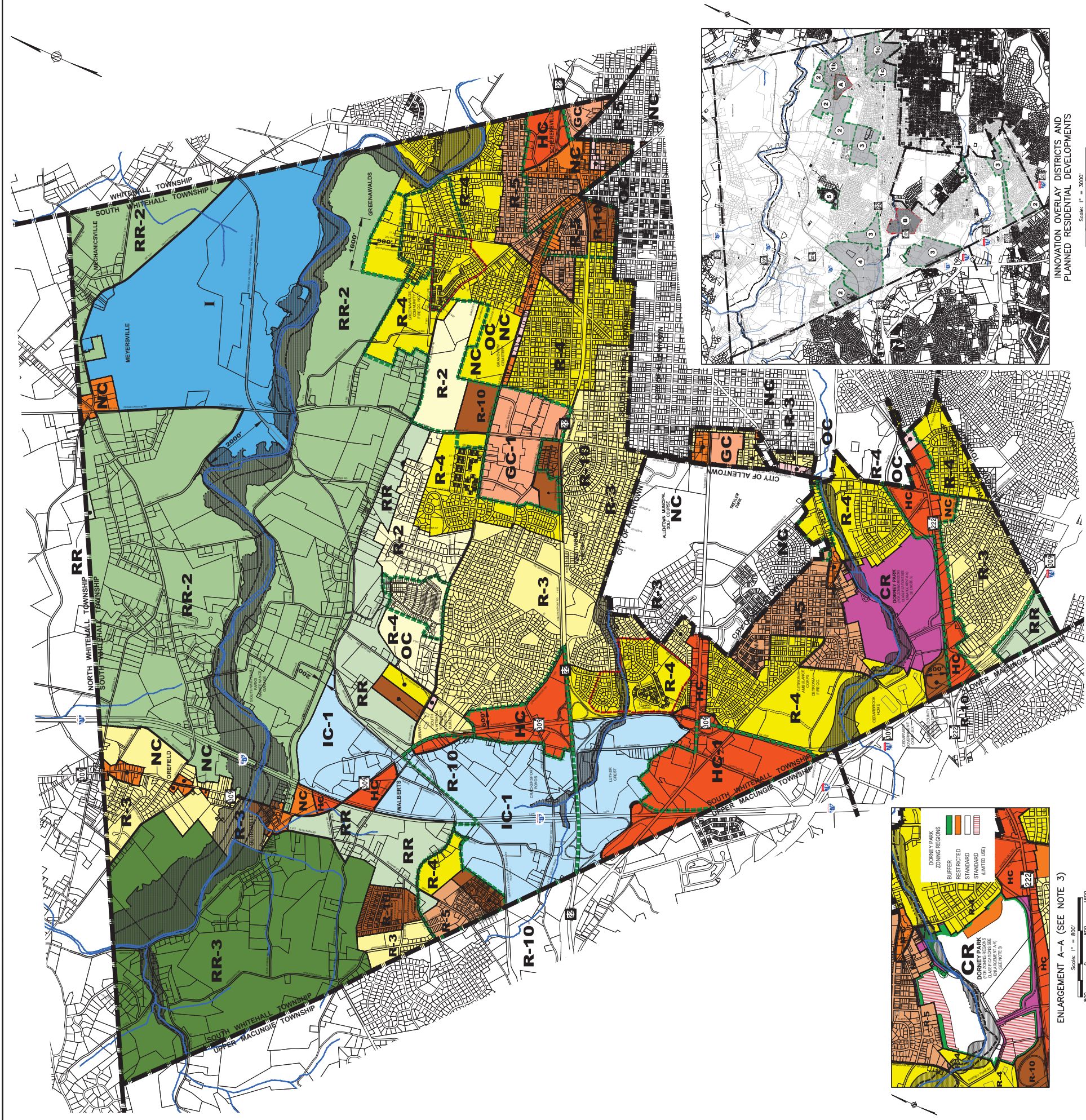
(2) If the Small Wind Energy System is determined to be abandoned, the owner of a Small Wind Energy System shall remove the wind generator and the tower at the owner's sole expense within three months of receipt of notice of abandonment. If the owner fails to remove the wind generator from the tower, the Zoning Officer may pursue a legal action to have the wind generator removed at the owner's expense.

APPENDIX

A-Zoning District Map with Innovation Overlay Districts

B- Official Map of South Whitehall Township

C- Manual of Written and Graphic Design Standards



ENLARGEMENT A-A (SEE NOTE 3)
Scale: 1" = 800'

ZONING DISTRICTS

RESIDENTIAL

- RR-3 RURAL RESIDENTIAL-3
- RR-2 RURAL RESIDENTIAL-2
- RR RURAL RESIDENTIAL AND AGRICULTURAL
- R-2 LOW DENSITY RESIDENTIAL
- R-3 LOW DENSITY RESIDENTIAL
- R-4 MEDIUM DENSITY RESIDENTIAL
- R-5 MEDIUM DENSITY RESIDENTIAL
- R-10 HIGH DENSITY RESIDENTIAL

INDUSTRIAL

- IC-1 INDUSTRIAL-COMMERCIAL-SPECIAL HEIGHT LIMITATION
- I INDUSTRIAL

COMMERCIAL

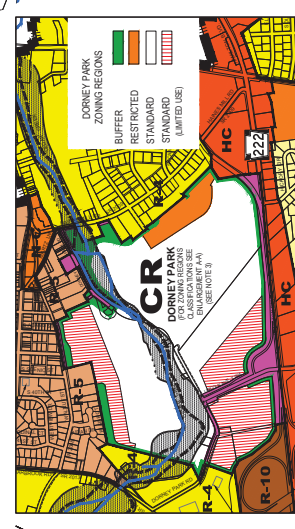
- HC HIGHWAY COMMERCIAL
- HC-1 NEIGHBORHOOD COMMERCIAL-SPECIAL HEIGHT LIMITATION
- NC NEIGHBORHOOD COMMERCIAL
- GC GENERAL COMMERCIAL
- GC-1 GENERAL COMMERCIAL-SPECIAL HEIGHT LIMITATION
- CR COMMERCIAL RECREATION
- OC OFFICE COMMERCIAL

LEGEND

- 100-YEAR FLOODPLAIN - SEE NOTE 5

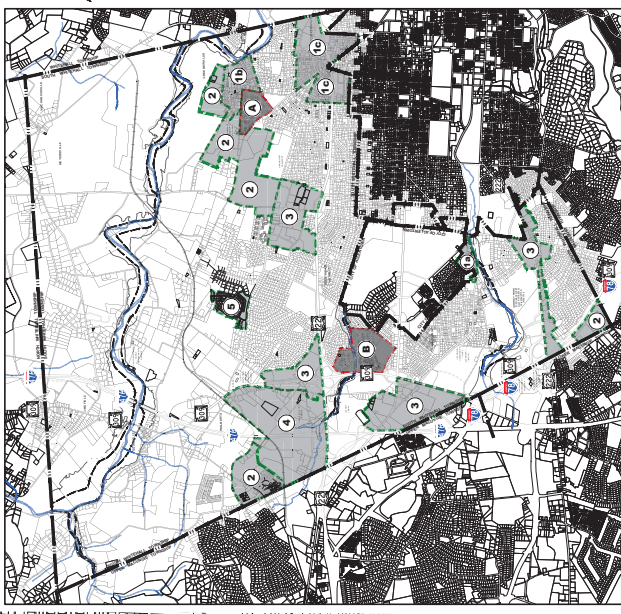
INNOVATION OVERLAY DISTRICTS AND PLANNED RESIDENTIAL DEVELOPMENTS

- INNOVATION OVERLAY DISTRICTS (SEE NOTE 2)
- PLANNED RESIDENTIAL DEVELOPMENTS

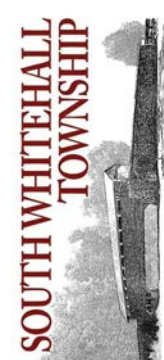


- NOTES**
- THE BACKGROUND DATA SHOWN WITHIN THE PARCEL BOUNDARIES, RIGHT-OF-WAYS AND MUNICIPAL BOUNDARY WAS OBTAINED FROM AND IS SOLELY BASED UPON THE DATA PROVIDED BY THE LEHIGH VALLEY PLANNING COMMISSION IN 2015. THE DATA PROVIDED BY THE LEHIGH VALLEY PLANNING COMMISSION IN 2015. SOLELY BASED UPON DATA PROVIDED BY THE LEHIGH VALLEY PLANNING COMMISSION IN 2015.
 - INNOVATION OVERLAY DISTRICT BOUNDARIES ARE BASED ON INFORMATION PROVIDED BY THOMAS COMITA ASSOCIATES, INC. IN DECEMBER 2013.
 - DORNEY PARK BOUNDARY AND ZONING REGIONS ARE BASED ON INFORMATION PROVIDED BY DORNEY PARK RECREATION CENTER, INC. IN DECEMBER 2013.
 - INFORMATION INCLUDED ON THIS PLAN IS FOR ZONING DISTRICT REFERENCE ONLY. SOUTH WHITEHALL TOWNSHIP AND THE PIDCOCK COMPANY DO NOT GUARANTEE THE ACCURACY OF THE INFORMATION SHOWN AND RECOMMEND IT BE CHECKED FOR ACCURACY BY THE USER.
 - THE 100-YEAR FLOODPLAIN IS FOR ILLUSTRATION ONLY. THE MOST RECENT FLOOD INSURANCE RATE MAP AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) SHALL BE USED FOR ANY DETERMINATION OF THE 100-YEAR FLOOD ZONE.

- LEGEND**
- INNOVATION OVERLAY DISTRICTS (SEE NOTE 2)**
- 1 NEIGHBORHOOD INFiLL DEVELOPMENT
 - 2 BROADWAY
 - 3 GREENWALDS
 - 4 CLIFFORD PARK
 - 5 RESIDENTIAL CLUSTER
 - 6 COMMERCIAL RETROFIT
 - 7 INDUSTRIAL RETROFIT AND INFILL
 - 8 ACTIVE ADULT NEIGHBORHOOD DEVELOPMENT - OVERLAY
- PLANNED RESIDENTIAL DEVELOPMENTS**
- 9 FERNWOOD TERRACE PRD
 - 10 CEDAR CREEK FARM PRD



INNOVATION OVERLAY DISTRICTS AND PLANNED RESIDENTIAL DEVELOPMENTS
Scale: 1" = 3000'



LEHIGH COUNTY, PENNSYLVANIA

ZONING MAP

THE PIDCOCK COMPANY
CIVIL ENGINEERING AND LAND PLANNING ARCHITECTURE LAND SURVEYING
1000 STATE STREET, SUITE 200
ALLENTOWN, PENNSYLVANIA

THIS MAP IS PART OF THE ZONING ORDINANCE OF SOUTH WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA ADOPTED BY ORDINANCE NO. 1044 ENACTED MARCH 20, 2019.

BOARD OF COMMISSIONERS

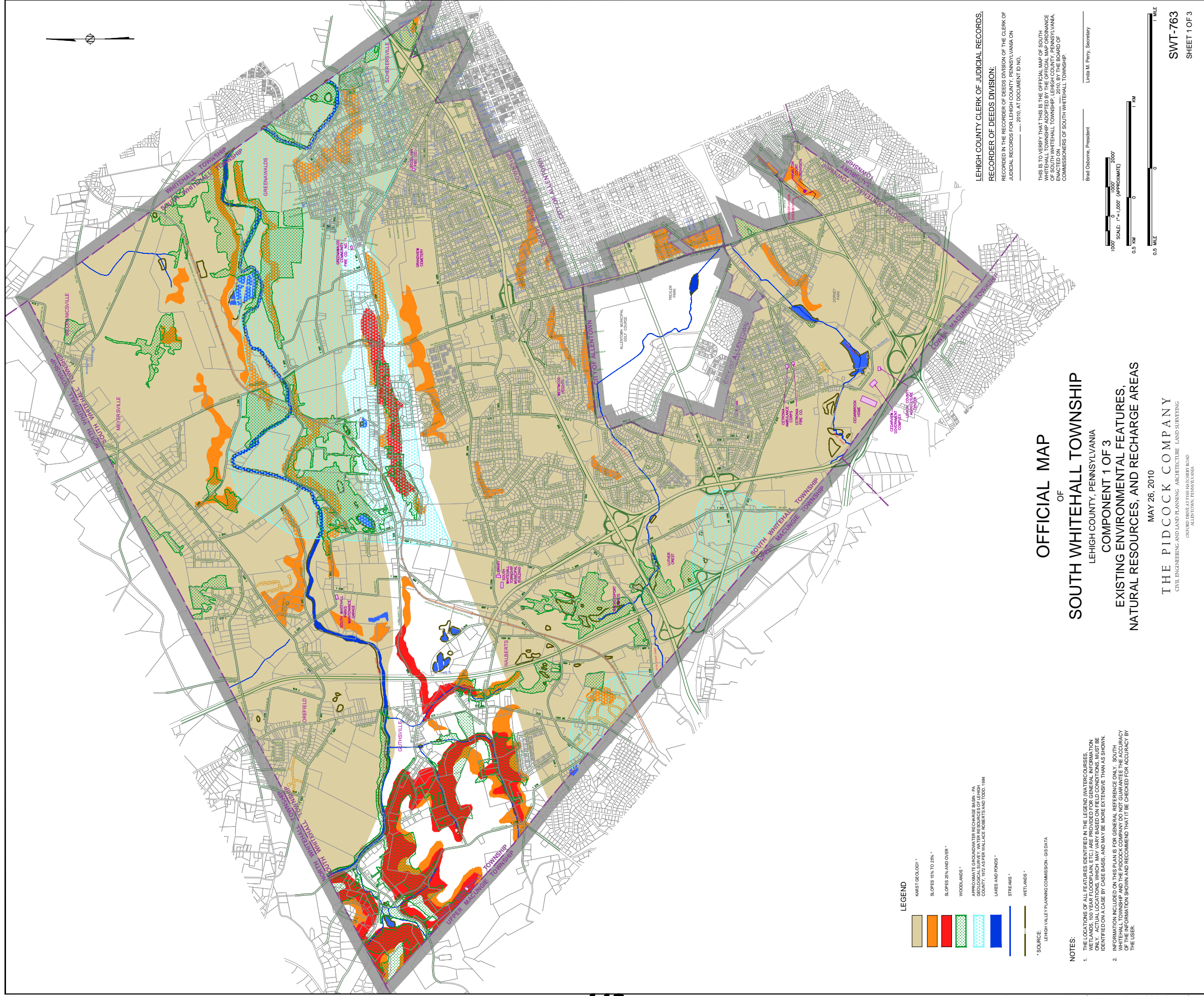
Agnes M. Hines
SECRETARY

Christine J. Hines
PRESIDENT

Scale: 1" = 1,000' (APPROXIMATE)



NOT PUBLISHED. ALL RIGHTS RESERVED BY THE PIDCOCK COMPANY.



LEGEND

	HARST GEOLOGY *
	SLOPES 15% TO 25% *
	SLOPES 25% AND OVER *
	WOODLANDS *
	APPROXIMATE GROUNDWATER RECHARGE BASE, PA GEOLOGICAL SURVEY, WATER RESOURCES OF LEHIGH COUNTY, 1972 AS PER WALLACE ROBERTS AND TODD, 1984
	LAKES AND PONDS *
	STREAMS *
	WETLANDS *

* SOURCE: LEHIGH VALLEY PLANNING COMMISSION - GIS DATA

NOTES:

1. THE LOCATIONS OF ALL FEATURES IDENTIFIED IN THE LEGEND (WATER COURSES, WOODLANDS, RECHARGE BASE, LAKES AND PONDS, STREAMS, WETLANDS) ARE IDENTIFIED ON THIS PLAN AS GENERAL REFERENCE ONLY. ACTUAL LOCATIONS, WHICH MAY VARY BASED ON FIELD CONDITIONS, MUST BE IDENTIFIED ON A CASE BY CASE BASIS, AND MAY BE MORE EXTENSIVE THAN AS SHOWN.
2. INFORMATION INCLUDED ON THIS PLAN IS FOR GENERAL REFERENCE ONLY. SOUTH WHITEHALL TOWNSHIP AND THE PIDCOCK COMPANY DO NOT GUARANTEE THE ACCURACY OF THE INFORMATION SHOWN AND RECOMMEND THAT IT BE CHECKED FOR ACCURACY BY THE USER.

**OFFICIAL MAP
OF
SOUTH WHITEHALL TOWNSHIP**
LEHIGH COUNTY, PENNSYLVANIA
COMPONENT 1 OF 3
**EXISTING ENVIRONMENTAL FEATURES,
NATURAL RESOURCES, AND RECHARGE AREAS**

MAY 26, 2010

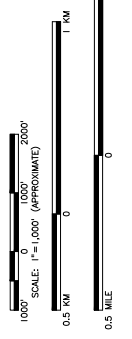
THE PIDCOCK COMPANY
CIVIL ENGINEERING AND LAND PLANNING / ARCHITECTURE / LAND SURVEYING
OXFORD DRIVE AT FISH HATCHERY ROAD
ALLENTOWN, PENNSYLVANIA

SWT-763
SHEET 1 OF 3

LEHIGH COUNTY CLERK OF JUDICIAL RECORDS,
RECORDER OF DEEDS DIVISION:
RECORDED IN THE RECORDER OF DEEDS DIVISION OF THE CLERK OF
JUDICIAL RECORDS FOR LEHIGH COUNTY, PENNSYLVANIA ON
_____ 2010, AT DOCUMENT ID NO. _____

THIS IS TO VERIFY THAT THIS IS THE OFFICIAL MAP OF SOUTH
WHITEHALL TOWNSHIP ADOPTED BY THE OFFICIAL MAP ORDINANCE
OF SOUTH WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA,
COMMISSIONERS OF SOUTH WHITEHALL TOWNSHIP.

Brad Osborne, President
Linda M. Perry, Secretary





- LEGEND**
- PUBLIC PARKS AND RECREATION*
 - PRIVATE PARKS AND RECREATION*
 - PRE-SERVED FARM LAND*
 - SCHOOLS*
 - CONSERVATION RESOURCES
 - SOURCE - HAMILTON COURT SUBDIVISION PLANS
 - PRINCIPAL ARTERIAL ROAD*
 - MINOR ARTERIAL ROAD*
 - COLLECTOR ROAD*
 - LOCAL ROAD*
 - PRIVATE ROAD*
 - APPROVED ROAD LOCATIONS†
 - HISTORIC RESOURCES
 - HISTORIC RESOURCES LISTED
 - HISTORIC RESOURCES
 - LOCALLY SIGNIFICANT
- * SOURCE: LEHIGH VALLEY PLANNING COMMISSION - GIS DATA

- HISTORIC SITES AND STRUCTURES LEGEND**
- ① SOUTH COVERED BRIDGE
DATE CONSTRUCTED: 1941
 - ② HANES GREAT MALL
DATE CONSTRUCTED: 1982
 - ③ SOUTH WHITEHALL MIDDLE SCHOOL
DATE CONSTRUCTED: 1938
 - ④ DOONEVILLE CROSSROADS SE TITLEMENT
DATE CONSTRUCTED: 1744
 - ⑤ PETER TROELL HOUSE
DATE CONSTRUCTED: 1744
 - ⑥ LIME KILNS - MULTIPLE LOCATIONS
DATE CONSTRUCTED: 1744
 - ⑦ ROMIGS MILL (SAGEGERS MILL)
DATE CONSTRUCTED: 1842
 - ⑧ GUTH HOUSE
DATE CONSTRUCTED: 1746
 - ⑨ WOLF HOUSE
DATE CONSTRUCTED: 1857
 - ⑩ BLUMER HOUSE
DATE CONSTRUCTED: 1785
 - ⑪ SOUTH WHITEHALL MIDDLE SCHOOL
DATE CONSTRUCTED: 1938
- SOURCES: NORTHAMPTON COUNTY; SOUTH WHITEHALL TOWNSHIP AND NOW 1778-1997; BY PAUL R. WEAND, 1978

NOTES:

- THE LOCATIONS OF ALL FEATURES IDENTIFIED IN THE LEGEND (WATER COURSES EXCEPTED) ARE APPROXIMATE LOCATIONS. ACTUAL LOCATIONS MAY VARY BASED ON FIELD CONDITIONS. MUST BE IDENTIFIED ON A CASE BY CASE BASIS, AND MAY BE MORE EXTENSIVE THAN AS SHOWN.
- INFORMATION INCLUDED ON THIS PLAN IS FOR GENERAL REFERENCE ONLY. SOUTH WHITEHALL TOWNSHIP AND THE PIDCOCK COMPANY DO NOT GUARANTEE THE ACCURACY OF THE INFORMATION SHOWN AND RECOMMEND THAT IT BE CHECKED FOR ACCURACY BY THE USER.

OFFICIAL MAP
OF
SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA
COMPONENT 2 OF 3
COMMUNITY FACILITIES, CONSERVATION LANDS, HISTORIC
RESOURCES, AND TRANSPORTATION FACILITIES

MAY 26, 2010
THE PIDCOCK COMPANY
CIVIL ENGINEERING AND LAND PLANNING / ARCHITECTURE / LAND SURVEYING
OXFORD DRIVE AT FISH HATCHERY ROAD
ALLENTOWN, PENNSYLVANIA

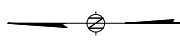
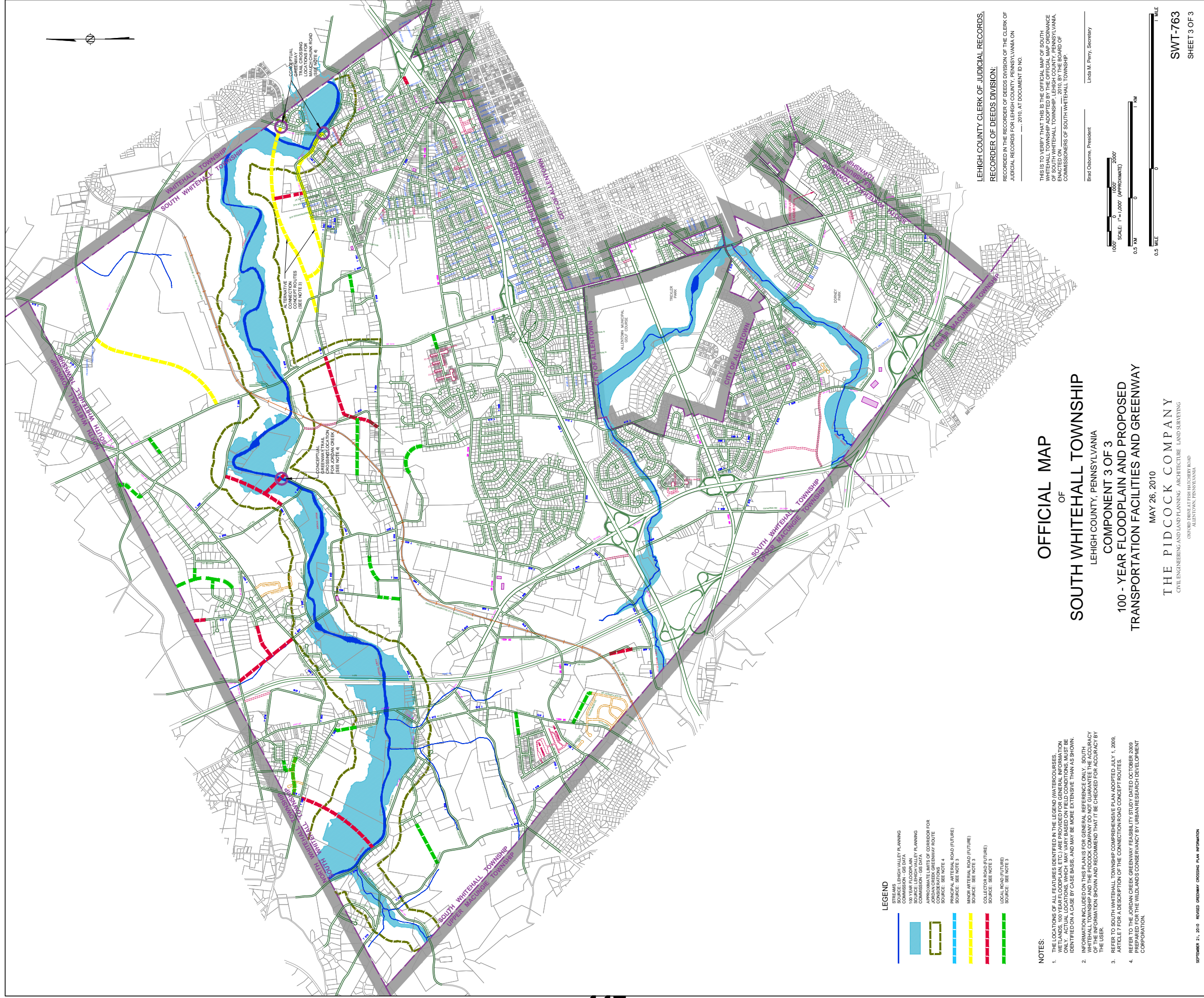
SWT-763
SHEET 2 OF 3

LEHIGH COUNTY CLERK OF JUDICIAL RECORDS,
RECORDER OF DEEDS DIVISION;
RECORDED IN THE RECORDER OF DEEDS DIVISION OF THE CLERK OF
JUDICIAL RECORDS FOR LEHIGH COUNTY, PENNSYLVANIA ON
_____, 2010, AT DOCUMENT ID NO. _____

THIS IS TO VERIFY THAT THIS IS THE OFFICIAL MAP OF SOUTH
WHITEHALL TOWNSHIP ADOPTED BY THE OFFICIAL MAP ORDINANCE
OF SOUTH WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA.
THE BOARD OF SUPERVISORS AND BOARD OF COMMISSIONERS OF
SOUTH WHITEHALL TOWNSHIP.

Brad Osborne, President
Linda M. Perry, Secretary

1000' SCALE: 1" = 1,000' (APPROXIMATE)
0 1000 2000
0.5 KM 1 KM
0 0.5 MILE 1 MILE

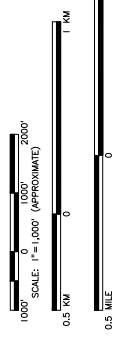


- LEGEND**
- STREAMS (ENGLISHTOWN VALLEY PLANNING COMMISSION - GIS DATA)
 - 100 YEAR FLOODPLAIN (ENGLISHTOWN VALLEY PLANNING COMMISSION - GIS DATA)
 - APPROXIMATE LIMITS OF CORRIDOR FOR TRANSPORTATION FACILITIES AND GREENWAYS (SOURCE: SEE NOTE 4)
 - CONCEPTUAL GREENWAY ROUTES (SOURCE: SEE NOTE 1)
 - CONCEPTUAL CONNECTION ROUTES (SOURCE: SEE NOTE 3)
 - CONCEPTUAL TRAIL LOCATIONS FOR TRAIL CROSSING OVER ROAD (USE NOTE 4)
 - LOCAL ROADS (FUTURE) (SOURCE: SEE NOTE 5)
 - LOCAL ROADS (EXISTING) (SOURCE: SEE NOTE 5)
 - LOCAL ROADS (FUTURE) (SOURCE: SEE NOTE 5)
 - LOCAL ROADS (EXISTING) (SOURCE: SEE NOTE 5)

- NOTES:**
1. THE LOCATIONS OF ALL FEATURES IDENTIFIED IN THE LEGEND (WATERCOURSES, STREAMS, FLOODPLAINS, CORRIDORS, GREENWAYS, CONNECTION ROUTES, TRAIL CROSSINGS) ARE IDENTIFIED ON A CASE BY CASE BASIS, AND MAY BE MORE EXTENSIVE THAN AS SHOWN.
 2. INFORMATION INCLUDED ON THIS PLAN IS FOR GENERAL REFERENCE ONLY. SOUTH WHITEHALL TOWNSHIP AND THE PIDCOCK COMPANY DO NOT GUARANTEE THE ACCURACY OF THE INFORMATION SHOWN AND RECOMMEND THAT IT BE CHECKED FOR ACCURACY BY THE USER.
 3. REFER TO SOUTH WHITEHALL TOWNSHIP COMPREHENSIVE PLAN ADOPTED JULY 1, 2009, ARTICLE 7 FOR A DESCRIPTION OF THE CONNECTION ROAD CONCEPT ROUTES.
 4. REFER TO THE JORDAN CREEK GREENWAY FEASIBILITY STUDY DATED OCTOBER 2009 PREPARED FOR THE WILDLANDS CONSERVANCY BY URBAN RESEARCH DEVELOPMENT CORPORATION.

OFFICIAL MAP
OF
SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA
COMPONENT 3 OF 3
100 - YEAR FLOODPLAIN AND PROPOSED
TRANSPORTATION FACILITIES AND GREENWAY
MAY 26, 2010

THE PIDCOCK COMPANY
CIVIL ENGINEERING AND LAND PLANNING / ARCHITECTURE / LAND SURVEYING
OXFORD DRIVE AT FISH HATCHERY ROAD
ALLENTOWN, PENNSYLVANIA



LEHIGH COUNTY CLERK OF JUDICIAL RECORDS,
RECORDER OF DEEDS DIVISION:
RECORDED IN THE RECORDER OF DEEDS DIVISION OF THE CLERK OF
JUDICIAL RECORDS FOR LEHIGH COUNTY, PENNSYLVANIA ON
_____, 2010, AT DOCUMENT ID NO. _____

THIS IS TO VERIFY THAT THIS IS THE OFFICIAL MAP OF SOUTH
WHITEHALL TOWNSHIP ADOPTED BY THE OFFICIAL MAP ORDINANCE
OF SOUTH WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA,
AND IS THE OFFICIAL MAP OF THE TOWNSHIP AS ADOPTED BY THE BOARD OF
COMMISSIONERS OF SOUTH WHITEHALL TOWNSHIP.

Brad Osborne, President
Linda M. Perry, Secretary

SWT-763
SHEET 3 OF 3

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Overall Goals

Legislative Intent

- 1.1 This Manual is intended to comply with Section 708-A of the Pennsylvania Municipalities Planning Code titled: Manual of Written and Graphic Design Guidelines.
- 1.2 This Manual is intended to help protect and enhance the character of South Whitehall Township and promote preferred development types.
- 1.3 This Manual is intended to depict and illustrate the Design Standards and Development Regulations for preferred development outcomes.
- 1.4 The graphics provided are intended to illustrate the primary design element listed for each page and no other.



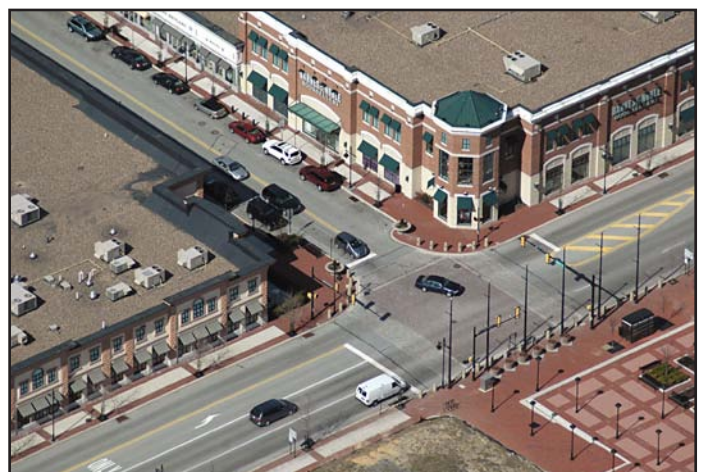
Precedent: Eagleview TND, Uwchlan Township, PA.

Design Standards

- 1.5 This Manual shall be applied to the Innovation Overlay Districts, as specified within certain zoning districts.
- 1.6 This Manual shall be utilized to plan, design, construct and maintain buildings, structures, streetscapes, and common open space.
- 1.7 The Design Standards depicted in the places, spaces, buildings, and streetscapes shown in this Manual shall be emulated.
- 1.8 This Manual shall be used in conjunction with the full text of the Zoning Ordinance and that of the Subdivision and Land Development Ordinance.
- 1.9 The pictures accompanying the text of this Appendix are for illustrative purposes only and shall not regulate any land use activity. An application's similarity or dissimilarity to any picture contained in this Appendix shall not be a basis of approval or denial of said application. Rather an application shall be judged solely on the basis of its compliance with the text of the Ordinance, including, without limitation, the text of this Appendix.



Precedent: Lantern Hill TND, Doylestown Borough, PA.



Precedent: Main Street at Exton, West Whiteland Township, PA.

Building Location

Legislative Intent _____

- 2.1 Buildings are intended to be located close to sidewalks and in general alignment with other buildings on a block.
- 2.2 Buildings located along a Build-to Line are intended to help define a pedestrian friendly Streetscape.
- 2.3 Buildings located at corners are intended to provide “anchors” or “bookends” along both streets.



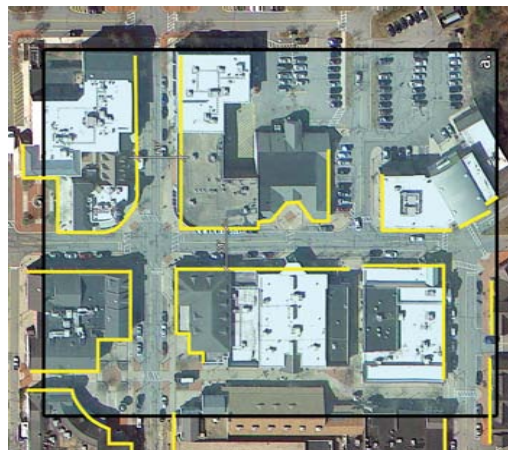
Lantern Hill TND: Residential Buildings in Alignment along Build-to Lines

Design Standards _____

- 2.4 New buildings shall be placed at Build-to Lines in accordance with the TND Overlay Districts. A Build-to Line shall be established for each block and shall fall within the following ranges:
 - Neighborhood Infill Overlay Districts:
 - Broadway: 10 feet
 - Greenawalds: 15 to 20 feet
 - Clifford Park: 25 feet
 - All TND-Residential Areas: 10 to 15 feet
 - All TND- Nonresidential Areas: 5 to 15 feet
- 2.5 In the TND Overlay Districts, Build-to Lines shall progress from a shallower depth in the area of highest development intensity (i.e., the Main Street Environment, other nonresidential area, or highest density residential) to a less shallow Build-to Line in the less intense areas of development (typically the lowest density residential option).
- 2.6 New buildings on corner lots shall be placed along both Build-to Lines, unless an approved Green, Plaza, or Square is provided at the same street corner.
- 2.7 A maximum of 25% of the linear frontage of an individual building Facade may be offset from the Build-to Line by four (4) to twenty (20) feet in order to provide to provide visual diversity, architectural enhancement, or Open Space in the form of a Pedestrian Gathering Area or Plaza.



Main Street at Exton: Bookend Buildings Anchor Corners



Mashpee Commons, MA: Nonresidential buildings Anchoring Corners along Build-to Lines.

Building Height

Legislative Intent _____

- 3.1 Maximum Building Height is intended to vary by Overlay District and location in relation to major commercial corridors.
- 3.2 Higher building heights are intended to induce more efficient land use while providing opportunities for a vertical mix of uses, particularly along major transportation corridors.
- 3.3 Minimum building heights along Build-to Lines are intended to help define more recognizable Streetscape edges.



Main Street at Exton: 2-story Mixed-Use Building successfully defines a Streetscape

Design Standards _____

- 3.4 A minimum Principal Building height of twenty (20) feet shall be provided in all Innovation Overlay Districts.
- 3.5 Maximum Principal Building heights permitted in the following Overlay Districts shall be:
 - Neighborhood Infill Overlay Districts/TND-Residential Cluster Overlay: 3 stories or 45 feet
 - TND-Commercial Retrofit:3 stories and 45 feet, except along Arterial or Collector Roads: 4 stories and 60 feet; within 2000 feet of intersection with Route 22: 5 stories or 75 feet
 - TND-Industrial Infill:3 stories and 45 feet, except along Arterial or Collector Roads: 4 stories and 60 feet
- 3.6 Buildings, or portions of Buildings, with heights greater than 35 feet shall be setback a minimum distance from existing residential uses or districts on adjacent non-TND lots, as measured from the lot line of such residential use or district:

Height	Setback
• 35 to 45 feet:	minimum of 50 feet;
• 45 to 60 feet:	minimum of 300 feet;
• 60 to 75 feet:	minimum of 500 feet.



Easton Town Center, OH: 3-story Mixed-Use Building defines a Streetscape



Eagleview TND: 3-story Live-Work Buildings enable vertical mixed use

Main Street Environment

Legislative Intent _____

- 4.1 A Main Street Environment (MSE) is intended to serve as the focal point of a neighborhood.
- 4.2 A Main Street Environment is intended to be comprised of a mix of commercial, residential, and public uses, including open spaces, in a pedestrian friendly setting.
- 4.3 A Main Street Environment is intended to be provided in all Commercial Retrofit TND or where commercial uses are proposed in an Industrial TND.

Design Standards _____

- 4.4 The blocks that comprise the Main Street Environment shall be designed for a mix of commercial, residential and public uses, including common open space, in a series of attached and detached buildings located along a common Build-to Line.
- 4.5 The Streetscape Width in a Main Street Environment shall be between sixty (60) and one hundred (100) feet.
- 4.6 Buildings shall line the entire length of the Build-to Line along a Main Street Environment, except along curb cuts or where a Common TND Open Space is located.
- 4.7 The Main Street Environment shall provide on-street parking on at least one side of the street.
- 4.8 Off-street parking shall be located to the rear of buildings.
- 4.9 A minimum of 50% of the buildings in the MSE shall provide a second floor useable for apartments or office space.
- 4.10 When anchor stores (larger than 75,000 square feet ground floor area), parking garages, commercial with drive-through service, or convenience stores with fuel pumps are located along a Main Street Environment, the buildings shall comply with the Lot Diagrams shown on the following pages.



Lot diagram for a typical Main Street Environment block with on-street parking and off-street parking in the rear, showing a Streetscape Width in the range of 60 to 100 feet, depending on sidewalk widths and number of vehicular travel lanes.

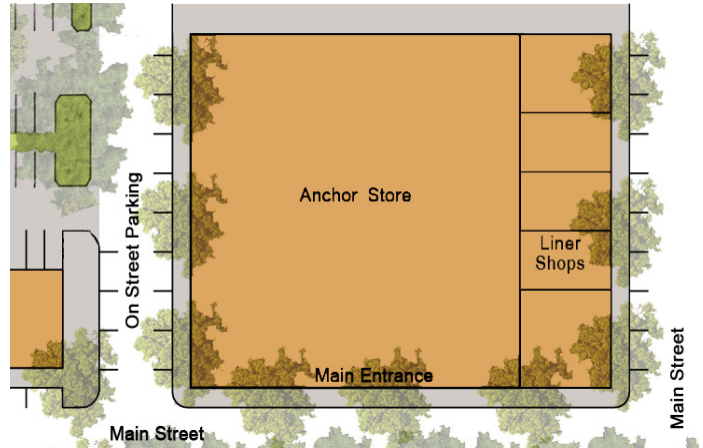


Main Street Environment in Exton, PA with Bookend Buildings opposite one another. (Note: This Streetscape Width is 65 feet.)

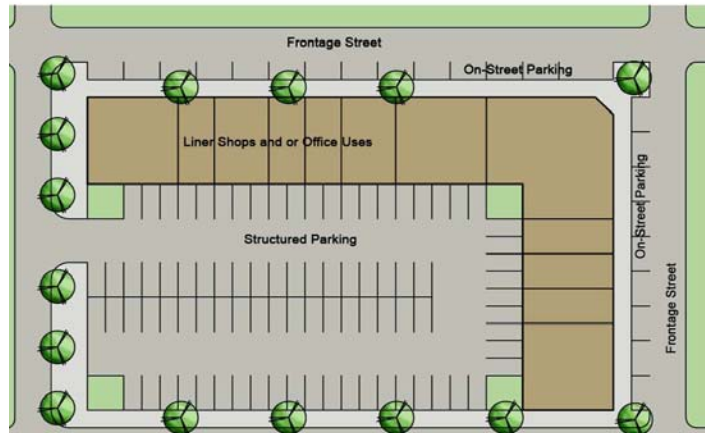
Main Street Environment
Anchor Store & Parking Garage

Design Standards (continued) _____

- 4.12 Parking Garages and anchor stores shall meet the applicable build-to line, and where applicable, anchor corners.
- 4.13 Liner shops are strongly encouraged to be incorporated along the "Main Street" frontage of an anchor store in order to break up the facade, maintain a pedestrian friendly Streetscape, and provide a more traditional building width interval.
- 4.14 Parking Garages shall be "wrapped" by liner buildings or shops on the ground floor and shall be designed to have a facade that is consistent with the facades of the surrounding buildings.



Lot Diagram: Anchor store with liner shops maintain the established Build-to Line.



Lot Diagram: Parking garage with liner stores, shops or offices.



Parking garage with facade that is consistent with surrounding development.

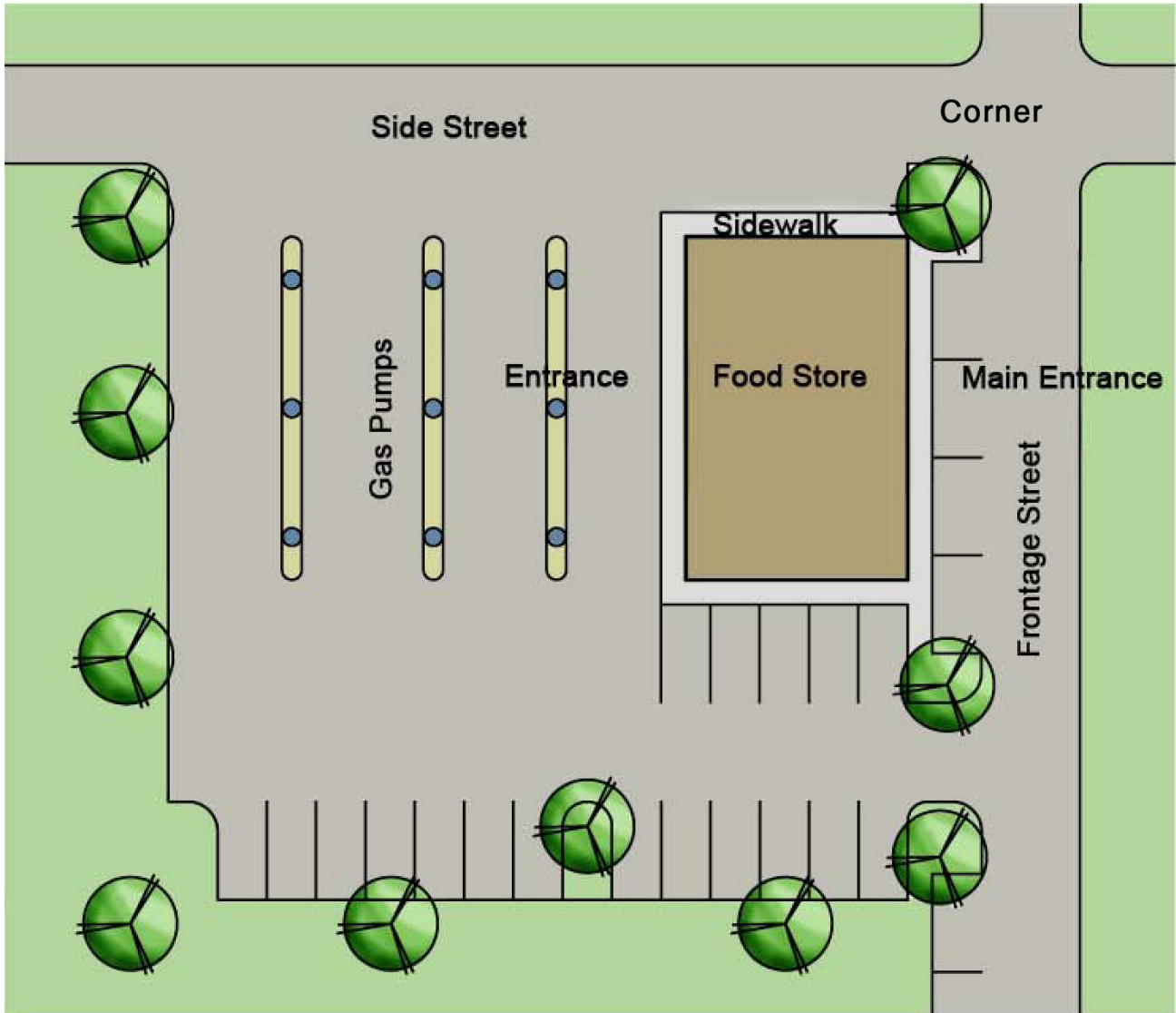
Main Street Environment
Commercial Use with Drive-through (Corner location)



Lot Diagram: Drive-thru Restaurant, Take-home food shop, or Bank on a Corner (Building “Anchors” Corner)

4.15 Drive-throughs shall be located away from a corner, and the corner shall be anchored by the building. Access to the drive-through shall be from a side street or alley.

***Main Street Environment:
Convenience Store with Fuel Pumps***



**Lot Diagram: Convenience Store with Fuel Pumps
(Building "Anchors" Corner)**

4.16 Fuel pumps shall be located to the rear of a building and accessed via a side street or alley. The building shall anchor the corner.

Parking Location

Legislative Intent _____

- 8.1 Off-street parking areas are intended to be located to the rear of buildings.
- 8.2 Residential off-street parking is intended to be accessed via alleys to the greatest extent feasible to minimize curb cuts and preserve the streetscape character.
- 8.3 On-street parking is intended to provide necessary convenience parking spaces, while buffering pedestrians from passing vehicular traffic.



Off-street residential parking accessed via alleys (Glen Mills, PA)

Design Standards _____

- 8.4 Off-street parking areas shall be located to the rear of buildings.
- 8.5 Off-street parking areas shall not be located at street corners.
- 8.6 A minimum of eighty (80) percent of off-street parking spaces for townhouse units, including garage access, shall be accessed via alleys.
- 8.7 All off-street parking for apartment buildings shall be located to the side or rear of the residential building.
- 8.8 On-street parking shall be provided where feasible, and be used to meet guest parking needs.



On-street parking buffers pedestrians on Main Street (Lititz, PA)



Off-Street Parking Areas located to the rear of a Main Street buildings (Middletown Hill, WI)

Alleys

Legislative Intent _____

- 9.1 Alleys are intended to provide a secondary means of access to the side and/or rear of lots, provide access to required off-street parking, including garages, and installation of utilities.

- 9.2 Alleys are intended to minimize curb cuts and preserve a pedestrian oriented streetscape along the fronts of buildings.



Alley at Kentlands, Gaithersburg, MD

Design Standards _____

- 9.3 A minimum of eighty (80) percent of off-street parking spaces for townhouse units, including garage access, shall be accessed via Alleys.

- 9.4 Alleys shall not terminate in a dead end or cul-de-sac.

- 9.5 Alleys shall be designed to have a minimum right-of-way width of eighteen (18) feet and minimum cartway width of sixteen (16) feet.

- 9.6 Garages and other structures shall be set back a minimum of four (4) feet from the alley.

- 9.7 Alleys shall meet the Intersection Standards and Construction Standards contained in the Subdivision and Land Development Ordinance for local roads, except that curbs and sidewalks shall not be required.

- 9.8 Alleys shall be privately owned and operated. The ownership and maintenance document shall be recorded prior to final approval of the Plan.



Alleys at Eagleview, Exton, PA



One-way alley at Eagleview, Exton, PA

Public Realm: Overview

Legislative Intent _____

- 10.1 The Public Realm is intended to be comprised of the complete network of sidewalks, crosswalks, public parks, and Common TND Open Space.

- 10.2 Useable Open Space is intended to be in the form of a Plaza(s); Green(s) or Square(s), Close, or like-type Pedestrian Gathering Area(s).



Plaza



Plaza

Design Standards _____

- 10.3 Provide Common Open Space and Useable Open Space in accordance with the TND Overlay Districts of South Whitehall Township.

- 10.4 Greens, Squares, Plazas, Closes, and other Pedestrian Gathering Areas shall comply with the Design Standards on the following pages.



Green



Close

Public Realm: Greens, Squares and Plazas

Legislative Intent _____

- 11.1 Greens, Squares, and Plazas are intended to provide important public space to add balance and attractiveness to a proposed development.



Residential Green (Glen Mills, PA)

Design Standards _____

- 11.2 Unless otherwise specified, Greens and Squares shall be sized in the range of 4,000 to 30,000 square feet.
- 11.3 Unless otherwise specified, Plazas shall be sized in the range of 1,000 to 4,000 square feet.
- 11.4 Greens, Squares, and Plazas shall have benches, shade trees, pavilions, gazebos, and other pedestrian amenities.



Square at Legacy Village TND (Cleveland, OH)



Plaza at Kentlands (Gaithersburg, MD)

Public Realm: Close

Legislative Intent _____

- 12.1 The Close is intended as a public realm feature that provides green space in the center of the vehicular travel lanes.
- 12.2 The Close is intended to serve as an alternative to a conventional cul-de-sac, and to provide the opportunity for a Pedestrian Gathering Area in the center.
- 12.3 The Close is intended to be enclosed with buildings on three sides.



Residential Close at Sandy Spring, MD

Design Standards _____

- 12.4 The Close shall be designed for one lane of counter-clockwise vehicular travel, with on-street parking on the building sides of the vehicular travel lane.
- 12.5 On-Street parking may be angled or parallel with the curb.
- 12.6 Green space of at least 4,500 square feet shall be created in the center of the Close.
- 12.7 The average width (shorter dimension) of the green space shall not be less than 25% of its average length (longer dimension).
- 12.8 The Close shall be wrapped with buildings on three sides, and the buildings shall be a minimum of two (2) stories or twenty (20) feet in height.
- 12.9 The Close may be utilized for development of tracts of 10 acres and greater.
- 12.10 The Close shall be used in lieu of a cul-de-sac.



Close at Lake Forest, IL, with On-Street Angled Parking



Close at Louella Court, Wayne, PA



Close at Lake Forest, IL

Streetscape

Legislative Intent _____

- 13.1 The Streetscape is intended to be a pedestrian friendly area defined by Mixed-Use Buildings located along Build-to Lines, in close proximity to sidewalks, and buffered by on-street parking.
- 13.2 The Streetscape is intended to be enhanced with such features as street trees, street lights, benches, and like-type amenities.



Residential Streetscape with street trees, tree lawn, and sidewalk.

Design Standards _____

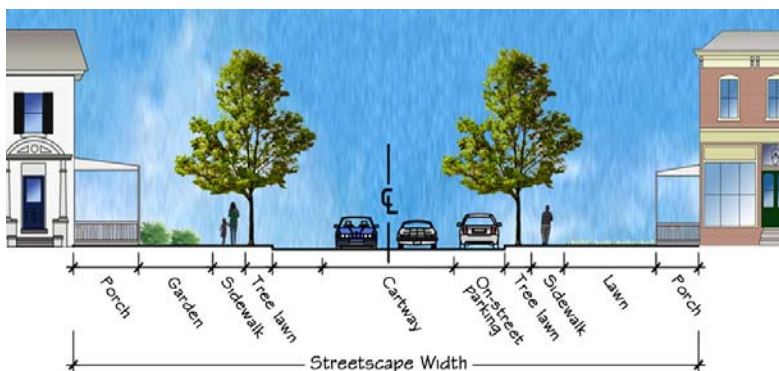
- 13.3 A Streetscape, defined by buildings located in alignment and close to the sidewalk and curb, shall be established and maintained.
- 13.4 Where existing buildings are not located along the Build-to Line, a fence, pier and hedge combination, or a low, free-standing wall shall be installed and maintained along the Build-to Line.
- 13.5 The Streetscape shall be embellished with street trees and street lights, and enhanced with other street furniture and amenities.
- 13.6 Streetscape Width shall range in size from 60 feet to 100 feet, whereby Bookend Buildings opposite one another help to create the outdoor room character of the Streetscape.



Streetscape in a "Main Street Environment" with Bookend Buildings opposite one another



One side of a "Main Street Environment" streetscape



(measured from building wall to building wall on opposite sides of the street)

Left: Typical residential streetscape elements with on-street parking on one-side.

Industrial Development

Legislative Intent _____

14.1 Industrial Buildings and Industrial Parks within the Innovation Overlay Districts are intended to meet the design standards contained herein, regarding Building location, Building Height, Main Street Environment (where a commercial component is proposed), Public Realm, and Streetscape Design.



Eagleview- Exton, PA: Industrial Park (right) connected to Residential TND and mixed-use center (left and center).



Stanford Research Park, Palo Alto, CA: Industrial and technology campus with buildings lining the streetscape, parking to the side and rear, and central plaza space.



Stanford Research Park, Palo Alto, CA: Industrial building with parking to side.

SOUTH WHITEHALL TOWNSHIP

