

YEAR 2004 ZONING ORDINANCE

**UPPER MOUNT BETHEL TOWNSHIP,
NORTHAMPTON COUNTY, PA**

PREPARED BY THE

SUPERVISORS OF THE UPPER MOUNT BETHEL TOWNSHIP

WITH REVIEW AND ADVICE FROM THE

**UPPER MOUNT BETHEL TOWNSHIP PLANNING COMMISSION,
ZONING HEARING BOARD, AND ENVIRONMENTAL ADVISORY COUNCIL**

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ENACTED ON MARCH 15, 2004

ZONING ORDINANCE NO. 2004-01
UPPER MOUNT BETHEL TOWNSHIP, NORTHAMPTON COUNTY, PA

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ORDINANCE NO. 2004-01

ZONING ORDINANCE OF THE
UPPER MOUNT BETHEL TOWNSHIP, NORTHAMPTON COUNTY, PA.

ORDAINING CLAUSE

An Ordinance completely replacing of the existing Zoning Ordinance of the Township of Upper Mount Bethel, enacted on July 1977, as amended for the Township of Upper Mount Bethel. This new zoning ordinance being enacted on March 15, 2004.

This Ordinance permits, prohibits, regulates and determines the uses of land, watercourses and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards and other open spaces and distances to be left unoccupied by uses and structures; and the density of population and intensity of use; and further the Ordinance contains provisions for special exceptions and variances to be administered by a Zoning Hearing Board; provision for Conditional Uses to be decided by the Supervisors of the Township of Upper Mount Bethel, provisions for administration and enforcement and such other provisions as may be necessary to implement the requirements of the Ordinance.

Pursuant to the authority conferred by the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended, the Supervisors of the Township of Upper Mount Bethel hereby enact and ordain as follows:

ARTICLE 1 - GENERAL PROVISIONS

1.100 SHORT TITLE

This Ordinance shall be known and cited as the "2004 Zoning Ordinance of the Township of Upper Mount Bethel, PA."

1.200 APPLICATION OF ORDINANCE

No building, sign or other structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered unless in conformity with the regulations of this Ordinance. However, this Ordinance shall not require any change to any building, structure or use legally existing at the effective date of this Ordinance, or any amendment thereto; or to any

building, structure or use planned and construction started in compliance with existing laws prior to the effective date of this Ordinance, or any amendment thereto, and completed within a one-year period after the effective date of this Ordinance, or any amendment thereto, except as otherwise provided herein.

1.300 JURISDICTION

The regulations and provisions of this Ordinance shall apply to and affect the entire geographic area of Upper Mount Bethel Township, Northampton County, PA, as shown on the zoning map included herein.

1.400 PURPOSE OF THE ORDINANCE

This Ordinance is enacted to implement the Comprehensive Plan for the Township of Upper Mount Bethel in accordance with the provisions of the Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No. 247 as reenacted and amended, for the following purposes: To promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical development of the Township, the proper density of population, the provision of adequate light and air, protection of persons and property, the maintenance and improvement of the aesthetic qualities of the Township, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements, the preservation of farmland and open space, and the protection and the conservation of the environment and the natural biodiversity of the Township.

The Ordinance is also designed to prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers; and to give consideration to the character of the Township, its various parts, and the suitability of the various parts for particular uses and structures.

1.500 STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance is hereby enacted to implement the Community Development Objectives for the Comprehensive Plan of the Township of Upper Mount Bethel adopted on July 9, 2001, as amended, which are incorporated herein by reference, a copy of which is attached hereto as Attachment A.

1.600 INTERPRETATION AND VALIDITY

1.601 Interpretation

- A. Minimum Requirements - In the interpretation and the application of the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances provided that where this Ordinance imposes greater restrictions upon the use of buildings or premises, or upon the height or bulk of a building, or requires larger open spaces, the provisions of this Ordinance shall prevail.

The meaning or intent of any provision in this Ordinance or the Zoning Map, may be referred to the Zoning Hearing Board for an interpretation in accordance with Section 7.403 b of this Ordinance.

- B. Similar Uses - Any list of permitted or prohibited uses is not an exhaustive list, but is included to clarify, emphasize and illustrate, by example, uses which are desirable or undesirable in a particular area.

All specific land uses in this Ordinance are classified into "Use Classes" in Section 4.200. Where a specific use is proposed by a

Zoning Applicant which is not specifically listed in any specific Use Class, then the Zoning Hearing Board may determine the "Use Class Subcategory" (as defined herein) which is most similar to the proposed use and said proposed use if approved by the Board shall be subject to all of the requirements of said Use Class Subcategory, subject to the requirements of Sections 4.204 and 7.403b.

1.602 Validity - If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, unenforceable, or invalid, such decision shall not affect its remaining portions. The Supervisors of the Township of Upper Mount Bethel hereby declare that it would have passed this Ordinance and each section and

subsection thereof irrespective of the fact that any one or more of its sections, subsections, clauses, or phrases may be found by court to be unconstitutional or otherwise invalid.

No provision contained in this Ordinance is intended to discriminate against persons protected under Federal or Commonwealth of Pennsylvania laws pertaining to age, sex, race, ethnic origin, civil rights, religion, handicap or disability, or other equal opportunity issues.

1.603A Repealer - Excepted as provided below, the "Upper Mount Bethel Township Zoning Ordinance of 1976" enacted as Ordinance No. _____ in July, 1977, and all amendments thereto are hereby repealed and replaced by this Ordinance. All other existing ordinances or parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

1.603B Proviso - Notwithstanding the above repealer language, Township Ordinance No. 95-06 (Wellhead Protection)-Attachment I, Township Ordinance No. 99-03 (Antennae, Towers, Commercial Communication Towers and Wireless Telecommunication) - Attachment G, Township Ordinance No. 2000-5 (Heavy Industrial-I-3-District) - Attachment F and Township Ordinance 2001-03 (Flood Plain Ordinance) - Attachment B are specifically re-adopted and re-enacted and incorporated into this new Zoning Ordinance.

1.603C Subdivision and Stand Alone Ordinances - Notwithstanding the above repealer language, the UMBT Subdivision and Land Development Ordinance - SALDO (UMBT Ordinance No. 2001-4 as amended by UMBT Ordinance No. 2003-02) is not repealed and continues to remain in full force and effect. Further, stand alone ordinances enacted by the Township regulating land use and/or development are also not repealed and continue to remain in full force and effect. The following ordinances are listed by way of illustration and are not meant to be all-inclusive: UMBT Ordinance No. 205 (Junkyards), UMBT Ordinance No. 216 (Outdoor Fires), UMBT Ordinance No. 92-02 (Municipal Solid Waste and Recycling Ordinance), UMBT Ordinance No. 93-08 (Weed Ordinance), UMBT Ordinance No. 93-09 (Highway Occupancy Permit), UMBT Ordinance No. 94-04 (Tree Harvesting Ordinance), UMBT Sanitary Ordinance and UMBT Ordinance 2000-01 amending the Sanitary Ordinance.

1.700 RELATIONSHIP OF ZONING AND SUBDIVISION AND LAND DEVELOPMENT ORDINANCES

This Zoning Ordinance regulates the type, intensity and density of land uses permitted in the Township. The Township's Subdivision and Land Development Ordinance regulates how an existing parcel of land in the Township may be subdivided for two or more uses permitted by Zoning; or how development with one or more uses may be developed provided that they comply with the requirements of the Zoning Ordinance. Subdivisions and developments shall only be permitted when they are consistent with the Zoning Ordinance.

1.800 EFFECTIVE DATE

This Ordinance shall take effect immediately subsequent to adoption. See Section 7.1001 of this Ordinance for the official adoption date.

ARTICLE 2 - DEFINITIONS

2.100 APPLICABLE DEFINITIONS

Except where specified in the following definitions, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense shall include the future tense; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; and the word "occupied" or "used" shall include "arranged, designed, constructed, altered, converted, rented, leased, or intended to be used"; and the word "shall" is intended to be mandatory and the word "may" is permissive; the word "abut" shall include the words "directly across from" and the word "lot" includes "parcel", "tract" or "plot".

Some definitions, because of their inclusion herein in this Article are provided for informational purposes only, and they shall not necessarily be considered to define uses which are permitted in this Ordinance unless such uses are set forth in specific "Use Classes" or other Articles of this Ordinance.

2.101 Access Drive - Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.

2.102 Accessory Use or Structure - A use or structure subordinate to and located on the same lot as the principal use or building and serving a purpose customarily incidental to the use of the principal use or building.

Where any part of the wall of an accessory building is part of the wall of a main building, or where the accessory building is attached to the main building by a roof, including carports however covered, such accessory building shall be deemed part of the main building.

2.103 Adult Oriented Uses or Activities - Adult oriented uses or activities shall include the exhibition and/or the conduct of live activities or uses, or the dissemination by sale, loan, or otherwise of explicit sexual materials as defined below, and/or of an obscene nature; if such uses or activities comprise more than 20 percent of the stock in trade of the premises (measured in gross sales or square footage in the area utilized) or which constitute, from time to time, the primary or major attraction to the premises.

a. **Explicit Sexual Materials**, as used herein, means:

1. Any picture, photograph, drawing, sculpture, motion picture film, or other similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct, or sadomasochistic abuse or child pornography, or
2. Any book, pamphlet, magazine, printed matter, video tape, computer disk or other device, however reproduced, or sound recording which contains any matter enumerated in sub-paragraph a.1. above, or explicit and detailed verbal excitement, sexual conduct, or sadomasochistic abuse, or sex related violence.

b. **Obscene Nature**, as used herein, means that:

1. The average person, applying contemporary community standards, would find that the subject matter taken as a whole appeals to the prurient interest;
 2. The subject matter depicts or describes in a patently offensive way materials of the type described hereinabove; and
 3. The subject matter, taken as a whole, lacks serious literary artistic, political, educational, or scientific value.
- c. Words and phrases used herein shall have the meanings given to them under Title 18 PA. C.P.S.A. Section 5903 and any amendments, from time to time, thereto.

2.104 Adult Book, Video or Computer Store or Establishment - An establishment having a portion of its stock in trade, including but not limited to books, magazines, photographs, slides, graphic displays or other information, including such information stored or displayed by video or computer equipment or other electronic means or other materials which are distinguished by their emphasis on matter depicting, describing or relating to "explicit sexual materials and/or obscene materials" as defined herein.

2.105 Adult Picture Theater - An enclosed building or outdoor theater used for presenting motion pictures, slides, video tapes, computer graphic displays, or other reproduced images by any means, or for live activities or uses, distinguished or characterized by an emphasis on

matter depicting, describing or relating to "explicit sexual materials and/or obscene materials" as defined herein.

- 2.106 **Agriculture** - Farming, including plowing, tillage, cropping, installation of best management practices, seeding, cultivating or harvesting for the production of food and fiber products. For the purpose of this Ordinance, the term Agriculture does not include Animal Husbandry, or Agricultural Industry as defined herein.
- 2.107 **Agricultural Industry** - Local industrial or processing operations which are accessory to the principal farm production activities on the farm and which are necessary for the purpose of processing the local farm product to make it usable for consumer use and commercial sale (Example: conversion of apples into apple juice or cider.)
- 2.108 **Agricultural Lands** - Land used exclusively as a bonafide agricultural operation by the owner or tenant. The business of garbage feeding of hogs, fur farms, or the raising of animals for use in medical or other tests or experiments are excluded.
- 2.109 **Agricultural Operation** - An enterprise that is actively engaged in the commercial production and preparation of crops, livestock and livestock products and in the production, harvesting and preparation for market, or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

- 2.110 **Airport or Airstrip, Commercial** - An airport or airstrip classified as a commercial facility by a State or Federal agency, or a facility that serves five (5) or more airplanes or ultra-light aircraft at any one time for landing, take-off, parking and/or servicing.
- 2.111 **Airport or Airstrip, Private Use** - An airport or airstrip classified as a private facility by a State or Federal agency, or a facility that serves less than five (5) airplanes or ultra-light aircraft at any one time for landing, take-off, parking and/or servicing.
- 2.112 **Alley** - A public or private way affording only secondary means of access to abutting property, or a public thoroughfare having a right-of-way width of less than 33 feet. Alleys may also be known as courts, places or lanes.
- 2.113 **Alterations, Structural** - As applied to a building or structure, a change or rearrangement in the structural parts of a structure including the walls, columns, beams, girders, floors, roof or ceiling; or an enlargement whether by extending on a side or by increasing in height; or the moving from one location or position to another; but not including normal maintenance or minor repairs or improvements.
- 2.114 **Amusement Enterprise or Center** - Any indoor or outdoor place that is maintained or operated for the amusement, patronage, or recreation of the public.
- 2.115 **Amusement Games or Machines**

- a. Amusement Game Machines - A coin-operated machine or device which, whether mechanical, electrical or electronic, shall be ready for play by the insertion of a coin, and may be operated by the public for use as a game, entertainment or amusement, the object of which is to achieve either a high or low score, which by comparison to the score of other players whether playing concurrently or not, demonstrates relative skill or competence, or indicates in any other way competitive advantage of one player or team over another, regardless of skill or competence. It shall include devices such as pinball machines or any device which utilizes video or computer equipment to reproduce symbolic figures and lines intended to be representative of real or other games or activities.

- b. Amusement Machines, Other - A coin-operated machine or device, not including amusement games, which provides a ride, sensation, electronic reading or weight, photograph, lamination or item of merchandising provided at random among other items of merchandise, for use by and to the amusement of the public.

- c. Amusement Machine Complex - A group of more than two amusement games or other amusement machines, in the same place, location or premises.

2.116 Animal Husbandry - The raising and keeping of livestock, fish, fur-bearing animals, honey bees, or poultry for any commercial purpose. The raising and keeping of livestock, fish, fur-bearing animals, honey bees, or poultry as farm pets or for domestic purposes to meet the limited needs of the farm family or occupants residing on the farm, and not for commercial purposes, pursuant to the regulations of this Ordinance shall not be construed as animal husbandry.

2.117 Apartment - See "Dwelling".

- 2.118 **Applicant** - A land owner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.
- 2.119 **Automotive Junkyard** - A place where two or more motor driven vehicles which do not bear a current state inspection sticker and/or license plate and/or their related parts are stored or disassembled.
- 2.120 **Auto, Trailer, or Boat Sales Area** - An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles, trailers, or boats in operable condition and where no repair work is done.
- 2.121 **Automotive and Motor Vehicle Repair** - Auto and motor vehicle repairs are classified into the following two types:
- a. **Major Repairs** - Includes major mechanical, electrical, transmission and radiator repair and body work, straightening of body parts, painting, welding, storage of automobiles and vehicles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in auto service stations.
 - b. **Minor Repairs and Services** - Includes any auto and vehicle repairs and services not included in major auto repairs (See Major Repair definition above).
 - 1. Sale and servicing of spark plugs, batteries and distributors and distributor parts;

2. Tire servicing and repair, but not recapping or regrooving;
3. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like;
4. Radiator cleaning and flushing;
5. Washing and polishing, and sale of automotive washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil filters and lines;
8. Minor servicing and repair of carburetors;
9. Emergency electrical repairs;
10. Adjusting and repairing brakes;
11. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
12. Mini grocery store with sales of packaged foods, beverages, tobacco and similar convenience goods for filling station customers, as accessory to principal operation; and

13. Provision of road maps and other informational material to customers; provision of restroom facilities.

2.122 Auto Service Station - A building or place of business where fuel and automobile accessories are dispensed directly to the motor vehicle trade, and where minor auto repairs and services may be rendered.

2.123 Auto Wrecking - The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

2.124 Bar - See definition for "Eating and Drinking Places".

2.125 Barn - An "Accessory" building, not exceeding 35 feet or two stories in height. Such a building shall be accessory to the principal agricultural activities conducted on a farm. It shall be primarily used for the storage of grain, hay and other farm products, and/or the sheltering of livestock or farm equipment and related farm activities.

Any barn exceeding 1,200 square feet in first floor area shall require "Special Exception" approval by the Zoning Hearing Board.

2.126 Basement - A floor level partly or completely below grade. A basement shall be considered a story if more than one-third of the perimeter walls are five feet or more above the finished grade level of the ground immediately adjacent to the walls.

2.127 Bed and Breakfast Homestead or Inn - An owner-occupied single family detached dwelling which contains six or fewer bedrooms used for providing

overnight accommodations to the public and in which breakfast is included in the charge for the room, but excluding other restaurant or eating and drinking services which are open to the general public.

- 2.128 **Bill Board** - See "Sign, Advertising".
- 2.129 **Block** - A tract of land or a lot or group of lots bounded by streets, public parks, or parkways, railroad rights-of-way, water course or body of water, unsubdivided land, or a boundary line or lines of the Township.
- 2.130 **Block Frontage** - That portion of a block which abuts a single street.
- 2.131 **Board** - See Zoning Hearing Board.
- 2.132 **Boarding House** - See "Rooming House".
- 2.133 **Buffer Strip** - A strip of land at least ten feet in width which may be a part of the minimum set-back distance, free of any principal or accessory building other than suitable screening. An access way may cross through a buffer strip but may not run parallel through the buffer strip.
- 2.134 **Building** - Any combination of materials forming any construction which requires location on the ground or attachment to something having location on the ground. The term "building" shall include the term "structure", as well as signs, fences, walls, swimming pools, porches, garages, and similar structures.
- 2.135 **Building Coverage - Maximum** - The maximum ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot (including covered porches, carports and breeze-ways, but excluding open patios, parking areas, swimming pools, tennis courts, and other structures which are

open to the sky) by the total area of the lot upon which the buildings are located. Said ground floor area shall be computed by using the maximum outside building dimensions, including cantilevered areas measured on a horizontal plane.

- 2.136 **Building Height** - The vertical distance derived from the average of the finished grade at the foundation corners of the building or structure to the highest point of the building or structure, excluding a chimney or other similar structure as listed in Section 6.102.
- 2.137 **Building, Principal** - A building in which is conducted the main or principal use of the lot on which it is situated.
- 2.138 **Building Restriction or Setback Line** - A line which designates the minimum distance between any building and/or use and the adjacent road right-of-way or property line. Such line shall be measured at right angles from the front, side, or rear street right-of-way or property lines which abut the property upon which said building and/or use is or is to be located and parallel to said right-of-way or property line.
- 2.139 **Bulk** - The size and shape of building uses and the exterior relationship of their exterior walls, or their location, to lot lines and other buildings or other walls of the same building; and all open spaces required in connection with a

building. Bulk regulations include, but are not limited to, regulations dealing with lot size, lot area per dwelling unit, lot width and depth, building height, required yards, building coverage, courts, usable open space, floor area ratio, spacing between buildings on a single lot and the length of buildings in a row.

- 2.140 **Business** - Any enterprise, occupation, trade or profession engaged in, either continuously or temporarily. The term "business" shall include the occupancy or use of a building, or lot or any portion thereof, for the transaction of business or the rendering or receiving of professional or personal service.
- 2.141 **Business Center Development** - A tract of land, building or structures planned as a whole and intended for one or more establishments for a commercial purpose on a site whether built at one time as a unit, or in two or more construction stages.
- 2.142 **Cafe** - See "Eating and Drinking Places".
- 2.143 **Camps, Campground and Campsite** - See Section 6.1100 for camps, campground and campsite definitions.
- 2.144 **Carport** - A permanent roofed structure which is not enclosed by walls and accessory to a dwelling unit.
- 2.145 **Cartway** - The hard or paved surface portion of a street customarily used by vehicles in the regular course of travel. Where there are curbs, the cartway is that portion between the curbs.
- 2.146 **Catering Service** - See "Eating and Drinking Places".
- 2.147 **Cellar** - The portion of a building, other than a basement, that is located below ground level.

- 2.148 Cemetery - Land used or dedicated to the burial of the dead including columbariums, mausoleums, crypt interments, earth interments and maintenance facilities. Excludes crematoriums, mortuaries and sales facilities.
- 2.149 Child Care Center - See definition for "Day Care Center or Facility".
- 2.150 Club House or Lodge - A building to house a non-profit club or social organization and which is not adjunct to or operated by or in connection with a public tavern, cafe, bar, or other public place.
- 2.151 Commercial Communications Tower - A tower, pole or similar structure that supports a communications antenna operated for commercial purposes above ground in a fixed location, free-standing, guyed or on a building or other structure.
- 2.152 Commercial Vehicle - Any motor vehicle which is required by law to bear any license plate other than that issued for passenger car use, except for a pick-up truck not exceeding a total of 15,000 pounds of gross vehicle weight. Any motor vehicle including passenger cars and pick-up trucks of any size, which by reason of a characteristic coloring or marking exceeding one square foot in area is identified or commonly associated with any business, industry, or public agency shall be considered a commercial vehicle within the terms of this Ordinance. Unmarked passenger cars used in business by a resident shall not be considered to be a commercial vehicle.
- 2.153 Commission - See Planning Commission.

- 2.154 **Competent Authority** - A Competent Authority is a person, corporation or an established and recognized agency which because of education and/or experience or special legal jurisdiction or enforcement responsibility or because of other special qualification is considered to be an authority in a specific subject matter or activity and is therefore deemed competent by the Township Supervisors to provide expert advice to the Township. Such a Competent Authority may include professional engineers or architects, planners, attorneys or other experts, or County, State or Federal agencies such as PA DEP, PennDOT, PA DCED, Northampton County Conservation District, Lehigh Valley Planning Commission, The Nature Conservancy and other conservancy organizations, County or State Health Departments, Federal Environmental Protection Agency, the PA Environmental Council and the Upper Mount Bethel Township Environmental Advisory Council, and other applicable agencies or professional persons.
- 2.155 **Comprehensive Plan** - The official Comprehensive or Land Use Plan of the Township of Upper Mount Bethel as adopted by the Township Supervisors.
- 2.156 **Conditional Use** - A use which by virtue of its own particular characteristics may be permitted in particular areas only after review and recommendation by the Planning Commission and after a public hearing and approval by the Supervisors pursuant to standards and criteria set forth in this Ordinance.
- 2.157 **Consistency** - An agreement or correspondence between matters being compared which denotes a reasonable, rational, similar, connection or relationship.

2.158 Convalescent Home - See Nursing Home.

2.159 Convenience Store - A small retail establishment, usually located within or associated with another use, that offers for sale convenience goods, such as prepackaged food items, tobacco, periodicals, and other household goods.

2.160 Conversion - A significant change in the use of a building or site.

2.161 Curative Amendment

1. Landowner Curative Amendment - A proposed amendment to the Zoning Ordinance prepared by a landowner who desires to challenge, on substantive grounds, the validity of the Zoning Ordinance or Map, or any provision thereof.
2. Township Curative Amendment - A proposed amendment to the Zoning Ordinance which may be prepared by the Township, as an alternate amendment to a proposed curative amendment prepared by the landowner.

All curative amendments shall conform with the requirements of Section 609.1 of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

2.162 Day Care Center or Facility - A center or facility where persons are provided care for part of a 24-hour day. Day Care Centers may consist of the following types:

Day Care - Adult - A facility that provides care for adults for part of a 24-hour day but does not include overnight sleeping nor services that can only be met in a long term care facility. Also see definition of Older Adult Daily Living Center.

Day Care - Child Care Center - The premises in which care is provided at any one time for seven (7) or more children unrelated to the operator.

Day Care - Child Care Service - Care for a child in lieu of care by the parent or guardian for part of a 24-hour day. The term includes care of foster children in a court-supervised arrangement. The term does not include care of related children who reside with an individual. The term does not include supervised on-site training in the case of a student who is fulfilling the requirements of a secondary or postsecondary child care training or educational curriculum.

Day Care - Older Adult Daily Living Center - A premises operated for profit or not-for-profit in which older adult daily living services are simultaneously provided for clients (who are not relatives of the operator) for part of a 24-hour day. These facilities are regulated by the Pa. Department of Aging.

Licensed Older Adult Daily Living Centers are those that meet the minimum standards of the Commonwealth of Pennsylvania and accommodate at least four (4) or more adult client-residents. The PA. Department of Aging governs the licensed Older Adult Daily Living Centers.

Day Care - Older Adult Daily Living Services - Services provided or arranged to assist in meeting the needs, including personal care, social,

nutritional, health and educational needs, of clients. These are provided, as appropriate for each client, through a planned program of social, educational, recreational, therapeutic, rehabilitative, habilitative and developmental activities.

The term does not include services provided for persons whose needs are such that they can only be met in a long-term care facility on an inpatient basis receiving professionally supervised nursing care and related medical and other health services.

2.163 Deck - See definitions of "Patio" and "Porch".

2.164 Density, Gross Project - The gross project density of a residential subdivision, land development, planned residential development or residential cluster development, measured in residential dwelling units per acre, shall be equal to the total number of residential dwelling units in the project divided by the permanent gross total project area of the

development, including streets which provide direct access to adjoining residential uses, private drives, parking areas, recreation and common open space and other related uses permitted in the development.

2.165 Density, Net Project - The net project density of a residential subdivision, land development, planned residential development or residential cluster development, measured in residential units per acre, shall be equal to the total number of residential dwelling units divided by the total net residential land in acres. The total net residential land is equal to the project area which is used for residential purposes or related residential yard areas, parking areas to serve residents, or permitted accessory uses (such as public or private street rights-of-way, providing direct access to residential units, recreation and

common open space to serve residential units, and other related residential uses).

- 2.166 **Detention Center** - A prison or other interment or treatment facility for persons charged with, or convicted of, criminal offenses (including juvenile delinquents), and/or other persons involuntarily committed under applicable mental health or other statutes.
- 2.167 **Developer** - Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.
- 2.168 **Development** - Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of mobile homes, streets, or other paving, utilities, filling, grading, excavation, mining, dredging or drilling operation and the subdivision of land.
- 2.169 **Development Plan** - The provisions for development, including a planned residential development, 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.
- 2.170 **District or Zone** - A portion of the territory of the Municipality within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
- 2.171 **Dormitory** - A residence hall or building which provides sleeping rooms to be used primarily by students of a school or college or by members of a club,

fraternity or sorority or other institution.

- 2.172 **Dump** - A site used primarily for the disposal by abandonment, dumping, burial, burning or other means and for whatever purpose or waste material which is operated in an environmentally safe manner, in accordance with applicable Federal, State or local requirements and/or permits.
- 2.173 **Dwelling** - Any building, vehicle or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons and as defined further below. The term dwelling shall not be deemed to include automobile court, rooming house, tourist home, hotel, motel, hospital, nursing home, dormitory, fraternity, or sorority house or family care or group care facility or a seasonal dwelling as defined herein.
- a. **Dwelling Unit** - One or more rooms, including a kitchen (or kitchenette) and sanitary facilities in a dwelling structure designed as a unit for occupancy by not more than one family (as defined herein) for living and sleeping purposes, and having a separate and independent entrance.
- b. **Dwelling, Single-Family, Detached** - A detached building on a permanent foundation, designed for or occupied exclusively as a residence by one family, except for an "Accessory Dwelling Unit" as defined below, including a "Mobile Home Dwelling" as defined below, except that such mobile home must be located on a permanent foundation.
- c. **Dwelling, Single Family, Semi-Detached** - A building on a permanent foundation, designed for use as a single dwelling unit to be occupied

exclusively as a residence by one family, which has only one side yard and one party wall in common with another building.

- d. Dwelling, Two Family, Detached - A detached building on a permanent foundation in which not more than two individual family or dwelling units are entirely separated by vertical walls and/or horizontal floors, and where each dwelling unit has a completely separate entry and exit.

- e. Dwelling Structures, Multi-Family - Multi-family dwelling structures are structures which contain three or more dwelling units, but not exceeding more than six units in any one structure, including dwelling units commonly referred to as townhouses, row houses or garden apartments units, or high rise units for the elderly or other designations in accordance with the requirements of this ordinance.

Each dwelling unit in such a structure shall be designed for occupancy of families living independently of each other.

- f. Dwelling, Mobile Home - A transportable single family dwelling structure constructed on a permanent foundation (including but not limited to all-weather wood, stone, block, or concrete as approved by the Township), which is intended for permanent occupancy for use by one family, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly

operations; except for a travel trailer as defined herein; and excluding such mobile home dwellings or prefabricated homes or sections thereof which when assembled or combined into a single unit are more than 19 feet in width and no longer readily capable of being separated for repeated towing.

- g. **Dwelling, Manufactured Home** - A factory-built, single family structure manufactured under the authority of 42 U.S.C., Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.
- h. **Dwelling Unit, Accessory** - A separate second dwelling unit which may be located within a structure in which the principal use is for a single-family dwelling provided that such accessory dwelling shall be permitted only if it conforms with the following conditions:
- Shall not exceed three rooms or 800 square feet in total livable area or 40 percent of the total residential floor area (excluding basement and attic floor space), whichever is less.
 - Is not intended for occupancy by more than two persons.
 - The entire dwelling structure, including both the principal and the accessory dwelling unit shall remain in the same ownership at all times, and the principal unit shall be occupied by the owner of the structure at all times. In the

event that this condition ceases to exist then the use of the accessory dwelling unit shall be terminated in the structure.

- i. Dwelling, Efficiency - A configuration for a dwelling unit within a multi-family or apartment building where a separate bedroom is not provided and the sleeping quarters are located in the same room as the living quarters.

- j. Dwelling, Seasonal - A cabin, lodge, summer house or other structure designed and intended for temporary occupancy by one family for less than 150 days of the year. Said seasonal dwelling shall not be larger than 800 square feet in floor area as defined herein, and shall have suitable facilities and utilities to serve the season of the year during which it will be occupied.

2.174 Eating and Drinking Places - The following types of Eating and Drinking Places are defined for the purpose of this Ordinance:

Type	Seating Capacity	Menu	Liquor Service
Snack Bar	Counter service and limited seating not to exceed 30	Light snack items with a limited menu. No cooking on premises. Use of microwave and stove for heating of pre-cooked snack,	NO

Type	Seating Capacity	Menu	Liquor Service
	persons	refrigerator and freezer items allowed.	
Cafe	Not to exceed 60 persons	Informal restaurant with beverages, light refreshments, and limited menu meals such as soups and sandwiches, and specialty items	YES (b) Wine & Beer Service
Fast Food Restaurant	Not to exceed 75 persons	Food is prepared and served without the use of waiters, waitresses or table service.	NO
Bar/Tavern	Not to exceed 100 persons	Primarily devoted to serving alcoholic beverages with food items only being incidental to the consumption of such beverages.	YES(b)
Night Club or Banquet Hall	500 persons	Food and liquor served, primary attraction is dancing, musical entertainment and/or a floor show.	YES(b)
Family Restaurant	Not to exceed 250 persons	Full menu offered. Food may be cooked and prepared on premises. Serving staff available for table and side service. Alcohol may be permitted as a complement to a meal. Food is the primary attraction.	YES(b)
Catering Service	N/A	A commercial or non-profit establishment that prepares, delivers, serves and supplies food to be consumed off premises.	NO
Bed and Breakfast Homestead or Inn	Not to exceed 6 groups or 12 persons	Breakfast items only for overnight guests, excluding other eating and drinking places open to the public.	NO

Footnotes:

- (a) Adult entertainment and activities as defined herein are not included at any of the above

establishments unless they are approved in accordance with the requirements of Use Class 19.

- (b) Liquor service is subject to requirements of the PA Liquor Control Board.

NOTE: Capacity of facility to be limited by location. Available road traffic capacity relationship to residential or commercial area and potential Fire Safety Hazards.

2.175 Environmentally Sensitive Areas - Include, but not limited to the following:

Areas subject to flooding, wetlands, groundwater aquifers and recharge areas, rivers, streams, ponds, lakes, steep slopes, areas needed for storm water runoff control, sink holes, and areas with unique natural features.

2.176 Equal Degree of Encroachment - A method of determining the location of encroachment limits so that the hydraulic capacity of flood plain lands on each side of a stream is reduced by an equal amount when calculating increases in flood stages due to flood plain encroachments.

2.177 Essential Services - The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, communication systems (including antennae, towers, commercial communication towers and wireless telecommunication facilities), water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings,

except telephone booths, fire houses, pump stations, treatment plants, and similar facilities which shall also be considered as essential service facilities hereunder.

- 2.178 **Family** - Any individual, or two or more persons, all of whom are related by blood, marriage, legal adoption or foster placement living together as a single housekeeping unit. A group of two or more persons, all or some of whom are not related as defined above, living together in a single, non-profit dwelling unit and maintaining a common household with a single cooking facility shall also be considered to be a family.

The term "Family" does not include the residents of a "Family Care" or "Group Care" facility as defined herein, and shall not include the occupants of a boarding house, rooming or lodging house, club, fraternity/sorority or dormitory or a family care or group care facility as defined herein.

The number of persons residing in a single housekeeping unit, whether classified as a family, or as a group of unrelated individuals shall be subject to the applicable housing occupancy requirements of the Township or housing occupancy code adopted by the Township.

- 2.179 **Family Care Facility** - A facility which provides resident service in a private residence to six or fewer individuals who are not related to the resident household. These individuals shall include persons in need of continuing medical and/or adult supervision and/or treatment and are provided service and supervision by members of the residential household in

accordance with their individual needs. This category includes foster or boarding houses for children, but does not include "Detention Centers" as defined herein.

- 2.180 **Farmstead** - A group of buildings including a single family dwelling, barn and accessory buildings typically found on a farm and which are only required for the operation of the farm.
- 2.181 **Fast Food Restaurant** - See "Eating and Drinking Places".
- 2.182 **Fence** - Any outdoor barrier of either natural living vegetation or composed of fabricated materials, as defined below, which is placed or arranged as a line of demarcation between lots, or to enclose a lot or a part of a lot. For the purpose of this Ordinance, a fence is a boundary line fence when the average center line of the fence is established on the lot within two feet of a property and/or lot line. The height of any fence shall be the distance measured from the existing grade of the natural surface to the top of the fence.
- a. **Natural Living Fence** - A barrier of natural living vegetation, including shrubs, hedges, trees or other plant materials, shall only be considered to be a fence if 50% or more of the horizontal length of such materials or growth within six feet of the ground surface provides a visual screen or obstruction to vision.
 - b. **Fabricated Materials Fence** - Any structure or wall, regardless of composition of material, except for a natural living fence, which is constructed and installed to act as a visual or physical outdoor barrier.
- 2.183 **Filling Station** - A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks. A Filling Station may include accessory facilities for rendering

services such as lubrication, washing, and minor repairs with hand tools.

2.184 First Floor - See "lowest floor".

2.185 Flag Pole Lot - An irregularly shaped lot characterized by an elongated extension from a road to the principal part of the lot. The flag pole

shape shall act as access to an otherwise landlocked interior parcel. The access strip of a flag lot shall not be included in net lot area. The minimum width of the access strip shall be fifty (50) feet and shall be capable of accommodating all vehicles, including emergency vehicles.

2.186 Flea Market - A sale of items of tangible personal property, wherein, on one (1) location, there are multiple vendors who may vary from week to week, who may have paid a fee for the privilege of occupying the space allotted to each such vendor for the purpose of displaying and selling items of tangible personal property, whether indoor or outdoor, such that all or many of the items for sale are removed from the selling area on a daily or periodic basis.

2.187 Flood Plain related definitions:

a. Flood - A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

b. Base Flood - The flood having a one percent (1%) chance of being equaled or exceeded in any given year, commonly referred to as the 100 Year Flood.

c. Flood Frequency - The average frequency, statistically determined, for

which it is expected that a specific flood stage or discharge may be equaled or exceeded.

- d. **Flood Plain** - The areas adjoining a water course which have been or hereafter may be covered by flood water.
- e. **Flood Prone Area** - A Flood Prone Area is an area subject to flooding as defined in any Flood Plain Management Ordinance adopted by the Municipality and as it may be amended thereafter.
- f. **Flood Proofing** - A combination of structural provision changes, or adjustments to properties and structures subject to flood primarily for the reduction or elimination of flood damages.
- g. **Flood Protection Elevation** - An elevation not less than one and one-half (1 2) feet above the one hundred (100) year flood elevation as shown in the Flood Insurance Study prepared by the Federal Insurance Administration. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.
- h. **Floodway** - See "regulatory floodway".
- i. **Floodway Encroachment Lines** - The lines marking the limits of flood ways in Federal, State and local flood plain maps.
- j. **One Hundred Year (100-Year) Flood** - See "base flood".
- k. **Regulatory Floodway** - The channel of a river or other watercourse

and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

- 2.188 Floor Area - The sum of the gross areas of the floors of every story of a building measured from the exterior faces of exterior walls or from the center lines of common or party walls separating two buildings.
- 2.189 Floor Area Ratio - The total floor area of a building divided by the area of the lot on which it is located. Regardless of the internal arrangements of a building, it shall be deemed to have at least one story for each twenty feet of height or fraction thereof.
- 2.190 Forestry - The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, including the development, cultivation, harvesting, transporting and selling of trees for commercial purposes, and which does not involve any land development.
- 2.191 Garage - Auto and motor vehicle garages of the following types:
- a. Garage, Private - An "Accessory" building, not exceeding one story or 24 feet in height. Such a building shall be "accessory" to a single residential unit and shall be used only for the storage of private motor vehicles and other personal effects of the occupants of the principle structure. Any private garage which exceeds 700 square feet in floor area per residential unit shall require "Special Exception" approval by the Zoning Hearing Board.
 - b. Garage, Auto Repair - Buildings and land where both major and minor repairs and services are provided, including the retail sale of full auto accessories and parts.

c. **Garage, Service** - A building or part thereof used to provide minor repairs and service of motor vehicles for remuneration and not used for dismantling or scrapping of motor vehicles. (Also see Auto Repair Garage and Auto Including Motor Vehicle Repair)

d. **Garage, Community** - A building or group of buildings, used exclusively for the storage and parking of automobiles and not used for making repairs thereto.

2.192 **Garage Sale** - Shall mean a sale open to the public, of new, used or previously owned personal property, including but not limited to goods, wares, merchandise and clothing, held on vacant property, or on the lawn, yard, porch, patio, or in the garage, residence or other outbuilding. Those holding garage sales are required to secure a permit for such sales as provided and controlled by UMBT Ordinance, as amended.

2.193 **Governing Body** - The council in cities, boroughs and incorporated towns; the board of commissioners in townships of the first class; the board of supervisors in townships of the second class; the board of commissioners in counties of the second class through eighth class or as may be designated in the law providing for the form of government.

2.194 **Group Care Facility** - A facility which provides resident services to seven or more individuals of whom one or more are unrelated, who are being cared for by a supervisory staff. These individuals shall include persons in need of

medical and/or adult supervision and treatment and are undergoing rehabilitation for physical or mental disabilities, drug or substance abuse, or other problems, and are provided services to meet their individual needs. This category includes uses licensed or supervised by any Federal, State or County health/welfare agency, such as group homes, halfway houses, resident schools, resident facilities and foster or boarding homes, but does not include "Residential Care Facilities" for the elderly and "Nursing Homes" or "Detention Centers" as defined herein.

2.195 **Growth Area** - The following two types of Growth Areas are defined:

- a. **Growth Area, Designated** - A region within a county or counties described in a municipal or multi-municipal plan that preferably includes and surrounds all or a portion of a Township, city, borough or village for which residential, commercial, industrial and institutional uses are permitted or planned for (at densities as set forth in this Ordinance) and where public infrastructure services are provided or planned.

- b. **Growth Area, Future** - An area of a municipal or multi-municipal plan designated as an area where residential, commercial, industrial and institutional uses and development are permitted or planned at varying densities and public infrastructure services may or may not be provided, but where future development is

planned to accompany the orderly extension and provision of public infrastructure services.

2.196 **Hazardous Waste** - Any refuse, discarded material, or combination thereof in

solid, semi-solid, liquid or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste include, but are not limited to explosives, flammables, oxidizers, poisons, irritants and corrosives.

- 2.197 **Height of a Structure** - The vertical distance derived from the average finished grade at the foundation corners of the building or structure, to the highest point of the building or structure, excluding the items set forth under Section 6.102.
- 2.198 **Heliport** - An improved area licensed or approved for the landing and take-off of helicopters and including some or all of the auxiliary facilities necessary for the operation of the heliport such as helicopter parking, waiting room, fueling and maintenance equipment.
- 2.199 **Home-Based Business** - Business activities which are undertaken in a residential housing unit for which are carried out with the intent of earning an income. Two types of Home-Based Businesses are defined below:
- a. **No-Impact Home-Based Business** - As required by the PA Municipalities Code, a business or commercial activity administered or conducted as an accessory use to a residential dwelling unit, which is clearly secondary to the use as a residential dwelling and which involves neither customer, client, or patient traffic; nor pickup, delivery, or removal functions, in excess of those normally associated with residential use. The activity must further satisfy specified requirements as set forth in this Ordinance.
 - b. **Other Home-Based Business** - Any Home-Based Business which does

not comply with the above established "No-Impact Home- Based Business" and with the other requirements of this Ordinance.

- 2.200** Hospital - A building or part thereof used for the medical, psychiatric, obstetrical, surgical, or other medical care, on a 24-hour basis, of four or more in-patients. Hospital shall include general hospitals, mental hospitals, tuberculosis hospitals, children's hospitals, and any such facilities providing medical in-patient and/or out-patient care.
- 2.201** Hotel - A building or group of buildings designed to serve the public, with one or more outside entrances which contains six or more permanent bedrooms and which is designed, arranged and used for the overnight lodging of travelers or for temporary occupancy of transients; and which may include a public dining room and kitchen.
- 2.202** Impervious Surface - Any surface on a lot which blocks the natural percolation of water into the ground surface. Examples include but are not limited to structures, including eaves, roofs and roof overhangs; parking areas; driveways; sidewalks; patios and decks; sport courts; and pools.
- 2.203** Industry, Compatible - Any industry which is not detrimental to the environment or the health and safety of the residents of the municipality in which it is located by reason of the emission of smoke, noise, odor, dust, vibration, excessive light, or by an other adverse effect produced by the industry which extends beyond the limits of its lot, or by reason of generating excessive traffic with attendant hazards.

2.204 **Industrial Park** - A group of "compatible" industrial plants on a single parcel of land, or on separate parcels contiguously arranged, so as to form a planned development of industrial sites, building or buildings.

2.205 **Junk and Junk Yard**

a. **Junk** - Junk shall include scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used machinery, abandoned motorized and non-motorized vehicles not in operating condition, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used tires and other manufactured goods, any of which are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but which are subject to being dismantled or processed for reclamation, salvage or recycling.

b. **Junk Yard** - A junk yard shall consist of an outdoor storage yard (on a minimum site of five acres) or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, where no less than 40 percent of the storage, processing and associated activities take place in a completely enclosed building. Such an area shall be fenced and buffered by the applicable provisions

set forth in Sections 6.305 and 6.901 as approved by the Township

Supervisors.

2.206 Land Development - Any of the following activities:

- a. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- b. A subdivision of land, as defined herein
- c. Development in accordance with Section 503 (1.1) of the PA Municipalities Planning Code.

2.207 Landfill - See "Sanitary Landfill"

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

- 2.209 Lighting, Artificial - Any fixed source of light emanating from a manmade device, including but not limited to, incandescent mercury vapor, metal halide, or sodium lamps, spotlights, street lights, construction or security lights.
- 2.210 Lot - A designated parcel, tract or area established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.
- a. Lot Area - The computed area contained within the lot lines.
 - b. Lot, Corner - A lot situated at an intersection of two streets, where said lot has frontage on both streets.
 - c. Lot Depth - The average distance between the front and the rear lot lines.
 - d. Lot Lines - The property lines bounding the lot.
 - 1. Lot Line, Front - The line separating the lot from the principal street right-of-way on which the lot has frontage.
 - 2. Lot Line, Rear - The lot line opposite and most distant from the front lot line.
 - 3. Lot Line, Side - Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.

- e. Lot Width - The width of the lot between side lot lines measured at the front building line as prescribed by the front yard regulations.
- 2.211 Lowest Floor - The lowest floor of the lowest enclosed area (including basement).
- 2.212 Mediation - A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.
- 2.213 Medical Office Building - A building used exclusively by health care provider of any type for treatment and examination of patients, provided that no overnight patients shall be kept on the premises.
- 2.214 Membership Club - See "Social Hall, Club or Lodge".
- 2.215 Mobile Home - See "Dwelling, Mobile Home".
- 2.216 Mobile Home Park - A parcel of land at least ten acres in size, under single ownership, which has been planned and improved for the placement of two or more mobile homes for non-transient use.
- 2.217 Motel - A building, or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed primarily for transient travelers, and provided with accessory off-street parking facilities. The term "motel" includes buildings designed as tourist courts, motor lodges, auto courts and other similar uses.

- 2.218 Motor Vehicle Repair - See "Auto Includes Motor Vehicle Repair" under 2.121.
- 2.219 Municipality or Township - The Township of Upper Mount Bethel located in Northampton County, Pa.
- 2.220 Night Club - See "Eating and Drinking Places".
- 2.221 Nonconforming Lot - Any lot, legally existing at the date of passage of this Ordinance, which does not conform with either one or more of the following: the minimum width, depth and area dimensions specified for the district where such a lot is situated.
- 2.222 Nonconforming Use or Structure
- a. Nonconforming Structure - A building or structure or part thereof manifestly not designed to comply with the applicable use, or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted where such building or 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.
 - b. Nonconforming Use - A use, whether of land or building or structure, which does not comply with the applicable use provisions of the Zoning Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

- 2.223 **Nursing Home** - An institutional use licensed under the laws of the Commonwealth of Pennsylvania, for lodging, boarding and nursing care, including any premises containing sleeping rooms or beds to be used by seven or more persons who are lodged and furnished with meals, related facilities and professional staff and nursing care on a 24-hour basis. Nursing homes shall also include convalescent homes, skilled nursing facilities, intermediate care facilities and infirmaries located within homes for the aged, but shall exclude "Residential Care Facility for the Elderly", "Residential Retirement Complex" or "Detention Centers" as defined herein.
- 2.224 **Obstruction To Vision** - An "obstruction to vision" is defined as any structure, fence, sign, plant material or other obstruction which obstructs vision between a height of two to ten feet above the center line grade of the adjoining streets or driveways within the site triangle formed by the street or driveway intersection, created by the right-of-way line of each street or driveway extended to a "common point", and a line drawn between two points on the right-of-way line of each street or driveway, each located 15 feet from the "common point" measured along the street or driveway intersection for local and collector streets, and 30 feet for major State and Federal traffic routes. All plant materials shall be kept trimmed to ensure uninterrupted vision for motor vehicle traffic.
- 2.225 **Official Zoning Map** - The map established by the Township designating the location and boundaries of the zoning districts established.
- 2.226 **Open Space** - The area of a lot unoccupied by principal or accessory structures, streets, driveways, or parking areas; but includes areas occupied by walkways, patios, porches without roofs, playgrounds, outdoor recreation or play apparatus, gardens or trees.

- 2.227 Open Space, Common - A parcel or parcels of land, or an area of water, or a combination of land and water within a development site which is open space designed and intended for the use or enjoyment of residents of a development.
- 2.228 Open Space, Conservation - The preservation of undeveloped land in a natural state, by limiting or prohibiting the development of buildings, parking areas, commercial and industrial establishments and promoting the preservation of natural resources, including forests, woodlands, natural streams and water bodies, wildlife and mineral resources, and including agricultural lands which are used for producing agricultural products, and by areas used for wildlife management and other similar low density and low impact uses. Preservation and conservation of open space land is promoted by the use of deed restrictions on land, the sale of development rights, restriction of development, by zoning restrictions and by the careful planning of recreational uses requiring large open areas.
- 2.229 Parcel - See definition of "Lot".
- 2.230 Parking Area - An open space used for the storage or parking of motor vehicles exclusively, with or without compensation, and in which no other business is conducted.
- 2.231 Parking Space - A space or berth which is arranged and intended for parking of one motor vehicle in a garage or parking area.
- 2.232 Patio - A surfaced ground area, or a courtyard or a deck less than one foot above the highest ground elevation over which it is located designed for outdoor living purposes as an accessory use to a structure, which shall be completely unenclosed except for any side

which may adjoin a structure or for any fences or walls, shrubs or hedges less than four feet in height. Outdoor areas which are screened or enclosed by a roof or awning shall be considered to be a structure (See definition of "Porch").

2.233 Performance Guarantee - Any security which may be accepted by the municipality in lieu of a requirement that certain improvements be made by the subdivider before the plat is approved in a form provided for by the Municipalities Planning Code.

2.234 Permit - A document issued by the proper authority of the municipality authorizing an applicant to undertake certain activities, as further defined below:

- a. Zoning Permit - A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this Ordinance or with an order of the Zoning Hearing Board or Council and authorizing an applicant to proceed with said use, building or structure.
- b. Building Permit - A permit indicating that a proposed construction, alteration or reconstruction of a structure is in accordance with the construction provisions of any Building Code adopted by the municipality, which authorizes an applicant to commence with said construction, alteration or reconstruction. Such a permit shall not be confused with a zoning permit or with an occupancy permit as may be required under the terms of this Ordinance.
- c. Occupancy Permit - A permit issued upon completion of the construction of a structure, or change in use of structure or parcel of land indicating that the premises comply with the provisions of this

Ordinance and may be used for the purposes set forth in the Occupancy Permit.

- 2.235 **Permitted Use** - Any use which does not require special action by the Planning Commission, the Zoning Hearing Board or the Council before a zoning permit is granted by the Zoning Officer.
- 2.236 **Person** - An individual, partnership, organization, association, trust, or corporation. When used in a penalty provision, "person" shall include the members of such partnership, the trustees of such trust, and the officers of such organization, association, or corporation.
- 2.237 **Planned Cluster Residential**- An area of land at least ten acres in size, controlled by a landowner, to be developed as a single entity for ten or more dwelling units, the development plan for which may include either

single-family, two-family or multiple-family dwellings. Such developments are presently not permitted in this Ordinance.
- 2.238 **Planned Residential Development (PRD)** - An area for which a unitary development plan has been prepared indicating, but not being limited to the following land uses: open space, on-site circulation for both pedestrians and vehicles, parking, setbacks, housing densities, building spacings, land coverage, landscaping, relationships, streets, building heights, accessory uses, and architectural treatment. A Planned Unit Development may include "Planned Cluster Developments", which are a development design technique concentrating buildings in a specific area on a site to allow the remaining land to be used for recreation, common open space, or preservation of environmentally sensitive areas. Such developments are presently not permitted in this Ordinance.

- 2.239 Planning Commission - The Planning Commission of the Township of Upper Mount Bethel established in accordance with the requirements of the Pennsylvania Municipalities Planning Code.
- 2.240 Plot Plan - A plat of a lot, drawn to scale showing the actual measurements, the size and location of any existing structures or new structures to be erected, the location of the lot in relation to abutting streets and other such information.
- 2.241 Porch - A structure or part of a structure which is enclosed on one or more sides by a fence or wall which is four feet high or higher or covered by a roof or awning; or a structure which would otherwise be classified as a patio or a deck except that it is more than one foot above the highest ground elevation over which it is located.
- 2.242 Preservation or Protection - The terms "preservation" or "protection" when used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.
- 2.243 Primarily - The term "primarily" when used in this Ordinance shall include at least 75% of the activity, users or other category referred to in this Ordinance.
- 2.244 Prime Agricultural Land - Land used for agricultural purposes that contain soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resources and Conservation Services County Soil Survey.

- 2.245 **Principal Use** - The primary or most important or main use of a lot, parcel or structure.
- 2.246 **Professional Office** - Professional offices shall include the office of a physician, dentist, optometrist, architect, landscape architect, engineer, planner, insurance broker, realtor, accountant, lawyer, author or other member of a recognized profession.
- 2.247 **Public Infrastructure Area** - A designated growth area and all or any portion of a future growth area described in a county or multi-municipal comprehensive plan where public infrastructure services will be provided and outside of which such public infrastructure services will not be required to be publicly financed.
- 2.248 **Public Infrastructure Services** - Services that are provided to areas with densities of one or more units to the acre, which may include public sanitary sewers and facilities for the collection and treatment of sewage, water lines and facilities for the pumping and treating of water, parks and open space, streets and sidewalks, public transportation and other services that may be appropriate within a growth area, but shall exclude fire protection and emergency medical services and any other service required to protect the health and safety of residents.
- 2.249 **Public Notice** - Notice for a Public Hearing published once each week for two consecutive 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 be not more than 30 days and the second publication shall not be less than 7 days from the date of the hearing (Also see Section 6.700).

- 2.248 Reach - A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
- 2.249 Recreation Areas - See Section 6.1200 for definitions and requirements.
- 2.250 Recreational Vehicle - A vehicle or piece of equipment, either self-powered or designed to be towed, intended primarily for recreational or leisure time use. Such vehicles may include travel trailers as defined herein, campers, vehicles adapted for leisure time use, snowmobiles, mini-bikes, boat trailers and other similar vehicles.
- 2.251 Recycling Facility - An area of land, at least three acres in size, including a facility where solid waste such as paper, cardboard, glass, aluminum, plastic or other materials approved for recycling by the Township, that are no longer useful for their intended purpose and are separated, sorted, accumulated and mechanically processed for reuse at another site. No less than 60% of the activities at the site shall take place in a completely enclosed building or facility. Such an area shall be fenced and buffered by the applicable provisions set forth in Sections 6.305 and 6.901, and as approved by the Township Supervisors.
- 2.252 Refuse Site - A lot or land or part thereof used primarily for disposal by sanitary landfill, burial, incineration or any other legal means of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

- 2.253 Regional Comprehensive Plan - The Regional Comprehensive Plan prepared and adopted by the Lehigh Valley Planning Commission (LVPC).
- 2.254 Research Center - Land under single ownership or agreement, planned and developed to provide service sites for structures and facilities, devoted to experimentation in pure or applied scientific research, or to the design, development and testing of new prototype machines, devices, products or processes, and all accessory structures and facilities necessary to the operation thereof.
- 2.255 Resident - One who lives and usually works in the vicinity, not a visitor or transient.
- 2.256 Residential Care Facility For The Elderly - A residential complex, located on a site of at least five acres, containing dwelling units and 24-hour staff services to provide assistance and care for elderly residents capable of independent or semi-independent living, each of whom are primarily (at least 65%) at least 55 years of age or handicapped (or the spouse of an otherwise qualified resident), but not requiring "Nursing Home" care.
- 2.257 Residential Retirement Complex - A planned residential development for persons of retirement age located on a site of at least five acres or more which is held in one ownership and which provides residential living accommodations and certain health care facilities for the residents. Additional communal facilities may also include dining, recreation, open space, parking and related facilities and other support services.

2.258 Resort - A business, situated on a lot containing five acres or more, combining lodging, eating, recreational or entertainment facilities as a single enterprise offered to the public at large or any segment thereof, subject to the requirements contained herein.

2.259 Restaurant - See "Eating and Drinking Places".

2.260 Rooming or Boarding House - A building containing one or more dwelling accommodations in which at least two rooms are offered for rent for periods of three weeks or longer, to adults aged 18 years or older, payable in money or other consideration, including meals which may be furnished to occupants, but where no public restaurant is maintained. A school or college dormitory, fraternity or sorority house, membership club with residents and other similar uses is not deemed to be a boarding or rooming house.

2.261 Rural Area Business - "Rural Area" businesses are not considered accessory uses but may operate as a separate independent business in specifically designated rural area locations.

Such businesses as further defined in Use Class 12 of Section 4.202, may be located on the same lot as a residential dwelling unit or on a separate independent parcel in designated areas of the Township.

All such businesses may only be approved as "Special Exception" Uses in accordance with the requirements of this Ordinance.

2.262 Rural Resource Area - An area described in a municipal or multi-municipal plan within which rural resource uses including, but not limited to, agriculture, timbering, mining, quarrying and other extractive industries, forest and game

lands and recreation and tourism are encouraged and enhanced, development that is compatible with or supportive of such uses is permitted, and public infrastructure services are not provided except in villages.

- 2.263 **Sand or Gravel Pit** - A lot or land, or part thereof used for the purpose of extracting sand, gravel, soil or sod for sale, as an industrial operation; and exclusive of the process of legitimate excavation of a lot preparatory to the construction of a building.
- 2.264 **Sanitary Landfill** - A land site designed to meet the requirements of the Commonwealth of Pennsylvania Department of Environmental Protection (DEP) and on which engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution or environmental degradation.
- 2.265 **Sanitary Sewer System, Private-Central** - A privately owned sanitary sewer system designed and constructed to collect, centrally treat and dispose of all sewage from any portion of a development or area.
- 2.266 **Sanitary Sewer System, Public** - A sanitary sewer system serving all or a portion of the municipality and administered by either a municipality, municipal authority or public utility, but not a private centralized or a community centralized system.
- 2.267 **Satellite Earth Stations** - A dish-shaped antenna designed to receive television broadcasts or other electro-magnetic signals, and which are relayed by microwave signals or other electro-magnetic, laser or similar devices from earth orbiting communication satellites.

- 2.268 **Service Station** - Buildings and lots where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A service station is not a major repair garage nor a body shop. (Also see "Auto Repair")
- 2.269 **Sewage Sludge** - Refer to Ordinance in process of being adopted by the Township.
- 2.270 **Shed** - An "Accessory" structure or building used primarily for storage purposes. Such structures shall not exceed one story or 20 feet in height and shall be "accessory" to residential and non-residential principal use structures, and shall not exceed 240 square feet in floor area.
- 2.271 **Shopping Center** - A group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, and aesthetic considerations.
- 2.272 **Sign, Advertising** - An "advertising sign", also referred to as a "billboard", is any graphic or visual display which directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed.
- 2.273 **Sign, Business** - A "business sign" is any graphic or visual display which directs attention to a business or profession or to a commodity,

service, or entertainment conducted, sold, or offered upon the premises where such sign is located, or to which it is affixed.

- 2.274 **Sign, Gross Surface Area Of** - The "gross surface area" of a sign or sign structure shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign or structure or display and in no case passing through or between any adjacent elements of same, but not including any structural or framing elements located outside the limits of the display of such sign.
- 2.275 **Similar Uses, Other** - "Other Similar Uses" are uses determined by the Zoning Hearing Board to be similar to other uses specifically identified in a Use Class. See Section 7.403c for criteria required to determine such similarity.
- 2.276 **Site Plan** - A Plan which includes an accurate layout of the zoning proposal in map form drawn to scale, including all existing features, soils and topographic information of the site, and all dimensions and design features of the proposal fully shown, including all features and proposed infrastructure required for review by the Township.

The Site Plan must also include information to determine compliance with the Performance Standards and other requirements of this Ordinance.

A Site Plan is required to be submitted for all proposed "Special Exception" and "Conditional Uses" and for any other uses requiring a Site Plan Review as identified in this Ordinance.

Site Plan must first be reviewed by the Planning Commission where recommendations will be submitted to the appropriate body responsible for taking action on the Plan (Zoning Hearing Board, Supervisors or Zoning Officer).

Site Plan, Optional - A preliminary sketch Site Plan which may be submitted by an applicant, for a proposed development, as an Optional procedure which may be selected by the applicant prior to eventual submission of the Site Plan, as defined above.

2.277 **Slaughterhouse** - A building used for the slaughtering of animals that are either raised or transported to the building, and the processing and storage of animal products and waste that result from a slaughtering process.

2.278 **Snack Bar** - See "Eating and Drinking Places".

2.279 **Social Hall, Club or Lodge** - A building, structure, lot or land area, or portion thereof, used as a private club or social organization or for activities or services not generally extended to the general public and not conducted for individual profit or gain.

2.280 **Solid Waste** - Any garbage, refuse, rubbish, or other discarded materials, that may be in solid, liquid or gaseous form.

2.281 **Solid Waste Management Plan** - A plan describing the activities that will result in the storage, transportation or disposal of solid waste.

- 2.282 **Special Exception** - A "Special Exception" is a use which may be granted or denied pursuant to express standards and criteria established in this Ordinance. Requests for such "Special Exceptions" shall be decided by the Zoning Hearing Board after a review and recommendation from the Planning Commission and after a hearing to determine compliance with said standards and criteria.
- 2.283 **Specific Plan** - A detailed plan for nonresidential development of an area covered by a municipal or multi-municipal comprehensive plan, which when approved and adopted by the participating municipalities through ordinances and agreements, supersedes all other applicable ordinances.
- 2.284 **State Land Use and Growth Management Report** - A comprehensive land use and growth management report to be prepared by the Center for Local Government Services and which shall contain information, data and conclusions regarding growth and development patterns in this commonwealth and which will offer recommendations to commonwealth agencies for coordination of executive action, regulations and programs.
- 2.285 **Storm water Management Plan** - The plan for managing storm water runoff adopted by a County as required by the Act of October 4, 1978, P.L. 864 (Act 167), and known as the "Storm Water Management Act".
- 2.286 **Story and Half-Story** - That portion of a building, included between the surface of any floor, but excluding the basement or cellar, and the ceiling next above it and having a vertical distance of not less than seven feet. Any such portion of a building having a distance of less than seven feet shall be considered to be a half-story.
- 2.287 **Street** - A public or private thoroughfare, having a right-of-way width of 33

feet or greater, which affords the principal means of access to

abutting property, including avenue, way, drive, boulevard, highway, road and any other thoroughfare except an alley.

- a. **Public Street** - A street, as defined hereinabove, which is dedicated to and accepted by the Municipality, or which is otherwise owned by the Municipality, and which is legally open to the general public for use as a means of vehicular and pedestrian traffic.

- b. **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 on a public street, or on a private street as may be permitted by the Township Subdivision and Land Development Ordinance, without traversing through or around another use and/or building; provided, however, that private streets shall have access to and be connected to a public street.

All such uses shall have a minimum frontage on the street as required by this Zoning Ordinance.

- 2.288 **Structure** - Anything constructed, including a building, the use of which requires permanent or fixed location on the ground, or attachment to something having a permanent location on the ground. The term "structure" shall include signs, fences, walls, stationary and portable carports, porches, swimming pools, garages and other construction of all types.

2.289 **Structural Alteration** - Any change in the supporting members of a building, such as beams, columns, or girders.

2.290 **Subdivision Plan**

a. **Subdivision** - The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts or parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; for land uses specifically permitted in this Ordinance, provided, however, that subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street easement of access or any residential dwelling, shall be exempted.

b. **Subdivision, Conservation** - A "Conservation Subdivision" includes a subdivision, as defined above which includes a

compatible combination of residential, agricultural, recreation, permanent open space uses and other related or accessory uses which are reviewed and recommended for approval by the Township Supervisors as a "Conditional Use" as defined herein.

The uses to be included in the Conservation Subdivision may only include uses which are specifically located and permitted in the various "Use Classes" and Zoning Districts in which they are proposed.

2.291 **Subdivision and Land Development Ordinance (SALDO)** - The official

Subdivision and Land Development Ordinance for the Township of Upper Mount Bethel Township as adopted by the Township Board of Supervisors.

- 2.292 **Substantial Damage** - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
- 2.293 **Substantial Improvement** - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:
1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
 2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".
- 2.294 **Supervisors** - The officially elected or appointed members of the Upper Mount Bethel Township Board of Supervisors.
- 2.295 **Swimming Pool** - Any body of water or receptacle for water having a depth at any point greater than two feet which is used, or intended to be used, for swimming or bathing and constructed, installed, or maintained in or above the ground, outside any building.

- 2.296 Tavern - See "Eating and Drinking Places".
- 2.297 Temporary or Seasonal Occupancy - The use of any premises, vehicle, or structure for living and/or sleeping purposes for 150 or less days in any calendar year, except for "on and off" season camping requirements included in Section 6.1100.
- 2.298 Tenant - Any person who occupies or has a leasehold interest in a rental unit under a lawful rental agreement, whether oral or written, express or implied.
- 2.299 Tire Storage - A place where tires are collected, stored or disposed.
- 2.300 Tourist Home - A dwelling in which the owner or tenant rents at least one (1) but not more than six (6) rooms and offers overnight accommodations to transient guests for compensation.
- 2.301 Township - See Municipality.
- 2.302 Tract - See definition of "Lot".
- 2.303 Traditional Neighborhood Development - An area of land developed for a compatible mixture of residential units for various income levels and non-residential 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, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

2.304 Travel Trailer - A vehicle not exceeding 45 feet in total length which can be moved over the highway and be used for temporary living or sleeping purposes and standing on wheels and containing not more than one dwelling unit.

2.305 Ultimate Road Right-of-Way - The right-of-way width of a street or other corridor as computed from the center line, which is expected to be needed in the future to adequately and properly accommodate the

anticipated vehicular and pedestrian traffic and related appurtenances, based on the function of the road in the circulation system, as prescribed in the Upper Mount Bethel Subdivision and Land Development Ordinance.

2.306 Usable Open Space - A portion of a lot or tract used for residential purposes exclusive of required front and side yard areas, which is not covered by buildings or parking areas and is suitable for use as outdoor open space for the residents thereon.

2.307 Use Class - A group of similar, related or compatible land uses which are

grouped together for inclusion in one or more zoning districts.

- 2.308 Use Class Subcategory - Within any single Use Class, those uses which are considered to be similar or of the same type or impact are included in the same paragraph in Section 4.200. Where a use is proposed by a zoning applicant, which is not specifically listed in any specific Use Class then the Zoning Hearing Board may determine the "Use Class Subcategory" (as defined herein) which is most similar to the proposed use and said proposed use shall be subject to all of the requirements of said Use Class Subcategory, if so approved by the Zoning Hearing Board.
- 2.309 Variance - The Zoning Hearing Board's authorized departure from the provisions of this Ordinance where the Board finds that such provisions inflict unnecessary hardship upon an applicant, in accordance with the procedures set forth in this Ordinance and with the laws of the Commonwealth of Pennsylvania.
- 2.310 Village - An unincorporated settlement that is part of a township where residential and mixed use densities exist or are permitted and commercial, industrial or institutional uses exist or may be permitted.
- 2.311 Wall - An upright structure of masonry, wood, plaster, or other building material serving to enclose, divide, or protect an area, especially a vertical construction forming an inner partition or exterior siding of a building. Walls over three feet high shall require a permit.
- 2.312 Water Supply System, Private Central - A privately owned water supply system designed and constructed to transmit and distribute water from a common source for domestic use, fire fighting and other purposes to any portions of a development or area.

2.313 Water Supply System, Public - A water supply system serving all or a portion of the municipality administered by either a municipality, municipal authority, or public utility but not a private centralized or

community centralized system..

2.314 Wetland - Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

2.315 Wildlife Refuge - An area maintained in a natural state for the preservation of both animal and plant life.

2.316 Yard - An open space, as may be required by this Ordinance, on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line, as defined below, and which is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

a. Yard, Front - An open space extending the full width of the lot between the principal building and the front lot line.

b. Yard, Rear - An open space extending the full width of the lot between the principal building and the rear lot line.

c. Yard, Side - An open space extending from the front yard to the rear

yard between the principal building and the nearest side lot line.

- 2.317 Yard Sale - See the definition for "Garage Sale".

- 2.318 Zoning Hearing Board - The Zoning Hearing Board of the Township of Upper Mount Bethel.

- 2.319 Zoning Officer - The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

ARTICLE 3 - ESTABLISHMENT OF ZONING DISTRICTS

3.100 NAMES OF ZONING DISTRICTS

The Township of Upper Mount Bethel is hereby divided into the following districts:

Conservation District

OSC - Open Space Conservation (OSC)

Agricultural Districts

A-1 - Agricultural/Rural Residential (A/RR)

Residential Districts

R-1 - Neighborhood Residential (NR)

VCR-1 - Village Commercial/Residential (VC/R)

Non Residential Districts

C-1 - Limited Commercial (LC)

C-2 - General Commercial (GC)

I-1 - Limited Industrial (LI)

I-2 - General Industrial (GI)

I-3 - Heavy Industrial (HI)

3.200 ZONING MAP

The location and boundaries of these districts are established as shown on the attached Zoning Map (dated December, 2003, as amended) of the Township of Upper Mount Bethel. The Zoning Map is hereby made a part of this Ordinance.

3.300 INTERPRETATION OF BOUNDARIES

If uncertainty exists as to the boundary of any district shown on the Zoning Map, the Zoning Hearing Board shall determine the location of such boundary. Where doubt exists as to the intended meaning of the language written and enacted by the Supervisors, then the Board shall interpret the language after consideration of the "Statement of Community Objectives" set forth in Section 1.500 and Attachment A attached hereto.

ARTICLE 4 - BASIC DISTRICT REGULATIONS

4.100 BASIC REGULATIONS

The basic regulations governing the use of land, the size of lots, yards and buildings within each Zoning District are established in this Article. For certain specific uses or exceptional situations, these basic regulations are supplemented by Articles Five and Six by other provisions of this Ordinance.

4.101 Regulations Governing The Use of Land - Regulations governing the use of land within the various Zoning Districts shall be as set forth in Schedule I, following this page, and in Section 4.200.

Specific Use requirements and required criteria for such uses are included in

the following sections:

- a. Permitted Uses - See Section 4.201
- b. Special Exception Uses - See Section 4.202
- c. Conditional Uses - See Section 4.203

4.102 Regulations Governing The Size of Lots, Yards and Buildings

Regulations governing the size of lots, yards, buildings and impervious areas in the various zoning districts for Permitted Uses only shall be as set forth in Schedule II following Schedule I.

The size of lots, yards and buildings for Special Exception and Conditional Uses shall be as set forth in Sections 4.202 and 4.203 respectively, except where no requirement is indicated in these sections then the requirements in Schedule I shall apply.

SCHEDULE I

**REGULATIONS GOVERNING THE USE OF LAND
UPPER MOUNT BETHEL TOWNSHIP, PA**

USE CLASS	Refer to Page No. (d)	OSC	AGRICUL-TURAL	RESIDENTIAL		COMMERCIAL		INDUSTRIAL		
			A-1 (ARR)	R-1 (NR)	VCR-1 (VC/R)	C-1 (LC)	C-2 (GC)	I-1 (LI)	I-2 (GI)	I-3 (HI)
<u>PERMITTED USES (a)</u>										
1. Open Space Uses	56	X								
2. Agriculture	57	X	X	X		X	X	X	X	
3. Single Family Residential	60	X	X	X	X					
4. Two Family Residential	60				X					
5. Family Care Residential	60		X	X	X	X				
6. Neighborhood Commercial	60				X	X	X	X	X	
7. General Commercial	62						X	X	X	
8. General Industrial	63							X	X	X
9. Customary Accessory Uses	65	X	X	X	X	X	X	X	X	X
<u>SPECIAL EXCEPTION USES(b)</u>										
10. Multi-Family Residential	67				X					
11. Group Care & Related Residential	68		X	X	X					
12. Rural Area Business	69	X	X							
13. Appropriate Public Uses & Essential Services	71	X	X	X	X	X	X	X	X	X
<u>CONDITIONAL USES (c)</u>										
14. Special Commercial	73						X		X	
15. Special Heavy Industrial	75								X	X

16. Special Purpose Housing for Elderly	76			X	X					
17. Mobile Home Parks (e)	77			X						
18. Detention Centers (e)	78								X	
19. Adult Oriented Facilities (e)	79								X	
20. Residential/ Golf Course Development	80		X							

NOTE: "X" indicates that the Use Class is permitted. See Section 4.200 for a description of the uses indicated in each Use Class and for an explanation of the conditions under which they are permitted in each District.

- (a) Uses which require no special action by the Zoning Hearing Board or the Planning Commission, except where Site Plan Review is required, or where the requirements of Section 4.200 apply.
- (b) Uses which must be referred to the Zoning Hearing Board and the Planning Commission.
- (c) Uses which must be referred to the Township Supervisors and the Planning Commission.
- (d) Page Numbers above are for the convenience of the reader, but all other applicable provisions of this Ordinance will also remain in effect.
- (e) The number and location of such facilities are subject to restrictions in each applicable Use Class.

SCHEDULE II
BASIC REGULATIONS GOVERNING
THE SIZE OF LOTS, YARDS, AND BUILDINGS
UPPER MOUNT BETHEL TOWNSHIP, PA

TYPE OF REGULATION (b)	ZONING DISTRICTS								
	OSC	AGRICULTURAL	RESIDENTIAL		COMMERCIAL		INDUSTRIAL		
		A-1 (A/RR)	R-1 (NR)	VCR-1 (VC/R)	C-1 (LC)	C-2 (GC)	I-1 (LI)	I-2 (GI)	I-3 (HI)
MINIMUM PARCEL SIZE FOR AGRICULTURAL (ACRES)	25	50	15	NA	15	15	15	15	15
MINIMUM LOT SIZE (FOR PERMITTED NON-AGRICULTURAL)									
- Area (SqFt)	217,800	87,120	43,560	43,560	43,560	87,120	43,560	43,560	87,120
- Width (Ft)	200	200	125	125	125	200	150	150	200
- Depth (Ft)	500	300	200	200	200	300	200	200	300
AVERAGE LOT AREA PER DWELLING UNIT (Sq.Ft.)	217,800	87,120	43,560	43,560	NA	NA	NA	NA	NA
MINIMUM YARDS (Ft) (a)									
- Front Yard	40	40	40	35	40	40	40	40	45
- Rear Yard	50	50	35	25	50	50	50	50	50

- 1 Side Yard	25	25	20	10	15	20	20	20	25
- Both Side Yards Combined	60	60	45	25	30	40	40	40	50
MAXIMUM BUILDING HEIGHT FOR THE PRINCIPAL BUILDING									
- No. of Stories	2.5	2.5	2.5	2.5	1.5	2.5	3.0	3.0	3.0
- Height in Feet	30	30	30	30	25	35	50	50	50
MAXIMUM BUILDING COVERAGE (%)	5%	15%	35%	35%	30%	35%	35%	35%	40%
MAXIMUM IMPERVIOUS SURFACE AREA (%)	15%	40%	40%	50%	60%	60%	60%	60%	60%

NOTES:

- (1) See Sections 4.202 and 4.203 for additional regulations governing Special Exceptions and Conditional Uses.
- (2) See Article 5 for Overlay Districts for Flood Plain areas, Route 611 Uses and Steep Slope areas.
- (3) See Article 6 for additional SUPPLEMENTARY Regulations governing variations from required areas, unique lots and building locations, accessory uses and structures, non-conforming uses and structures, off-street parking and loading, signs, temporary uses, site plan review, provisions for recreation and campground areas, and miscellaneous provisions.
- (4) Minimum lot area requirements for lots not served with public or private central sewer and water facilities are subject to **Environmental Constraints** set forth in Section 4.103.

FOOTNOTES:

- (a) See Article 2 for definitions of "area", "width", "depth", "front yard", "rear yard", and "side yard".
- (b) See Attachments F and G for additional regulations governing "electrical energy transmission and production facilities" and "telecommunications and towers".

4.103 MINIMUM LOT AREAS WHERE ENVIRONMENTAL CONSTRAINTS EXIST

- a. Purpose of this Section 4.103 - The purpose of this Section 4.103 is to identify certain existing "Environmental Constraints which adversely affect the public health, safety and welfare, and which require lot sizes larger than the "minimum lot sizes presently set forth in this Ordinance. These requirements will apply only to those specific areas of the Township in which these constraints are located. Lot size increases will be directly related to the number and type of specific adverse environmental constraints existing in the proposed lot. Lots which do not have these constraints will not be enlarged and will be subject only to minimum Lot Sizes established by this Ordinance.

The primary objective of this procedure will be to eliminate

- b. General Procedure for Increasing Minimum Lot Sizes - Assuming that there are no adverse environmental constraints, the area sizes set forth in this Ordinance, for each zoning district, is the "Minimum Lot Area" required. This lot area shall be increased depending on the type and number of natural and manmade constraints on the lot, as quantitatively set forth in the Schedule, on the page following Subsection "c" below. Each constraint has been assigned a "Development Suitability Factor" indicating the degree to which the constraint reduces the suitability of any portion of the lot for development.

The sum total of all of the constraints for each lot will is required and the total net "constraints" of all portions of the site amount to 75%, then the actual size of the lot would have to be adjusted to 2.67 acres. This adjustment would compensate for the adverse conditions where possible and will increase the size of lots

thereby reducing the density of development. Both courses of action will mitigate the deficiencies of the lot thereby improving overall environmental conditions. It will make the lot more "equivalent" to the "Minimum Lot Area" set forth in the Ordinance, and will improve development in the area.

This reduction of the overall "gross density" of the area will have a beneficial effect on the environment.

c. **"Constraints" and "Development Suitability Factors"** - The proposed "natural and manmade" environmental constraints located on any lot are identified in the first column of the Schedule of the next page. The first six of these constraints identify conditions which are completely unsuitable for development as "lots." They include the following:

- Street or public rights-of-way;
- Utility rights-of-way;
- Storm water management easements and Structures;
- Wetland areas;
- Areas located in any 100 year flood plain;
- Water bodies including but not limited to ponds, lakes and streams;
- Areas subject to subsidence due to sinkholes or other

conditions.

The other seven constraints which only **partially restrict the suitability** of a lot or tract for development have also been identified. Quantitative levels of restriction for development have been established based on the opinions of engineers and soil scientists and on the requirements of recognized public agencies such as Pa DEP and the Federal EPA, and of the publication issued by the U.S. Department of Agriculture-Soil Conservation Office prepared in July, 1974. This Survey included a detailed summary and evaluation of all of the soils in Upper Mount Bethel Township and the remainder of Northampton County.

That Soil Survey identifies the types of adverse soil conditions exist in the Township which **partially restrict the development** of a lot or tract of land. These adverse conditions include the following:

- Steep slopes exceeding grades of 15% and 25%;
- Seasonal High Water Tables;
- Shallow Depth to Bedrock;
- Lack of public or central water and sewer facilities.

Therefore, for the areas which have conditions which partially restrict development, the degree of the restriction will depend upon the severity of the condition. This may range from minimal conditions requiring no restrictions, to situations of areas with steep dangerous slopes with grades of 25% or greater, requiring a significantly larger lot size to compensate for the severe restrictive conditions.

Many sites do not experience any of these adverse conditions and for those lots, there is therefore no need to increase the "Minimum Lot Area" established by this Ordinance.

SCHEDULE III
DEVELOPMENT SUITABILITY OF LAND AREAS
ADVERSELY AFFECTED BY VARIOUS ENVIRONMENTAL CONSTRAINTS

TYPE OF CONSTRAINT	DEVELOPMENT SUITABILITY (%) (a)
Streets (to ultimate right-of-way)	0.00
Utility Rights-of-way (not including lot line easement)	0.00
Storm water Management Easements (b)	0.00
Wetlands	0.00
100 Year Flood Plain (c)	0.00
Ponds, Lakes, Water Bodies	0.00
<u>Seasonal High Water Table: (0' to 3-1/2' below surface):</u>	
- With On-Lot sewer and/or water (d)	40
- With Central/Public Sewer	100
<u>Shallow Depth to Bedrock: 0 to 3-1/2' below surface:</u>	
- With On-Lot sewer and/or water (d)	40
- With Central/Public Sewer	100
- Over 3-1/2' below surface	100
<u>Steep Slopes (e) (f)</u>	
- Slopes of 25% Grade or Greater	25
- Slopes of 15% to less than 25% Grade	33

(a) 0% means that the constraint considers the area to be completely unsuitable, with the suitability increasing as the percentage increases.

100% is considered to be completely suitable for development.

- (b) Includes detention/retention easements and easements containing storm water management structures.
- (c) Limited development in a floodplain area may be permissible under the Township's Flood Plain Ordinance, subject to conditional approval by the Supervisors and PA DEP requirements where applicable.
- (d) Certain new types of on-lot, non-public sewer/central sewer systems may be equivalent to public/central sewer systems in their ability to protect the public health and safety, and they may receive a higher Development Suitability percentage if approved by PA. DEP.
- (e) See section 5.400 for additional "Overlay District Requirement For Steep Slope Areas".
- (f) Development in steep Slope Areas must comply with other applicable environmental constraints set forth in this ordinance.

d. Determination of Lot Area Where Constraints Exist - Where Environmental Constraints exist, the "Minimum Lot Area" established by the Ordinance for all districts will have to be increased. All sections of each lot shall be analyzed and areas which have the constraints set forth in the preceding Schedule shall be identified on a map. Each applicable section of the Lot will be addressed by utilizing the "Development Suitability Percentage" shown in that Schedule. The Suitability Percentages range from "zero" percent, which is completely unsuitable for development, up to 100% for areas which are completely suitable for development.

e. Source of Data - The source of data available to the zoning applicant and his/her professional personnel, for making these determinations may include the following:

- Use of topographic maps, aerial photos or site surveys to determine the grade of the steep slope areas;

- The use of the County Soil Survey Study, referred to above, which provides information and tabular presentation on all of the "Development Suitability" requirements;
- Field surveys required to identify potential sites for the location of on-lot sewage systems and information available from the Township's Sewage Enforcement Officer (SEO);
- Use of wetland information available from the Army Corps of Engineers;
- Tax maps and GIS information from the County Assessment Office;
- Other reliable data available to the applicant, properly documented with copies submitted of pertinent information.

The Applicant's Engineer and/or Land Surveyor shall present the lot areas and overall density calculations on an "Existing Features Map" or other suitable maps, together with a layout of the location of all proposed lot areas.

- f. Applicability to All Sections of this Ordinance - None of the requirement set forth herein shall supersede any of the other requirements of this Ordinance, including all Sections of the Ordinance and all Attachments thereto. Furthermore, the restrictions and requirement of this Section 4.100 shall be

applicable to all Permitted, Special Exception and Conditional Uses. Any conflict with any other section or requirement shall be resolved in favor of the more restrictive provision, as determined by the Board of Supervisors of Upper Mount Bethel Township.

4.200 USE CLASSES IN ZONING DISTRICTS

The following "Use Classes" are hereby established as shown in Schedule I. Where required, individual uses shall be subject to "Site Plan Review" in accordance with the requirements of this Article and Section 6.800.

Where a use is proposed which is not specifically listed in any specific Use Class, then the Zoning Hearing Board may determine the "Use Class Subcategory" (as defined herein) which is most similar to the proposed use and said proposed use, if approved by the Board, shall be subject to all of the requirements of said Use Class Subcategory.

In addition to the uses listed in the following Uses Classes, certain "**Other Similiar Uses**" may be approved by the Zoning Hearing Board as set forth in Sections 2.275 and 7.403c.

All such uses shall be subject to the other applicable provisions of this Ordinance including, but not limited to the provisions of Article 6 for accessory uses, non-conforming uses, off-street parking and loading, signs, temporary uses, site plan review, screening; and to the requirements of Section 4.300 for Performance, Traffic Impact and Environmental Protection areas, Community Impact and other applicable requirements and to the policy for the provision of sewer and water facilities of Section 6.1000.

The specific uses included in each Use Class are outlined below.

4.201 **PERMITTED USES** - Uses listed as "Permitted Uses" in Schedule I shall require no special action by the Zoning Hearing Board, the Planning Commission or the Supervisors before a Zoning Permit is issued by the Zoning Officer, except where such uses are otherwise classified as "Special Exception" or "Conditional Uses" in accordance with Section 4.200 or with other applicable sections of this Ordinance.

Such uses shall comply with all of the applicable requirements of Schedule I and II.

USE CLASS 1. OPEN SPACES USES - Includes agriculture as defined herein, including crop farming and related agricultural processing (but excluding livestock and poultry farms), greenhouses, commercial forestry production and forestry services, open space conservation uses, steep slope areas, nature preserves, fish and wildlife refuges, wetlands, areas subject to flooding and limited outdoor recreation uses including lakes, fishing, bird sanctuary, trails, walkways; and similar low intensity recreational uses, including any related structures such as pavilions, park recreation sheds and related buildings, which comply with other applicable requirements and which do not exceed five percent of the total lot area.

Open space uses also include reclamation areas, previously affected by extraction of resources, which are currently scheduled for clean-up and restoration.

Public and Commercial/low density outdoor recreation uses and boating

facilities to provide access to the Delaware River and other recreational lake areas (See Section 6.1100 for Camp and Campground Areas).

Wildlife refuges created by non-profit outdoor nature and wildlife conservancy groups dedicated to the preservation of the area in its natural state and the protection of rare, threatened and endangered species (rare plants, animals and natural communities).

Outdoor camps created by non-profit groups such as the Boy/Girl Scouts, and hunting or wildlife management organizations and hunting groups.

All Open Space Uses identified above and developments located on a site which exceeds 15 acres in size.

Any related structures associated with the above uses shall not exceed five percent of the total lot area.

All of the above Open Space Uses, which exceed 15 acres in total area shall be approved by the Supervisors subject to the "Conditional Use" provisions of this Ordinance, including the requirements set forth in Section 4.203 and 4.300.

USE CLASS 2. AGRICULTURE - Includes the following agriculture or agricultural related activities:

- a. Agriculture and agricultural industry uses, as defined herein, and

including the following uses.

- b. Aquaculture
- c. Apiculture (bee keeping)
- d. Nurseries, greenhouses and related horticultural uses
- e. Logging and forestry
- f. Dwelling or other building customarily provided in conjunction with permitted agricultural and animal husbandry uses.
- g. Dwellings for temporary quarters for farm laborers, incident to and necessary for the gathering of crops grown on the premises that conform to applicable state and federal regulations for such structures.
- h. Wildlife sanctuary, nature center, outdoor education laboratory, woodland preserve or arboretum and outdoor recreation areas.
- i. Cemeteries as provided for in Section 6.908
- j. In the OSC and A-1 Zoning Districts the following uses which are related to the above agricultural uses are permitted, including the provision of farm related goods, and the processing, distribution and sale of primarily locally grown products, including roadside stands and sale of local craft items, provided that such uses shall be accessory to the principle use of the area for agricultural purposes and not intended to provide for the mass distribution of such products beyond the local market area.

Private or public Camp and Campground areas as defined and permitted in Section 6.1100.

- k. Game farm, hunting and fishing reserves, or similar uses designed for the protection or propagation of wildlife.

- l. Farmers Markets and Flea Market operations, located in the A-1 and I-1 Areas only. Permanent Farmers Markets and Flea Market operations shall be located on a minimal parcel of two acres, and such uses which may also be approved for temporary use (in accordance with Section 6.700) may be located on a minimum one acre parcel size. Approval of all such uses shall be subject to the "Special Exception" requirements of this Ordinance.

- m. Animal husbandry for personal and commercial purposes may be practiced in areas zoned for agricultural use in the A-1 Zone only on separate parcels or on sections of a farm parcel which are at least five acres in size. Animal husbandry of this type includes the following:
 - Raising and keeping of livestock and poultry in appropriate properly fenced locations and related structures consistent with proper health and sanitary practices required to assure the health of all animals, adequate disposal of all animal

wastes, protection of the public health and the avoidance of nuisances, odors and sanitary problems for residents on the property and for nearby residential uses.

- Livestock shall be confined to an area on the tract which is no closer than 50 feet to any side or rear lot line which abuts a residential use or zone, and shall be located no closer than ten feet from any right-of-way line which abuts a road.
 - Poultry shall be located at least 75 feet from all property lines which abut a residential use or zone and such uses shall be housed in suitable structures designed for this purpose.
 - Properly maintained manure piles and application of septic sludge to the surface shall be located at least 100 feet from all property lines provided that they do not create nuisance, odor or health problems for persons on the tract and adjoining neighbors, subject to any applicable State and Federal regulations.
 - Processing of animal products on the site shall be limited to animals primarily produced on the premises.
- n. All farming activities shall be conducted in accordance with the following:

- 1) The "Right to Farm" Act
- 2) The PA Nutrient Management Act No. 1993-6, as amended
- 3) The PA Clean Streams Law (Chapter 91)
- 4) Concentrated Animal Feeding Operations (CAFO) to comply with the National Pollutant Discharge and Elimination System (NPDES)
- 5) PA DEP Publication titled "Manure Management for Environmental Protection" No. 361-0300-001 dated January 22, 2000
- 6) Application of Septage and for the spreading of manure shall conform with the following setbacks:
 - 100 Feet from a perennial stream
 - 300 Feet from a water source
 - 300 Feet from an occupied dwelling
 - 100 Feet from a property line
- 7) The following yard setbacks shall apply to any an A-1 Agricultural Zone, or to any residential home or

Location	Yard setback required (ft.) (a)
Common Property Line	100
Facing Common Road	75

(a) to be provided by the proposed residential home or

- o. The PA Department of Agriculture, the PA DEP, the Northampton County Conservation District, the State

Agricultural Extension Office, PA State Conservation Commission and other appropriate agencies may be called upon by the Township to provide technical advice and recommendations relative to such activities and facilities.

USE CLASS 3. SINGLE-FAMILY RESIDENTIAL - Includes single-family detached dwellings.

USE CLASS 4. TWO-FAMILY RESIDENTIAL - Includes single-family semi-detached residential and two-family detached dwelling structures.

USE CLASS 5. FAMILY CARE RESIDENTIAL - "Family Care Facilities", as defined herein in Article 2, which provides service to individual residents in a private residence to six or fewer individuals which are not related to the resident household.

USE CLASS 6. NEIGHBORHOOD COMMERCIAL - Includes the following "Permitted" commercial use categories subject to review and approval by the Zoning Officer:

- a. Wholesale and retail trade establishments including supermarkets and grocery stores, food establishments of all types including sale of fruits and vegetables, candy, nut and confectionery, bakeries, dairy products and other food.
- b. General merchandise stores, mail order houses, variety stores, merchandise vending machine sales, direct selling organizations, radio, TV, and video and electronic sales and appliances of all types, clothing of all types, custom tailoring, furniture, home furnishings and equipment, music supplies, eating and drinking establishments as defined herein, but excluding night clubs, drug and proprietary products, antiques, book and stationary stores, sporting goods and equipment.
- c. Personal and household service establishments including laundering, dry cleaning and dyeing services, photographic, video and electronic services and repair, beauty, barber and masseuse services, and apparel repair.
- d. Business and professional services and offices, including legal, financial, insurance, real estate, accounting, engineering, architectural and other professional services and including office buildings of all types.
- e. Business services and offices including advertising, consumer and mercantile credit reporting services, adjustment and collection services, duplicating, printing, mailing and stenographic services,

news syndicate, employment services, computer services and repair, and off-street parking.

f. Membership clubs and club houses, art galleries and theaters.

g. Commercial indoor entertainment and recreation facilities and places of amusement carried out in a completely enclosed building, except for off-street parking and loading facilities as required herein.

h. The above uses shall be subject to the requirements of Schedules I and II and also to the following additional restrictions:

- Such uses shall be subject to the minimum and maximum regulations governing the size of Lots, Yards and Buildings set forth in Schedule II in the Zoning District in which the use is to be located.

- Such commercial uses, either singly or in combination, shall be approved as a "Permitted Use" if it does not exceed the following gross square foot area if the zone in which it is to be located:

Buildings must be suitable for the type of use proposed in accordance with any applicable building regulations established by the Township or by other applicable agencies.

- Remaining open spaces on the lot may be used for a combination of off-street parking and loading facilities as required herein, landscaping, and may include limited

screened outdoor storage and garbage disposal area to serve the building, said areas not to exceed 25% of the gross first floor area of the building.

- Required signs, fences, screening, landscaping and other uses may be permitted in accordance with the requirements set forth in Article 6, Section 6.901 of this Ordinance.

- i. All uses shall comply with the sewer and water facility policy of this Ordinance (See Section 6.1000).

- j. Applicable drive through facilities for any of the above uses shall not be permitted, unless reviewed and approved as a "Conditional Use" by the Supervisors.

- k. Auto Service Station, including minor repairs and services

- l. Adequate parking and loading facilities shall be provided as required herein, subject to the requirements of Section 6.500.

- m. Proposed uses which generate a Traffic Impact of more than 500 Trip ends per day as described in Section 4.303 shall be subject to the requirements for the submission of the Major Traffic Impact Study requirements of Section 4.303.

- n. Such proposed uses which abut or are located nearby to residential areas shall be subject to the screening requirements of

Section 6.901 and to the Performance, Traffic, Environmental Protection Requirements of Section 4.300.

- o. Other Similar Uses - See Sections 2.275 and 7.403c.

USE CLASS 7. GENERAL COMMERCIAL - Includes General Commercial uses located in structures with up to 2.5 stories which may also include attic storage space, above the second floor, located on a minimum size lot of two acres. Such uses are "Permitted Uses", but they require the submission of a Site Plan as described in Section 6.800 for review by the Zoning Officer and the Planning Commission.

All buildings or combination of separate buildings which exceed a gross square foot area of 35,000 square feet shall be reviewed as a Use Class 14 - Special Commercial Conditional Use by the Supervisors.

Proposed uses may include the following:

- a. Permitted Uses may include all of the uses listed in Use Class 6 Subsections a through n on the first and second floors.

For communication towers and wireless communication facilities - See Attachment G.

- b. Greenhouses for the production and sale of flowers and plants and the sale of lumber and other building materials; hardware, plumbing, heating, ventilating and electrical equipment and supplies; paint, carpets, glass, wallpaper, decorating supplies and farm equipment, farm and garden supplies, fuel and ice.
- c. Medical and allied uses, including medical services and medical office buildings as defined herein, hospitals, medical and dental testing laboratories, medical and orthopedic appliance stores, retail outlet for drugs and medical supplies, and medical and dental offices and centers.
- d. Warehousing and storage uses not exceeding 40% of the gross floor area of the building.
- e. The second floor of any commercial building may also be used for well planned offices and for residential uses not exceeding 30% of the second floor area for one or two bedroom apartment units designed with separate entrances and exits leading to the second floor, which do not permit cross connections between such office space and residential units.
- f. Proposed uses may also include hotels and motels, bed and breakfast and other similar lodging accommodations, and related outdoor recreation facilities designed to primarily serve the clientele of these establishments.
- g. Auto Service Stations, including major repairs
- h. Other Similar Uses - See Sections 2.275 and 7.403c.

USE CLASS 8. GENERAL INDUSTRIAL - Includes General Industrial uses, either singly or in combination, located in a structure not exceeding 40,000 square feet in total gross floor area. Such uses are "Permitted Uses", but they require the submission of a Site Plan (Section 6.800) for review by the Zoning Officer and the Planning Commission.

All buildings or combination of separate buildings which exceed a gross square foot area of 40,000 square feet shall be reviewed as

a Use Class 15 - Special Industrial Conditional Use by the Supervisors.

Proposed uses may include the following:

- a. All uses set forth and included in Use Classes 6 and 7.
- b. General industrial uses including the manufacture, fabrication, processing, assembly, repair, testing, packing and storage of all types of products made from previously prepared materials and also the processing of raw materials conducted primarily in an enclosed building (as defined herein).
- c. Research facilities, laboratories, high tech industries, medical research and pharmaceutical industries, research centers, educational institutions and technical centers to support these activities, which do not jeopardize the health and welfare of employees and the Township as a whole.

- d. Development of one or more new Business Incubator Centers to promote and assist in the creation of new industry, and jobs to benefit residents of the Township and adjoining municipalities.
- e. Creation of new industrial parks attractively developed and designed to attract new industry.
- f. Professional and Business offices related to any permitted use in this Use Class.
- g. Wholesale business, storage and warehousing establishments, truck and freight terminals, and delivery and distribution centers.
- h. Wholesale produce and meat markets, mechanical and equipment repair establishments, greenhouse facilities, dry cleaning and dyeing plants, carpet and rug cleaning establishments, laundries and sign painting, printing and engraving.
- i. All of the above uses, including buildings and/or uses conducted within any open areas of the lot shall be subject to all other applicable requirements established by the Township or other applicable agencies. All such uses may be located on any portion of the lot except for the

designated yards, as required by Schedule II, and as may be permitted by Article 6.

Certain accessory uses, normally considered to be accessory to

industrial uses may be permitted for location in the designated yard areas in accordance with the

requirements set forth in Articles 5 and 6 or in other sections of this Ordinance.

- j. Proposed uses which generate a Traffic Impact of more than 500 Trip ends per day as described in Section 4.300 shall be subject to the requirements for the submission of the Major Traffic Impact Study requirements of Section 4.303.
- k. All General Industrial uses must comply with the applicable Performance, Traffic Impact, Environmental Protection and Community Impact Analysis and requirements set forth in Section 4.300 and with the definitions of "Industry, Compatible" set forth in Article 2.

USE CLASS 9. CUSTOMARY ACCESSORY USES - Includes uses customarily accessory to the principal use of a lot. Such uses include the following:

Uses which are customarily subordinate and appropriate to the principal use of a lot or a building located on the same lot, as determined by the Zoning Officer. Such uses shall serve a purpose customarily incidental to the use of the principal building or lot within any district, and shall be subject to the yard, area and other requirements of the District in which such uses are located and further subject to any applicable regulations set forth in Article 6 herein, including:

- No-Impact Home-Based Businesses, as regulated in Section 6.302.

- Home gardening and non commercial crop farming, nurseries and greenhouses in residential areas, but not including outdoor storage of equipment and vehicles except where required to maintain the property. All such equipment and vehicles shall be maintained in operating condition and the storage of junk shall not be permitted as an accessory use (See Section 6.304).

- Fences, walls and planting material (See Section 6.305).

- Private garages or parking areas

- Off-street parking, loading and driveway access areas

- Outdoor storage sheds, not exceeding a ground floor area of 15% of the ground floor area of the principal structure.

- Signs (Section 6.600)

- Private swimming pools and hot tubs subject to Section 6.304

- Temporary tract offices and uses

- Unoccupied accessory travel trailers in residential areas, not exceeding 20% of the ground floor area of the principal building or 500 square feet, whichever is less.

- Keeping of domestic pets, but excluding the breeding or boarding of pets for commercial purposes. All pets shall be properly housed to avoid nuisances and noise for adjoining property owners and to protect the public health and for adequate sanitary and waste removal.

- Other buildings and uses customarily appurtenant to other Permitted, Special Exception or Conditional Principal Uses which comply with minimum yard, area and other requirements of this Ordinance.

4.202 **SPECIAL EXCEPTION USES** - Uses listed as "Special Exception Uses" in Schedule I, or as required in other sections of this Ordinance, shall require individual consideration in each case because of their unique characteristics. Such Special Exception Uses shall be referred to the Planning Commission by the Board for review and recommendation and such uses may be permitted only upon authorization by the Board subject to certain conditions and safeguards, as provided in this Section and after a hearing.

All Special Exception Uses shall conform with the applicable requirements of Section 4.300 and with other applicable sections of this Ordinance.

Such Special Exception Uses which are authorized by the Board shall be subject to any additional conditions and safeguards established by the

Board in each case which may be warranted by the character of the areas in which such uses are proposed or by other special factors and which are necessary to implement the purposes and Statement of Community Objectives of this Ordinance.

A Special Exception Use shall not cause substantial injury to the value of other property where it is to be located; shall conform with regulations applicable to the District where located; shall be compatible with adjoining development; shall provide adequate landscaping and screening to protect adjoining areas; shall provide off-street parking and loading so as to minimize interference with traffic on the local streets; and any required or permitted signs shall be compatible with adjoining development and such special exception uses and shall not jeopardize the public health, safety, welfare and convenience.

Such special exception uses shall be appropriate to the character of the District and neighborhood in which they are proposed and with the presence of other conforming uses located in the area and also with the area which the uses will serve.

Applicants for **Special Exception Uses** shall comply with the **Site Plan Review Procedures** set forth in Section 6.800.

The following regulations shall apply to Special Exception Uses which are authorized by the Board.

USE CLASS 10. MULTI-FAMILY RESIDENTIAL - Includes multi-family dwelling structures developed on a minimum lot area of at least one acre. Such dwelling structures shall be served with Township approved public water, sewer and parking facilities; and adequate yard planting and screening provided to effectively screen off any adjoining commercial

uses which shall be designed to complement both residential and abutting commercial uses and not to conflict with or bisect natural areas for commercial development.

Minimum lot areas and yard sizes shall comply with the requirements of Schedule II for the VCR-1 (VC/R) District.

Such dwelling structures shall be planned and developed with adequate yards, building layout and spacing and adequate open space and shall comply with the following height, maximum building coverage and density set forth below:

TYPE OF UNIT	MAXIMUM BUILDING HEIGHT IN STORIES	MAXIMUM BUILDING COVERAGE	UNITS PER NET ACRE
Town or Row Houses	2.5	35%	8
Garden Apartments	3.0	35%	10
High Rise for Elderly	4.0	30%	15

High rise units for the elderly shall be designed for use primarily (75% of units or greater) by handicapped persons or persons at least 55 years of age.

Any proposed development with 8 or more dwelling units shall be provided with usable open space suitably designed and maintained for use as play areas for children and/or as outdoor recreation and open space for residents in amounts not less than 750 square feet per

dwelling unit.

USE CLASS 11. GROUP CARE AND RELATED RESIDENTIAL USES

- Includes Group Care Facilities and related residential uses such as rooming houses, nursing homes, bed and breakfast homestead or inn, dormitories, Day Care Center or Facility to serve children and older adults, non-profit social hall, club or lodge, all as defined in Article 2, and funeral homes.

All such uses shall comply with the following:

- a. Except for a sign, as further regulated in Section 6.600, there shall be no external evidence of any gainful activity for such uses which are located in a residential zone.
- b. Any such uses shall have sufficient parking to serve the anticipated number of users and employees as specified in Section 6.500, and shall have suitable street and driveway access without causing excessive traffic congestion on local residential streets.
- c. Bed and Breakfast Homesteads or Inns as defined in Article 2 shall further comply with the following:
 - The residential character and appearance of the structure and adjoining neighborhood or area shall be preserved
 - One business/identification sign not exceeding 20 square

feet in the A-1 District, or 6 square feet in the VCR-1 District may be permitted.

- d. All such uses shall comply with requirements set forth in the following tabulation:

TYPE OF REGULATION	A-1 District	VCR-1 District
MINIMUM PARCEL SIZE (ACRES)	2	1
MINIMUM YARDS (FT.)		
- Front Yard	40	35
- Rear Yard	50	25
- One Side Yard	25	10
- Both Side Yards combined	60	25
MAXIMUM BUILDING HEIGHT (FT.)	30	30
MAXIMUM BUILDING COVERAGE (%)	15%	35%
MAXIMUM DENSITY (a)		
- Persons Per Acre	20	15
MAXIMUM OCCUPANCY		
- Total Residents(a)	30	20

Footnote: a) Includes residents, guests and employees

- e. All such uses must be fully registered with and licensed by the Township and with any other applicable State agency, with information provided on their operation, availability of professional personnel, physical facilities and other characteristics.

USE CLASS 12. - RURAL AREA BUSINESS

Rural Area businesses, as defined in Article 2, may be permitted in the OSC and A-1 Zoning Districts as a "Special Exception" use.

- a. Provision of farm related goods and services required to support agricultural activities conducted in these Districts including garden, landscaping and wood product businesses.
- b. Processing and distribution of locally grown agricultural products, but excluding slaughter houses.
- c. Roadside stands for the sale of agricultural products produced locally excluding slaughter houses.
- d. Beekeeping, with all bee hives kept in a healthy condition, in accordance with established beekeeping practices and

operated in a fashion to avoid nuisance conditions for nearby residents

- e. Farmers auctions and flea markets, in accordance with the temporary use provisions of Section 6.701
- f. Animal hospitals, kennels and veterinarian offices as further described in Section 6.904
- g. Sawmills
- h. Limited Commercial Uses to serve the residents of the agricultural areas, including retail trade establishments consisting of farm supplies, food establishments and restaurants, convenience stores, hardware and general merchandise, lawn, garden and agricultural supply establishments, the manufacture and sale of local craft items, other items of interest to rural families and the agricultural community, and similar uses as determined by the

Board in accordance with the definition of "Use Class Subcategory" as defined in Article 2.

Prior to approving such uses, the Board shall determine compliance with the following:

Such Rural Area businesses may be conducted on the premises of an existing farm or, if on a separate parcel, in accordance with the applicable requirements for the size of lots, yards and buildings set forth in Schedule II for the Zoning District in which the business is located.

Such businesses shall be conducted in a manner which is compatible with the rural character of the area in which located and shall not create nuisances or unsafe or unhealthy conditions resulting from these operations or from the accumulation or handling of waste products or animals.

Such Rural Area businesses shall be limited to a maximum number of five employees, including the owner of the building, operating during any one shift.

Such businesses may be carried out within a building not exceeding 15,000 square feet, or within any open areas of the lot, subject to the yard requirements set forth in Schedule II, except for any permitted locations which may also include one dwelling unit for the use of the owner or operator of the business.

Outdoor display areas shall be fenced and may be utilized for display and sale purposes. Such areas shall not exceed 3,000 square feet or 20% of the total square foot area of the building, whichever is greater.

All such businesses shall have adequate access from a well maintained public or private street and shall not create excess traffic congestion which adversely affects the surrounding area.

Off-street parking and loading shall be provided as required in Section 6.500.

One sign for each "Rural Area Business" not to exceed 20 square feet shall be permitted, in accordance with the requirements of Section 6.600.

Adequate screening and landscaping to buffer such uses shall be required in accordance with Section 6.901.

USE CLASS 13. APPROPRIATE PUBLIC USES AND ESSENTIAL SERVICES - Includes the following appropriate public uses, and essential services provided by public utilities:

- a. **Appropriate Public Uses** - Includes public and quasi-public uses of a welfare, educational, religious, historic, recreation, governmental and cultural nature, airports, and associated accessory uses; radio, television, telephone and electrical transmission or receiving towers; and essential public utilities that require enclosure within a building.
- b. **Essential Services** for public utilities as defined in Article 2 which conform to the height regulations of the Zoning District in which they are proposed.

All proposals for such Appropriate Public Uses and Essential Services,

or for additions or changes to such existing public uses, shall be submitted to the Zoning Hearing Board, together with required plans, to provide the Board with sufficient information to determine compliance with the Special Exception provisions of this Ordinance. All proposals for Recreation Uses shall be subject to the provisions of 6.1200 and all subsections thereunder.

The Board shall review the nature of the proposed use, the size of the parcel on which it is to be located, the traffic and parking requirements of the proposed use, the hours of operation to determine if disturbances will occur to the surrounding

neighborhood, and the effect of the use on adjoining or nearby properties. Based on this review, the Appropriate Public Use or Essential Service may be permitted by the Zoning Hearing Board as a Special Exception only if it determines that the use shall be appropriate to proposed principal use of the property and/or to the character of the District and the neighborhood in which it is proposed and also to the presence of other conforming uses located in the area and with the general area which the use will serve.

The Board shall also determine and require that such Appropriate Public Uses and Essential Services shall have adequate access, shall provide off-street parking and loading as specified in Section 6.500, shall provide necessary landscaping and screening to protect adjoining areas, as required in Section 6.900, and shall have lot areas, yards and building coverage which protect and preserve the character of the neighborhood and the District requirements in which they are proposed.

4.203 CONDITIONAL USES

Conditional Use Procedure - The Use Classes listed as "Conditional Uses" in Schedule I, or as required in other sections of this Ordinance, shall require individual consideration in each case because of their unique characteristics. Such Conditional Uses shall be referred to the Planning Commission for the Commission's review and recommendation.

The Commission may hold a public hearing, subject to Public Notice as defined in Article 2, to receive public comment prior to completing their review and recommendation to the Supervisors and such uses may be permitted only upon authorization by the Supervisors after a public hearing, subject to certain conditions and safeguards as provided in this Section.

All Conditional Uses shall also conform with the applicable requirements of Section 4.300 and with other applicable sections of this Ordinance.

Such Conditional Uses which are authorized by the Supervisors shall be subject to any additional conditions and safeguards established by the Supervisors in each case which may be warranted by the character of the areas in which such uses are proposed or by other special factors and which are necessary to implement the purposes and Statement of the Community Development Objectives of this Ordinance (See Attachment A).

A Conditional Use shall not cause substantial injury to the value of other property where it is to be located; shall conform with regulations

applicable to the District where located; shall be compatible with adjoining development; shall provide adequate landscaping and screening to protect adjoining areas; shall provide off-street parking and loading so as to minimize interference with traffic on the local streets; and any required or permitted signs shall be compatible with adjoining development and such Conditional Uses and shall not jeopardize the public health, safety, welfare and convenience.

Such Conditional Uses shall be appropriate to the character of the District and neighborhood in which they are proposed and with the presence of other conforming uses located in the area and also with the area which the uses will serve.

Applicants for Conditional Uses shall submit plot plans in sufficient detail to provide the Supervisors and the Planning Commission with enough information to properly evaluate the proposed planned use and shall comply with the Site Plan Review requirements of Section 6.800.

Conditional Use Classes which are authorized for consideration by the Supervisors are set forth below.

USE CLASS 14. SPECIAL COMMERCIAL - "Special Commercial"

uses are uses which primarily serve the major commercial needs of the entire Township. This District will provide for larger commercial developments, including the development of commercial mall space and a large shopping center.

Conditional Special Commercial Uses which may be approved in this Use Class by the Township Supervisors include the following subject to the Conditional Use Procedure described above and in Section 7.600:

1. All of the proposed Uses which are included in Use Classes 6 and 7, plus other unique specialty shops, personal services, custom shops, theaters, gourmet restaurants, and entertainment facilities to serve the public.

2. Such Special Commercial Uses in the C-2 District may also include properly designed drive-in facilities for any of the uses listed above and, in addition, may also include automobile sales and auto service stations and vehicular

repair garages, off-street parking lots and garage parking facilities.

Adequate buffers and landscaping are also required to protect nearby residential areas and to enhance the appearance and attractiveness of proposed new centers. (See Section 6.901)

Proposed Special Commercial Uses may also include all uses set forth in "Use Class 6 - Neighborhood Commercial" and "Use Class 7 - General Commercial". Such Special Commercial Uses shall be subject to the same restrictions as Use Class 7, except that all such uses may also be located in shopping centers or malls containing groups of separate stores or establishments.

Such facilities are expected to have a "Major Traffic Impact" which must be carefully addressed with proper planning and preparation of a "Major Traffic Impact Study" as required in Section 4.303 and other applicable requirements of Section 4.300. Such developments will also require a

site which exceeds five acres and the preparation of a "Site Plan" as required herein (Section 6.800).

Approval of all such uses require adherence to the Conditional Review Procedure including review by the Planning Commission and approval by the Supervisors.

Such developments are expected to have a significant Community Impact, which may be capable of generating substantial income. A condition for the approval of such a facility by the Supervisors may be the preparation by the Developer, utilizing a Competent Authority, of a Community Impact Study to assess the positive and negative benefits of a project of this scope and magnitude. This Analysis should provide information on costs and benefits to the Township. The requirements for a Community Impact Analysis are set forth in Section 4.305, and in Attachment C.

Such a development should be served with public water and sewer facilities or with DEP and SEO approved on-lot systems in accordance with the Sewer and Water Policy of the Township (See Section 6.1000).

Any adverse affects on adjoining or nearby residences should be identified in advance.

Adequate parking and loading facilities shall be provided in accordance with Section 6.500.

USE CLASS 15. SPECIAL HEAVY INDUSTRIAL -Except as otherwise provided in Attachment F hereto and within the I-2 and I-3 Industrial Districts, the following "Conditional" Heavy Industrial Uses, may be approved by the Supervisors.

- a. All Limited Industrial Uses set forth in Use Class 8 (including buildings exceeding 40,000 square feet) listed below are subject to the Conditional Use requirements of this Ordinance.
- b. Utility operations (electric and gas company operations, including construction of new electric generation plants and related facilities (See Attachment F).
- c. Solid waste disposal facilities which are limited to transfer stations and/or recycling facilities, compost areas and other related facilities which conform to applicable Solid Waste Management Plan approved by the Township, the County of Northampton and the PA DEP.

Such facilities shall be at least three acres in size and they shall be fenced and/or buffered as set forth in Sections 6.305 and 6.901 as approved by the Township Supervisors.

- d. Junkyards, salvage and other recycling facilities, as defined herein.
- e. Auto service stations and vehicular repair garages, including major repairs, off-street parking lots and garage parking facilities which are developed as accessory uses and also as principal uses which are not accessory to other industrial or commercial establishments, and industrial activities which require

greater use of outdoor areas such as contractor yards and supply yards of all types, including construction yards and related outdoor and vehicular equipment storage, recycling operations and other similar uses.

At least 40 percent of the activity shall be carried on in a completely enclosed building, except for off-street parking and loading facilities.

All such uses shall be developed in conformance with the minimum lot area, minimum lot size, yard, building height and building coverage requirements for the I-2 and I-3 District set forth in Schedule II.

- f. Other unique, innovative and emerging industrial processes which do not adversely affect the environment or the health and safety of residents and workers.
- g. Communication towers and wireless telecommunication services, antennae towers required to provide services to the Township in accordance with Township Ordinance No. 99-03.

All heavy industrial uses must comply with the applicable Performance, Traffic Impact, Environmental Protection and Community Impact Analysis and requirements set forth in Section 4.300 and with the definition of "Industry, Compatible" set forth in Article 2.

USE CLASS 16. SPECIAL PURPOSE HOUSING FOR THE ELDERLY

- Includes a "residential retirement complex" and a "residential care facility for the elderly" and "nursing home" as defined herein, and housing and related facilities to serve the handicapped, the elderly and retired persons (aged 55 years and over) which primarily serve the needs of the Township, and of the regional population of Northampton, Lehigh and Monroe Counties.

Such uses shall be served with public or private central sewer and water facilities and shall include a combination of one or more of the following facilities specifically designed to serve the handicapped, the elderly and retired persons:

- Multi-family dwellings for independent and semi-independent living
- Personal care and long-term care facilities for persons requiring nursing or convalescent care for extended periods of time
- Community and activity rooms for special activities such as auditorium, library, lounge, chapel, dining facility and indoor recreation facilities
- Necessary administrative and service facilities including medical support facilities and personal care services

- Related outdoor recreation uses and other ancillary uses

All such uses shall be developed on one tract of land at least five acres in size which is held in one ownership. Such developments shall be located in the R-1, VCR-1 areas of the Township, on sites which have suitable, convenient ingress, egress and regress to the development.

The maximum building coverage plus coverage by impervious areas for the Net Project Density for independent and semi-independent living units shall not exceed 10 dwelling units per net residential acre.

All structures shall be planned and designed with adequate yards, building layout, spacing and open space to assure convenience, safety and privacy for residents and for neighboring areas.

No building shall be located closer than 30 feet to any front, side or rear property line of the tract.

All buildings in such a development shall be harmoniously arranged to enhance the benefits for project residents and clients and to provide for a safe and efficient operation which will maximize the public health.

Such development shall be compatible with adjoining residential uses and shall not create excessive traffic loads on public streets in a residential area, shall provide adequate lighting, parking, loading and access, and necessary informational signs to serve the residents and administrative staff and visitors to the area.

Adequate buffer areas and landscaping in accordance with Section 6.901, shall be provided to minimize the impact of such a development on adjoining or nearby residential areas and to enhance their privacy and appearance.

USE CLASS 17. MOBILE HOME PARKS - Includes the coordinated

development, under single ownership, which is planned and will be improved for the placement of mobile homes to be occupied for dwelling purposes. Mobile Home Parks are conditional uses subject to final approval by the Supervisors. Mobile Home Parks shall primarily serve the market regional needs of the Township and of Northampton County.

Such Mobile Home Parks shall be developed on a minimum tract size of ten acres and shall conform with the following:

- a. All applicable mobile home park provisions of the Upper Mount Bethel Township Subdivision and Land Development Ordinance. Where standards for the same requirement exist in said Ordinance and in this Zoning Ordinance, the more restrictive requirement shall apply.
- b. All requirements of the Pennsylvania Department of Environmental Protection (DEP) shall be met.
- c. All mobile home parks shall be served with approved public water and sewer facilities.
- d. There shall be a minimum distance of 25 feet between mobile homes.
- e. The overall net project density shall not exceed one dwelling per

acre.

- f. Twenty percent of the site shall be set aside in open space and one-half of that amount shall be usable recreation area.
- g. Minimum tract road frontage width shall be 300 feet.
- h. Front and rear yard areas shall be a minimum of 15 feet wide and each side yard shall be a minimum of 10 feet wide.
- i. Twenty feet wide buffer yard areas shall be provided along all property lines and the area shall be screened in accordance with Section 6.901.

USE CLASS 18. DETENTION CENTER - Detention Center, as defined herein for persons involuntarily committed to penile, juvenile delinquent, medical, mental health or other interment facilities.

All such facilities shall provide adequate security and shall comply with the following:

- Minimum Lot Area Five Acres
- Maximum Building Coverage,
including coverage by impervious areas: 35%
- Maximum Building Height 3 Stories and 45 feet

- Front, Rear and each Side Yard
Setback Areas 50 Feet

- Off-street Parking adequate to serve peak employee and visitor usage
- Off-street Loading, adequate to meet projected loading vehicle requirements and dock space to expedite loading and unloading usage, storage and circulation requirements.

The Supervisors shall review the characteristics of such facilities and shall determine their suitability and their impact on the Township as a whole and on adjoining areas and residential neighborhoods.

Factors to be considered by Supervisors shall include, but are not limited to the following:

- a. The exact nature, location and size of the proposed facility, including the number of inhabitants, employees, off-street parking, traffic patterns and access and their impact.
- b. Beneficial and adverse impacts on the Township including the number of jobs to be created and projected increases in business and revenues, and impact on adjoining uses and residents within a distance of 500 feet of the proposed facility.
- c. Operational and site development factors, including hours of operation, visitation access by the public, safeguards established to protect inhabitants, employees and residents of the Township in the event of emergencies, accidental or unplanned release of inhabitants, and the suitability of the facility on the site on which it is proposed.
- d. Lighting or traffic patterns, appearance of the facility and adequacy of landscaping and buffers provided, and other factors

to determine any adverse impact.

Only one such use may be developed in the Township located in the I-2 General Industrial Zoning District, provided that such a new use must not be located any closer than 1,000 feet from any public school, church, kindergarten, day care center, residential zoning district or residential area or other establishment requiring the congregation of minor children.

USE CLASS 19. ADULT-ORIENTED USES - Such uses include any legal adult-oriented use consisting of commercial establishments

such as adult book or video stores or adult picture theaters and similar uses, or the conduct of live activities or uses, where 20 percent or more of the services, activities or stock-in-trade of such establishments includes adult oriented uses or activities as defined herein, and whose activities are not illegal or prohibited as set forth in Section 6.907.

Such uses may be located in the I-2 General Industrial Zoning District, provided that such uses must be located at least 1,000 feet apart and not located any closer than 1,000 feet from any public school, church, kindergarten, day care center, all public or private recreational facilities, residential zoning district or residential area or other establishment requiring the congregation of minor children.

All such uses shall be developed in accordance with the Minimum Lot Size, Minimum Yards, Maximum Building Height and Maximum Building Coverage provisions set forth for the I-2 General Industrial Zoning

District in Schedule II.

USE CLASS 20 - RESIDENTIAL/GOLF COURSE DEVELOPMENT -

Includes the compatible development of related Residential, Golf Course and Open Conservation Areas each of which are to be managed, subject to the Conditional Use requirements of this ordinance and to promote the following objectives and purposes:

a. Objectives and Purpose

1. To create a residential community which can benefit from adjoining open space conservation areas and the presence of a well designed 18-hole golf course, which will provide attractive green vistas and views for the residents.
2. To preserve the natural features and resources of the site.
3. To provide opportunities for residents to utilize the golf course for its aesthetic and open space and recreational advantages, and also to provide for the preservation of open space uses, including low-impact recreational and nature study uses primarily for the benefit of the residents of the area.
4. To provide for the development of three related complementary uses which enhance the overall plan for the mutual benefit of all users.
5. To reduce residential lot sizes to no less than 30,000 Sq. Ft. lots which will make room for the preservation of additional open space land.
6. To minimize the amount of environmentally constrained lands which are included in areas or lots to be developed for residential uses.

b. Land Use Areas

Each plan for the development of a Residential/Golf Course Development shall include three major uses properly designed in a complementary manner, subject to a Conditional Use approval in all cases:

1. **Single-Family Residential** - Includes all residential uses listed in the R-1 Zoning District as Permitted Uses in Schedule I, subject

to compliance with the Use Class designation for the R-1 Zone as modified by the provisions of this Use Class.

2. **Golf Course Uses** - An 18-hole regulation golf course on a site not less than 10 acres shall require final land development approval, shall be reviewed by Audubon International in accordance with its "Signature Program" or other "Competent Authority" for environmentally sensitive land use designs for golf courses, to assure proper design and attention to the natural features of the site and to the preservation of environmentally sensitive areas.
3. **Open Space Conservation Area** - The Open Space Conservation Area shall be primarily for the use of residents of the Development, and not for use of the general public and shall be appropriately accessible to the residential lots. This area may contain walking trails, nature study area, passive recreation and low-impact recreational uses, and development of flora and fauna compatible with the regional environment of the area and preservation of environmentally sensitive areas. This area shall be protected with restrictions or easements which shall require it to remain as "open space" in perpetuity.

The boundaries of each of the above three areas are to be clearly identified on the Development Plan for any proposal presented under this Use Class.

c. **Size and Distribution of Each Land Use Area**

Each of the three uses identified in Subsection B above shall be subject to the following restrictions:

1. Golf Course Use shall contain an 18-Hole regulation golf course including a club house and other appropriate
2. Single-Family Residential units shall meet the minimum dimensions set forth in Subsection D below.
3. Open Space Conservation Area shall have a total land area equal to 10,000 Sq. Ft. per residential unit but not

less than a minimum of 35 acres, whichever is greater.

d. Minimum Lot Sizes in Residential Area

Single family housing units shall be permitted by the Supervisors subject to the following dimensional requirements:

- Minimum Lot Area 30,000 Sq.Ft.
- Minimum Lot Width 100'
- Minimum Lot Depth 200'
- Minimum Front Yard Setback 40' or that point further from the street right of way at which the 100= Minimum Lot Width is reached.
- Minimum Side Yard Setback (one side) 15'
- Both Side Yards Combined 35'
- Minimum Rear Yard Setback 35'
- Minimum Lot Frontage at the street right of way on a cul-de-sac or curve may be reduced to 50=.
- Flag Lots or lots served by a common driveway (not to exceed 2 lots per driveway) shall have at least 30= of road frontage (40= in the case of a driveway serving 2 lots).

e. Designation and Ownership of Three Major Land Uses

All three major Land Uses identified in Subsection B above shall be managed in a compatible manner subject to the provisions of this use class and to promote the objectives and purposes set forth in Subsection A above. Individual ownership, however, may be as follows:

1. Ownership of Single Family Units by individual land, condominium or cooperative owners, cooperating through membership in a Property Owners, Condominium or Cooperative Association.
2. Ownership of the Golf Course by a for-profit or not-for-profit entity. In the event that the Golf Course shall go out of business or the Golf Course Area shall no longer be used as a golf course, the Golf Course Area set forth herein shall be used as a golf course.
3. Ownership of the Open Space Area by the Property Owners, Condominium or Cooperative Association or other similar legal entity or by the Golf Course owner.

All of these separate ownerships shall join in a legally binding agreement setting forth the manner of cooperation between each entity to assure the compatible management and operation of the

uses including the rights and obligations of each of the entities with respect to the management and operation of the uses in which they have an interest under the terms of this Use Class.

Review of the ownership arrangements and agreements for the coordination of all owners shall be submitted to the Supervisors prior to final approval.

f. **Environmental Principles for Golf Course Development**

The ΔCenter for Resource Management@ has published a 15 page booklet entitled ΔEnvironmental Principles for Golf Courses in the United States@. These principles were developed through a collaborative research and dialogue process managed and facilitated by the ΔCenter for Resource Management@. That publication is on file at the U.M.B.T. Municipal Building and copies will be made available to prospective Golf Course Developers.

The Township Supervisors in reviewing the Conditional Use Requirements for a Residential/Golf Course Development, will consider the degree to which the Golf Course addresses these principles:

Principles for development of golf courses include the following:

1. **Planning and Siting**
2. **Design**
3. **Construction**
4. **Maintenance**
 - plant protection and nutrition
 - safe pesticide control and usage
 - water usage
 - waste management
 - wildlife management
5. **Facility operation**
6. **What golfers can do to help.**

In addition, the Audubon International has identified several minimum requirements for effective Golf Course development. These include:

1. **Water and drainage facilities.**
2. **Golf Course Development**
 - a. A Maintenance Building with:
 - Separate pesticide storage
 - A covered, contained fuel island
 - Rinse water recycling
 - b. Personnel - an experienced maintenance superintendent to be hired and on site during construction.
3. **Agronics**
 - a. Turfgrass selection appropriate to the region.
 - b. Acres of irrigated turf based on site slope, soils, type of golf course and type of irrigation water. The use of the least amount of turf possible is desirable.

An experienced and qualified Golf Course Architect or Designer should be retained to prepare the design and to address environmental issues.

The relationship of the Golf Course to the Residential Area and to the designated Open Space must be carefully considered to ensure an effective, safe and healthy environment for all three of the proposed uses.

The development shall be served by a Public Sanitary Sewer System and a Public Water Supply System.

Hydrological studies shall be conducted so that the water needs of the development are designed so that they do not adversely affect other existing water usages by properties within the Township.

All of the above matters are of concern to the Township, and they are conditions to be considered by the Township Supervisors before granting approval. Protection of the health and safety of all users of these three land uses is an essential requirement for receipt of Conditional Approval.

g. Buffers

Where conflicts or potential disturbances or hazards may occur due to proximity of the Residential/Golf Course Development to

adjoining properties, a 70-foot wide buffer shall be provided between the development and such adjoining properties to prevent or minimize such conflicts. Buffer areas may be credited toward the minimum Golf Course Use area required hereunder.

h. Other Conditions, References, and Note

Other Requirements and Conditions of proposals submitted shall include the following:

1. Safe and effective Pesticide Control is essential and effective safeguards shall be provided to eliminate hazardous conditions affecting residents, employees and users of the Golf Course.
2. Compliance with all other applicable Federal, State and Township regulations, including necessary permits where required.
3. Adherence to the Performance, Traffic and Environmental Protection and Community Impact Requirements of this Zoning Ordinance (Section 4.300) and to Section 4.103, which are applicable to residential lot areas where environmental constraints exist.
4. References made above to several agencies available to help and/or participate in proposals of this type include the following:

1. USGA - United States Golf Association
P. O. Box 708
Far Hills, NJ 07931
Phone: 908-234-2300
2. Audubon International Signature Program
230 Second Street - Suite 311
Henderson, KY 42420
Phone: 270-869-9956
3. The Center for Resource Management
1104 East Ashton Avenue - Suite 210
Salt Lake City, UT 84106
4. Note that when the term *primarily* is used, refer to the Definitions section in Article 2 for its

meaning in this Ordinance.

4.204 Size of Buildings in Non-Residential Areas

- a. **Maximum Building Size** - The maximum size of non-residential buildings in the following Zoning Districts shall not exceed the following gross square foot floor area for the entire building, except as set forth in subsections b. below.

Zoning District	Gross Sq. Ft. Building Floor Area
OSC - Open Space Conservation	(See Use Class 1)
A-1 - Agricultural/ rural Residential	25,000
R-1 - Neighborhood Residential	N.A.
VCR-1 -Village Commercial	20,000
C-1 - Limited Commercial	25,000
C -2 - General Commercial	35,000
I-1 - Limited Industrial	35,000
I-2 - General Industrial	40,000
I-3 - Heavy Industrial	40,000

b. **Review Procedure**

1. Buildings which are subject to approval as a ~~A~~Permitted

Use@ shall require review by the Zoning Officer.
However any request for a building

which exceeds the above Gross Square Foot requirements shall be subject to review and approval as a ASpecial Exception Use@ by the Zoning Hearing Board.

2. Buildings which are subject to approval as a ASpecial Exception@ or a AConditional Use@ shall be subject to the review and approval of the Zoning hearing Board or the Township Supervisors respectfully and they may grant approval subject to the conditions set forth below:

- (a) Conformance with State and Township Building Code requirements for the buildings proposed.

- (b) Conformance with the conditions and requirements set forth in each Use Class under which they are being reviewed.

- (c) Buildings may exceed the AMaximum Building Size@ set forth in the above table, if the Zoning Hearing Board or the Township Supervisors (as the case may be) determine the following:

- Conformance with all of the Preamble requirements for ASpecial Exception@ (Section 4.202) or for AConditional Uses@ (Section 4.203), and the requirements of Section 4.300.

(d) Determination that the size of the building shall not jeopardize the following:

- Health, welfare and safety of the neighborhood and area in which it is to be located and of all users of the building.

- Compatibility with surrounding uses in the area and surrounding neighborhood.

- Creation of excessive congestion noise, environmental problems, traffic and/or parking congestion.

- Compliance of the building with required standards for addressing the needs of handicapped persons

- Safeguards built into large buildings which would discourage terrorist action or vandalism.

(e) Prior to making these determinations on the size of the building the ABoard@ or the ASupervisors@ (as the case may be) shall review any traffic or community impact analysis, as required by this

Ordinance.

**4.300 PERFORMANCE, TRAFFIC, ENVIRONMENTAL PROTECTION AND COMMUNITY
IMPACT REQUIREMENTS**

4.301 Applicability and Review - All existing and proposed uses shall be subject to compliance with the performance, traffic and environmental impact requirements identified herein.

The Township may determine compliance with this section based on the following:

- a. The requirements set forth in Section 4.300 herein
- b. Data and information submitted with the Zoning application
- c. Where such data and information is not sufficient to reach a determination, the Zoning Officer may consider the proposed use as a "Conditional Use" subject to all requirements for "Conditional Uses" as required herein and may so notify the applicant within 20 days of the receipt of the Zoning application.
- d. The Supervisors may also require detailed expert review of all uses to determine compliance in accordance with established standards or with regulations of applicable governmental agencies such as the PA Department of

Environmental Protection (DEP), the Federal Environmental Protection Agency (EPA), the Northampton County Conservation District, the Lehigh Valley Planning Commission,

the Penn State Agricultural Extension Office, the PA
Environmental Council and

Upper Mount Bethel Environmental Advisory Council and/or
other recognized agencies.

- e. Receipt of recommendations from a Competent Authority, as defined in Article 2.

4.302 Performance Impacts - Notwithstanding the applicable laws and regulations of the United States Environmental Protection Agency and the Pennsylvania Department of Environmental Protection, the following performance standards shall be used by the Township in reviewing the suitability and possible hazardous impacts of any proposed use in the Township.

The Township may use any Competent Authority, as defined in Article 2, for the evaluation of any negative impacts defined below:

- a. In determining whether a proposed use is or may become noxious, hazardous or offensive, the following standards shall apply. The proposed use may not:
 - 1. Constitute a nuisance or damage to health or any property by reason of dissemination of noxious, toxic or corrosive fumes, smoke, odor or dust beyond the property line.

2. Result in noise or vibration clearly exceeding the requirements of the Township Noise Ordinance (see Attachment H).
3. Endanger surrounding areas by reason of radiation, fire or explosion.
4. Produce objectionable heat, glare or outdoor lighting beyond the property line. and compliance with Section 6.909.
5. Result in electrical or electro-magnetic disturbance in nearby residences which adversely affect the operation of equipment other than on the property on which the disturbance is located.
6. Discharge any untreated sewage or industrial waste into any stream or river or otherwise contribute to the pollution of surface or underground waters.
7. Endanger the underground water level or supply for other properties consistent with applicable State and Federal Standards.
8. Create an objectionable traffic condition on the highway or in an adjacent area or generate a nuisance to surrounding property by reason of truck traffic or failure to comply with the Traffic Impact Requirements set forth

in Section 4.303.

9. Create any other objectionable condition in an adjoining area which will endanger public health, welfare and safety or be detrimental to the environmental quality of the surrounding area. All uses shall comply with the requirements set forth in Section 4.304 - Environmental Sensitive Areas.
- b. The applicant shall demonstrate to the Competent Authority designated by the Township that:
1. The proposed use(s) will comply with the standards contained in Subsection 4.302 herein.
 2. Adequate provisions will be made to reduce and minimize any objectionable elements to the degree necessary to ensure that the proposed use(s) will not be noxious, hazardous or offensive as defined in Subsection 4.302 herein.
 3. The Competent Authority may require, the following, in order to determine that adequate safeguards are provided:
 - a. That the applicant submit written report containing necessary information, impartial expert judgment, written assurances and accepted standards for determining the margin of safety which ensures compliance with each of the conditions identified in Section 4.302 above.

- b. That the applicant obtain the advice of appropriate local, state and federal agencies and or private consultants, and identify any necessary permits that may be required from local, State or County agencies.

- c. That the applicant's proposed use(s) comply with all tests, and shall provide such safeguards as are deemed necessary by the Supervisors, upon the advice of the Competent Authority.

The Township may challenge the report submitted by the applicant using its own Competent Authority, as defined in Article 2.

4.303 Traffic Impact Requirements - All development projects will be evaluated by the Zoning Officer to determine the level of traffic impact on the Municipality and the area in which the project is to be located. This will apply to all new projects or uses proposed, or to any expansion of an existing development which is proposed after the effective date of this Ordinance.

The level of traffic impact will be based on the estimated "trip ends" generated by the proposed uses in the project. "Trip ends" are defined as the total number of trips per day entering and leaving a specific land use or uses located in a project. These "trip ends" will be based on the estimated "trip generation rates" for various types of land uses based on

Schedule III herein or on the latest edition of the publication entitled "Trip Generation, An Information Report (Fifth Edition, 1991)", published by the Institute of Transportation Engineers.

The total number of average daily "trip ends" shall also addition to a project. In lieu thereof, the developer or the Township may use the latest edition of above publication directly if it is considered to provide a more applicable estimate of the "trip ends per day" for the specific uses proposed. However, the Supervisors shall make the final determination or interpretation as to the specific uses or procedures in the publication which are most applicable to the proposed use.

- a. **Determination of Major Traffic Impact** - Any development which has an estimated ADT (or daily

trip ends per day) in excess of 500 shall be considered to have a "major traffic impact".

- b. **Conditional Uses** - All "major traffic impact" projects shall be considered to be "Conditional Uses" as defined herein, even if they are listed as Permitted or Special Exception Uses in Schedule I and all procedures applicable to

Conditional Uses shall apply to zoning applications for such projects.

If any project is proposed after the date of adoption of this Ordinance which does not have a "major traffic impact" as defined herein, and a later or subsequent addition to that project is proposed within ten years of the initial project, then the cumulative effect of all separate submissions shall be used, regardless of any changes in ownership which may take place over the time period under consideration. This shall apply to major industrial and commercial uses, shopping centers, medical centers, apartment complexes, resorts, campgrounds, planned cluster residential developments or any other use proposed under this Zoning Ordinance.

The developer shall identify all subsequent phases

- c. **Phased Projects** - In the event that a project is to be phased over a period of time, not exceeding ten years, the total traffic impact for the entire period of phasing shall be used in determining the traffic impact.

- d. **Requirements For Projects Having a Major Traffic Impact** - All projects which are determined to have a Major Traffic Impact shall comply with the following:
 - Compliance with the site plan review procedures set forth in Section 6.800.

- All such projects shall have direct access to an Arterial or Major Road, or to a Collector Road (hereinafter collectively referred to as a Major Road) in the Township as identified in the Comprehensive Plan and/or the Township Subdivision Ordinance. In lieu of such access, the developer shall provide a project road from the project site to the closest existing Major Road, which is capable of handling the level of traffic and traffic impact to be generated and which is proposed for development by the developer to Major Road standards, as established by the Township.

 - All projects requiring the utilization of a PA State road shall also require receipt of any applicable permit from PennDOT.
- e. **Major Traffic Impact Study** - A Major Traffic Impact Study shall include at least the following:
1. The applicant for all projects which have an estimated ADT exceeding 500 vehicles per day shall be required to submit a Traffic Impact Study prepared by a competent authority. The

requirements for such a study are set forth below.

2. Identification of all major roads and intersections serving and substantially impacted by the project.
3. An analysis of how the proposed project users or residents will use these major roads.
4. Existing traffic conditions (without the proposed project) including traffic volumes (ADT) and peak hour volumes on the identified major roads, based on PennDOT information, surveys and Trip Generation Rates, see Schedule IV. (In addition, commercial projects shall provide weekend traffic volume data at peak hours.)
5. Projected traffic conditions (without the project) based on trends in growth of traffic for ADT and peak hour volumes. (In addition, commercial projects shall provide weekend traffic volume data at peak hours.)
6. Estimates of future traffic volumes (ADT) weekday peak hour volumes and weekend peak hour volumes after development of all stages of the project.

7. Highway and intersection traffic capacities and levels of service for sections 3, 4 and 5 above, as defined by the PennDOT must be calculated.
8. Identification of existing and projected traffic problems on roads serving the project or substantially impacted by the project, including highway capacity deficiencies for the various roads and intersections involved.
9. Solutions proposed by the developer to alleviate the identified problems and deficiencies and the proposed cost of these improvements.
10. Identification and analysis of high accident areas located in proximity to the project, as identified by the Township and the effect which the proposed project will have on the high accident areas and locations.
11. The "Competent Authority" responsible for preparing the Major Traffic Impact Study shall certify to the following:
 - (a) That in the preparation of the Study that the applicable Comprehensive Plan and any pertinent Municipality or other traffic or transportation plan or study, as identified by the Municipality, has been

considered in the preparation of the Major Impact Study.

- (b) That in the professional opinion of the Competent Authority the completed Major Traffic Impact Study is a true and accurate Study which has given adequate consideration to available information and includes reasonable projections and analysis to the factors considered and that the Study represents the best opinion of the

Competent Authority on the traffic impact of the proposed development.

- (c) That, if it has not been possible to fully analyze all relevant factors, then those factors not analyzed shall be identified, together with the reasons for their exclusion from the Study.

The Major Traffic Impact Study shall
Supervisors may request additional data or information to clarify the findings set forth in said Study. The Supervisors shall not approve any such Conditional Use if it determines that any traffic problem to be

created by the proposed development cannot be adequately alleviated by the developer.

12. The applicant or developer, as determined by the Municipality, will be responsible for the guarantee of payment for the proportionate share of all traffic control devices or for the construction of public facilities applicable to the proposed development, which are required as a result of the traffic impact generated by the proposed development project.

SCHEDULE IV
TRIP GENERATION RATES
AVERAGE DAILY TRAFFIC (ADT)
TOWNSHIP OF UPPER MOUNT BETHEL, PA.

<u>LAND USE</u>	<u>BUILDING</u>	<u>TRIP GENERATIONS</u>	<u>AVERAGE TRIP RATE</u>
	- Under 25,000 s.f.		24.60/1000 G.S.F.B.A.
A. <u>RESIDENTIAL</u>	- 25,000 - 49,999 s.f.		19.72/1000 G.S.F.B.A.
	- 50,000 - 99,999 s.f.		16.58/1000 G.S.F.B.A.
- Single Family	- 100,000 - 599,999 s.f.	9.55/Dwelling Unit	14.03/1000 G.S.F.B.A.
- Low Rise Residential Structures (2 or more DU's/structure)	- 600,000 s.f. and over	6.59/Dwelling Unit	9.05/1000 G.S.F.B.A.
- Condominium Units	- Office Park		11.42/1000 G.S.F.B.A.
- Mobile Homes	F. <u>COMMERCIAL SHOPPING</u>	5.86/Dwelling Unit	
- Retirement, Senior Citizens Developments	- Small Specialty Retail Center	4.81/Dwelling Unit	40.67/1000 G.S.F.L.A.
- Timesharing		3.3/Dwelling Unit	
		Add 50% to above rates	
B. <u>LODGING</u> (All types)	- Convenience Market		
	- Open less than 16 hours daily	10.19 per room	322.6/1000 G.S.F.B.A.
C. <u>RECREATION</u>	- Open 16-24 hours daily		737.99/1000 G.S.F.B.A.
- Open Space Uses (includes golf courses)	(Cont. in next two columns)	8.33/Acre	
- Outdoor Recreation (limited to Township and local residents)		6.0/Acre	
- Resort Outdoor Recreation (no spectator events or places for public assembly)		10.0/Acre	
- Commercial Indoor Recreation		11.2/G.S.F.B.A.	
- Outdoor Sports and Recreation (including large scale places for public assembly)		100 to 250/Acre	
D. <u>MEDICAL</u>			
- Hospital		11.77/bed	
- Nursing Home		2.6/bed	
- Outpatient Office or Clinic		54.6/1000 G.S.F.B.A.	
E. <u>GENERAL OFFICE</u>			

LAND USE	Manufacturing	TRIP GENERATION AVERAGE TRIP RATE	3.85/1000 G.S.F.B.A.
	- Industrial Park		6.97/1000 G.S.F.B.A.
F. COMMERCIAL SHOPPING (Cont.)	- Warehousing, General		4.88/1000 G.S.F.B.A.
- Shopping Center			
- Under 50,000 s.f.	- Research Center (which-	167.59/1000 G.S.F.L.A.	2.67/Employee
- 50,000 - 99,999 s.f.	ever is greater) or	91.65/1000 G.S.F.L.A.	7.70/1000 G.S.F.B.A.
- 100,000 - 199,999 s.f.	- Truck Terminal	70.67/1000 G.S.F.L.A.	9.85/1000 G.S.F.B.A.
- 200,000 - 299,999 s.f.	- Storage (personal)	54.50/1000 G.S.F.L.A.	2.8/1000 G.S.F.B.A.
- 300,000 - 399,999 s.f.	Warehouse	46.81/1000 G.S.F.L.A.	
- 400,000 s.f. and over		42.02/1000 G.S.F.L.A.	
- Discount Store			
- Supermarket		70.13/1000 G.S.F.L.A.	
		125.5/1000 G.S.F.B.A.	
- Furniture Store		6.73/1000 G.S.F.B.A.	
- Hardware/Paint Store		4.34/1000 G.S.F.B.A.	
- New Car Sales		51.29/1000 G.S.F.B.A.	
		47.91/1000 G.S.F.B.A.	
G. RESTAURANTS			
- Low Turnover (over 1 hour seating)		96.51/1000 G.S.F.B.A.	
- High turnover (less than 1 hour seating)		205.36/1000 G.S.F.B.A.	
- Fast Food Restaurant without drive through window		786.22/1000 G.S.F.B.A.	
- Fast Food Restaurant with drive through window		632.12/1000 G.S.F.B.A.	
H. SERVICES			
- Bank (Walk-In)		140.61/1000 G.S.F.B.A.	
- Bank (Drive-In)		265.21/1000 G.S.F.B.A.	
- S&L (Walk-In)		61.0/1000 G.S.F.B.A.	
- S&L (Drive-In)		74.17/1000 G.S.F.B.A.	
- Auto Service Station		133.0/Gas Pump	
I. INDUSTRIAL			
- Industrial and			

Source: Adapted from "Trip Generation, An Informational Report" published by the Institute of Transportation Engineers, Fifth Edition - 1991.

Note: "G.S.F.L.A." equals "Gross Square Feet of Leasable Area"

"G.S.F.B.A." equals "Gross Square Feet of Building Area" **95b**

4.304 Environmentally Sensitive/Protection Areas - All zoning proposals and applications are subject to all of the applicable requirements of this Zoning Ordinance and Map. Zoning proposals which include actions in "environmentally sensitive areas" are also subject to the requirements set forth below:

All uses proposed in such areas shall also be subject to the "Conditional Use" procedures of this Ordinance which requires review by the Planning Commission and the Township Supervisors as set forth in Section 4.301.

- a. **Areas Subject To Flooding** - All development proposed in any Flood Prone areas, as defined herein, based on studies of the Federal Flood Emergency Management Administration (FEMA) shall be designed in accordance with sound floodplain management principles set forth in Upper Mount Bethel Township's Floodplain Management Regulations set forth in Section 5.102 herein. Said Regulations contain provisions for compliance with the National Flood Insurance Program. Any portion of the 100 Year Floodplain, excluding the "Floodway" as defined in said Floodplain Ordinance, which is not suited for development, based on the standards set forth in the above Ordinances, may be utilized for uses which do not encroach, obstruct or limit the flow of water. Such uses may include temporary or permanent agriculture, horticultural and forestry uses, and outdoor recreation uses which do not obstruct the flow of water as determined by the Supervisors, after review by the Planning Commission.

- b. **Wetland Areas**

- 1) **Delineation of Wetlands Boundaries** - Wetland Areas of the Township are defined as those areas shown on the National Wetland Inventory Map of U.S. Fish and Wildlife Service, or those lands which are identified as wetlands by the PA Department of Environmental Protection (DEP) or the U.S. Army Corps of Engineers, or by other recognized applicable authorities or agencies studies recognized by the Board.

The National Wetland Inventory Map shall be used as a legal basis for the delineation of wetlands. In addition, the Board may require an on-site inspection or survey by a qualified wetland inspector or soil technician.

- 2) Special Requirements For Wetland Protection - All developments or activities proposed within a designated wetland area shall be subject to compliance with all applicable Federal and State laws, including requirements of Army Corps of Engineers and the PA DEP requirements.

Where essential development of wetland areas is required, as determined by the Board, wetland mitigation or replacement actions as proposed or required by DEP shall be required, including any necessary permit approvals.

c. Groundwater Aquifers and Recharge Areas

- 1) Definitions

Groundwater is replenished, or recharged by the rain or snow that falls on the land.

Groundwater Aquifers are permeable saturated underground formations of rock, sand or gravel.

Recharge Areas are land surface areas through which groundwater enters the earth.

2) Special Requirements for Groundwater Protection -

Any proposed land use which may directly, by means of effluent discharge into the ground, or indirectly through the leaching of stored materials result in the pollution of the ground water shall be prohibited in the aquifer outcrops and/or recharge areas. The determination of such hazards shall be made by the appropriate State or Federal Agency and/or a qualified Competent Authority as defined herein, subject to review and acceptance by the Supervisors.

- d. River, Streams, Ponds, and Lakes - Rivers, streams, lakes, ponds shall be left as permanent open space. No development, filling, piping or diverting shall be permitted except for required roads. Roads, where necessary, shall be designed to minimize disruption of such areas. This regulation also applies to wetlands.

All developments shall protect rivers, streams, lakes and ponds from sedimentation and shall control erosion in accordance with Pennsylvania Clean Stream Act and DEP implementing regulations.

No alteration of watercourses, whether by excavation, filling, grading, clearing, draining, or otherwise, shall be made that affects the water levels or flow of such watercourses without careful review and study of the effect of such alteration and

any related facilities on water recharge areas, water table levels, water pollution, aquatic animal and plant life, temperature change, drainage, flooding, runoff and erosion. Review and approval of such alteration shall be made by the Supervisors after consultation with the County Conservation District and/or the DEP or any Competent Authority.

All development proposed within 100 feet of the normal stream bank of rivers or streams within the Township, or within 100 feet of any pond, reservoir or other water body in excess of one quarter acre of water surface area shall be subject to approval by Supervisors after receipt of appropriate recommendations by a Competent Authority.

e. **Steep Slopes**

- 1) **Definition** - Steep slopes are defined as areas with a slope of greater than 15 percent (i.e., a rise or fall of more than fifteen feet in a horizontal distance of 100 feet).

- 2) **Special Regulations** - Development on sites with steep slopes shall be minimized wherever possible so as not to excessively increase water runoff, cause soil erosion, stream sedimentation, stream siltation, mud slides or cause any other significant disruption of the environment. Disturbance of any

such areas shall be stabilized and maximum reclamation measures undertaken during and after construction.

The owner or developer shall prepare and submit technically sound plans for grading, soil erosion and sedimentation control and landscaping with any site plan proposal which involves slopes greater than 15 percent. The plans shall contain methods to minimize rainfall runoff and to prevent erosion and the resulting sedimentation. The erosion and sedimentation control plan shall meet the requirements of PA DEP and the County Conservation District.

Grading shall be minimized to the maximum extent possible on sites with slopes over 15 percent. There shall be no grading permitted on slopes greater than 25 percent without special approval from the Supervisors.

Conformance with the Steep Slope Overlay District criteria of Section 5.400 shall be required.

f. **Storm water Runoff Control**

1) **Purpose** - The purpose of storm water runoff control are:

- To guide drainage and prevent increase in runoff on and off the site.

- To prevent destruction and loss of soils on and off the site from increased runoff.
- To prevent siltation of water bodies, watercourse and wet areas on and off the site and subsequent harm to or loss of aquatic plant and animal life.

2) **Special Requirements For Storm water Runoff Control**

- The owner/applicant shall comply with any Storm water Management Plan or Ordinance, or any Act 167 Watershed Management Plan for any watershed in the Township which has been adopted by the Township or County which is

applicable to the proposed development, including the requirements of the Upper Mount Bethel Township Subdivision and Land Development Ordinance as it presently exists, or as further amended.

All developments shall limit storm water runoff so that no more runoff is generated than that of the site in its current or natural condition. Use of such techniques as retention or detention ponds, turfed swales, diversion ditches, and energy dissipators, shall be considered. When detention ponds are utilized they shall be buffered or fenced to insure the public health, safety and welfare.

The Supervisors shall require the owner/applicant to provide a Storm water Runoff Control Plan where site conditions warrant the preparation of such a plan. The Plan shall be based on accepted engineering standards and on adequate topographic surveys, soil investigations and runoff projections. To the maximum extent possible, the following standards shall apply:

- The natural drainage patterns on and off-site shall be used in their present state to the degree possible, and protected from disturbance.
- Storm water runoff shall be directed away from impervious surfaces and toward absorbent ground area.
- The plan shall minimize blockage, collapse or washout, street drainage, or other hazards associated with drainage and spring runoff conditions.
- Connection shall be made to existing storm water runoff drainage systems, where possible.
- The above requirements shall apply unless otherwise required by the Township SALDO Ordinance.

The Supervisors may accept or reject such a plan utilizing recommendations made by the Planning Commission and any designated Competent Authority.

g. Sink Holes - Wherever a proposed project area or development is to be situated in an area of carbonate geology, as determined by the Northampton County Emergency Services Office and as defined below, the following provisions shall apply:

1) **Site Inspection** - The owner/applicant, utilizing a competent professional with experience in this field shall undertake a site inspection of the property and shall assemble other available data which shall be utilized to determine all karst features or feature indicators. These features shall be mapped and shall include, but shall not be limited to the following:

- Closed depressions
- Open sink holes
- Seasonal high water table indicators
- Outcrops of bedrock
- Unplowed areas in plowed fields
- Surface drainage into ground

- "Ghost lakes" after rainfall

2) Submission To Supervisors - The above results shall be submitted to the Township Supervisors. The Supervisors, utilizing a "Competent Authority" shall evaluate the data submitted and the severity of the data. This shall include an identification of the following:

- a) Areas where buildings, impervious surfaces and storm water management facilities should not be located.
- b) Measures that should be taken to minimize the risk of structural damage.
- c) Areas where storm water should not be directed, including sink holes.

The Supervisors shall make a decision about the severity of the problem and the extent to which development in or over such areas present a threat to life and property and the extent to which development in such areas should or should not be restricted.

3) The following definitions shall apply to this section:

- a) Carbonate Geology - Limestone or dolomite rock formations formed by carbonate sedimentation in shallow sea waters.

- b) Closed Depression - In a karst area, a distinctive bowl-shaped depression in the land surface. It is characterized by internal drainage, varying magnitude, and an unbroken ground surface.

- c) Fracture Trace - Linear features in rock of less than one mile in length appearing on aerial photographs, representing zones of fracture concentrations in the bedrock.

- d) Ghost Lakes - Transient surface water bodies formed in sinks and closed depressions after heavy precipitation, due to poor internal drainage. This poor drainage may be due to residual clay remaining after solution of limestone minerals.

- e) Karst - A type of topography that is formed over limestone, dolomite, or gypsum by bedrock solution, and that is characterized by closed depressions or sink holes, caves and underground drainage.

- f) Sink Hole - A localized sinking of the land surface to a variable depth, occurring in areas of carbonate bedrock; generally characterized by a roughly circular outline, a distinct breaking of the ground surface and downward movement of soil into bedrock voids.

h. Preservation of the Natural Diversity of Proposed Zoning Areas - Preservation of the unique natural areas of the Township and of the natural diversity of the Township as identified in the following publication shall be considered based on the following:

- 1) A Natural Areas Inventory of Lehigh and Northampton Counties, PA prepared by the PA Science Office of the Nature Conservancy dated 1999.
- 2) Other available surveys, special studies or information of unique natural areas existing in the Township submitted by a Competent Authority qualified to provide information of this type.
- 3) Information received from the Zoning Applicant. The Supervisors shall review all information received about the presence of unique natural areas present in the proposed zoning proposal. Based on the information received, the Supervisors may request the Zoning Applicant to submit any necessary additional information required to evaluate the following:
 - (a) The presence and nature of such natural conditions and their precise location on the land.

- (b) An evaluation of the effect of the proposed zoning proposal on the existing natural features, and the extent to which these feature(s) will be protected or adversely affected by the zoning proposal.

- (c) Any other pertinent information deemed necessary and appropriate for consideration by the Supervisors, received from responsible and knowledgeable, private, public or non-profit organizations dealing with conditions of this type.

The Supervisors may accept any other documented information from parties having an interest in the preservation of such

natural areas. Upon receipt of all information, the Supervisors may request a review of all information and recommendations from a "Competent Authority" relative to the effect of the zoning proposal on the existing natural features under consideration.

The Supervisors after hearing from all parties, shall make a final decision on the extent to which such "natural features" are being adversely affected or whether such features should be protected and shall determine the necessary actions to be taken to preserve the

natural diversity of the area, while at the same time considering the private property rights of the Applicant.

- i. Environmental Impact Assessment - Where adverse environmental or hazardous conditions exist, the Township may require the submission of an Environmental Assessment and Impact Analysis prepared by a Competent Authority. The Township Planning Commission shall evaluate said Environmental Analysis and determine the nature of the risk and shall make a recommendation to the Supervisors necessary to establish any suitable requirements needed to insure the public health, safety and welfare. Said Impact Assessment and Analysis shall comply with the requirements of Section 308.2.2 of the Upper Mount Bethel Township Subdivision and Land Development Ordinance.

4.305 Community Impact Analysis - A Community Impact Analysis may be required by the Zoning Hearing Board and/or the Township Supervisors for any proposed development of the following types:

- a. Any residential development that proposes more than 50 dwelling units, regardless of housing type.
- b. Any commercial or industrial development, or expansion thereof where the expansion will

increase employment by 200 persons over the next three years.

- c. Any other Special or Conditional Use requirement of the Board of Township Supervisors.

If the proposed project is to be constructed in phases, the number of dwelling units or jobs created shall include all phases of the proposed project.

The Impact Analysis will include necessary information and studies to be prepared by a competent professional retained by the Zoning Applicant, where qualifications shall be provided to and approved by the Supervisors.

The Study shall include necessary descriptive information of the proposed development which is required to assure the Township that the proposed development is feasible and that it will be able to comply with all Township requirements including conformance with the Township's Community Development Objects; that it will serve a stable market over a substantial period of time; that it will operate efficiently and will provide safe and non-hazardous facilities meeting all of the performance and other requirements of this Ordinance; that it will not create detrimental impacts

which will jeopardize lives of Township residents.

See Attachment C for an outline of the specific information to be provided.

ARTICLE 5 - OVERLAY DISTRICT REGULATIONS

5.100 OVERLAY CONCEPT

5.101 Overlay Concept - The following Overlay Districts are hereby established:

- a. General Flood Plain Overlay District (GFP)
- b. U.S. 611 Overlay District (Rt. 611)
- c. Steep Slope Overlay District (SS)

Overlay Districts shall be an overlay to the existing underlying Zoning Districts as shown on the Zoning Map. As such, the provisions of each Overlay District shall serve as a supplement to the underlying Zoning District provisions. Where there is any conflict between the provisions or requirements of each Overlay District as set below, and those of any underlying Zoning District, the more restrictive provisions shall apply. A change in the underlying Zoning District shall not affect the requirements of each Overlay District, and whenever the Overlay District is declared inapplicable to any land by administrative or judicial action, or whenever the land is otherwise deleted from the Overlay District, the underlying zoning classification for the subject land shall apply without consideration of this section.

5.200 GENERAL FLOOD PLAIN OVERLAY DISTRICTS (GFP)

5.201 Legislative Intent - The statement of Community Development Objectives contained in Section 1.500 and Attachment A of this ordinance are hereby expanded with respect to the General Flood Plain Districts. It is hereby declared to be the intent of this Article that the General Flood Plain Districts shall overlay and supplement the existing or hereafter created underlying Zoning Districts. It is further the intent of this Article to:

- a. Combine with present zoning requirements certain restrictions made necessary for flood-prone areas to promote the general health, welfare and safety of the Township.

- b. Prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions or other hazard.
- c. Minimize the danger to public health by protecting the quality and quantity of surface and subsurface water supplies adjacent to and underlying flood hazard areas and promoting safe and sanitary drainage.
- d. Permit only those uses which can be appropriately located in the flood plain as herein defined and which will not impede the flow or storage of flood waters or otherwise cause danger to life and property at, above or below their locations along the flood plain.
- e. Protect those individuals who might choose, despite the flood dangers, to develop or occupy land on a flood plain.
- f. Protect adjacent landowners, and those both upstream and downstream, from damages resulting from development within a flood plain and the consequent obstruction or increase in flow of flood waters.
- g. Protect the entire Township from individual uses of land which may have effect upon subsequent expenditures for public works and disaster relief and adversely affect the economic

well-being of the Township.

- h. Maintain undisturbed the ecological balance between those natural systems' elements, including wildlife, vegetation and marine life, dependent upon watercourses and water areas.
- i. Protect other municipalities within the same watershed from the impact of improper development and the consequent increased potential for flooding.
- j. Provide areas for the deposition of flood-borne sediment.
- k. Require that uses vulnerable to floods be developed so as to be protected from flood damage, in accordance with the requirements of the Federal Flood Insurance Program, P.L. 93-234.

5.202 General Flood Plain District (GFP) Requirements - The Flood Plain Ordinance for Upper Mount Bethel Township was originally adopted as a separate Ordinance No. 2001-03, reenacted and ordained on March 26, 2001. Those ordinance requirements clearly establish land use requirements which affect the land use provisions of the Zoning Ordinance in flood prone areas. For that reason, that Ordinance, for the convenience of the reader has been reproduced and included as Attachment B at the end of the Zoning Ordinance. The

requirements of that Ordinance, as amended, shall be considered to be an integral part of the Zoning Ordinance.

The Flood Plain Ordinance requirements are to be considered as a Zoning Overlay District which shall supplement the underlying Zoning District provisions as described in Section 5.101 above.

5.300 **U.S. ROUTE 611 OVERLAY DISTRICT (Rt. 611)**

5.301 **Legislative Intent** - The statement of Community Development Objectives contained in Section 1.500 and Attachment A of this ordinance are hereby expanded with respect to the U.S. Route 611 Overlay District. It is hereby declared to be the intent of this Article that the U.S. Route 611 Overlay Districts shall establish supplemental regulations to control the development of the areas abutting Route 611. It is further the intent of this Article to:

- a. Promote the orderly development of land along Route 611.
- b. Minimize hazardous traffic flow conditions and confusion and provide for safe, understandable and convenient access to abutting uses without causing traffic flow problems.
- c. Avoid the adverse effects of uncoordinated, lot-by-lot development on the flow of traffic by increasing the use of unified and coordinated development plans and access ways as the preferred alternative within such areas, in order to minimize and prevent unnecessary access ways and conflicting turning movements.

- d. Provide setbacks, including space for signs and off-street parking and loading areas, to facilitate the potential widening of the road should future traffic volumes warrant such improvements.
- e. Provide landscape requirements to enhance the appearance of Route U.S. 611.

5.302 **District Boundaries** - The U.S. Route 611 Overlay District is defined and established as those areas extending a distance of fifty (50) linear feet from the ultimate road right-of-way of U.S. Route 611. As presently defined by the Township Comprehensive Plan and the Township Subdivision and Land Development Ordinance, U.S. Route 611 is an Arterial Street with a proposed ultimate right-of-way width of 80 feet.

5.303 **Development Regulations** - The following additional regulations shall apply for all developments in the U.S. Route 611 Overlay District:

- a. Where required by PennDOT, a Highway Occupancy Permit shall be required for all access roads entering Rt. 611.
- b. Access ways leading onto Route 611 shall be built to the

dimensional requirement specified in Article 4 of the Upper Mount Bethel Subdivision and Land Development Ordinance.

- c. For any tract developed in this district there shall be no more than two (2) points of access to Rt. 611 from the tract to Rt. 611.
- d. Corner tracts of land that front on two streets located within the Rt. 611 Overlay District shall not have more than one point of access onto Route 611.
- e. Access ways shall be spaced a minimum of one hundred (100) feet apart on center on any tract in the Route 611 Overlay District. In addition, access ways shall be spaced a minimum of one hundred (100) feet on center from existing access ways on adjacent properties whenever feasible. When this is not possible, common drives shall be encouraged.
- f. In order to minimize the number of access points onto Route 611, common drives and shared parking, in accordance with Section 6.500, shall be encouraged in the Route 611 Overlay District.
- g. The edge of any access way for a non-residential use shall not be located closer than fifty (50) feet to any lot used for residential purposes.

- h. All signs shall be in accordance with Section 6.600, Signs, but in no case shall a sign be placed within twenty (20) feet of the ultimate road right-of-way for Route 611. Signs shall be placed within the landscaped area required pursuant to Section 6.901. Sign Plazas shall be encouraged to serve a group of non residential uses in accordance with Section 6.604d.
- i. Parking shall be in accordance with Section 6.500, Off Street Parking and Loading, but in no case shall any parking occur within twenty (20) feet of the ultimate road right-of-way for Route 611.
- j. Landscaping shall be provided along the frontage of every tract developed pursuant to this Article, except for the area devoted to access ways. An access way may cross through this frontage area, but may not run parallel to Route 611. Landscaped areas shall extend toward the interior of the lot for a minimum distance of twenty (20) feet from the ultimate right-of-way line. In addition to low shrubbery, ground covers and other landscaping, street trees are recommended.
- k. Landscaping between the ultimate right-of-way line and curb line or edge of roadway shoulder shall be encouraged, recognizing that such landscaping may have to be removed in the future for roadway improvements; landscaping in this area would therefore be encouraged to represent a low financial investment and/or be capable of relocation. In all instances, landscaping shall be so installed to prevent an "obstruction to vision" as defined herein.

5.400 STEEP SLOPE OVERLAY DISTRICTS (SS)

5.401 Legislative Intent - The statement of Community Development Objectives contained in Section 1.500 and Attachment A of this ordinance are hereby expanded with respect to the Steep Slope Overlay District. It is hereby declared to be the intent of this Article that the Steep Slope Overlay Districts shall overlay and supplement the existing or hereafter created underlying Zoning Districts for the purpose of establishing supplemental regulations to control the development of areas containing steeply sloped land. It is further the intent of this Article to:

- a. Minimize soil erosion and sedimentation.
- b. Protect watersheds and limit increases in storm water run off.
- c. Protect residents of the Township from property damage and personal injury caused by runoff, erosion and land slides attributable to nearby development on steeply sloping land.
- d. Minimize the necessity for expenditure of Township funds for corrective public works caused by soil erosion and subsidence, sedimentation, and landslides.

- e. Maintain adequate foliage and vegetative cover on hillsides.
- f. To protect streams from increases in sediment and pollution.

5.402 District Boundaries - The Steep Slope Overlay District is defined and established as those areas having slopes of fifteen percent (15%) or greater as delineated on a map(s) prepared for the owner, his agent or representatives, by qualified professionals in accordance with Section 5.407.

5.403 Use Regulations - The following uses shall be permitted in the Steep Slope Overlay District without the submission of an erosion and sedimentation control plan:

a. Areas With Slopes of 15% to 25%

1. Wildlife sanctuaries, woodland preserves, arboretums and passive recreation areas, including parks but excluding enclosed structures.
2. Game farms or hunting preserves for the protection and propagation of wildlife, but excluding enclosed structures.
3. Forestry and reforestation in accordance with recognized soil conservation practices, including approved erosion

and sedimentation control plans.

4. The pasture and controlled grazing of animals in accordance with recognized soil conservation practices.
 5. Recreational uses such as parks with such activities as hiking, bicycle and bridle trails, camps and picnic areas, but excluding enclosed structures, and swimming pools.
 6. Outdoor plant nurseries or orchards in accordance with recognized soil conservation practices.
 7. The cultivation and harvesting of crops in accordance with recognized soil conservation practices.
 8. Nonstructural accessory uses necessary for the operation and maintenance of the above permitted uses.
 9. Similar uses to the above which are in compliance with the intent of this Article.
 10. Special Exception Uses as set forth in Section 5.404.
- b. Areas With Slopes Exceeding 25% - All uses set forth in a) above 1 to 9 only.

5.404 Special Exceptions - The following uses may be permitted in the Steep Slope Areas with slopes of 15% to 25%, by a Special Exception from the Zoning Hearing Board, upon the submission of an erosion and sedimentation control plan and supporting evidence as

set forth in Section 5.407 of this Article, provided that they comply with the following:

- a. In areas which exceed 15%, but are less than 25% all of the principal and accessory uses, except swimming pools, uses set forth in the underlying zoning district, may be permitted by the Zoning Hearing Board as a Special Exception, but only when the applicant can demonstrate to the satisfaction of the Township Planning Commission and Township Engineer that the design of the structure accommodates the slope of the site and that erosion would be minimized.
- b. Front, side and rear yards and required lot areas in the underlying zoning district(s) shall be adhered to provided that such yards or areas are not to be used for an on-site sewage disposal system, unless said system is constructed in compliance with the Act 208 amendments to Act 537, the Pennsylvania Sewage Facilities Act and in accordance with Section 6.1000.
- c. Where applicable, sealed public water supply wells are required, with the approval of the Township Engineer and the Pennsylvania Department of Environmental Protection in accordance with requirements of Section 6.1000.
- d. Sanitary or storm sewers and impoundment basins are required when deemed necessary, by and with the approval of

the Township Engineer and the Pennsylvania Department of Environmental Protection in accordance with Section 6.1000, and with storm drainage requirements of the Township Subdivision and Land Development Ordinance.

- e. Underground utility transmission lines.
- f. Roads, access driveways and parking facilities, but only when no viable alternative alignment or location is feasible, upon the determination of the Township Engineer, in accordance with Township Subdivision and Land Development Ordinance.
- g. All above uses shall comply with Section 4.103 (Gross Density Factors) requirements.

5.405 Prohibited Uses in Steep Slope Areas - The following uses shall be prohibited within the boundaries of the Steep Slope Overlay District:

- a. Unless otherwise approved as a Special Exception by the Zoning Hearing Board in the 15% to 25% slope areas, as set forth in Section 5.404, free standing structures, buildings, retaining walls and similar permanent and temporary structures shall be prohibited.
- b. In areas exceeding 25% slope all free standing structures,

buildings, retaining wall and similar permanent and temporary structures shall be prohibited except for Township approved recreation and hiking trails, or other municipal, County or Federal facilities compatible with nature of the terrain and the steep slopes on which they are to be located.

- c. Roads, access driveways and parking facilities, unless no alternative alignment or location is available, as set forth in Section 5.404f of this Article.
- d. The filling or removal of topsoil, except when related to an activity approved by special exception, as set forth in Section 5.404 of this Article.
- e. Swimming pools.
- f. Dumps, junkyards or other outdoor storage of vehicles and materials.

5.406 Development Regulations - In the Steep Slope Overlay District, the following land use and development regulations shall apply:

- a. On those lands having a slope of fifteen percent (15%) or more, only those uses permitted in Section 5.403 of this Article shall be permitted. Furthermore, all applications for development by special exception on said areas as permitted in Section 5.404 of this Article, shall be accompanied by an erosion and sedimentation control plan. The plan shall comply with the erosion and sedimentation control practices set forth in the Soil Erosion and Sediment Control Manual of the

Pennsylvania Department of Environmental Resources, 1974, as amended, and by other recognized

conservation practices approved by the Zoning Hearing Board.

b. In evaluating the proposed development plan, the erosion and sedimentation control plan and any additional information submitted by the applicant in support of the application, the Township Planning Commission, the Township Engineer and the Zoning Hearing Board, where appropriate, shall consider the following factors:

- 1) The percent of slope on the site.
- 2) The extent and proposed disturbance of the existing vegetative cover on the site.
- 3) The soil types and underlying geology of the site.
- 4) The length or extent of the slope both on the site in question and on adjacent lands within two hundred (200) feet of the site.
- 5) Evidence that the proposed development, any impervious cover and the resultant disturbance to the land and existing vegetative cover will not cause excessive runoff and/or related environmental problems.

5.407 Application Procedure for Steep Slope Areas - For any use of land in the Steep Slope Overlay District, excepting uses existing as of the date of enactment of this chapter, an application for a steep slope use permit shall be filed with the Zoning Officer who shall make an initial determination on the application.

a. For a use other than those permitted in Section 5.403, an application seeking approval by Special Exception for uses in Section 5.404 shall be forwarded to the Zoning Hearing Board along with the required studies or information and the findings of the Zoning Officer.

b. Any application concerning a use permitted by Special Exception in Section 5.404 shall be accompanied by a plan certified by a registered professional engineer which accurately locates the proposed use with respect to the existing development within two hundred (200) feet of

the proposed use, together with all pertinent information such as the nature of the proposal, legal description of the property, topographical elevations in two-foot intervals and sedimentation and erosion control measures required by the provisions of this Article.

c. The following additional information as deemed necessary by either the Zoning Officer or the Zoning Hearing Board shall be submitted for the evaluation of the impact of the proposed use:

1) A plan surface view showing elevations or contours of

the ground, pertinent structure, grading or fill elevations, the size, location and spatial arrangements of all proposed and existing structures on the site; the location and elevations of streets; the water supply and sanitary facilities; soil types; existing vegetation; and other pertinent information.

- 2) Topographic surveys showing the contours of the property in two-foot (2') intervals, as well as typical tract cross-sections at a scale of one (1) inch to one hundred (100) feet or greater as deemed appropriate by the Township Engineer. In addition, typical tract cross-sections at a vertical and horizontal scale deemed appropriate by the Township Engineer.
- 3) Specifications for building construction and materials including filling, grading, the storage of materials, the water supply and sanitary facilities.
- 4) Proposed modifications to the existing topography and vegetative cover, as well as the means of accommodating storm water runoff and preventing erosion.
- 5) Any additional engineering and conservation techniques designed to alleviate environmental problems created by the proposed development activities.

5.408 Procedures for Special Exception Uses - All applications for approval by Special Exception shall be considered in accordance with the following procedures:

- a. The Zoning Hearing Board shall hold a public hearing, giving public notice in accordance with Section 7.701.
- b. The Zoning Hearing Board shall request the review and recommendations by the Soil Conservation Service, United States Department of Agriculture, and the Office of the Northampton County Natural Resource Conservation Service, at least thirty (30) days prior to the public hearing.
- c. The Zoning Hearing Board shall request, at least thirty (30) days prior to the public hearing, the review and recommendations of the Upper Mount Bethel Township Planning Commission, the Township Environmental Advisory Council, the Township Engineer, and appropriate watershed associations or other planning agencies, to assist in determining the environmental impact of the proposed use(s).
- d. In rendering a decision, the Zoning Hearing Board may impose special measures or conditions as deemed reasonably necessary and appropriate for the proposed use(s) to conform with the intent of this Article.

5.409 Standards for Special Exception Uses - In considering a use as a Special Exception, the Zoning Hearing Board, prior to approval, shall consider the following:

- a. The relationship of the proposed use to the specific objectives

and standards set forth in Section 5.400.

- b. Abutting property shall not be adversely affected by possible runoff or erosion from the proposed use.
- c. The general welfare, safety and public interest of Upper Mount Bethel Township or adjacent municipalities shall not be adversely affected.
- d. Any structures permitted by Special Exception shall provide evidence that:
 - 1) Proposed buildings or structures are of sound engineering design and that footings are designed to extend to stable soil and /or bedrock.
 - 2) Proposed vehicular facilities, including road, drives and/or parking areas, shall be so designed that land clearing and/or grading will not cause accelerated erosion. Both vertical and horizontal alignments of vehicular facilities shall be so designed that hazardous circulation conditions shall not be created.
 - 3) Proposed on-site sewage disposal facilities shall be properly designed and installed in conformance with all pertinent health regulations and PA DEP requirements.
 - 4) Proposed nonagricultural displacement of soil shall be for causes consistent with the intent of this article and

shall be executed in a manner that will not cause excessive erosion or other unstable conditions.

- 5) Surface runoff of water will not create unstable conditions, including erosion, and that appropriate storm water drainage facilities or systems will be constructed as deemed necessary.

5.410 **Nonconforming Uses or Structures** - Following the adoption of this Article, any use or structure which is situated within those areas of the Township having slopes exceeding 15%, and which does not conform to the permitted uses specified by Section 5.403 or 5.404 of this Article shall become a nonconforming use or structure, regardless of its conformance to the district in which it is located without consideration of this Article. The expansion or continuance of said nonconforming use or structure shall be governed by the requirements of Section 6.400. However, the Zoning Hearing Board shall also ensure that the standards contained in Section 5.405 of this Article are applied to the expansion or continuance of said nonconforming use or structure.

5.411 **Certificate of Compliance** - No vacant land shall be occupied or used, and no building hereafter erected, or altered and no steep slope areas shall be occupied until a Certificate of Compliance has been issued by the Zoning Officer. The Zoning Officer shall request the applicant to submit a certification by a registered professional engineer or land surveyor that the construction of said

building and any necessary grading or filling were accomplished in compliance with the provisions of this chapter.

The Zoning Officer shall, within ten (10) days after receipt of such certification from the applicant, issue a Certification of Compliance only if the building or premises and the proposed use thereof conform with all requirements of Section 5.400.

5.412 Municipal Liability - The granting of a zoning permit or approval of a subdivision or land development plan on or near the Steep Slope District shall not constitute a representation, guarantee or warranty of any kind by the Township of Upper Mount Bethel or by any official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon Upper Mount Bethel Township, its officials or employees. The degree of erosion and sediment control protection intended to be provided by this article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This article does not imply that areas outside the Steep Slope District boundaries, or of land uses permitted within said district will always be totally free from the adverse effects of erosion.

ARTICLE 6 - SUPPLEMENTARY REGULATIONS

6.100 PERMITTED VARIATIONS FROM REQUIRED AREAS

The minimum lot, yard and height requirements of Article 4 shall prevail in all cases, except as follows:

6.101 Existing Nonconforming Lots - In any district where a vacant nonconforming lot exists as a separate entity at the time of passage of this Ordinance, and where the owner of the nonconforming lot does not own an adjoining lot, then the following development is permitted on such a lot:

- a. If the lot is located in an OSC, A-1, R-1 or VCR-1 Zoning District, or in any district in which a single-family dwelling is listed as a Permitted Use, then a single-family dwelling, including any attached permitted accessory use, may be constructed on it as a permitted use subject to the minimum requirements for nonconforming lots shown on Schedule V following this page, except that the minimum distance between principal structures on the same lot or on adjoining lots shall not be less than 11 feet.

Nonconforming lots because of their existing sizes, do not conform with the minimum requirements of Schedule V may only be developed if they are approved as a Special Exception Use by the Zoning Hearing Board as required herein.

Accessory structures which are not attached to the principal structure may be built up to three feet to any side lot line or

not less than eight feet from the rear lot line provided that such accessory structures are not located closer than ten feet from any principal structure.

- b. If the lot is located in any remaining non-residential zoning district (C-1, C-2, I-1, I-2, and I-3), then a structure not exceeding two stories in height may be constructed on it, for a use permitted in the district in which it is located, as shown on Schedule I, provided that the off-street parking and loading requirements of this Ordinance shall be complied with and that the front, side and rear yards are not reduced by more than one-third of the requirements of Schedule II.

Lots which are not large enough to meet these minimum requirements may then only be developed if it is reviewed and approved as a Special Exception Use by the Zoning Hearing Board after consideration of any adverse effects on the adjoining commercial and other uses in the area.

- c. For changes to existing conforming uses located on nonconforming lots, see Section 6.105.
- d. For requirements governing nonconforming uses and structures, see Section 6.400.
- e. Prior to the development of any such nonconforming lot which is not served with private or public water or sewer facilities,

the owner shall provide an adequate on-lot or alternate facility which complies with Pa. DEP and Township regulations.

6.102 Height Limitations - Maximum district height limitations for church spires, cupolas and domes, monuments, water towers, chimneys, smokestacks, antennas, farm structures, silos, and flag poles which are permitted in the Zoning District shall be 75 feet. Required utility and radio and television station transmitting or receiving towers which are permitted under the requirements of this Ordinance may exceed the District height limitations as set forth in Township Ordinance 99-03.

6.103 Front Yard Exception - When an unimproved lot is situated between two improved lots each having a principal building within 25 feet of the side lot line of the unimproved lot, and where the lot is not located on a major State or Federal highway, then the required front yard may be reduced to a depth equal to that of the greater front yard of the two adjoining lots; provided, however, that it may not be reduced to below 20 feet, in all Districts.

6.104 Projections Into Yards - Projections into required yards may be permitted as follows, except that no such projection shall be located closer than ten feet to any side lot line, or fifteen feet to any rear lot line, or 20 feet to any front lot line, except as may be provided for in 6.101 for "Existing Nonconforming Lots":

- a. Fire escapes, uncovered stairs and landings, canopies, eaves, or other architectural features not required for structural support may project into the required side, front or rear yard not more than a total of four feet.

SCHEDULE V

**PERMITTED VARIATIONS
FOR EXISTING RESIDENTIAL NON-CONFORMING LOTS
IN VARIOUS ZONING DISTRICTS**

REQUIREMENT	NON-CONFORMING LOTS LOCATED IN:			
	OSC	A-1	R-1	VCR-1
MINIMUM LOT SIZE (S.F.)	30,000	20,000	20,000	6,000
MINIMUM LOT WIDTH (FT.)	80	60	60	50
MINIMUM YARDS (FT.)				
- FRONT YARD	30	25	25	20
- REAR YARD	30	24	25	20
- ONE SIDE YARDS	15	10	10	8
- BOTH SIDE YARDS COMBINED	35	20	20	16
MAXIMUM BUILDING HEIGHT (FT.) (FOR PRINCIPAL BUILDING)				
- STORIES	2.5	2.5	2.5	2.5
- HEIGHT (FT.)	30	30	30	30
MAXIMUM BUILDING COVERAGE (%)	25%	30%	30%	35%

NOTES:

- 1) See Section 6.101 for uses permitted on Non-Conforming Lots, and for requirements for lots located in Commercial and Industrial Zones.
- 2) This Schedule applies only to Non-Conforming Lots on which a single family dwelling and related accessory uses may be constructed as a permitted use.
- 3) Where such lots are not served with public or existing private-central sewer systems, approval of single family units on such lot sizes are subject to on-lot septic system approvals by the SEO and PA DEP.

- b. Accessory structures may project into yards as set forth in applicable Sections 6.301 and 6.101.

- c. Patios may be located in any required yard area, not closer than the following to any property line, except that patios constructed on existing nonconforming lots may line up with and be as wide as the principal structure on the lot.

- Side property line - 10 feet

- Rear property line - 15 feet

- Front property line - 15 feet

6.105 Changes To Conforming Uses and Buildings - Any conforming use or building may be repaired, maintained, restored or rebuilt up to the same dimensions existing at the effective date of this Zoning Ordinance.

Any enlargement of a structure, which houses an regulations of this Ordinance.

6.200 UNIQUE LOTS AND BUILDING LOCATIONS

6.201 Two or More Buildings On A Lot - Two or more principal buildings located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building if each were on a separate lot.

6.202 Through Lots - Where a single lot under individual ownership extends from one street to another parallel or nearly parallel

street or alley, the Planning Commission shall decide which street will be considered as the front street. No principal structure shall be erected on any portion of a lot which does not have primary access from an improved public street, except as specified in Section 6.201 and 6.203.

6.203 **Lots Fronting On An Alley** - Individual lots existing at the effective date of this Ordinance, fronting on an alley, shall comply with all the requirements of this Ordinance

and the district in which said lots are located, except that no principal structure shall derive its primary or only access from an alley.

6.204 **Side Yard of a Corner Lot** - The side yard of a corner lot which abuts a street, shall be equal to the required front yard for that street, except as may be limited by Section 6.205.

6.205 **Obstruction to Vision** - No obstruction to vision, as defined herein, shall be planned, constructed or maintained in the vicinity of any street intersection or driveway, entrance, or on a corner lot, which creates potential vehicular safety hazards.

6.300 **ACCESSORY STRUCTURES AND USES**

6.301 **Accessory Structures** - All accessory structures, unless

otherwise provided for in this Ordinance, shall conform with the minimum yard regulations established in Article 4, except for nonconforming lots as set forth in Section 6.101, and except as permitted below:

a. **Unattached Structures Accessory To Residential Buildings** -

Structures accessory to residential buildings which are not attached to a principal structure shall not be higher than 24 feet or two stories, and may be erected within the required rear and side yards of the lot provided that they conform with the following:

1. **Distance From Side Lot Line** - Not less than ten feet from the side lot line, except in the case of corner lots where the side yard as specified in Section 6.204 shall be maintained.
2. **Distance From Rear Lot Line** - Not less than fifteen feet from the rear lot line.
3. **Distance From Principal Structure** - Not less than ten feet from a principal structure.

b. **Unattached Structures Accessory to Non-Residential Buildings** - Such accessory structures shall comply with front, side and rear yard requirements for the principal structure.

c. **Variation For Nonconforming Lots** - In lieu of the above

requirements, permitted accessory structures located on nonconforming lots shall comply with the requirements of Section 6.101.

- d. **Signs and Off-Street Parking** - Signs and off-street parking areas may be located in required yard areas as set forth in Section 6.500 and 6.600.

6.302 Home-Based Business - Requirements for Home-Based Businesses are set forth below and as defined in Article 2.

- a. **No-Impact Home-Based Business** - A "No-Impact Home-Based Business" shall be considered to be an accessory use to a principal residential dwelling use located in the OSC, A-1, R-1 and VCR-1 Zoning Districts, or to other legally established non-conforming residential housing units located in Commercial and Industrial Zoning Districts. Such an accessory home based business shall be subject to the following requirements:

1. It shall be conducted by up to three permanent residents of the dwelling
2. "No-Impact Home-Based Business" shall be restricted to businesses which do not generate customer, client, or patient traffic; nor pickup, delivery, or removal functions in excess of those normally associated with residential use. Activities of this type shall be carried out only between the hours of 9:00 AM and 5:00 PM, Monday through Friday.

The above activities which are not permitted in a "No-Impact Home-Based Business" since they are

considered to be in excess of those normally associated with residential use include the following:

- The activities listed are conducted before or after the hours of 9:00 AM to 5:00 PM

- Individual customers or clients that visit the home in excess of two clients per hour, or a maximum of eight customers or individuals per day

- Patient traffic involving more than two vehicles per hour or a total of five vehicles per day.

- Pickup, delivery or removal functions involving a total of more than one per hour or a total of three per day.

Any other activities which draw excessive attention, noise or distraction to the normal daily requirements and activities of the neighborhood in which the residential unit is located, including the receipt by the Township of complaints from neighboring residents. Any such complaints must be presented in writing to the Township and verified by the Zoning Officer or other official of the Township. The Zoning Officer may discuss and

attempt to resolve this matter with the business owner. If this is not possible, the Zoning Officer shall prepare a recommendation to be presented to the Zoning Hearing Board for **their review and action.**

- 3) It shall comply with all other legal requirements, including adherence to any deed restriction, covenant, or agreement restricting the use of land, or any master deed, bylaw, or other document applicable to a common interest ownership community.
- 4) It shall not detract from the residential character of the neighborhood or exhibit any influences or emissions which are detrimental to the health, safety, welfare or morals of the residents of the neighborhood.
- 5) It shall have sufficient off-street parking space available to serve up to three clients at any one time.
- 6) It shall not exhibit any external characteristics or evidence of its presence such as a sign, nor shall it modify the structure or appearance of the

residential unit which will draw attention to the unit as a business use.

- 7) A permitted "No-Impact Home-Based Business" shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. All such home businesses shall be located within the principal residential structure, but shall not exceed 35 percent of the total usable floor area of the dwelling, excluding attics and basement areas. However, attics and basements may be used for storage of items related to "No-Impact Home-Based Businesses" which comply with the approval of the Township Fire Department and the inspection of the Zoning Officer.
- 8) Such businesses, subject to the above requirements may include, but are not limited to professional offices, computer and Internet oriented businesses, the operation of a photographic studio, the training or tutoring of up to two adults at any one time, nursery school, child care or daycare classes limited to no more than three children, custom dress making, millinery or tailoring, laundering, and home-cooking.

b. Other Home-Based Businesses - Other types of Home-Based Businesses, including businesses which require the employment of personnel who are not permanent full time residents of the residential dwelling unit as required herein, or businesses which generate customer, client or patient traffic in excess of those normally associated with residential use as defined above, which do not comply with any of the requirements set forth in Subsection 6.302a, and subitems 1 through 8 above are prohibited in the Township.

- c. Application For Home-Based Businesses - All applicants for permits to undertake a Permitted Use "No-Impact Home-Based Business" shall submit the following information to the Zoning Officer:
- A complete description of the nature and operation of the business.
 - The type of use, product or service produced or rendered.

 - The names of the resident(s) who will operate the business (no more than three residents).
 - The portion of the residential structure to be devoted for the use of the business (list rooms, attic space and basement area space).
 - Any building or structural modifications or other physical changes to the interior or the exterior to make the building usable for a "No-Impact Home-Based Business".
 - A signed Statement by the applicant indicating that the Home-Based Business complies with all of the requirements set forth by the Township.
 - An executed certification by the applicant on an application form supplied by the Township agreeing to

the following:

- That the "No-Impact Home-Based Business" shall not detract from the residential character of the neighborhood, and
- That all of the facts submitted with the application are true and correct and that any incorrect information submitted or any change which is not permitted by the Zoning Ordinance shall be sufficient cause for the Township to require cessation of the business, and
- Certification and agreement by the applicant that the business will be discontinued if changes occur in the character and growth of the business so that it no longer complies with the requirements of this Zoning Ordinance.

6.303 Home Gardening, Nurseries and Greenhouses - Home gardening and accessory structures used for nurseries or as greenhouses are permitted in residential areas provided that such activities shall not constitute a commercial operation except in compliance with the provisions for home occupations set forth above. Only limited outdoor storage of equipment and supplies may be permitted provided that such storage shall not create a nuisance or adverse influence on nearby adjoining residential properties, as determined by the Board.

6.304 Private Outdoor Swimming Pools - A single private outdoor swimming pool and/or hot tub are permitted as accessory uses to a residential structure provided that such facilities are for the private use of the residents of the dwelling unit or for their guests as set forth below:

- a. Swimming Pools - Such a pool may be located within the required rear or side yards for the District in which the pool is to be located except that no portion of the body of water in the pool shall be located closer to the property line than ten feet, or six feet if located on a non-conforming lot, and no portion of any walks or accessory pool appurtenances surrounding the body of water shall be closer than six feet to any property line.

All pools shall be surrounded and enclosed by a four foot high fence or wall structurally suitable to deter direct access to the body of water in the pool. Such a fence or wall shall not have openings, holes or gaps therein larger than four inches in width or, if larger than four inches in width, no larger than four inches in length except for doors or gates; provided, however, that if a picket fence is erected or maintained the horizontal dimension between pickets shall not exceed four inches; provided, further, that a dwelling house or accessory building may be used as a part of such a fence or wall and provided, further, that existing hedges which effectively screen and deter access to the pool, may be used as such enclosure or a part or parts thereof with the written approval of the Zoning Officer. The Zoning Officer may approve such existing hedges, which substantially comply with the above requirements.

All gates or doors opening through such an enclosure shall be

equipped with a self-closing and self-latching device designed to keep, and capable of keeping, such door or gate securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure hereinabove required need not be so equipped.

Fences shall be constructed of weather-resistive materials and shall be assembled or fabricated with sufficient rigidity to prevent any substantial alteration or deformation of the lawful openings, holes or gaps.

The sides of a pool constructed above the ground level shall be considered to meet the requirements for a fence preventing direct access to the pool provided that such sides of the pool are at least four feet high and provided further that any stairs, steps or ladders used to reach the water surface of the pool shall be removable or capable of being folded up or secured in a way which will prevent their use when the pool is not in operation by the residents of the property or their guests.

Any pool whose body of water is closer than ten feet to a property line shall be shielded by a six-foot high privacy fence, hedge or other suitable visual obstruction where required to insure privacy for the adjoining property as determined by the Zoning Officer. Such a privacy fence may also serve as the fence required to deter direct access to the body of water as required herein if it conforms with the other requirements of

this Section.

All swimming pools and hot tubs shall also comply with the requirements of the Township "Standards for the Construction, Maintenance and Use of Private Swimming Pools" set forth in Chapter 23 of the Township Codified Ordinances.

- b. **Hot Tubs** - A single non-commercial hot tub may be constructed as an accessory use to serve a residential structure. The water surface area of such a tub shall not exceed 36 square feet or seven feet in length. All hot tubs shall be provided with a permanent secure locked cover which shall be kept locked when not in use.

Adequate buffering or privacy fences shall be provided to preserve privacy and to prevent visual or noise nuisances or the glare of related lighting for adjoining properties in accordance with the fencing and screening requirements of Sections 6.305 and 6.901, and the outdoor lighting requirements of Section 6.909.

All plumbing associated with hot tubs shall meet Township code standards and shall consist of a permanent all weather system maintained in good repair.

6.305 **Fences, Walls and Planting Materials**

- a. **General Requirements** - Any person, corporation, firm or association intending to erect a fence shall, before work is commenced, make application to the Zoning Officer as required below and by this Ordinance and no work on such a fence shall be commenced before receipt of a permit from the Zoning Officer.

Fences may be either a "Natural Living Fence" or a "Fabricated Materials Fence" as defined in Article 2.

Well-maintained and safe trees, shrubs or hedges and yard or court, provided that they do not encroach on adjoining properties or uses, or provide an "obstruction to vision" as defined in Article 2.

- b. **Location of Fences** - Fences may be located up to the property line in front, rear or side yards and shall not encroach on any public right-of-way.

All fences shall be located completely on the owner's property and shall not overlap property lines. Fence designs and locations must permit the fence to be maintained completely from the owner's side of the property.

- c. **Height of Fences** - The height of all fences shall be as set forth in the Table below.

- d. **Obstruction to Vision** - No fence shall create an "obstruction to vision" as defined in Article 2.

HEIGHT OF FENCES		
TYPE OF FENCE AND LOCATION	MAXIMUM HEIGHT (FEET) (a)	
	Located on Parcels Used Predominantly For:	
	Residential or Open Space Use	Non-Residential or Resort Use
<u>FABRICATED MATERIALS FENCE -</u>		
<u>LOCATED IN:</u>		
- Front Yard	4	6
- Side Yard	6	6
- Rear Yard	6	6
<u>NATURAL LIVING FENCE -</u>		
<u>LOCATED IN:</u>		
- Front Yard	4	6
- Side Yard	6	6
- Rear Yard	6	6

Footnotes:

- (a) Special situations requiring security, complete prevention of access or the provision of buffers to protect adjoining uses as required by Section 6.901, may have a higher fence if approved by the Zoning Hearing Board. The Board shall determine that such additional height is necessary to meet these objectives and also to protect the public safety and general welfare, and shall not adversely affect adjoining properties. In such cases, the Board may require that the fence be setback from the property line to preventing adverse effect on adjoining properties.

If approved by the Zoning Hearing Board, fences which are six feet high or over may also be topped with special restrictive devices where necessary to prevent access and provide security, provided that the Zoning Board shall deem such devices to be safe and substantially free from accident exposure.

- e. Removal of Unsafe Or Nuisance Fences - Any fence which obstructs vision as defined herein or which impedes vehicular or pedestrian traffic or which causes a fire hazard, restricts safe access, unduly restricts light or air and/or affects public or traffic safety, or which creates a nuisance as defined under Section 6.405 a. shall be removed. The Zoning Officer shall have the authority to direct the removal of such unsafe or nuisance fences or to direct the trimming or modification of any natural living fence or of any other vegetation so as to eliminate the unsafe or nuisance conditions.
- f. Swimming Pool Fences - Private outdoor swimming pools shall be protected with a fence as set forth in Section 6.304 above.
- g. Fence Materials and Construction
1. All fences shall be designed and constructed to serve as "permanent" fences which are solidly constructed and which are capable of resisting the effects of weather and which are permanently affixed in place, except as provided below.
 2. The following fences or fencing materials are specifically prohibited:
 - Razor wire fences
 - Barbed wire fences except in areas used for agricultural purposes

- Picket or pointed fences which are less than 36 inches in height.
 - Canvas fences.
 - Electrically charged fences, except where required to control animals
 - Snow drift fencing
-
- Temporary fences such as snow fences and expandable fences and collapsible fences, except when needed to meet emergency conditions or during construction of a building.
3. All chain link fences erected shall be erected with the closed loop at the top of the fence.
 4. All entrances or gates shall open into the property.
 5. All fences or walls must be erected so as not to
 6. If the fence is wood cover on wood frame, the framework must face onto the interior of the lot, unless

the fence is so designed as to provide equal frame and cover area to adjoining yards.

7. If the fence is open metal mesh, supported by posts and frames of either pipe or wood, the posts and frames must be on the interior of the mesh.
8. If the fence is of masonry construction, a finished surface must be provided on the exterior side.

6.400 NONCONFORMING USES AND STRUCTURES

Any legal nonconforming use or structure may be continued, repaired, maintained and improved except as provided below. An Application for such changes shall be submitted to the Zoning Officer.

6.401 Enlargement - Such nonconforming use or structure may not be enlarged more than 40 percent of the existing floor or ground area except for existing junk yards which may not be enlarged. Such enlargement shall not exceed the maximum height or maximum building coverage requirements set forth in Schedule II for the district in which such nonconforming use is located and shall be accompanied with the required off-street parking spaces to serve the expansion as set forth in Section 6.500.

6.402 Restoration - If no more than 75 percent (measured by its total floor area or use on a lot) of an existing nonconforming use or structure is damaged or destroyed, then a permit for its restoration may be obtained if such application is filed within 180 days of the initial damage or destruction, and restoration

is completed within 24 months of the issuance of the permit.

6.403 **Discontinuance** - No such use or structure may be reestablished after it has been discontinued or vacated for a period of 24 months. Also, a nonconforming use or structure when razed or removed from premise shall not be relocated except in conformity with the regulations of the district to which it is moved.

6.404 **Change of Use** - A nonconforming use or structure may be changed to another nonconforming use or structure only if such use is listed in the same "Use Class Subcategory" in which the nonconforming use or structure is first listed, as set forth in Section 4.200. A permit for such a change may be approved by the Zoning Officer provided that the Zoning Officer shall determine that the following conditions which are generated by the proposed use are not greater than those generated by the existing nonconforming use at any time for a period of two years prior to the proposed change:

- Number of employees.
- Amount of employee and visitor parking required.
- Number of commercial vehicles serving the proposed use and number of such vehicles to be parked at the premises or vicinity of the use.
- Traffic volumes and congestion to be generated.

- Adverse environmental effects generated by the proposed use.

A proposed change to a nonconforming use which is not and the Supervisors as required in this Ordinance. In such cases, the Supervisors may approve such change only if it determines that the change is equal or more appropriate to the character of the District and

neighborhood in which it is located. Such a determination shall be based on a consideration of the same factors listed above for consideration by the Zoning Officer.

6.405 Termination - Certain types of nonconforming uses or structures which present a special nuisance or hazardous condition shall be terminated as follows:

- a. General Nuisances - Upon a complaint registered by the Zoning Officer from fifty percent of the property owners within five hundred feet of a nonconforming use which is considered to be a general nuisance or which is not in compliance with the "Performance, Environmental and Traffic" impact requirements of Section 4.301, or is operated in a manner which adversely affects adjoining or nearby properties or

disrupts the peace and tranquility of the area during early morning or night time hours, or is otherwise considered to be a hazard to the health, safety, welfare and morals of persons residing or working in or using the area, the Supervisors shall hold a hearing and make a finding with respect to the nuisance, hazardous condition or adverse Performance, Environmental or Traffic impact which exists and shall determine the necessity of terminating such nonconforming use. Such uses shall be terminated within such reasonable time as shall be determined by the Supervisors after consideration of the seriousness of the condition and time required for the reasonable amortization of the capital investment in such uses, or as may be provided for by the laws of the Commonwealth of Pennsylvania.

6.406 Off-Street Parking - Sufficient off-street parking spaces shall be provided, as set forth in Section 6.500 to serve any proposed expansion permitted by Section 6.401.

6.500 OFF-STREET PARKING AND LOADING

6.501 Off-Street Parking - In all Districts, off-street parking spaces shall be provided as set forth in Schedule VI whenever any building is erected, enlarged or converted.

Said Schedule VI shall apply only to any new construction, new uses or to the enlarged section of any addition which may be approved by the Township after

the effective date of this Ordinance, subject to the provisions of Section 6.502f below.

6.502 **Parking Design Requirements** - Dimensional and other requirements for the design and use of off-street parking facilities are set forth below:

- a. **Size of Individual Parking Spaces** - 9.5' wide x 19' long, except for parking spaces for ADA Assessible handicapped persons which are set forth on pages 140b and 140c.

- b. **Off-Street Parking** - Dimensional requirements for parking bays and parking lots using different parking angles. 90 degree parking provides the maximum number of spaces per square foot.

Parking Angle (Degree)	Aisle Width (feet)	Directional Traffic Flow Access
90E	24'	Two-way
60E	18'	One-way
45E	13'	One-way
30E	12'	One-way

- c. At least one of every ten parking stalls provided should be designated for use by handicapped persons.

- d. Parking spaces shall have adequate and well-designed ingress and egress and shall be located on the same

lot as the use to which they are accessory or within a radius of 400 feet in the same district or in an adjoining district when approved by the Board.

- e. No-Impact Home-Based Businesses require one additional parking space for a total of three per residential parking areas compared to a conventional residential units without a Home-Based Business.
- f. Notwithstanding the requirements of Schedule VI herein, all proposed commercial and industrial development proposals shall include an estimate of

the maximum number of employees, visitors and customers or other personnel expected to be generated at the proposed development at any one time during the peak working hour of the day. This estimate shall be compared to the number of parking spaces required by Schedule VI. The Zoning Officer may require the higher estimated number to be used as a basis for determining the number of parking spaces required. If the estimated number is less than the number of spaces required by Schedule VI, the applicant may request that a lesser number of spaces be developed subject to the requirements of Section 6.504d below.

- g. Special requirements for ADA Accessible Handicapped Parking Requirements are presented on pages 140b and 140c following Schedule VI.

SCHEDULE VI
REGULATIONS FOR OFF-STREET PARKING SPACES (a)

Type of Use (b)	No. of Parking Spaces Required
<u>(d)(e)</u>	
1. <u>Recreation and Open Space Uses</u>	
- Agriculture, Forestry	1 per employee.
- Outdoor Recreation	1 per 2 potential peak day users or 1 for every 3 persons of total capacity, whichever is greater.
- Indoor Recreation	1 for every 3 persons of total capacity or 1 for every 200 s.f., whichever is greater.
2. <u>Residential</u>	
- Conventional residential dwelling units	2 per dwelling unit.
- No-Impact Home-Based Business	3 per dwelling unit
- Residential Care Facility for the Elderly	1 per dwelling unit, plus 1 for 2 employees
- Residential Retirement Complex	2 per dwelling unit.
- New dwelling units created by approved conversions	1 per 1 dwelling unit.
3. <u>Resort Development</u>	Cumulative totals of more specific lodging, recreation, eating and drinking facilities and other uses.

4. Lodging

- Motels, hotels and inns 4 for every 3 sleeping rooms.

- Bed and Breakfast Homestead residents 1/rental bedroom, plus 2 for the residents

- Rooming houses and dormitories 1 for every bed.

- Campgrounds 2 for every campsite, cabin or recreational vehicle

- Camps to serve children (under age 16) 1 for every two beds

- Camps to serve young adults and older 1.5 for maximum occupancy permitted

(continued on following page)

Type of Use (b)	No. of Parking Spaces Required
-----------------	-----------------------------------

(d)(e)

5. Eating and Drinking Establishments

- Restaurants and dining facilities 1 for every 3 seats or 3 per 100 gross sq. ft., whichever is greater.
(c)

- Nightclubs, Taverns, Bars, Cocktail Rooms 1 for every 2 seats.

- | | |
|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| 6. <u>Membership For Private Clubs,
Social Halls and Lodges</u> | 1 for every 200 gross sq.ft. |
| | |
| 7. <u>Commercial</u> | |
| - Shopping Centers | 5 for every 1,000 sq.ft. of net retail sales area |
| - Retail, services, and commercial entertainment | 1 for every 200 gross sq.ft. |
| - Banks and financial institutions | 1 for every 200 gross sq.ft. plus 1 for each 100 gross sq.ft. used to serve customers |
| - Offices and Office Buildings | 1 for every 200 gross sq.ft. |
| - Gasoline service stations | 1 for each 150 gross sq.ft. |
| - Auto rentals or sales | 1 for each 100 gross sq.ft. |
| - Funeral homes | 1 for each 4 chapel seats plus 1 for 2 employees, plus 1 for every sq.ft. of aggregate floor area in viewing rooms or parlors. |
| - Bowling alleys | 5 for each alley |
| | |
| 8. <u>Medical and Related Facilities</u> | |
| - Hospitals | 1 for every 1.5 beds |
| - Nursing Homes and Group Homes | 1 for every 3 beds |

(continued on following page)

Type of Use (b)	No. of Parking	Spaces Required
<u>(d)(e)</u>		
- Medical, dental and veterinarian	3 for every doctor, dentist or professional offices and clinics person, plus 1 for every other 2 employees.	
9. <u>Educational Facilities</u>		
- Commercial and other schools	1 for every 5 classroom seats	
10. <u>Places of Assembly</u>		
- Churches, theaters, auditoriums and other places of assembly including spectator recreation and cultural facilities	1 for every 50 gross sq.ft. or 1 for every 3 seats or persons to be accommodated, whichever is greater. (c)	
11. <u>Manufacturing and Wholesale or Warehouse Establishments</u>		
	1 for each 3 employees plus 1 for each 1,000 gross sq.ft., but not less than 25% of the total floor area	

FOOTNOTES:

- (a) This Table applies only to new construction or to new uses and to the enlarged section of any addition in all Zoning Districts. For multi-purpose facilities, use the cumulative total of all uses included.
- (b) For any use not specifically listed, the Zoning Officer shall apply the requirements of that listed use which he determines to be most similar, or shall analyze the maximum number of potential users which the use is capable of attracting at least 20 times per year.
- (c) Where benches are provided in lieu of seats then each 20-inch width of bench shall be equivalent to one seat.
- (d) In addition to the above schedule, the number of parking spaces required above may be subject to change based on the requirements of Sections 6.502f above and 6.505d below.
- (e) Special requirements for ADA Accessible Parking are set forth on pages 140b and 140c following this page 167

6.503 **Off-Street Loading** - Every commercial, industrial, resort or other building which requires the receipt or distribution by vehicles or materials or merchandise shall provide one off-street loading space for each 10,000 square feet of gross building ground floor area or part thereof, and each such space shall be at least 400 square feet in area.

Said loading spaces shall apply only to any new

6.504 **Development of Parking and Loading Spaces** - All off-street parking and loading areas shall conform with the following:

- a. Off-street parking and loading spaces may be developed on any required side, front, or rear yard, except that such spaces located in the Residential Districts shall have landscaping setbacks of at least five feet from any street right-of-way and from any side or rear yard lot line on which they abut. Such spaces shall be properly designed in relation to adjoining uses and/or buildings. Adequate barriers shall be provided to protect buildings and sidewalks, and screening shall be provided as required in Section 6.901.
- b. The design of all parking areas shall give special attention to the applicable site design guidelines set forth in Section 6.804 and special attention to avoidance of the following problems:
 - Shielding of lighting fixtures to prevent glare and control of light intensities on adjoining properties. (Also See Section 6.909)

- Proper design to prevent vehicles from backing out into public streets and to promote safe traffic circulation.
- Proper grading and management of storm water runoff.
- Screening and planting along perimeter of parking areas to protect adjoining properties and to

enhance appearance of the area, including evergreen shade trees and shrubbery.

- Reservation of parking space(s) for use by handicapped persons.

- c. All required residential parking areas which are accessory to individual dwelling units shall be surfaced and properly graded with either a four inch gravel surface, or with a durable bituminous or concrete paving material and shall be approved by the Zoning Officer.

All commercial, industrial and other types of required parking and loading spaces shall be surfaced with durable bituminous or concrete paving material and shall be properly graded and drained to dispose of all surface water.

- d. At the time of submission of any Zoning Application requiring off-street parking facilities, the Zoning Applicant may request,

and the Township, after receipt of a recommendation from the Planning Commission may permit a reduction in the number of parking spaces to be paved if the applicant demonstrates that the full number of spaces as required herein will not be necessary to serve the proposed use for a period of five years.

Such a reduction in the number of paved parking spaces required shall not relieve the applicant from the submission of an overall plan for the parking lot which designates the total number of parking spaces as required by Schedule VI. Said Plan shall indicate those spaces which are to be paved for immediate use and the remaining unpaved spaces which are reserved for potential use as required by this Ordinance.

- e. Spaces shall be arranged and marked for the orderly and safe movement, loading, parking and storage of vehicles and shall be adequately illuminated if designed for use by more than three cars after dusk. All illuminated parking areas shall be designed to shield and prevent glare on adjoining properties in accordance with Section 6.909.

- f. Exit and entrance driveways or access points shall be approved by the Supervisors and shall be at least 20 feet wide for two-way driveways and 16 feet wide for one-

way driveways and shall not exceed 40 feet in width, and wherever practical shall not occupy the full length of the streets, alleys, or other right-of-way from which they derive their access, but shall be limited to well-defined points, and

shall be so designed to provide maximum safety for other adjoining or nearby uses. This subsection applies only to non-residential uses.

6.505 **Off-Street Parking In Residential Areas** - On any lot used for residential purposes in the R-1 and VCR-1 residential districts only one commercial vehicle may be parked on the residential lot, except for commercial use structures permitted in the VCR-1 Zoning District.

6.600 **SIGNS**

6.601 **Scope and Applicability**

- a. Signs may be erected, altered, maintained, used, removed or moved, only in compliance with the provisions of this Section and with any other applicable Township regulations.

- b. A zoning permit shall be required prior to the erection or alteration of any such sign, except that changes in the copy of any sign, or official governmental signs shall not require such a permit.

- c. Any existing signs which do not conform with the provisions of this Section shall not be altered or enlarged unless approved as a Special Exception.

6.602 **General Sign Regulations**

- a. No sign shall be erected which states that a property may be

used for any purpose not permitted by this Zoning Ordinance.

- b. Signs referring to a use or product no longer in existence or available shall be removed within six months after cessation of the original use.
- c. No sign shall be located or used in a manner that interferes with traffic on a street by causing glare, an obstruction to vision as defined herein, by causing

confusion with traffic control devices or through other means.
- d. Illuminated signs adjoining or visible from nearby residential areas shall be shielded to protect adverse effects or nuisances upon nearby dwellings.
- e. An awning, with or without graphics and visual displays shall not be considered to be a sign under this Ordinance, but shall be subject to the applicable accessory use requirements of Sections 6.100 and 6.300, except that all awnings which project over any public rights-of-way or private areas shall be subject to the requirements of Section 6.603c.
- f. No part of any sign, except for an official governmental sign, shall be located within the official right-of-way of any street or alley, unless specifically permitted herein.
- g. Any vehicle to which a sign is attached in such a manner that

the sign is no longer incidental to the vehicle's primary purpose shall be considered to be a free-standing sign subject to the sign provisions for the zoning district in which the vehicle is located.

- h. Every sign shall be constructed of durable materials and shall be kept in good condition and repair.
- i. Flashing and moving signs shall not be permitted in any zoning district.

6.603 Location, Height and Projection of Signs

- a. **Location of Signs** - Unless otherwise provided for herein, all signs may be located in any required yard area, but not closer than five feet to any side yard property line or 10 feet to any road right-of-way and may be free-standing or attached to a building or other permanent feature on the site, excluding fences located closer than five feet to any side yard property lines.
- b. **Height Limitations** - Signs shall not exceed the following height limitations:
 - 1. Signs accessory to uses located in the OSC, A-1, R-1 and VCR-1 Zoning Districts shall not exceed ten feet in height.

2. Signs accessory to uses located in the C-1, C-2, I-1 I-2, I-3 and VCR-1 Zoning Districts shall not exceed 35 feet in height.
3. No sign may be attached to a building in a manner which allows it to exceed the roof height of the building.

c. Projection of Signs

1. No sign erected or replaced after the effective date of this Ordinance shall project more than one foot over a public sidewalk or street right-of-way, unless specifically approved by the Supervisors.
2. Signs which project over private areas shall conform with other applicable Township requirements and shall be approved by the Supervisors, but in all cases be at least ten feet above the level of any area used for pedestrian or vehicular traffic.
3. Signs attached parallel to the building which project more than 12 inches from the face of the building shall be at least eight feet above the ground level.
4. The owners of all signs and awnings which project over any public right-of-way shall provide insurance in an amount specified by the Township sufficient to hold the Township harmless in the event of any damage to life or property caused by such a sign in the public right-of-way.

6.604 Type of Signs Permitted in Zoning Districts

The size and type of signs permitted in the various zoning districts are set forth below:

a. OSC, A-1, R-1 and VCR-1 Zoning Districts - The following signs are permitted in the OSC, A-1, R-1 and VCR-1 Zoning Districts:

1. A simple Name Plate Sign containing the name, address, professional or home occupation activity of the occupant of the premises is permitted. Such sign shall not be illuminated or be constructed of highly reflective materials and shall not exceed one square foot in area. Such signs shall be attached to the building to which they pertain.
2. A single Identification Sign or Bulletin Board, not exceeding 12 square feet in area is permitted, in connection with any church, school, college, hospital, institution, park, playground, or other similar public or semi-public use. Such signs may be attached to the building to which they pertain and shall not be located within five feet of all lot lines if they are free-standing.
3. A single Identification Sign attached to the building to which it pertains and not exceeding 10 square feet in

area is permitted for any legally existing non-conforming use.

4. Any Business or Identification Sign applicable to an approved commercial use in the VCR-1 area or for an approved Special Exception or Conditional Use, not exceeding 20 square feet in area which is specifically approved by the Board or Supervisors, respectively.
 5. In the A-1 District signs required for the conduct of agricultural activities or related uses, including Business Identification Signs for permitted home based or rural area businesses shall be permitted. Such signs shall not exceed 20 square feet and shall be limited to two signs per farm and one sign for each home based or rural area businesses.
- b. C-1, C-2, I-1, I-2, and I-3 Zoning Districts - The following signs are permitted in the C-1, C-2, I-1, I-2, and I-3 Zoning Districts:
1. Business or Identification Signs are permitted which direct attention to a business, profession, product, service, activity, use or entertainment

sold or offered on the premises where such a sign is located. The total area of such a sign or signs shall not

exceed five percent of the surface of the building facade, or of the wall area on which the sign is mounted or to which the sign pertains, except as provided for in Section 6.604 c. below.

2. A single Identification Sign or Bulletin Board, not exceeding 24 square feet in area is permitted in connection with any church, school, college, hospital, institution, park, playground or other similar public or semi-public use.
 3. A single Identification Sign, not exceeding 24 square feet in area is permitted for any legally existing non-conforming use.
 4. Advertising Signs or billboards which direct attention to a business, product, service, activity, use or entertainment not conducted, sold or offered upon the premises where such sign is located. Advertising signs shall not be closer to each other than 1,000 feet and shall not exceed an area of 300 square feet.
- c. Maximum Size of Signs In C-1, C-2, I-1, I-2 and I-3 Zoning Districts - The total square foot area of all signs located on any single parcel which are permitted under the provisions of Section 6.604 b above shall not exceed one square foot for every one lineal foot of lot width having frontage on a public street, provided that on corner lots only the longest dimension may be used and provided further that any single company or establishment may not exceed a total of 500 square feet.

- d. Sign Plaza - A "Sign Plaza" may be created by a group of commercial and/or industrial establishments for the purpose of providing an attractive landscaped area where various signs may be grouped together for the benefit and convenience of the public and to provide an integrated directory of information about these establishments. The total square foot area of all signs

for these establishments, including those to be located in the Sign Plaza shall not exceed the maximum combined size of signs for all participating businesses as established in Section c. above.

6.605 Design of Signs

Wherever possible the applicant for any sign shall consider the following design principles for the purpose of establishing a coherent and attractive visual appearance for the area in which the sign is located:

- a. The height, size and general appearance of signs shall be consistent in appearance and shall be of uniform height and layout and harmonious with other adjoining signs located within 300 feet of the parcel.

- b. Signs shall be visible from the street to both pedestrians and vehicular passengers.
- c. Signs shall not be designed to block the visibility of other adjoining signs and wherever possible shall be attached flat or parallel to the building to which they pertain and shall not project out more than 12 inches from the face of the building.
- d. Free-standing signs shall be set back from the property lines and shall be consistent and harmonious with the size of the structure to which they pertain and shall not detract from the visibility or appearance of any adjoining structures.
- e. Advertising signs and billboards shall not dominate the view of the structures located within 500 feet of such signs.

6.606 **Prohibited Signs**

The following signs are prohibited in all districts:

- a. Signs which in any way simulate official governmental signs that are not concerned with the protection of the public health and safety.

- b. Banners, spinners, flags, pennants or any moving object used for commercial advertising purposes whether containing a message or not may be permitted only for temporary time period not exceeding 60 days, except that they are completely prohibited in the R-1 and VCR-1 areas.

- c. Flashing, blinking, twinkling signs are prohibited, including signs that alternately display the time and temperature.

6.607 Temporary Signs

Temporary signs not exceeding six square feet for the sale or rental of individual properties, and not exceeding 24 square feet for identifying residential developments, developers, contractors, and/or realtors are permitted in all districts while property is under construction or offered for sale or rental. Such signs shall be removed within ten days of the date of the final sale or rental of the property.

6.608 Political Signs

A sign designed, intended or designated to influence the actions of voters for either the passage or defeat of a law, statute, ordinance, amendment, rule, regulations or other measures, or of a candidate for nomination or election to public office in a national, State or local election.

Any person intending to erect one or more political sign(s) shall first apply for and receive a permit from the Township Secretary at the Municipal Building. The Applicant for such a

permit shall include the following information:

- a. Name of person requesting a permit
- b. Copy of the sign or signs to be erected
- c. Agreement of the Applicant to comply with all of the following requirements:

1. The sign may be permitted in any Zoning District,
 - Sign shall be securely attached to a private owners individual property to prevent accidental removal, displacement or deterioration of the sign by wind, rain or snow
 - Not erected earlier than 30 days prior to a scheduled primary or general election or vote of a legislative or governing body
 - Not attached to any structure other than an owner's individual property, except that such sign

may be displayed in a window. Permission from the property owner must be received before sign is attached.

- Not maintained for more than 10 days following the primary or general election or the vote of a legislative or governing body. Sign must be removed within 10 days.
- Not attached to a utility pole, fence, tree or other vegetation, except upon an owner's individual property
- Not located in or upon a public right-of-way
- Not erected in such a manner that it will, or reasonably may interfere with, obstruct, confuse, or mislead vehicular traffic

6.700 **TEMPORARY USES**

6.701 **Special Events or Activities** - Any applicant may submit a Zoning Application for the purposes of requesting permission to undertake or conduct a special event, activity or use (hereinafter referred to as a "Temporary Use") that shall be temporary in nature. Such a Temporary Use shall exist for a period of time not to exceed one year. Said application shall be submitted in accordance with the "Special Exception Use" procedure established in Section 4.202, and the Temporary Use

shall be clearly related to the requirements for Permitted Uses set forth in this Ordinance.

Said application shall clearly set forth the following:

- a. The exact purpose, nature and location of the proposed Temporary Use, including all private and public lands and right-of-way involved.
- b. The relationship of the Temporary Use to other uses permitted in the Zoning District.
- c. The number of employees, spectators, participants or other persons or agencies, equipment or other paraphernalia to be involved or used in such Temporary Use.
- d. Evidence that the Township will be held harmless from any unforeseen adverse consequences resulting from such Temporary Use and evidence of the availability of sufficient insurance coverage.
- e. An evaluation of the Traffic Impact of said use based on the criteria and requirements of Schedule III and Section 4.302 may be required.
- f. The length of time for which a Temporary Use permit is requested.

- g. Any special requirements, hardships or conditions to be imposed on the Township, or its residents or to other uses which may be affected by the Temporary Use.

The Zoning Hearing Board shall review the proposed application as a "Special Exception Use" and shall reach a decision after receipt of a recommendation from the Planning Commission as required by this Ordinance.

The Zoning Hearing Board may reject the application or may determine that the Temporary Use is needed to support an existing or permitted use or to serve the needs of the majority of the Township or neighborhood residents affected by such Use. Any approval of such a Temporary Use shall be subject to the applicable safeguards and procedures established in Sections 4.300 and 4.302.

6.702 Garage and Yard Sales - Only two garage and yard sales per residential property are permitted per year in accordance with the permit requirements of UMBT Ordinance.

6.703 Excavations and Fill Material

- a. Operations Subject to State Regulation - All quarry, or other non-coal mining operations are considered Temporary Uses under this Ordinance as required by Section 6.701 above. Such Uses which are subject to State or Federal laws, and to

regulations of the Pa. DEP shall require necessary permit(s) from the appropriate State or Federal Agency. Particular reference is made to the Commonwealth of Pennsylvania "Non-Coal Surface Mining Conservation and Reclamation Act No. 1984-219", as it may be amended and to other requirements relating to the preservation and protection of the environment and to preservation of water quality in the Commonwealth as administered by the Pennsylvania Department of Environmental Protection (Pa. DEP).

All excavations or placement of fill in "wetland" areas shall be subject to the requirements of the Pennsylvania DEP and the ARMY Corps of Engineers.

Such operations may take place in the Township only in those areas where permitted by this Ordinance.

All applicants for such operations shall submit a copy of any request for a State or Federal Permit to the Zoning Officer, together with any plans required by these agencies for the reclamation of such areas upon completion of the temporary use. The Zoning Officer shall also require a Zoning Permit application form to be submitted plus any other information required to properly evaluate the application. Approval of any Zoning Permit for an operation permitted in the Township shall be conditioned upon the receipt by the operator of any permit required from the State.

The Township may present information to or request a public hearing of Pa. DEP to be held on such applications for a permit which are submitted to the State.

- b. Other Excavations - Any other excavations, regrading of the natural terrain where ground levels are affected by more than one foot, the removal of topsoil or other earth products, the placement of fill, or the alteration of drainage patterns may be permitted by the Zoning Hearing Board only as a Temporary Use as required in Section 6.701 above. Such excavations must be adequately drained to prevent the formation of pools of water. The Zoning Hearing Board may require that such an excavation be enclosed by a fence if it is deemed to be a menace to the public health, safety and welfare.

Unless specifically permitted by the Zoning Hearing Board, open excavations shall not be maintained, except those excavations made for the erection of a building or structure for which a permit has been issued.

The dumping of earth, gravel, rock or other materials not subject to decay, noxious or offensive odors may be permitted in any zone or any vacant land provided that the existing grade shall not be raised , more than one foot above the grade of the nearest road, that hazardous or nuisance conditions are not created, and that an unsightly appearance or unstable slopes are not created. Industrial or other operations requiring the dumping of such materials above the grade of the nearest road may be permitted by the Zoning

Hearing Board as a "Special Exception Use" subject to the receipt of any required permit from a County, State or Federal Agency. In such a case, the Zoning Hearing Board shall determine that such dumping is not a menace to the public health, safety or welfare or a nuisance to nearby residential areas, or to other uses.

Plans for operations affecting drainage patterns shall be submitted by the applicant and studied by the Township's Engineer and appropriate recommendations or conditions developed for consideration by the Zoning Hearing Board. Necessary reviews from other affected agencies such as the Northampton County Conservation District shall also be secured prior to the issuance of any permit.

6.800 **SITE PLAN REVIEW**

6.801 **Purpose and Procedure** - Site Plan Review and the submission of a Site Plan is required herein for all Special Exception and Conditional Uses, or for any other use requiring such review in accordance with the requirements of Article 4 or other provisions of this Ordinance. The following Site Plan procedure shall be followed to ensure the safe and efficient movement of traffic, adequate drainage and connection to

utilities, compliance with other applicable regulations and to promote the development of an attractive and well-planned Township, to enhance sound site planning and to best serve the interests of public health, safety and general welfare and with the objectives of this Ordinance.

6.802 **Optional Sketch Site Plan Review Procedure** - In lieu of submittal of all of the site plan requirements itemized below, the applicant may elect to submit a preliminary Sketch Site Plan, containing lesser information, for unofficial review by the Planning Commission. Such **Optional Sketch Site Plan** shall be for the purpose of indicating to the Planning Commission the general nature and intent of the proposal which will enable the Commission to present its initial considerations for the purpose of guiding the developer in the preparation of the official final Site Plan, in accordance with these Zoning requirements. The **Optional Sketch Site Plan**, if submitted, shall not eliminate the submittal of a final **Official Site Plan** as required herein.

The entire purpose of this optional procedure is to facilitate the proper development of a Site Plan, as required herein and to prevent unnecessary expenses associated with the development of a Site Plan. This optional procedure shall be considered to be a convenience for the applicant and shall not constitute an official zoning permit application or submission and shall not convey any benefits or assurances to the applicant which he would not otherwise have had if such an **Optional Sketch Site Plan** were not submitted by the applicant. All such optional plans shall be clearly marked with the words "Optional Sketch Site Plan".

6.803 Site Plan Requirements - The official Site Plan shall include the following information:

- a. An application for a Use located in a Use Class requiring Site Plan Review, as required by this Ordinance, shall be submitted to the Zoning Officer. The applicant shall also submit five complete sets of site plans certified by a registered engineer, surveyor, architect or Community Planner with AICP Certification.

- b. When a site plan has been officially submitted, it shall be placed on the Planning Commission agenda for review at its next regular meeting, provided the official submission is made ten days or more before the regular meeting.

- c. Within 45 days after the official submission of a site plan, the Planning Commission shall make a written recommendation to the Zoning Officer, the Zoning Hearing Board or the Supervisors, depending on whether the zoning permit requested is for a Permitted Use, a Special Exception Use or a Conditional Use respectively, on whether the Plan should be approved or disapproved, including any conditions on which an approval should be based. The written recommendation shall

include the underlying findings and reasons affecting the Planning Commission's recommendation. In making such a recommendation, the Planning Commission may receive advice and review comments from the Township's Engineer or any other Competent Review Authority designated by the Township.

- d. The appropriate body (Zoning Officer, Zoning Hearing Board or the Supervisors) shall take action by approving or disapproving the plan either within 45 days after receiving the Planning Commission's written recommendation, but no later than 90 days after the site plan is officially submitted. The Zoning Officer shall inform the applicant in writing of the action taken by the appropriate body, including the conditions on which are attached to any approval and shall issue any applicable permit.
- e. Site Plan approval shall neither relieve the applicant from any other provisions of this Ordinance nor constitute a

recommendation for a variance or other relief that the applicant may seek from the Zoning Hearing Board.

- f. The following information shall be included on the Site Plan. Any such information which is not considered applicable to the proposed use may be waived by the Zoning Hearing Board or the Zoning Officer.

1. A statement as to the proposed use of the building or land.
2. A site layout drawn to a scale of not less than one inch equals 100 feet showing the location, dimensions and area of each lot, the location, dimensions and height of proposed buildings, structures, streets, roads, and any existing buildings in relation to property and street lines.
If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
3. The location, dimensions and arrangements of all open spaces and yards, landscaping, fences and buffer yards, including methods and materials to be employed for screening.
4. The location, size, arrangement and capacity of all
5. The dimensions, location and methods of illumination for signs and exterior lighting.
6. The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
7. Sanitary and storm water facilities and connections. Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm

drainage. Submission of a Storm water Management Plan with supporting calculations shall be required.

8. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including information on total land area, area to be reserved in common open space, density, maximum building coverage, total area to be covered with impervious surfaces and other information which will assist the Commission in determining compliance with this Ordinance.
9. A description of any proposed use in sufficient detail to permit the Commission to determine compliance with the Performance, Traffic Impact, Environmental Protection and Community Impact Analysis requirements set forth in Section 4.300.
10. Necessary information assuring lot size and density requirements.
11. Site topographic contours shall be provided as follows:
 - Two foot intervals on tracts with grades of up to 5%

- Five foot intervals on tracts with grades exceeding 5%
- 12. All proposed site grading; drainage provisions; road, driveway and parking lot construction and proposals.
- 13. A key map showing the entire project and its relation to surrounding properties and existing building thereon.
- 14. Soils, slopes, floodplain delineations and the boundaries of all Overlay District Areas set forth in Article 5.
- 15. Certification by engineer or surveyor.
- 16. Certification of ownership and acknowledgment of plan by owner or developer.

6.804 Site Design Guidelines - In addition to the requirements of Section 6.803, the following guidelines are presented to assist the applicant in the preparation of site and building plans and to assist the Planning Commission in the review of all site plans.

These guidelines are divided into nine categories and are meant to encourage creativity, innovation and well-designed

developments. They not only apply to principal buildings and structures, but also to all accessory buildings, structures, free-standing signs and other site features.

- a. **Preservation of Landscape** - Preserve the landscape in its natural state by minimizing tree and soil removal. Ensure that grade changes are compatible with the general appearance of neighboring developed areas.

- b. **Relation of Proposed Buildings to Environment** - Relate proposed structure(s) harmoniously to the terrain and to existing buildings that have a visual relationship to the proposed structure(s). To achieve this favorable relationship between existing and proposed uses, create focal points with respect to avenues of approach, terrain features or other buildings and relate open space between all existing and proposed buildings.

- c. **Drives, Parking and Circulation** - For vehicular and pedestrian circulation, including walkways, interior drives and parking, give special attention to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, arrangement of safe and convenient parking areas. Design these vehicular and pedestrian areas to enhance the appearance of and access to the proposed buildings and structures and to the neighboring properties.

- d. **Surface Water Drainage** - Give special attention to proper site

surface drainage to ensure that removal of surface waters will not adversely affect either neighboring properties or the public storm drainage system. Remove and efficiently carry away all storm water from all roofs, canopies and paved areas.

Manage surface water in all

paved areas to permit vehicular and pedestrian movement.

- e. Utility Service - Place electric and telephone lines underground, where possible or required by the Township Subdivision and Land Development Ordinance. Locate, paint and under take any other treatment to ensure that any utilities which remain above ground will have a minimal adverse impact on neighboring properties.
- f. Advertising Features - Ensure that the size, location, lighting and materials of all permanent signs and outdoor advertising structures or features will enhance rather than detract from the design of proposed buildings and structures and the neighboring properties.
- g. Special Features - Provide needed setbacks, screen plantings and other screening methods for exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures to help make them compatible with the existing or contemplated site design and with neighboring

properties.

- h. Performance, Traffic Impact and Environmental Protection Requirements** - Adequately address all applicable requirements identified in Section 4.300.
- i. Subdivision and Land Development Ordinance Requirements**
- Where the zoning proposal requires approval under the Township's Land Subdivision and Development Ordinance, the Site Plan shall also address the major requirements of that Ordinance.

6.900 MISCELLANEOUS PROVISIONS

6.901 Screening Requirements - Adequate screening, as described herein, shall be provided along the front, side, and rear boundaries of any industrial, manufacturing, commercial, public or resort use which is carried on outside of any completely enclosed building, or for any off-street parking or loading area for more than five vehicles, which abuts a residential area or zoning district or which is directly visible or across a street or alley from

a residential area, or along the boundaries of any other use where such screening is required by this Ordinance, or for any special exceptions or conditional use as required by the review of the Board or the Supervisors.

Screening shall be provided in accordance with applicable requirements of the Township Subdivision and Land Development Ordinance (See Attachment E).

Open construction or storage yards, Solid Waste transfer stations and recycling centers, Detention Centers or similar uses as determined by the Board shall be screened in accordance with the provisions of this section.

Screening shall also be provided to prevent infusion of light and glare into residential areas from outdoor lighting fixtures provided by commercial, industrial and other operations (See Section 6.909).

The Zoning Hearing Board or the Supervisors (for Special Exception or Conditional Uses, respectively) may waive any screening requirement, in part or in its entirety, where natural terrain considerations eliminate the need for such a screen or where access considerations or adjoining development would not substantially benefit from such a screen, as determined by either body.

Such screening shall conform with the applicable fence requirements of Section 6.305 and consist of a visual screen or obstruction of sufficient height, but not less than six feet high, to effectively obscure the area being screened from adjoining uses. Such a screen or obstruction shall consist of a suitable permanent fence or wall or of appropriate planting materials such as shrubs, hedges or trees located within a buffer strip having a minimum width of five feet. Such fence,

wall, or planting materials shall be maintained in good condition without any advertising thereon.

Any space between such fence, wall or planting materials and adjoining lot lines shall be attractively surfaced and/or landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition.

6.902 Slope of Yards - The surface area of any yard of open space adjacent to a building or structure shall be graded so that surface water will be drained away from any such structure.

6.903 Design of Highway (Non-Residential) Development - It is the objective of this Ordinance to encourage the orderly development of commercial, industrial, and other non-residential parcels in a manner which will provide for proper access and reduce traffic conflicts and provide for the health and welfare of the population of the municipality. This shall be accomplished as follows:

- a. The design of streets, service drives and pedestrian ways shall provide for safe, convenient and hazard-free internal circulation of goods, persons and vehicles.
- b. Except as provided in Section 5.303 non-residential parcels shall be limited to no more than one driveway access point

from the street or highway from which they derive their principal access. Such driveway access points shall not be more than 40 feet wide and shall be designed in a manner which will minimize their interference with any traffic movements on the street or highway. The need for a second access point may be requested as a Special Exception, provided that it does not create potential unsafe traffic conflicts.

c. Where a number of individual parcels or buildings are being developed jointly, or where a parcel or building is being developed adjacent to another parcel used or suitable for non-residential development consideration shall be given to the following:

- 1) The location and planning of driveway access points to permit their joint use by adjoining parcels so as to minimize the number of intersections with the street or highway from which they derive their access.
- 2) The development of parking and loading areas which permit convenient traffic circulation between adjoining parcels.
- 3) The development of pedestrian walkways between adjoining parking areas and buildings.

- 4) The provision of landscaping and other features which will enhance the usability, character and attractiveness of the area.
 - d. U.S. Route 611, major arterial highway is also subject to the Section 5.300, an Overlay District for requirements of U.S. Route 611.

6.904 Animals and Fowls - In any district except for the OSC and A-1 Zoning Districts the establishment, maintenance, and operation of boarding stables, dog kennels, boarding kennels, aviaries, or similar facilities for the housing, boarding, service, treatment, care, breeding or sale of animals and fowls is prohibited, except for animal hospitals, kennels and veterinarian offices as set forth in Article 4.

The provisions of this Section shall not apply to the keeping of pets, or other animals for non-commercial purposes which are otherwise permitted by this Ordinance and which are the personal property of persons residing on the premises, provided that such animals shall not create nuisance or health problems.

6.905 Size of Dwellings - In order to promote the public health, safety and welfare of occupants residing in residential dwelling structures, the following minimum floor areas for human habitation shall be required in all dwelling units designed for permanent occupancy. Where a greater minimum floor area is required by any applicable Code or Ordinance that higher minimum shall

apply.

No. of Bedrooms	Minimum Floor Area	(Square Feet)
Efficiency Unit		450
One Bedroom		575
Two Bedrooms		700
Three Or More Bedrooms		800 + 100 for each additional bedroom exceeding three

No dwelling unit shall be less than 12 feet wide.

6.906 Access to Public Streets - No new lot shall be created which does not have direct access to a street as defined herein. Such access portion shall have a right-of-way width of at least 33 feet, or as required by the Township Subdivision and Land Development Ordinance, whichever is greater.

6.907 Prohibited Uses - The following uses shall be prohibited in any Zoning District.

a. Prohibited Uses

1. Obscene Materials or Activities - Any use involving activities which constitute violation of 18 Pa. C.S.A. 5903, as amended, or as defined herein relating to display, sale, lending, distribution or exhibiting of obscene and other sexual materials are prohibited in every zoning district.

The exhibition or dissemination of obscene materials or activities, as defined herein, which do not constitute a violation of 18 Pa. C.S.A. 5903, as amended, shall only be permitted in a zoning district which clearly lists such a use, and all such uses shall be conditional uses as defined herein.

2. Any use that involves the use, production, manufacture, or refinement of dangerous and hazardous materials, chemicals or other products.

3. Any use not in compliance with air pollution standards of the Commonwealth of Pennsylvania and Federal standards and regulations.
4. Any use not in compliance with water pollution standards of the Commonwealth of Pennsylvania and Federal standards and regulations.
5. Sky rides, ferris wheels, roller coaster, shooting galleries and similar recreation center devices. This does not include such facilities associated with transient fairs, carnivals, circuses or other similar traveling amusements.
6. Manufacture or storage of explosives or fireworks in violation of acts of the PA Legislature and Federal standards and regulations.
7. Dump or landfill
8. Artificial lighting facilities of any kind which create glare beyond the lot line.
9. Any use involving the production, use, storage, or disposal of radioactive materials in any form, except those necessary for radiology and radiography.
10. Electric power generation fueled by nuclear energy in any form.

11. Equipment utilized to generate electric power
12. Electrical power generation operations fueled by
 - landfill gas generated from public; or
 - private sanitary landfills or municipality refuse;
or
 - trash from municipal sanitary waste to energy production.

6.908 Cemeteries - Cemeteries may be permitted by the Zoning Hearing Board as a "Special Exception" use in the A-1 Zoning District, provided that such uses are licensed by the Commonwealth of Pennsylvania. No burial plot shall be permitted in areas which are located in the 100 year floodplain as set forth in the Township's Floodplain Ordinance, or in areas with a high seasonal water table where the cemetery may contaminate private wells or water supplies. All burial plots shall be located at least 50 feet from all property lines.

6.909 Outdoor Lighting

- a. Outdoor lighting shall be provided wherever necessary to preserve safety, security and night-time use and enjoyment of property in commercial, industrial and other operations. Said lighting shall be designed by qualified "competent" personnel in conformance with applicable Building and Electrical Codes and with Federal and State standards.

- b. Such lighting facilities have the following objectives:
 - 1. Encourage lighting facilities and practices that direct appropriate amount of outdoor lighting where and when it is needed.

 - 2. To promote night-time safety and to eliminate accidents for employees, customers, vehicles and on a property after dusk.

 - 3. To encourage the use of emerging energy efficient sources and to eliminate glare resulting from over lighting and poorly shielded or inappropriately directed lighting (luminaries).

 - 4. Lighting facilities designed to serve commercial, residential, recreational and other non-residential land uses shall be designed to reduce glare and to prevent adverse spillage of light on to adjoining residential and institutional areas. This shall be accomplished by using the following applicable practices:

- "Light Pollution" which creates adverse affects for adjoining uses and "Light Trespass" which causes light to fall where it is not wanted or needed, typically across property boundaries is prohibited.
- Lighting fixtures (luminaries) shall be kept as low as possible to prevent spillage of light on to adjoining residential or institutional or other land uses where such lighting is not required (not higher than 25 feet from and not closer than 30 feet from any the boundaries of residential or institutional areas).
- Commercial, industrial and other uses requiring night-time (after dusk) lighting facilities shall not be located any closer than 30 feet to any adjoining residential or other institutional properties.
- All lighting fixtures shall be shielded to prevent glare being aimed up into the sky unless otherwise approved by the Zoning Hearing Board. Luminaries, including spot lights shall be aimed no higher than 45 degrees above the ground, and shall not be directed to prevent spillage of light on to adjoining residential and

institutional properties.

- Laser source light or similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.
- At the edge of any residential zone or property, bordering other uses which generate lighting, the highest lumen capacity level shall not exceed 1,000 lumens per net acre.

6.1000 SEWER AND WATER FACILITIES - TOWNSHIP POLICY

6.1001 Applicability - All principal habitable, work place or other structures and facilities occupied or used by human beings on a continuing permanent or temporary basis shall provide permanent water supply and sewage service facilities to serve the occupants and users of these facilities in accordance with the policies set forth below.

6.1002 Types and Location for Water and Sewer Services

a. Types of Water and Sewer Services - The following three types of facilities may be provided in accordance with the requirements set forth below:

1. Public water and public sewer service
2. Private-central water and private central sewer service, where permitted by this Township Policy.
3. On-lot sewage disposal and on-lot water supply systems

All systems shall be provided to protect the general welfare, health and safety of the public and the users of these facilities.

b. Sewer and Water Policies and Requirements - Policy for sewer and water facilities shall conform with the following:

1. Comprehensive Plan - The statement of Community Development Objectives, approved herein by the adoption of the Zoning Ordinance, which has been developed for inclusion in the Township's Comprehensive Plan. Said Objectives are hereby set forth in Section 1.500 and Attachment A of this Ordinance.
2. Act 537 Sewage Facilities Plan - The Township Act 537 Sewage Facilities Plan was last updated in

September 1990. The Township will update that Plan to make it consistent with the Township's

Comprehensive Plan Statement of Community Development Objectives.

3. **PA DEP Requirements** - PA DEP's requirements for the provision of both public and private-central sewer and water facilities and for the installation of individual private on-lot sewage disposal systems and on-lot water systems shall apply in all cases and shall be considered to be the minimum standards to be used to provide the types of sewer and water services required by this Ordinance.

6.1003 Interim Policy for Location of Various Types of Water and Sewer Services

- a. **Areas Served By Adjoining Municipalities** - Various areas of the Township abut adjoining municipalities which have existing public water and sewer facilities as follows:
 - Borough of Portland - served with public water only
 - Borough of East Bangor - served with public water and sewer

These municipalities may wish to extend their existing public sewer and water facilities to serve proposed developments in the Township. Such extensions are welcomed provided that they are proposed for uses set forth in this Ordinance.

- b. **Growth Area** - Future Growth Area of the Township will coincide with any Act 537 Sewage Facility Plan adopted and approved by the Township Supervisors.

Developers with proposals for development in such areas should confirm the status of the Township's Act 537 Planning Process prior to submitting plans for development of uses which are consistent with the use requirements of this Ordinance.

In the interim, prior to completion of any final Township proposed sewer plans, developers may rely on the provision of on-lot sewage and on-lot water systems as required below or in some cases on the installation of

private-central sewer and on-lot water systems for a limited number of specific uses as set forth under Subsection c below.

In cases where final plans may be established, the Subdivision and Land Development Ordinance of the Township may also require that "capped sewers" be installed at proper locations to permit eventual connection to any proposed sewer system

which is consistent with the Township Act 537 plan.

c. **Private-Central Sewer Systems** - Private-central free-standing sewer or water systems (sometimes referred to as Community Systems) may be permitted by the Supervisors as a "Conditional Use" only for the following uses in any location in the Township, provided that the proposed use is in conformance with the uses permitted in the district in which it is to be located:

- Public or institutional uses of various types to be approved by the Supervisors which are to be carried out by the Township, School District or other public non-profit agency, or utility company that provides an essential service to the Township.
- Uses which fall under this category may also include municipal buildings, public schools, recreation areas, permanent open space, facilities to serve handicapped persons and special facilities which primarily serve handicapped persons; and other similar uses as determined by the Supervisors.

In those cases described above where such facilities may be approved by the Township, the Applicant must provide firm and permanent arrangements for the upkeep and maintenance of these facilities prior to approval by the Supervisors.

d. **On-Lot Water and On-Lot Sewage Disposal Systems** - All of the remaining areas of the Township, excluding those areas identified above, will require On-Lot Water and On-Lot Sewage

Disposal. These systems shall be properly designed and constructed in accordance with standards of the PA DEP.

Any such on-lot systems that serve two or more separate uses or separate buildings or separate lots will be considered to be a private-central sewer system subject to the requirements of Subsection c above.

6.1100 CAMP AND CAMPGROUND REQUIREMENTS

6.1101 DEFINITIONS

Camp, or Organized Camp - A combination of programs and facilities organized and established for the primary purpose of providing an outdoor group living experience for children, youth and adults, with social, recreational and educational objectives and operated and used for five or more consecutive days during one or more seasons of the year. Facilities may include bunk houses, tent platforms, mess hall and cooking facilities, recreation and play fields and necessary sewage and water facilities. Camps or Organized Camps are not designed for permanent year round occupancy.

Campground - A campground is a plot of ground, at least 10 acres in size upon which two or more campsites are located, established and maintained for temporary occupancy by persons using travel trailers, recreational vehicles, campers, tents and related camping equipment. Campgrounds are not

designed for permanent year round occupancy.

Campsite - A campsite is a plot of ground within a campground intended to be occupied by a travel trailer, recreational vehicle, camper or tent located in a designated site area in the campground.

Camping Facilities - Camping Facilities shall include Recreational Vehicles, Tents as defined below, and accessory equipment such as boats, canoes, kayaks and related vehicles, including off-trail vehicles and other camping implements.

Recreational Vehicle - A Recreational Vehicle includes automotive or other vehicles such as passenger vehicles or pick-up truck or small truck, sports utility vehicles (SUV) or van, a camper, station wagon, or travel trailer on wheels, an all terrain vehicle (ATV), or other

automotive device on wheels. All such vehicles shall not exceed a weight of 15,000 pounds or a length of 45 feet and where applicable, the vehicle shall be licensed and registered as required by the Commonwealth of PA.

Tent - A Temporary Enclosure suitable of being assembled and dismantled in a convenient manner for use as a place of temporary residence and storage for camping facilities by campers registered to assume occupancy at an approved campground and campsite in the Township. Said Temporary

Enclosure may be constituted of fabric or other pliable material supported by a framework of poles, ropes and stakes driven into the ground or other similar devices, excluding support by air or by the contents of the Enclosure which are protected by the fabric. The horizontal area covered by the fabric or other pliable materials shall not exceed 500 square feet.

6.1102 Compliance With State Requirements - Organized Camp and

Campground areas shall be in compliance with the requirements of this Zoning Ordinance and with the following Commonwealth of PA regulations:

- a. PA Act No. 497 approved November 10, 1959 dealing with registration, fees and terms as administered by the PA DEPARTMENT OF HEALTH.
- b. Title 25 rules and regulations by PA Department of Protection

Part I Department of Environmental Protection, Subpart D Environmental Health and Safety; Article III Recreational Facilities

- Chapter 191 Organized Camps and Campgrounds
- Chapter 191 provisions adopted 9/18/71

Said Chapter 191 establishes rules and regulations for the following:

- Submission of Plans to the DEP
- Waiver of Requirement

- Water Supply
- Plumbing
- Sewage Disposal
- Bathing places
- Vector control
- Permits
- Toilet facilities
- Organized camps
- Campgrounds
- Sanitary station
- Garbage and refuse
- Disposal
- Cleaning of area

All other applicable requirements and receipt of necessary permits from the PA DEP and the PA Dept. of Health are required.

The above two PA regulations are included in this Zoning Ordinance as Attachment D.

6.1103 Approval of Zoning Hearing Board - Zoning applications for "Campgrounds" shall be submitted to the Upper Mount Bethel Township Zoning Officer for review by the Zoning Hearing Board as a Special Exception Use as required herein.

The application shall include submittal of the following:

1. Submittal of a "Site Plan" in accordance with Section 6.800 Site Plan Review requirements of this Ordinance.
The applicant may elect to initiate the process with the submittal of an Optional Sketch Site Plan prior to submittal of the Official Site Plan.
2. Said Site Plan or Optional Sketch Site Plan shall be accompanied with a Narrative Statement clearly identifying and explaining the proposed uses on the site and any other factors necessary for a complete explanation of the plan, in accordance with Section 6.800
3. Other information considered necessary by the applicant.

The ZONING HEARING BOARD, prior to approval or denial of such uses as a Special Exception shall undertake the following:

- Review of the completed Official Site Plan and Narrative; and the information submitted to PA DEP and the PA Dept. of Health; and Specifications for the use(s) proposed by the Applicant

- Determine conformance of plans with the PA Department of Health and PA DEP requirements referred to above
- Determine conformance with the following additional requirements of this Ordinance:

6.1104 Location of Campground Areas - Campground areas may be located in the OSC and A-1 Zoning Districts, but no closer than 300 feet from any established "Village" or existing or proposed residential subdivision exceeding 20 homes.

Campground areas located in designated 100 year Flood Plain areas or the "Floodway" shall be subject to the FEMA Floodplain requirements and to Upper Mount Bethel Township Flood Plain Ordinance (copy included as Attachment B).

Campers/trailers or tents or other permanent structures shall not be permitted in the designated Floodway.

Campers/trailers located in the designated Flood Plain Area must be road ready at all times for removal to higher ground with only the need to shut off electric service, water and other utilities services to facilitate quick removal by the management of the campsite.

6.1105 Occupancy of Campsite Units - Campgrounds and campsite units are seasonal recreational uses and permanent year-round occupancy of campground sites is prohibited.

Only "Camping Facilities", including Recreational Vehicles, Tents and Accessory Equipment (as defined

herein) shall be used for temporary occupancy during the "On Season".

No Recreational Vehicles or Tents shall be used as a permanent place of abode, dwelling or business. The Campground is for temporary recreational use only as further set forth below. Any action toward removal of wheels of a recreational vehicle except for temporary purposes of repair is hereby prohibited.

Recreational Vehicles and Tents used for camping or recreational purposes shall not be permanently fastened to the ground by construction or attachment to a permanent foundation or other permanent device. Such vehicles may temporarily be secured in place by ground stakes or other devices to prevent movement or displacement by temporary occurrences and emergencies such as high wind velocity, hurricane, earthquake, flooding or other events, but the vehicles must be capable of being easily released from these restraints.

No attachment of permanent structures to Recreational Vehicles or Tents to enlarge living space or for any other purpose is permitted, except for a deck not higher than six inches off the ground to serve as a base for a tent.

Recreational Vehicles and Tents shall not be used as a permanent address for enrollment of children at public or private schools. Bus service to transport children or adults to schools or other destinations on a regular daily or weekly basis is prohibited.

Buses are not permitted in campgrounds unless approved by the management of the campsite area for some special activity or event.

6.1106Length of Season - Campgrounds are available to serve the recreation needs of a seasonal or transient population and the campground area may be operated as follows:

- Campgrounds may be open year round, but any individual campsite may be used for no more than eight months in any single year.

- In addition, individual campsites may be used for the storage of camping facilities for a period of not more than 8 months in any single year.

The management of the campground area may undertake repair, improvement and maintenance of campground sites when they are not occupied by campers.

6.1107Storage of Camping Facilities on Designated Campsites -

Recreational Vehicles and Tents, as defined herein, including accessory equipment, such as boats, canoes, kayaks and related vehicles including off-trail vehicles are hereinafter referred to as "Camping Facilities". Such Camping Facilities may be stored in the campground under the following conditions:

1. The Camping Facilities are registered with the management of the campground for occupancy at a designated campsite during the current "On Season" of the year.
2. Camping Facilities may be stored in an area which is not located in the designated 100 year Flood Plain, a period of 8 months in any single year. In addition, such storage in the 100 year Flood Plain is permissible if camping facilities being stored are maintained in a Road Ready® manner which permits their immediate removal to another designated safe area outside of the Flood Plain.

In the event of an emergency any such storage of facilities shall be immediately reported to the Township Supervisors and to the applicable Police and Fire Departments serving the Township.

3. Vacant, stored Camping Facilities shall not be occupied or used while they are in storage and all utilities shall be disconnected.

6.1108 Other Storage of Camping Facilities - Storage of vacant unused

Camping Facilities may be located in a separate designated "Temporary Storage" area of the campground apart from the main area where the occupied units are normally located.

These facilities may be located on

smaller sized plots with adequate vehicular access, but are not suitable for occupancy. The purpose of this area is as follows:

- To provide space for trailers/campers or tents awaiting location on a designated campsite during the "On Season" period
- To permit repair of units
- To provide space for units which must be removed from the 100 Year Flood Plain during the "Off Season"
- For other emergency temporary storage purposes.

The number of units which may be stored in the "Temporary Storage" area may not exceed the total number of designated campsites.

Storage of Camping Facilities in this area or in any other area of the campground shall not be used as a "sales" yard or display area for the storage of units which are being made available for sale to the general public.

6.1109 Improvements and Maintenance of Facilities - Facilities shall be maintained by the designated operator or owner of the site to ensure adequate condition of roads and parking areas and safe ingress and egress to all campsites.

Roads shall be improved with an adequate subsurface and gravel base subject to approval of the Township Engineer. Paved wearing surface may be required if necessary for safety and traffic purposes.

All electrical, water and sewage systems shall be inspected and repaired on a regular basis to ensure the protection of public health and safety of all occupants of the campsites.

Off-street parking areas shall conform with the requirements of this Ordinance.

Landscaping and buffers shall be provided to provide privacy and to screen adjoining areas or views of the site from the public road.

Trees shall be trimmed and dead wood removed.

Necessary grading shall be provided, where necessary, to improve adverse drainage conditions affecting campsites.

Showers/bathhouse and toilets shall be cleaned daily to prevent transmittal of disease during the "On Season".

The management shall establish a regular maintenance schedule for review by the Township. The condition of facilities shall be in compliance with the requirements of the PA DEP and the PA Department of Health.

6.1110 Permanent Open Space in Campground Area - This Campground Ordinance requires the preservation of at least 40% of the total campground area to be kept in permanent Open Space for as long a period of time as the campground remains in existence. If the campground size is large enough it may be possible for the campground owner to allocate a higher percentage of land to be preserved for permanent Open Space.

If available, additional Open Space land will further enhance the camping experience for users of the campground.

Uses Permitted in the Permanent Open Space Area - The purpose of the Open Space allocation is to provide a protected area which is to be kept in its natural condition without development of campsites for occupancy by campers. It will permit the preservation of trees, shrubs, grasses and other plant life and serve as a natural wildlife sanctuary for the protection of wildlife in the area.

A system of low impact trails can also be developed for low intensity uses which campers can use for hiking, bird watching, access to fishing and boating areas, nature

study, including access to primitive style picnic areas, woodlands and wildflower enclaves.

It can become a favored experience for users of the campsite and provide greater enjoyment of an outdoor shared experience for all family members, including children, older adults, teenagers and younger adults.

It will also increase attractive qualities of the campground and become more attractive to potential campground users by increasing their appreciation of nature, their understanding of why preservation of the environment enhances all of our lives.

6.1111 Minimum Area Requirements - Minimum Area, open space, roadway width requirements, individual campsite areas and community facilities and other requirements are set forth on the Schedule on the following page.

1. The Site Plan presented should include topographic information and comply with PA DEP, PA Department of Health requirements, and off-street parking standards of this Ordinance.
2. Boat access to the Delaware River will require review by the PA Fish and Boat Commission.
3. The height of all structures and tents shall not exceed 20 feet.

6.1200 RECREATION USES

Introduction - The Recreation Uses permitted in this Ordinance are defined below.

Recreation Uses may include land and building areas utilized and/or developed for the purpose of refreshing and exercising the body and mind through forms of play, amusement, or relaxation. Recreation includes active or passive activities consisting of single and multi-person activities, sports games and team play of various types, individual relaxation, enjoyment of the weather, wildlife, wooded areas and existing natural areas and resources, and they may be located either indoors or outdoors.

Recreation may be provided in different forms as discussed in the definitions below. These definitions also provide illustrative examples of the types of recreation which may be included in each category. Finally, a Recreation Schedule is included on page 185a. The Schedule identifies different zoning districts in which these uses may be located

1. **Public Recreation** - Recreation areas or facilities offered to the general public by the municipality, other governmental agencies or other recognized conservancy agencies, free of charge or for a nominal fee. Illustrative activities may include Active and Passive Recreation and outdoor recreation facilities as defined below.

- a. **Active Recreation** - Brisk and energetic recreation activities. These activities often require the use of specialized equipment and usually take place at designated areas, sites, or fields.

Illustrative examples of Active Recreation include, but are not

limited to, a Municipal Park and Recreation Area with playground and multiple facilities, such as tot lot area, all types of court and field games including field sports such as; softball, baseball, soccer, and football; tennis and basketball, handball, archery, badminton, volleyball, shuffleboard, boccie, swimming, ice skating and other similar playground activities for various age groups.

- b. **Passive Recreation** - Quiet, relaxed leisure activities. These activities require much less exertion than Active Recreation. They do not always require a developed site and have a minimal impact on the environment.

Illustrative activities may include, but are not limited to Municipal Park and picnic areas, landscaped areas, gardens, tot lot areas, nature studies, bird watching, meetings with friends and family, table games, strolling to enjoy the landscape, woodland preserves, nature centers, open space conservation or nature conservancy areas and other similar low impact recreational facilities uses.

- c. **Outdoor Recreation** - Predominantly participant recreation activities conducted in open, partially enclosed, or screened facilities. Illustrative activities may include, but are not limited to, Municipal Park and playground facilities, athletic fields, driving ranges, miniature golf, skateboarding park, swimming, bathing, boating, fishing, hunting (subject to State regulation), sailing, canoeing, wading and other therapeutic facilities, tennis, handball, basketball courts, batting cages, trampoline

facilities, nature trails and walkways, bird watching, hiking, biking, horseback riding and other forms of recreation.

- d. Indoor Recreation - Indoor Recreation facilities are operated by public, municipal or other governmental agencies or other recognized conservancy agencies to primarily serve the residents of the Township. These facilities may be located in a portion of an existing building or in a separate building and are to be provided with adequate parking space.

Illustrative examples of such facilities may include the following:

- A Community Center including meeting rooms and infrastructure which provide opportunities for recreation, entertainment, cultural and social activities.
- Specific Activities may include indoor games such as ping pong and billiards, checkers, chess, and other games of interest to the public. Card games with gambling are not permitted, craft classes, health and community information and discussion groups. All age groups may be served including

young children, teenagers, adults, and senior citizens.

- A Community Center may be individually located on a

separate site or may be included within a Municipal Park. The Center may include kitchen facilities to serve limited refreshments but is not intended to provide the main meal of the day or the serving of alcoholic beverages.

2. **Private Community Recreation Facilities**

- a. **Private Community Recreation Facilities** - Indoor or outdoor Private Community Recreation Facilities for use by the residents and guests of a particular residential neighborhood, development, or approved subdivision development.

Such recreation facilities may also include the preservation of open space which shall be located within or adjacent to the proposed development or subdivision.

3. **Commercial Recreation** - Commercial Recreation Facilities include indoor and outdoor facilities or establishments, usually operated for profit, whose main purpose is to provide individuals an opportunity to participate in various active and passive sporting activities. These facilities are intended to serve the general public.

- a. **Passive and Open Space Facilities** - Illustrative examples of such facilities may include picnic areas, pavilions landscaped areas, gardens, nature studies, bird watching, golf courses, and related outdoor displays or exhibits providing interpretative information.

- b. **Golf Courses** - Includes commercial for-profit and non-

- c. Commercial Recreation Facilities - For-profit activities where tickets are sold or fees collected for the activity. Illustrative examples include arcades, movie theaters, museums, swimming, and other low intensity water related recreation, saunas, locker rooms, shower rooms,

tennis, racquet ball, handball, and bowling, basketball and other similar activities.

4. Specialized Recreation Activities - Specialized recreational facilities are those that usually involve, whether in whole or in part, disturbance of neighbors and the surrounding area, significant pedestrian or vehicle traffic, noise, significant premises lighting, vibrations, odor, fumes, spectators and the like.

These include, but are not limited to, racing or similar speed or endurance events (whether cars, trucks, go-carts, snowmobiles, ATVs, motorcycles, motor cross, bicycles, skateboards, or other types of motorized or non-motorized vehicles) whether indoor or outdoor and on dirt, paved or snow or ice covered or half pipe courses or tracks or other similar courses, professional or semi-professional team events or games, stadiums, arenas, sports complexes, amphitheaters, gun clubs, hunting clubs, fishing clubs, paint ball or target or shooting

games or contests, amusement parks (or portions of same) involving amusement rides of all type such as boat rides, train rides, sky rides, flying swings, merry-go-rounds, roller coasters, ferris wheels, water tubes or water slides, wave pool, alpine slides, other motorized or non-motorized rides and related amusements such as driving ranges, shooting ranges or galleries, target type games, batting cages and arcades.

These activities shall be located only in the I-2, or I-3 Districts.

5. Related Accessory Uses

- a. Accessory Uses - These uses are intended to serve the participants of the permitted recreation uses which are compatible with the above facilities including off street parking areas, restroom facilities, snack bar/eating and refreshment facilities and related uses which are intended, as a convenience, to serve the participants of the recreation uses, but not intended to serve the general public at large. Accessory uses also include structures for the storage of recreation and maintenance equipment and supplies, locker rooms and shower rooms.

6. Review Procedure - Recreational Uses shall be reviewed either as a Special Exception Use or a Conditional Use as follows:

- a. Special Exception Use - Stand -alone recreation uses that

are not combined with other uses, including APublic Recreation and APrivate Community Recreation Facilities as defined in this section 6.1200, subsections 1 and 2 shall be reviewed by the Township Zoning Hearing Board as a Special Exception Use.

- b. Conditional Use - All other forms of recreation including (but not limited to) ACommercial Recreation and ASpecialized Recreation Activities (as defined in Section 6.1200, subsection 3 and 4) shall be reviewed and approved by the Township Board of Supervisors as a Conditional Use.
- c. Accessory Uses - Any Related Accessory Uses shall be part of either the ASpecial Exception Use use review or the AConditional Use review as the case may be.

The Location of all recreational uses shall be as set forth in attached Schedule VIII.

SCHEDULE VIII

RECREATIONAL FACILITIES OR ACTIVITIES
PERMITTED IN EACH ZONING DISTRICT

RECREATION USES (a)	LOCATION IN ZONING DISTRICTS (c)
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<p>1. <u>PUBLIC RECREATION</u></p>	
<p>a. Active Recreation</p>	<p>A-1, R-1, VCR-1</p>
<p>b. Passive Recreation</p>	<p>OSC, A-1, R-1, VCR-1</p>
<p>c. Outdoor Recreation</p>	<p>A-1, R-1</p>
<p>d. Indoor Recreation</p>	<p>A-1, R-1, VCR-1</p>
<p>2. <u>PRIVATE COMMUNITY RECREATION</u></p>	
<p>a. In Planned Developments, Subdivisions, in Conservation Subdivisions, or Institutional Uses developed in accordance with the provisions of this Ordinance.</p>	<p>OSC, A-1, R-1, VCR-1</p>
<p>3. <u>COMMERCIAL RECREATION</u></p>	<p>OSC, A-1</p>
<p>a. Passive and Open Space Commercial Facilities</p>	<p>A-1</p>
<p>b. Golf Courses</p>	<p>C-1, C-2, I-1, 1-2</p>
<p>c. Commercial Recreation</p>	<p>I-2 and I-3</p>
<p>4. <u>SPECIALIZED RECREATION ACTIVITIES</u></p>	<p>Various Zones (b)</p>
<p>5. <u>RELATED ACCESSORY USES</u></p>	

See preceding narrative for list of recreation uses included in each Recreation Use Category above.

FOOTNOTES:

- (a) The types of recreation uses identified in the schedule are defined in the text preceding this page.
- (b) The specific types of "Recreation Uses" identified above, in Column 1 are permitted in the various zones listed in Column 2.
- (c) All Recreation Uses are to be reviewed either as a Special Exception or a Conditional uses. (See Section 6.1200, Subsection 6)

SEE ADDITIONAL NOTES ON FOLLOWING PAGE

NOTES APPLICABLE TO THE PRECEDING RECREATION SCHEDULE:

1. All recreational facilities shall be designed, located and operated in a manner which does not adversely affect the tranquility, livability and useability of adjoining residential, open space, Agricultural, commercial, institutional or industrial uses, and shall also conform with the requirements of Article 4.
2. All recreation areas and uses may have park and recreation accessory storage and other appropriate accessory uses. The accessory uses shall be incidental and supportive of the principal recreation uses permitted, and shall not be used as separate principal uses.
3. Recreation facilities are designed to be used as follows:
 - Public Recreation - primarily by residents of the Township.
 - Private Community Recreation - By residents and guests of the individual subdivisions or developments approved by the Township.
 - Commercial Recreation - By the general public
 - Specialized Recreation Activities - By the general public
4. All Commercial Recreation and Specialized Recreation Activity facilities shall require submission of a Traffic Impact Analysis and a Community Impact Analysis to be reviewed by the Zoning Hearing Board.
5. All recreational facilities shall be designed to fully protect the health and safety of all persons using these facilities and shall conform with recognized standards and guidelines of the following organizations and agencies:

- National Recreation and Parks Association
- Pennsylvania Recreation and Parks Society
- Pennsylvania Labor and Industry
- Pennsylvania State Building Code
- Federal Americans with Disabilities Act
- All applicable standards of the PA Department of Health, the PA Department of Environmental Protection and Federal Environmental Protection Agency.

6. See following page for information sources for Recreation Design Issues and Standards identified by the PA Department of Conservation and Natural Resources (DCNR).

INFORMATION SOURCES FOR RECREATION DESIGN ISSUES AND STANDARDS (IDENTIFIED BY PA. DCNR)

DESIGN ISSUES

- ! Facility space requirements (FIFA, NCAA, AASHTO, PIAA, Olympic committee, PA bathing place manual, etc.)**
- ! Facility orientation (FIFA, NCAA, PIAA, etc.)**
- ! Surface drainage/grading (FIFA, NCAA, PIAA, USTA, etc.)**
- ! Parking requirements (BOCA, NRPA, NPS, www.Access-Board.gov, etc.)**

STANDARDS

- ! ADA accessibility (federal register, www.Access-Board.gov)**
- ! Playground safety (CPSC, ASTM, www.Access-Board.gov)**
- ! Legal codes (BOCA, local ordinance, state law, federal law)**

"Use the standard of care of a reasonably prudent person."

ARTICLE 7 - ADMINISTRATION AND ENFORCEMENT

7.100 GENERAL PROCEDURE

7.101 General Sequence of Steps - Persons desiring to undertake any new construction, structural alteration, or changes in the use of a building or lot shall apply to the Zoning Officer for a Zoning Permit by filling out the appropriate application form and by submitting the required fee. Where required, as set forth in Article 4, a Site Plan in accordance with Article 6 shall also be submitted with and made a part of the application.

Based on the applicable regulations of this Ordinance and, if required, after any required review by other officials, the Zoning Officer will either issue or refuse the Zoning Permit and

the Zoning Officer will indicate in writing any conditions attached to the Permit or the reason for any refusal. If refused a permit, the applicant may appeal to the Zoning Hearing Board for further consideration. After the Zoning Permit has been received by the applicant, he/she may proceed to obtain other necessary permits and undertake the action permitted by the Zoning Permit and by the other necessary permits, and upon completion of such action, shall apply to the Zoning Officer for an Occupancy Permit where such a permit is required. If the Zoning Officer finds that the action of the applicant has been taken in accordance with the Zoning Permit, he/she will then issue an Occupancy Permit allowing the premises to be occupied.

Upon receipt of an application for a zoning permit, the Zoning Officer shall examine the application and supporting information to determine compliance with this Zoning Ordinance and other applicable Township Ordinances, statutes and regulations. The Zoning Officer shall complete this examination within twenty (20) days from the date the application, was filed with the Township and receipt of all required fees. The Zoning Officer shall determine if subdivision and/or land development approval and/or storm water management plan approval has been obtained, if state sanitation inspection requirements have been met, and, in the case of public buildings, the required permits have been issued by the Department of Labor and Industry. No zoning permit shall be issued unless the applicant presents the Zoning Officer with proof that any applicable subdivision and/or land development approval has been granted, a

sewage permit has been issued by the Township Sewage Enforcement Officer for the lot, a driveway permit or a highway occupancy permit issued by the Department of Transportation of the Commonwealth of Pennsylvania has been issued in order that access may be gained to the lot, and all other required Township approvals and permits have been granted or issued. The Zoning Officer shall mark the application as either approved or disapproved and shall return one copy of the application to the applicant. The other copy shall be retained by the Zoning Officer for the Township files.

7.102 Zoning Permit Types - Under the terms of this Ordinance, the following classes of Zoning Permits may be issued:

- a. **Permitted Uses** - A Zoning Permit for a permitted use may be issued by the Zoning Officer on his/her own authority.
- b. **Special Exception Use** - A Zoning Permit for a Special Exception Use may be issued by the Zoning Officer upon the order of the Zoning Hearing Board, after a hearing, and after any required review by the Planning Commission.
- c. **Conditional Use** - A Zoning Permit for a Conditional Use may be issued by the Zoning Officer upon the order of the Supervisors, after a hearing, and after receipt of a recommendation from the Planning Commission.
- d. **Zoning Permit After An Appeal Or a Request For A Variance**
- A Zoning Permit may be issued by the Zoning Officer upon the order of the Zoning Hearing Board and after a hearing held

by the Board for the purpose of deciding upon the appeal or a request for a variance.

- e. Temporary Use Permits - Zoning permit for a temporary use may be issued by the Zoning Officer or the Zoning Hearing Board as required by any of the provisions of this Ordinance.

7.200 ZONING AND OCCUPANCY PERMITS AND CERTIFICATES

7.201 Applications To Zoning Officer - All applications for Zoning Permits for Permitted, Special Exception or Conditional Uses; for Occupancy Permits, for Certificates of Nonconforming Use, for variances, and for interpretations of any fact or provision of this Ordinance

shall be made directly to the Zoning Officer. Such applications shall be in writing and shall include a plot plan drawn to scale showing the location and dimensions of the lot area and of the proposed uses of buildings and/or land and any other information required by this Ordinance.

All applications for Special Exception or Conditional or other Uses which are subject to Site Plan review, as set forth in Article 6, shall also include the information required therein.

The Zoning Officer, Zoning Hearing Board or the Supervisors may require any additional information deemed necessary to properly evaluate the application for the purpose of determining its conformity with this Ordinance.

7.202 Applications to Zoning Hearing Board - All appeals where it is alleged that the Zoning Officer has made an error shall be filed directly with the Township Secretary and/or Solicitor of the Zoning Hearing Board. Such appeals shall be in writing and shall explain fully the facts and particulars of the case and shall clearly state the reasons and provisions of the Ordinance on which the appeal is based.

7.203 Zoning Permits - A Zoning Permit shall be obtained from the Zoning Officer for the following purposes:

- a. For any erection, construction, alteration, extension, replacement, relocation, or conversion of any building or structure or the commencement of excavation for construction of any building or structure, or for any activities affecting the use of the land, or site which are regulated by this Ordinance.

- b. For the change in use of any building, structure, sign and/or land. No zoning permit shall be required for repairs to or maintenance of any building, structure or land, provided such repairs do not change the use, alter the exterior dimension of the building or structure, or otherwise violate the provisions of this Ordinance or any other applicable Township Ordinance or applicable statute or regulation.

Zoning permits shall be issued in duplicate and one copy shall be kept conspicuously on the premises. No person

shall make any change in land use or perform the actions described herein unless a Zoning Permit is being displayed.

Permits granted for uses of a temporary or seasonal nature may be limited to the appropriate length of time. The Zoning Officer, the Zoning Hearing Board or the Supervisors may revoke a Zoning Permit at any time if it appears that the application is in any respect false or misleading or that work being done upon the premises differs materially from that called for in the application.

No Zoning Permit shall be issued by the Zoning Officer for any Special Exception or Variance or Appeal, except on written order of the Zoning Hearing Board; and no Zoning Permit for a Conditional Use shall be issued by the Zoning Officer except on written order of the Supervisors; or for any proposed construction, alteration or use that would be in violation of any provision of this Ordinance. Unless there has been substantial progress in the work for which a Zoning Permit was issued, as determined by the Zoning Officer, said permit shall expire one year from the date of issue, except that the Zoning Officer may grant a request for a reasonable extension of time, not to exceed one year, without payment of an additional application fee.

The Zoning Officer shall revoke a permit or approval issued under the provisions of this Zoning Ordinance in the case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based, or if the permit has issued in error, or if work is

not undertaken in accordance with the permit or for any other proper cause. Permit holders shall proceed with work at their own risk and subject to the rights of aggrieved parties to appeal the issuance of the zoning permit as authorized by the PA Municipalities Planning Code.

7.204 Occupancy Permits - The purpose of an Occupancy permit is to certify that the premises comply with the provisions of this Ordinance and may be used for the purposes set forth in the Occupancy Permit. Prior to the use or occupancy of any land or building, or for any change of use of any existing building or for any change of use of land, an Occupancy Permit shall be secured from the Zoning Officer. An Occupancy Permit may also be requested by the Zoning Officer before occupancy is

allowed. A copy of the Occupancy Permit shall be kept upon the premises and shall be displayed upon request made by any officer of the municipality. All applications for Occupancy Permits shall be in writing on forms to be furnished by the Zoning Officer.

7.205 Certificate of Nonconforming Use - The registration of an existing non-conforming use and/or structure may be requested by the owner of the property where such a use or structure is located. Upon application by such an owner, the Zoning Officer shall inspect and register the non- conforming uses and/or non-conforming structures on the property.

The owner of the premises occupied by the lawful nonconforming use or structure will then be issued a Certificate of Nonconforming Use from the Zoning Officer. Such Certificate shall be for the purpose of certifying to the owner his right to continue such nonconforming use or structure in accordance with the requirements of Article 6.

7.300 ZONING OFFICER

7.301 Appointment of Zoning Officer - This Ordinance shall be enforced by the Zoning Officer who shall be appointed by the Supervisors. Said Zoning Officer shall not hold any elective office in the Municipality. The Zoning Officer shall meet the qualifications established by the Municipality and shall be able to demonstrate to the satisfaction of the Supervisors a working knowledge of municipal zoning and the zoning requirements set forth in the PA Municipalities Planning Code.

7.302 Duties and Powers

- a. The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance.
- b. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.
- c. The Zoning Officer shall receive and examine all applications required under the terms of this Ordinance

and shall issue or refuse permits within 20 days of the receipt of the application or where applicable shall refer said application within 20 days to the Zoning Hearing Board, Supervisors and/or Planning Commission. The Zoning Officer shall issue a written notice of violation to any person, firm or corporation violating any provisions of this Ordinance. He shall keep records of applications, of permits, or certificates issued, of variances granted, of inspections made, of reports rendered and of notice or orders issued and, where applicable in accordance with Section 7.205, shall identify and register nonconforming uses and structures and shall make all inspections required to determine conformance with this Ordinance and perform all other duties as called for in this Ordinance.

- d. The Zoning Officer is specifically authorized to enter any property or building for the purpose of investigation and enforcement of any of the provisions of this Ordinance, and may be authorized by the Supervisors to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his/her employment.

The owner or representative of the private property shall make the building available for a complete inspection by the Zoning Officer. This shall include inspection of the entry premises and the owner shall demonstrate that all required utilities, including electricity, lighting, heating, plumbing, etc. are operating as

required. Failure to provide access and entrance to the Zoning Officer shall constitute a violation of this Ordinance subject to the penalty provisions of Section 7.900.

7.400 **ZONING HEARING BOARD**

7.401 **Board is Hereby Created** - A Zoning Hearing Board consisting of three members, is hereby established in accordance with the provisions of the State Act of 1968, PL. 805, No. 247 as reenacted and amended, the Pennsylvania Municipalities Planning Code. The members of the Board shall be residents of the Municipality and shall be appointed by the resolution of the Supervisors to serve for terms as prescribed in Section 9.03 of the Municipalities Planning Code.

Vacancies occurring in said Board by expiration of term or otherwise shall be filled in the same manner.

Two alternate members of the Board shall also be appointed by the Supervisors in accordance with Section 9.03 b of the Municipalities Planning Code.

7.402 **Organization of Board** - The Zoning Hearing Board shall elect officers and conduct any hearings and take any actions required by the Ordinance and may make rules and forms for its procedure.

7.403 Board Functions - The Zoning Hearing Board shall conduct its business in accordance with Article IX of the Municipalities Planning Code and shall be responsible for the following:

- a. To hear and decide appeals against any alleged errors or actions of the Zoning Officer, in accordance with the requirements of Section 909 of the Municipalities Planning Code.
- b. To hear and decide all requests for the interpretation of any fact or provision of this Ordinance. Interpretations of any provision of this Ordinance, including definitions and all other requirements herein shall include, but not be limited to the following considerations:
 - The minimum requirements for the promotion of the health, safety, morals and general welfare.
 - The implementation of the Communities Development Objectives incorporated herein as Attachment A.
 - The meaning of any language, word or definitions enacted by the Supervisors contained in this Ordinance.
 - The boundary of any Zoning District where uncertainty exists as shown on the official Zoning Map enacted by the Supervisors.
- c. The Zoning Hearing Board may determine that a use proposed for location in any Zoning District may or may

not be similar to other uses permitted in a specific Use Class or Use Class subcategory as defined herein. Therefore, in such a case it may or may not be permitted as a "similar use" in that Use Class.

Such a determination shall be based on the following criteria:

- That this use is similar to and/or compatible with other uses permitted in the district
 - That the use does not adversely effect or create nuisances for adjoining residential areas
 - That this use does not generate traffic loads, congestion or excessive parking requirements in the district which would be detrimental to other uses in the district
 - That the use does not detract from or substantially differ from, or exhibit any influences, emissions or glare which are detrimental to the health, safety, welfare or morals of other persons residing in or undertaking uses or other activities in the area
- d. To hear and decide all requests for "variances" consistent with the requirements of the PA Municipalities Planning Code and Section 7.500.
- e. To hear and decide all requests for "Special Exceptions" in

accordance with the standards and criteria set forth in this Ordinance.

Unless otherwise specified by the Board or by law, a special exception shall expire if the applicant fails to obtain a zoning permit within six (6) months from the date of authorization thereof by the Board or by the Court if such special exception has been granted after an appeal, or fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the special exception approval within two (2) years from the date of authorization thereof by the Board, or by the Court if such special exception has been granted after an appeal. The Board, upon written application and for

reasonable cause shown may extend the approval for an additional period of up to one (1) year.

- f. To hear and decide challenges to the validity of this Ordinance or Zoning Map or to any procedural questions or defects which are within its jurisdiction.
- g. The preparation and submission of a report of its activities to the Supervisors once a year.
- h. To hear and render final adjudications in any other matter for which the Board shall have been granted jurisdiction by Article 9 of the Municipalities Planning Code.

All findings and decisions of the Board shall be in writing and shall be rendered within 45 days after the last hearing before the Zoning Hearing Board and if the Board fails to render such a decision, then the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time.

The Board shall perform such other duties as may be provided or made necessary by this Ordinance, or by State Act No. 247 of 1968, P.L. 805, as reenacted and amended, including the interpretation of zoning boundaries, the holding of hearings after proper notice, the referral of any pertinent matter to the Planning Commission for review and recommendations. The Board shall keep a full public record and a summary of the facts in cases over which it has jurisdiction and shall maintain adequate records on its findings and decisions.

7.404 **Notice of Hearings** - Notice of all hearings of the Zoning Hearing Board shall be given to the public, the applicant, the Zoning Officer, the Planning Commission, the Supervisors and such other persons who have made a timely request for such notice. Such notice shall be given in accordance with the definition for "Public Notice" set forth in Article 2.

In addition, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

7.405 Referral To Planning Commission - The Zoning Hearing Board shall refer to the Planning Commission all applications for Special Exceptions, Conditional Uses, requests for curative amendments and any other applications or appeals which, in the opinion of the Zoning Hearing Board, require review by the Planning Commission. In its review, the Planning Commission shall determine compliance with the standards and criteria set forth in this Ordinance, and in all cases may report in writing its findings and recommendations to the Zoning Hearing Board or Supervisors within 14 days, as required by this Ordinance. If such report is not received by the Board or by Supervisors within said time period, the Board or Supervisors may then proceed to final action on the case.

7.500 VARIANCES

7.501 Board May Authorize Variances - The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may grant a variance provided that all of the following findings are made where relevant in a given case:

- a. 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;

- b. 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;
- c. That such unnecessary hardship has not been created by the appellant;
- d. 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; and
- e. 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.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the

Zoning Ordinance.

Unless otherwise specified by the Board or by law, a variance shall expire if the applicant fails to obtain a zoning permit within twelve (12) months from the date of authorization thereof by the Board or by the Court if such variance has been granted after an appeal, or fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the variance approval within two (2) years from the date of authorization thereof by the Board, or by the Court if such variance has been granted after an appeal. The Board, upon written application and for reasonable cause shown may extend the approval for an additional period of up to one (1) year.

7.600 TOWNSHIP SUPERVISORS

7.601 Function of Township Supervisors - The Supervisors will be responsible for the following:

- a. To hear and decide all requests for "Conditional Uses" after a public hearing and after review and/or receipt of a recommendation from the Planning Commission in accordance with the standards and criteria set forth in this Ordinance.

- b. To hear and decide all requests for recommendations for amendments submitted to the Municipality by the Planning Commission or any other applicant for an amendment as set forth herein and as may be provided

for in accordance with the requirements of the Pennsylvania Municipalities Planning Code State Act of 1968, P.L. 805, No. 247, as reenacted and amended.

All findings and decisions of the Supervisors shall be in writing and shall be rendered within 45 days after the last hearing before the Supervisors and if the Supervisors fail to render such a decision, then the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time.

The Supervisors shall perform such other duties as may be provided or made necessary by this Ordinance, or by Pennsylvania Municipalities Code, as amended, including the holding of hearings after proper notice and the referral of any pertinent matter to the Planning Commission for review and recommendations. The Supervisors shall keep a full public record and a summary of the facts in cases over which it has jurisdiction and shall maintain adequate records on its findings and decisions.

7.602 Notice of Hearings - Notice of all hearings of the Supervisors shall be given to the public, the applicant, the Zoning Officer, the Planning Commission, the Zoning Hearing Board and such other persons who have made a timely request for such notice. Such notice shall be given in accordance with the term "Public Notice" as defined in Article 2.

In addition, written notice of said hearing shall be

conspicuously posted on the affected tract of land at least one week prior to the hearing.

7.603 Referral To Planning Commission - The Supervisors shall refer to the Planning Commission all applications for Conditional Uses, and any other applications or appeals which, in the opinion of the Supervisors, require review by the Planning Commission. In its review, the Planning Commission shall, in the case of Conditional Uses, determine compliance with the standards and criteria set

forth in this Ordinance, and in all cases may report in writing its findings and recommendations to the Supervisors within 14 days.

7.700 HEARINGS

7.701 Public Notice - Public Notice, as defined in Article 2, is required for any hearings to be held by the Zoning Hearing Board, or the Supervisors shall be given as described in Sections 7.404 and 7.602 above.

7.702 Date of Hearing - The hearing shall be held within sixty (60)

days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

7.703 Conduct of Hearings - All hearings shall be conducted in accordance with the following:

- a. The parties to the hearing shall be the Board of Supervisors, any party who called for the hearing, persons affected by the application who has made timely appearance of record, and any other person including civic or community organizations permitted to appear by the Board or by Supervisors.

- b. The Board or Supervisors 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.

- c. 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.

- d. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

- e. The Board, Supervisors, or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings.

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

- g. The Board, Supervisors, or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board, Supervisors 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 this Ordinance or of any law, 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. Where the Board, Supervisors or the Hearing Officer, as the case may be, fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty days from the date of the applicant's request for a hearing, 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.

- h.** A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him/her no later than the day following the date of the decision. To all other persons who have filed their name and address with the Board or Supervisors not later than the last day of the hearing, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined shall be mailed.

7.800 **AMENDMENTS**

- 7.801** **Procedure** - The Supervisors may, on its own motion or by petition, amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map. Before voting on the enactment of an amendment, the Supervisors shall hold a public hearing thereon, pursuant to public notice as required by State Act of 1968, P.L. 805, No. 247, as reenacted and amended.

Any landowner, or the Township itself may propose and prepare a "Curative Amendment", as defined in Article II, to

the Zoning Ordinance for consideration by the Supervisors in accordance with the procedures set forth in the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

In the case of an amendment other than that prepared by the Planning Commission, the Supervisors shall submit each amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment. In all cases, the Supervisors shall also submit any proposed amendment to the Lehigh Valley Planning Commission at least 30 days prior to the public hearing on such proposed amendment. Said submittals shall provide said Planning Agency an opportunity to submit recommendations.

If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. At all public hearings, full opportunity to be heard shall be given to any citizen and all parties in interest.

Within thirty days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the Lehigh Valley Planning Commission.

7.900

APPEALS, VIOLATIONS AND PENALTIES

7.901 Appeals - Appeals may be filed with the Zoning Hearing Board not later than thirty days after the date of the action which is being appealed has been made, in accordance with the procedures set forth in the Pennsylvania Municipalities Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

7.902 Violations - The construction, excavation, alteration, maintenance or use of any structure, building, sign, land or landscaping or the change of use, area of use, percentage of use or displacement of the use of any structure, building, sign, land or landscaping without first obtaining a zoning permit; or the use of any building, structure or land without receipt of a certificate of use and occupancy; or the use or maintenance of any building, structure, sign or land for a use or in a manner which is not in accordance with the provisions of this Ordinance; or the use of property for the use different from that set forth in any zoning permit of certificate of use and occupancy which has been granted for the property without applying for and being granted a zoning permit and certificate of use and occupancy for such new or different use; or the failure to comply with any other provisions of this Ordinance; or the violation of any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or a conditional use by the Board of Supervisors or by a Court of

competent jurisdiction if a special exception, variance or conditional use is granted by such Court are hereby declared to be violations of this Zoning Ordinance.

7.903 Enforcement Notice

- a. If it appears to the Supervisors that a violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Ordinance.

- b. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any

other person so requested in writing by the owner of record.

- c. An enforcement notice shall state at least the following:
 - The name of the owner of record and any other person against whom the Township intends to take action.

 - The location of the property in violation.

 - The specific violation with a description of the requirements which have not been met, citing in each

instance the applicable provisions of this Ordinance.

- The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of ten days.
- 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.

7.904 **Causes of Action** - In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Supervisors or, with the approval of the Supervisors, an officer of the Township, 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 days prior to the time the action is begun

by serving a copy of the complaint on the Supervisors. No such action may be maintained until such notice has been given.

7.905 Enforcement Remedies

- a. 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, pay a judgment of not more than five hundred 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 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 this 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 this Zoning Ordinance shall be paid over to the Township.

- b. The Northampton County Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- c. 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.

7.1000 **FILING FEES**

Filing fees for the review and processing of applications for Zoning Permits, Occupancy Permits, requests for variances, amendments or appeals, Certificate for Registration of Nonconforming Uses, and other related matters to determine compliance with this Ordinance shall be adopted by a resolution of the Township Supervisors and made available to the public. Such fees may be amended annually to reflect any changes in the cost of administering this Ordinance.

7.1001 ADOPTION

ADOPTED by the Board of Supervisors of Upper Mount Bethel Township,
Northampton County, Pennsylvania, this _____day of
_____, 2004.

**BY: TOWNSHIP OF UPPER MOUNT BETHEL,
NORTHAMPTON COUNTY, PA
BOARD OF TOWNSHIP SUPERVISORS**

Andrew Nestor, Jr., Chairperson

Joseph A. Battillo, Vice Chairperson

Loren B. Rabbat, Secretary

Jerry W. Geake

Dennis J. Jones

ATTEST:

Carol A. Jones, Township Secretary