

# **PALMER TOWNSHIP**

# **ZONING ORDINANCE**



*Adoption Date December 27, 2023*



**BOARD OF SUPERVISORS  
TOWNSHIP OF PALMER  
NORTHAMPTON COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2023-484**

**AN ORDINANCE REPEALING ANY PRE-EXISTING PALMER TOWNSHIP ZONING ORDINANCE, AS AMENDED, AND REPLACING SAID ORDINANCE WITH AN ORDINANCE PERMITTING, PROHIBITING, REGULATING, RESTRICTING AND DETERMINING THE USES OF LAND, WATERCOURSES AND OTHER BODIES OF WATER; THE SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, REPAIR, MAINTENANCE, ALTERATION, RAZING, REMOVAL AND USE OF STRUCTURES; THE AREAS AND DIMENSIONS OF LAND AND BODIES OF WATER TO BE OCCUPIED BY USES AND STRUCTURES AS WELL AS COURTS, YARDS AND OTHER OPEN SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES; THE DENSITY OF POPULATION AND INTENSITY OF USE; THE LOCATION AND SIZE OF SIGNS; CREATING ZONING DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF; CONTINUING THE OFFICE OF ZONING OFFICER; CONTINUING A ZONING HEARING BOARD; PROVIDING FOR THE ADMINISTRATION, AMENDMENT AND ENFORCEMENT OF THE ORDINANCE, INCLUDING THE IMPOSITION OF PENALTIES; AND PROVIDING FOR REPEAL OF INCONSISTENT ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE FIVE DAYS AFTER ENACTMENT**

The Board of Supervisors of the Township of Palmer hereby enacts and ordains the following Ordinance amending the Code of the Township of Palmer as follows:

**ARTICLE I.            AMENDMENT**

Part II, Chapter 190, Zoning Ordinance is hereby repealed in its entirety and replaced with the attached Ordinance including the attached Official Zoning Map, which are collectively identified as “Exhibit A” and are incorporated within this ordinance.

**ARTICLE II.            SEVERABILITY**

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township of Palmer that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause or part thereof not been included herein.

**ARTICLE III.      REPEALER**

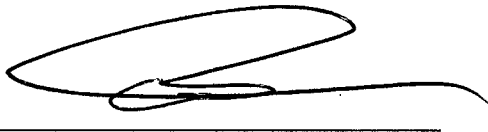
All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed, but only to the extent of such conflict.

**ARTICLE IV.      EFFECTIVE DATE**

This Ordinance shall become effective five (5) days after enactment.

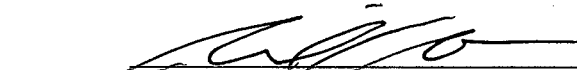
**ENACTED BY THE TOWNSHIP OF PALMER, NORTHAMPTON COUNTY,  
PENNSYLVANIA, THIS 27 DAY OF December, 2023**

**ATTEST:**

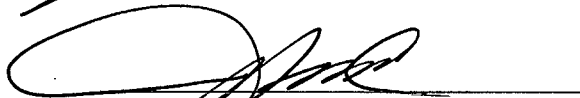


Robert Williams  
Township Manager


**BOARD OF SUPERVISORS,  
TOWNSHIP OF PALMER**



Michael Brett, Chairman

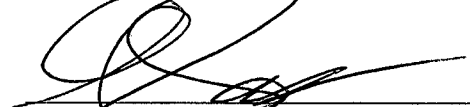


Joseph Armato, Vice-Chairman



Jeffrey Young

K. Michael Mitchell



Ann Marie Panella

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**ARTICLE I — General Provisions and Administration**

**§ 190-101. Title.**

An ordinance repealing any pre-existing Palmer Township Zoning Ordinance, as amended, and replacing said ordinance with an ordinance permitting, prohibiting, regulating, restricting and determining the uses of land, watercourses and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; the areas and dimensions of land and bodies of water to be occupied by uses and structures as well as courts, yards and other open spaces and distances to be left unoccupied by uses and structures; the density of population and intensity of use; the location and size of signs; creating zoning districts and establishing the boundaries thereof; continuing the office of Zoning Officer; continuing a Zoning Hearing Board; and providing for the administration, amendment and enforcement of the ordinance, including the imposition of penalties.

**§ 190-102. Short title.**

This ordinance shall be known and may be cited as the “Palmer Township Zoning Ordinance of 2023.”

**§ 190-103. Community development objectives.**

This Zoning Ordinance has been prepared in accordance with the Palmer Township Comprehensive Plan of 2018, with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures and is enacted for the following purposes:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports and national defense facilities, the provisions of adequate light and air, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements.
- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- C. To preserve prime agriculture and farmland considering topography, soil type and classification and present use.
- D. To maintain the integral functions provided by natural resource systems within the Township by carrying out the goals and intent of the PA Flood Plain Management Act, PA Storm Water Management Act, PA Department of Environmental Protection regulations on erosion and sedimentation control, PA Department of Transportation regulations on highway access control and other relevant federal and state laws, regulations, official policies and relevant court decisions.
- E. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling and housing types and nonresidential uses.

**§ 190-104. Interpretation.**

If two differing Township ordinances or two sections of the same Township ordinance pertain to the same matter, then the requirement that is the more restrictive upon the applicant shall apply.

**§ 190-105. Applicability to Township.**

This ordinance shall not apply to uses, buildings or structures built or used or to be built or used by the Township of Palmer or by authorities created solely by the Township, provided that the Board of Supervisors authorizes such use by resolution.

**§ 190-106. Violations of other regulations.**

No use shall be permitted in any district which directly violates any Township ordinances. If the Zoning Officer has reason to believe that a use would violate a federal, state or Township regulation, the Zoning Officer may delay the issuance or suspend the issuance of a permit under this ordinance until the applicant proves compliance with such regulation.

**§ 190-107. Severability.**

It is hereby declared to be the legislative intent that:

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

**§ 190-108. Repealer.**

All other Township ordinances or resolutions or parts thereof that were adopted prior to this ordinance and are clearly in direct conflict with this ordinance are hereby repealed, including the pre-existing Palmer Township Zoning Ordinance of 1994, as amended. However, the pre-existing Airport Approach Zoning Regulations shall not be repealed and shall remain in effect.

**§ 190-109. Enactment; when effective.**

Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, following a public hearing, the Board of Supervisors of Palmer Township hereby enacts and ordains into an ordinance the attached document this date of \_\_\_\_\_, 2023.

**§ 190-110. General provisions.**

- A. For the administration and enforcement of this Chapter, the Board of Supervisors shall appoint a Zoning Officer, who may not hold any elective office in the Township. The Zoning Officer shall administer and enforce this Chapter 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 Chapter.
- B. Duties of the Zoning Officer. The duties of the Zoning Officer shall be as follows:
  - 1. To examine, record and file all applications for zoning permits, with any accompanying plans and documents, and to issue such permits only for lots, uses and structures which are in conformity with the provisions of this Chapter.
  - 2. To initiate enforcement proceedings.
  - 3. To receive all fees to the Township as required by this Chapter and to post a schedule of fees in the Township Municipal Building.
  - 4. To receive complaints and notify persons of violations of provisions of this Chapter.
  - 5. To conduct inspections of property for which zoning permits have been issued to ascertain if the construction or use is in conformity with the provisions of the permit.
  - 6. Upon request of the Board of Supervisors, Planning Commission or Zoning Hearing Board, to present to such body facts, records and any similar information required to assist such body in its deliberations.
  - 7. To be responsible for keeping current copies of this Chapter and the Official Zoning Map for distribution to the public.
  - 8. To perform other duties in the administration and enforcement of this Chapter as may be directed by the Board of Supervisors.
- C. Fees. The Board of Supervisors shall establish a schedule of fees and a collection procedure for all permits, applications and appeals.
  - 1. The schedule of fees shall be available in the Township Municipal Building.
  - 2. All such fees shall be payable to Palmer Township at the Township Municipal Building.
  - 3. No request for a zoning permit or certificate of nonconformity and no appeal or application to the Zoning Officer, Zoning Hearing Board or Board of Supervisors shall be considered complete, nor shall it be filed or docketed, until all fees have been paid in full.

**§ 190-111. Zoning permits.**

- A. A zoning permit shall be required prior to the erection, extension or alteration of any structure or portion thereof and prior to the use by a new landowner/tenant or change in the use of a structure or parcel of land. A zoning permit shall not be required prior to a change in residential ownership nor prior to a change in residential tenants.

- B. Prior to the issuance of any zoning permit, the Zoning Officer shall review the permit application to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, §404, 33 U.S.C. 1344. No zoning permit shall be issued until this determination has been made.
1. No such zoning permit shall be required for normal maintenance activities and minor repairs which do not constitute an erection, extension or alteration as herein defined, or for any structure permitted.
  2. A zoning permit shall be required for all agricultural uses and/or structures as follows:
    - a. A fee zoning permit is required for all principal and accessory uses and/or structures unless outlined below.
    - b. A fee zoning permit is required for residential structures, including houses, trailers, etc. and nonagricultural structures for principal uses including churches, other places of worship/assembly, parish houses or convents.
    - c. A nonfee zoning permit is required for other nonresidential primary farm use structures, barns, or other agriculture-related structures not requiring a land development plan.
    - d. A zoning permit shall not be required for structures accessory to nonresidential, agricultural principal uses including, but not limited to, corn cribs, lean-tos, calf booths, silos and similar storage structures.
  3. No such zoning permit shall be required for the alteration of any structure which meets the above for structures in the RA Zone.
  4. No such permit shall be granted by the Zoning Officer for any purpose except in compliance with the provisions of this Part, or upon appeal, in compliance with a decision of the Zoning Hearing Board or the courts.
- C. Application for zoning permits. To apply for a zoning permit, the applicant shall submit an application for a zoning permit to the Zoning Officer along with all required fees. When required by this Chapter or under the Subdivision and Land Development Ordinance, land development plans and other information shall accompany the application. When a land development plan is not required, the application for zoning permit shall show the manner by which the applicable sections in this Chapter with which will be complied.
- D. Review of the application. Except when a land development plan is required, in which case a land development plan shall be submitted in accordance with the Township Subdivision and Land Development Ordinance, all applications for zoning permits shall be granted or denied by the Zoning Officer within thirty (30) days from the date of receipt of the application and fees for such. The Zoning Officer shall notify the applicant in writing of all action taken on the application for a zoning permit within said thirty (30) day period. If the application is denied, such notification shall specify the provisions of this Part with which such application does not comply. If, for any reason, the Zoning

Officer fails to notify the applicant of all action taken in the manner and time limit set forth above, such application shall be considered approved as submitted.

- E. No zoning permit for erection, extension or alteration of any structure or portion thereof shall be valid for more than two (2) years from the date of issue unless work at the site is commenced within such period. No zoning permit for use of building or land shall be valid for more than two (2) years from the date of issue unless such use is established within the two (2) year period; provided, however, that where such use is dependent upon the erection, extension or alteration of a structure, the zoning permit shall continue in force if erection, extension or alteration is started within the two (2) year period and completed in an expeditious manner. Any erection, extension or alteration shall be completed within two (2) years of commencement.

**§ 190-112. Zoning Ordinance Amendment Requests.**

A. Purpose.

- 1. The purpose of the Zoning Ordinance is to protect the safety, capacity and efficiency of Palmer Township’s existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the Comprehensive Plan.
- 2. Private requests to amend the Zoning Ordinance shall be evaluated on the basis of the projected benefits and/or detrimental effects to Palmer Township as a whole.

B. Rezoning application forms.

- 1. All Applicants submitting Zoning Ordinance amendment request applications shall be required to complete an application form available from the Township Zoning Officer and to prepare and submit an impact analysis and a community benefit summary report to demonstrate the compatibility of a rezoning proposal.
- 2. All Applicants shall pay an application fee, as well as a deposit, in accordance with the official fee schedule, to be held in escrow to cover the costs incurred with having the plan reviewed by the Township Planning Commission, the Township Engineer, and Board of Supervisors. In addition, if an applicant appeals from the decision of the Board of Supervisors, the applicant shall be responsible for paying for the costs of having a transcript of that hearing produced and the Township shall pay for the cost of having any copies made. (Fees to be set by resolution of the Board of Supervisors.)

C. Review of rezoning applications.

- 1. The Applicant shall meet with Township representatives for a pre-rezoning request review. The purpose of said review shall be to discuss the general intent of the proposed zoning amendment and outline the necessary components of the zoning amendment request application.
- 2. The Applicant shall have sixty (60) days from the date of the pre-zoning amendment request staff meeting review to file a zoning amendment request application.
- 3. The request for a zoning ordinance amendment may take place in conjunction with an application for land development. It is recommended to the Applicant that both applications be submitted concurrently.

4. The Planning Director shall review the zoning ordinance amendment request application in compliance with the following procedural guidelines:
  - a. Upon receipt of an application, the Planning Director will perform a desk check review of the package to determine the completeness of the application.
  - b. The Planning Director will provide the Applicant a letter within thirty (30) business days stating that the application has been submitted with all required information attached.
  - c. If the Planning Director finds the application to be incomplete or insufficient, the application will be returned to the Applicant.
  - d. Finding and facts report. When the rezoning application is found to be complete, the Planning Director, Township Staff or its designee shall prepare an evaluation assessment identifying concurrencies and/or differences and summarize this assessment in a report. This report shall identify the impacts and potential manners in which the resolution of issues could be addressed. The completed application package and report shall be forwarded to the Planning Commission for review.
5. As part of the rezoning approval process, the Planning Commission and Board of Supervisors shall consider the motivation and implications of each plan, analysis and report.
6. Palmer Township shall review the application in compliance with the following procedural guidelines:
  - a. If the rezoning proposal is found to be generally consistent with the Township's element of the Comprehensive Plan and the community development objectives of the Zoning Ordinance, the Planning Commission shall consider the findings reported as part of the Applicant's impact analysis to determine any projected beneficial and/or detrimental effects on Palmer Township. The Planning Commission may host a hearing on the application if they deem it applicable.
  - b. The rezoning proposal shall be reviewed through the context of the Lehigh Valley Planning Commission's rezoning guidelines to ensure that the proposed zoning ordinance amendment conforms to the requirements
  - c. Based on these analyses, the Planning Commission shall submit a written recommendation either in favor or not in favor of the rezoning proposal including a specific statement as to whether or not the proposed zoning ordinance amendment is in accordance with the objectives of the Comprehensive Plan.
7. The final recommendation of the Planning Commission shall be forwarded to the Board of Supervisors.
8. Upon receipt of the Planning Commission's final recommendations, the Board of Supervisors shall review the application. In its sole discretion, the Board of Supervisors may elect to send the proposed zoning ordinance amendment, with any proposed revisions, to the County Planning Agency and the Palmer Township Planning Commission. Following a minimum thirty-day review period for both agencies, the Board of Supervisors may, in its sole discretion,



determine whether to advertise the proposed zoning ordinance amendment for a public hearing consistent with the terms of the Municipalities Planning Code.

9. The Township shall make the decision for approval or denial of the requested rezoning within eighty (80) days of receipt of a completed rezoning application, which includes the impact analysis, unless extended by the applicant. Approval cannot be based on a contingency or condition of resolving potential negative impacts. If no decision is made by the Township after this time period, then the application will be deemed denied.
10. At any time, an Applicant may request an extension of time or removal of an application from Township consideration.
11. See also §609 of the Pennsylvania Municipalities Planning Code, relating to Enactment of Zoning Ordinance Amendments.

D. Application criteria.

1. Application requirements. The plans and reports that a landowner and/or developer are to submit shall include:
  - a. Conceptual site development plan, if proposed for development.
  - b. Topographic survey.
  - c. Site conditions report.
  - d. Existing zoning of surrounding parcels and closest adjacency of zoning district identical to request.
  - e. Classifications of existing roadways/streets adjacent to and within three hundred (300) feet of the perimeter of the proposed site.
  - f. The percentage of proposed dwelling units and any associated limitations that are specific to a particular segment of potential residential demographics/socioeconomics.
  - g. Impact analysis.
  - h. Community benefit summary report.

E. Impact analysis.

1. As part of the proposed zoning amendment application, the Applicant shall prepare and submit an impact analysis to identify the benefits and detrimental effects of the proposed rezoning application.
2. Impact analysis requirements. The following outlines the information that is required as part of the rezoning application. Information shall be presented as a comparison of the impacts that are created by the existing zoning district and the proposed rezoning classification. In all instances, the land use permitted in the proposed zoning classification that creates the greatest impact shall be utilized in the comparison analysis. Required information includes:

- a. Off-street parking requirements.
- b. Density/floor-area ratio.
- c. Maximum building height.
- d. Geotechnical/stormwater run-off analysis (associated with impervious surface).
- e. Traffic (average daily trips and peak hour demand for both weekday and weekends based on conceptual site development plan).
- f. Fiscal impact analysis projecting tax rate changes associated with the Township, the County and the School District.
- g. Student impact analysis projecting potential increase to school district population because of proposed rezoning.
- h. Estimated infrastructure (sanitary sewer and potable water) demands (gallons per day).
- i. Estimated impacts to safety services (police department services, fire department services) based on proposed infrastructure (roadways) expansion.
- j. A summary of anticipated impacts on adjoining lots including but not limited to noise, vibration, night-time lighting, service area locations and visibility, hours of operation.
- k. Depending upon the location of lot access, infrastructure service/demands and impacts identified on adjoining lots, the Board of Supervisors may require a landowner and/or developer to prepare other potential related studies.
- l. Within the impact analysis, the Application shall identify impacts that need mitigation but does not need to propose remedy/resolution for identified impacts.

F. Community benefit summary report.

1. The Applicant shall demonstrate with the impact analysis described in Subsection E and with an additional summary report that the majority of uses within the proposed rezoned district will provide benefits to the community greater than that of uses permitted under the current zoning designation, by meeting two or more of the following criteria:
  - a. Improved access management.
  - b. Fewer average daily trips and peak hour demands.
  - c. Fewer impacts to public safety services.
  - d. Lower demands on the sanitary sewer and potable water system.
  - e. Less potential increase in the school district population.
  - f. Reduction of parking requirements.
  - g. Potential reduction of impervious surface area.

- h. Fewer impacts related to noise, vibration, and night-time lighting.
  - i. Pursuit or achievement of LEED (Leadership in Energy and Environmental Design) certification or equivalent criteria for building construction and site development.
- G. Additional information. Township representatives reserve the right to request additional information as part of the rezoning review and approval process in order to evaluate the applicability of the rezoning.

**§ 190-113. Occupancy permits.**

Upon completion of the erection, extension or alteration of a structure or the establishment of the use for which a zoning permit was issued, the applicant shall request a final inspection. The structure for which the zoning permit was issued may not be occupied or otherwise used until a final inspection has been completed by the Zoning Officer.

- A. Within ten (10) days of request for final inspection, the Zoning Officer shall inspect the premises to determine if the action taken complies with the regulations of this Chapter. If it does, the Zoning Officer shall sign the building permit card or sign off on the project within the ten (10)-day time limitation.
- B. If the action fails to comply with the regulations of this Chapter, the Zoning Officer shall notify the applicant, in writing, of the reason for not signing the permit card or signing off on the project and shall state the provisions of this Chapter with which the action does not comply. The applicant may correct the defects cited in the denial of the Zoning Officer for final approval. If, upon notification by the applicant and inspection of the premises, the Zoning Officer finds that the defects have been corrected and that no additional defects have been created, final approval shall be immediately permitted.
- C. Temporary Occupancy. Temporary occupancy may be granted in the manner prescribed above, pending the completion of a structure to allow for partial occupancy; issuance of said temporary occupancy shall be at the discretion of the Zoning Officer. In the event that a temporary occupancy permit is issued, the applicant shall provide financial security (which may be an irrevocable letter of credit with a Federal or Commonwealth chartered lending institution, a restrictive escrow account in such lending institution, or a personal bond; the nature of which shall be at the discretion of the Zoning Officer) in an amount sufficient to guarantee the completion of the improvements within the prescribed time period and in an amount as set by the Zoning Officer. The permit shall be valid only until such time as the action for which the zoning permit was issued is complete, or for a period of six (6) months after issuance, whichever is less. Upon expiration of the temporary occupancy permission, the applicant shall apply for permanent occupancy or, if the action remains incomplete, may apply for one additional temporary occupancy. If granted, temporary occupancy shall be for a period of time determined by the Zoning Officer but shall be for no more than six (6) months after issuance.
- D. Prior to occupancy of a building, other than an owner-occupied single or two-family dwelling, an emergency contact card shall be completed for the police department.

**§ 190-114. Violations and penalties.**

Failure to comply with any provisions of this Chapter shall be a violation of this Chapter.

- A. Complaints regarding violations. Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may file a complaint to the Zoning Officer stating fully the causes and basis

thereof. The Zoning Officer shall record such complaint, immediately investigate and take action thereon as provided by this Chapter.

- B. Notice of violation. If the Zoning Officer shall find a violation, he shall initiate enforcement proceedings by sending an enforcement notice as provided herein:
1. The enforcement notice shall be sent to the owner of record of the lot on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
  2. An enforcement notice shall state the following:
    - a. The name of the owner of record and any other person against whom the Township intends to take action.
    - b. The location of the property in violation.
    - c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
    - d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
    - e. That the recipient of the notice has a right to appeal to the Zoning Hearing Board within thirty (30) days by filing a request for appeal in writing with the Zoning Hearing Board within the said thirty (30) days period.
    - f. That failure to comply with the notice within the said thirty (30) days, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with possible sanctions, which may be as much as five hundred dollars (\$500) per day of each violation plus all court costs, including attorney fees the Township incurs as a result of prosecution of such violation.
- C. Civil enforcement. The Zoning Officer may institute civil enforcement proceedings as a means of enforcement if authorized by the Manager or the Board of Supervisors.
- D. Enforcement provisions and causes of action. Remedies for violation of this Chapter are not limited by this Chapter and are set forth in §616.1 and §617.1 and §617.2 of Article VI of the Pennsylvania Municipalities Planning Code, as amended.

**§ 190-115. Appeals.**

Any appeal from a decision or action of the Board of Supervisors or of any officer or agency of the Township in matters pertaining to this Chapter shall be made in accordance with Article X-A of the Pennsylvania Municipalities Planning Code, as amended.

**§ 190-116. Amendments.**

The regulations, restrictions and district boundaries set forth in this Chapter may, from time to time, be amended through action of the Board of Supervisors in the manner provided by §609 through §611 of Article VI of the Pennsylvania Municipalities Planning Code, as amended.

**§ 190-117. Zoning Hearing Board.**

- A. Administration. The Board of Supervisors shall appoint a Zoning Hearing Board, whose membership, organization, procedures and functions shall be those as set forth in Article IX of the Pennsylvania Municipalities Planning Code, as amended.
- B. Hearings. The Board shall conduct hearings and make decisions in accordance with the procedures stipulated in §908 of Article IX of the Pennsylvania Municipalities Planning Code, as amended. Notice shall be given to the public, the applicant, the Zoning Officer, the Township Manager and to any person who has made timely request for the same. Notice shall be given at such time and in such manner as shall be prescribed by the rules of the Board. Notice shall also be conspicuously posted on the affected tract of land for at least seven (7) consecutive days prior to the hearing. The posting shall consist of a sign at least thirty (30) inches by thirty (30) inches.
- C. Functions. The Zoning Hearing Board shall have the functions set forth in §909.1 and §910.2 of Article IX of the Municipalities Planning Code, as amended.
- D. Parties appellant before the Board. Appeals as applicable and as amended, may be filed with the Board in writing by the landowner affected, and any officer or agency of the Township, or any person aggrieved.
- E. Zoning appeals to court. Appeals to court from any decision of the Board may be taken by any party aggrieved within the time frame and in accordance with the manner provided by Article X-A of the Municipalities Planning Code, as amended.

**ARTICLE II — Definitions**

**§ 190-201. General interpretation.**

For the purposes of this ordinance, words and terms used herein shall be interpreted as follows:

- A. Words in the present tense shall include the future tense.
- B. “Used” or “occupied” as applied to any land or building include the words “intended, arranged or designed to be used or occupied”.
- C. “Should” or “May” means that it is strongly encouraged but is not mandatory. “Shall” is always mandatory.
- D. “Sale” shall also include rental.
- E. The singular shall include the plural and vice-versa. The masculine gender shall include the feminine and neuter, and vice-versa.
- F. If a word is not defined in this ordinance but is defined in Chapter 165 (Palmer Township Subdivision and Land Development Ordinance) of the Township Code, the definition in the Subdivision and Land Development Ordinance shall apply. If a word is defined in both this ordinance and another Township ordinance, each definition shall apply to the provisions of each applicable ordinance.
- G. The meaning of any word or term not defined in this ordinance or in the Township Subdivision and Land Development Ordinance, as amended, shall be determined by the Zoning Officer based upon the plain and common meaning within the context of the section. The Zoning Officer may base a determination upon a definition in one or more standard reference dictionaries. An applicant may appeal a Zoning Officer’s determination to the Zoning Hearing Board.
- H. The words “such as,” “includes,” “including” and “specifically” shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.

**§ 190-202. Terms defined.**

When used in this ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

**ABUT** — Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street or a perennial waterway. See also the definition of “adjacent.”

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

**ACCESS POINT** — One combined entrance/exit point, or one clearly defined entrance point and one clearly defined exit point, separated in accordance with the requirements of this ordinance and the Palmer Township Subdivision and Land Development Ordinance.

**ACCESSORY STRUCTURE** — A structure, such as a private garage, storage shed, gazebo, or greenhouse, serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.

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

**ACRE** — Forty-three thousand five hundred sixty (43,560) square feet.

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

**ADULT-ORIENTED ESTABLISHMENT** — The definition for this term and for all uses included under this term shall apply as is provided in Title 68, Part II, Subpart E, Chapter 55, Section 5502 of the Pennsylvania Consolidated Statutes, as amended. Such definitions in the Pennsylvania Consolidated Statutes are hereby included by reference, including, but not limited to the following:

- A. **ADULT BOOKSTORE OR VIDEO STORE** — An establishment having a substantial or significant portion of its stock-in-trade, including but not limited to videocassettes, movies, books, magazines and other periodicals, which is distinguished or characterized by its emphasis on matters depicting, describing or relating to nudity or sexual conduct, as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.
- B. **ADULT ENTERTAINMENT** — Movies, videos, still or motion pictures, photographs, slides, films or other visual representations, books, magazines or other printed material or live dramatic, musical or dance performances that are sexually explicit or depict nudity or sexual conduct, as defined herein.
- C. **ADULT MINI-MOTION-PICTURE THEATER** — An enclosed building, with a capacity for accommodating fewer than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, for observation by patrons therein.
- D. **ADULT MOTION-PICTURE THEATER** — An enclosed building, with a capacity for accommodating fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity or sexual conduct, as defined herein, for observation by patrons therein.
- E. **ADULT NIGHTCLUB** — Any nightclub, as defined herein, that offers adult entertainment, as defined herein.
- F. **SPECIFIED ANATOMICAL AREAS** —

Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola.

Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

G. SPECIFIED SEXUAL ACTIVITIES —

Acts of masturbation, homosexuality, sexual intercourse, sexual bestiality or physical contact with a person's clothed or unclothed genitals, pubic areas, buttocks or, if such person is a female, breast.

The condition of human male or female genitals when in a state of sexual stimulation or arousal.

Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple or the depiction of covered male genitals in a discernibly turgid state.

**AGRICULTURAL MARKETING ENTERPRISE** — An accessory use to an agricultural operation for the purpose of directly marketing agricultural products produced by the agricultural operation in their natural or value-added, processed, or manufactured state. The term shall include any on-farm processing, packaging, and sale performed in the course of direct marketing of the farmer's agricultural products. Examples of agricultural marketing enterprises include but are not limited to the following terms:

- A. **COMMUNITY-SUPPORTED AGRICULTURE (CSA) DELIVERY STATION** — A location, which may be on-site or off-site from a farm or agricultural operation, where a farmer delivers or distributes farm shares and where individuals pick up their shares at a set time weekly, biweekly, or monthly.
- B. **FARM CAFE** — A restaurant that prepares and serves food grown on-site at a farm and within Regions 3 and 7 as defined by the Pennsylvania Department of Agriculture to the greatest extent possible. The principal objective of a farm café is to support local agriculture and provide alternatives to the conversion of farmland through sustainable rural economic development and to empower farmers to undertake entrepreneurial endeavors which augment, support, and highlight local agriculture.
- C. **FARM CAMP** — The hosting of day and overnight events for students and or guests for farm education.
- D. **FARM STAND** — A seasonal stand that sells fresh agricultural produce grown on one's own property.
- E. **FARMER'S MARKET** — The offering for sale of fresh and packaged agricultural products directly to the consumer at an open-air market and/or combination of enclosed and open-air facility. See "open-air market."
- F. **'PICK-YOUR-OWN' OPERATION** — The seasonal retail of farmed crops primarily grown on the premises, including apples, pumpkins, and Christmas trees.

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



AGRICULTURE — Shall mean “crop farming,” “plant nursery,” “raising of livestock,” and “forestry.” See definition of each.

AIRPORT — An area which is designated, used, or intended to be used for the landing and takeoff of motorized aircraft that carry people, and any related aircraft support facilities such as for maintenance, refueling, and parking.

A. PUBLIC AIRPORT — One that does not meet the definition of a “private airport.”

B. PRIVATE AIRPORT — One that is limited to a maximum total of fifteen (15) flights or takeoffs in any seven (7) day period and that is not available for use by the general public.

ALLEY — A right-of-way providing secondary access to the side or rear on one or more lots which has a maximum right-of-way width of twenty (20) feet.

ALTERATION — Any change or rearrangement in the structural parts or in the existing facilities of a building or structure, or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such structure from one location to another.

AMATEUR RADIO ANTENNA — A device, partially or wholly exterior to a building, that is used for receiving and/or transmitting electronic signals or shortwave or citizens’ band radio frequencies. This includes any accessory supporting structures. This shall not include a satellite antenna, which is regulated separately.

ANIMAL CEMETERY — Land or buildings used for the interment or burial of the remains of three or more noncremated nonhuman animals. Burial of cremated animals or three or less noncremated animals on a lot shall be a permitted by right accessory use in all districts.

ANIMAL GROOMING — The trimming of the hair or fur and/or the washing of animals for commercial purposes.

ANIMAL HOSPITAL — Shall have the same meaning as “veterinarian office.”

ANIMAL HUSBANDRY — Shall have the same meaning as “raising of livestock.”

APARTMENT — See “dwelling types.”

APPLICANT — The person(s), company, partnership, profit or nonprofit corporation or trust responsible for a particular application for an approval or permit under this ordinance, and his/her heirs, successors and assigns.

ARTISAN, CRAFTS, EXERCISE OR PERFORMING ARTS STUDIO — The use of a premises for commercial or noncommercial instruction in dance, gymnastics, fitness activities, music, martial arts, and other performing arts; for the recording of music or speech; or for the instruction in or production of arts and crafts.

ATTACHED — Physically connected to or within eight inches of, in terms of buildings, structures, or dwelling units.

ATTIC — That part of a building which is immediately below and wholly or partly within the roof framing.

**AUDITORIUM** — An accessory area involving indoor and/or outdoor space for meetings, live performances, or screening of films, but not a use that meets the definition of “theater,” “adult-oriented establishment,” “nightclub,” or any other similar commercial use.

**AUTO, BOAT AND/OR MOBILE/MANUFACTURED HOME SALES** — The indoor and/or outdoor use of a lot for the display, sale, or rental of one or more of the following in operable condition: automobiles, trucks, recreational vehicles, boats, trailers, farm machinery, motorcycles, construction vehicles, other motorized vehicles, and mobile/manufactured homes in a livable condition. This use may include an auto repair or service garage as an accessory use provided that all requirements for such use are complied with. This use shall not include a mobile/manufactured home park or a junkyard.

**AUTO REPAIR GARAGE** — A facility for the servicing and repair of motor vehicles, including engine, transmission, and suspension overhaul, the repair and replacement of parts, body work including painting and frame repair, tire service, lubrication, and the changing of automotive fluids, but not including the scrapping, salvaging, or storage of junk vehicles.

**BANK OR FINANCIAL INSTITUTION** — An establishment, such as a bank, savings and loan association, credit union, or investment company, where the principal business is the receipt, disbursement, or exchange of funds and currencies.

**BAR OR TAVERN** — A commercial use that involves the sale of beverages and food to the public, and in which the sale of alcoholic beverages makes up more than fifty percent (50%) of the total volume of sales and which does not meet the definition of a “nightclub.” A “brew pub or tap/tasting room” is a bar or tavern located on the premises of a beverage production establishment which manufactures its own alcoholic beverages for on-site and off-site sale. A commercial use that involves a lower percentage of alcoholic beverage sales shall be considered a “restaurant.”

**BASEMENT** — An enclosed floor area partly or wholly underground, other than a building which is completely underground. A “basement” shall be considered a story if the majority of the basement has a clearance from floor to ceiling of six feet or greater and the roof of the basement is an average of four or more feet above the finished grade of the front side of the building that faces onto a street.

**BED-AND-BREAKFAST USE** — The use of a single-family detached dwelling and/or accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary guests, and which does not provide any cooking facilities or provision of meals for guests other than breakfast.

**BETTING USE** — A use where lawful gambling activities are conducted, including but not limited to off-track pari-mutuel betting. This term shall not include betting under the state lottery programs or betting under the “small games of chance” provisions of state law, which shall instead be regulated under the regulations applicable to the principal use of the property (such as a membership club).

**BEVERAGE PRODUCTION ESTABLISHMENT (ALCOHOLIC)** — An establishment which produces alcoholic beverages for on- or off-site sale and distribution and which may include a brewery pub, tap room, or tasting room on the premises as an accessory use. The term shall include, but not be limited to, the following uses:

- A. **BREWERY** — A premises or plant which holds a license to manufacture, store and distribute brewed or malt beverages and which may include a brewery pub or tap room, as regulated by Title 47, the Pennsylvania Liquor Code, as amended.

- B. **MICROBREWERY** — A brewery wherein malt or brewed beverages are manufactured, made and fermented from raw materials, blended, rectified, or otherwise produced by any suitable method for their production in a quantity of up to fifteen thousand (15,000) barrels per year and which holds a license issued by the Pennsylvania Liquor Control Board to engage in the manufacture, transportation, and sale of such beverages as regulated by the Pennsylvania Liquor Code (Title 47 of the Pennsylvania Consolidated Statutes, as amended).
- C. **LARGE BREWERY** — A brewery wherein malt or brewed beverages are manufactured, made and fermented from raw materials, blended, rectified, or otherwise produced by any suitable method for their production in a quantity greater than fifteen thousand (15,000) barrels per year and which holds a license issued by the Pennsylvania Liquor Control Board to engage in the manufacture, transportation, and sale of such beverages as regulated by the Pennsylvania Liquor Code (Title 47 of the Pennsylvania Consolidated Statutes, as amended).
- D. **DISTILLERY** — A premises or plant wherein distilled alcohol or liquor are manufactured, made and distilled from raw materials, blended, rectified, or otherwise produced by any suitable method for their production. The term shall not include a “winery” where alcohol is derived from by-products of wine production by distillation for the sole purpose of adding to the fermented products to fortify the same.
- E. **LIMITED DISTILLERY** — A distillery operated by the holder of a limited distillery license that will allow the holder thereof to operate a distillery that shall not exceed production of one hundred thousand (100,000) gallons of distilled liquor per year and which is regulated by Title 47, Chapter 1, Article V, Section 505.4 of the Pennsylvania Consolidated Statutes, as amended.
- F. **WINERY** — A premises or plant where any alcohol or liquor is produced by the process by which wine is produced, or premises and plants wherein liquid such as wine is produced; and shall include the manufacture by distillation of alcohol from the by-products of wine fermentation when the alcohol so derived is used solely to fortify the fermented products, under such regulations as are or may be promulgated by the proper agency of the United States Government, and such alcohol, for that purpose only, may be sold or exchanged between wineries holding permits in this Commonwealth, without restriction. The term shall include premises or plants where alcoholic ciders or meads are produced.
- G. **LIMITED WINERY, MEADERY OR CIDERY** — A winery with a maximum total output of two hundred thousand (200,000) gallons per year of wine, wine coolers, mead, and alcoholic ciders, in any combination, and which is regulated by Title 47, Chapter 1, Article V, Section 505.2 of the Pennsylvania Consolidated Statutes, as amended.
- H. **BREW PUB OR TAP/TASTING ROOM** — Accessory premises located at a microbrewery, large brewery, limited distillery, or limited winery, meadery or cidery which are open to the public for the sale and consumption of alcoholic beverages primarily produced on-site and which may also include food service to patrons. See “bar or tavern.”

**BIKEWAY** — A paved lane or a trail specifically established primarily to provide for travel by non-motorized bicycles.

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

**BOARD** — Unless otherwise referenced, shall mean the Zoning Hearing Board of Palmer Township.

**BOARD OF SUPERVISORS** — The Board of Supervisors of Palmer Township.

**BOARDINGHOUSE OR ROOMING HOUSE** — A residential use in which individual room(s) are rented on a monthly basis that do not meet the definition of a dwelling unit and are occupied by a total of two (2) or more persons who are not related to the primary householder of the dwelling and do not function as a common household unit (i.e., a “family,” as defined herein), up to a total of eight (8) boarders. Also known as a “rooming house.” A boardinghouse shall not include a use that meets the definition of “extended stay” “hotel or motel,” “non-family facility type 1,” “non-family facility type 2,” “bed-and-breakfast use,” or “short-term rental.”

**BUFFER YARD** — A strip of land that separates one use from another use or feature and is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A “buffer yard” may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a “buffer yard” requirement.

**BUILDING** — Any structure having a permanent roof and intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than fifty (50) cubic feet. “Building” is interpreted as including “or part thereof.” See the separate definition of “structure.” Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

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

**BUILDING LENGTH** — The horizontal measurement between the two most- distant portions, other than portions measured diagonally, of any one building or of attached buildings.

**BUILDING LINE OR BUILDING SETBACK LINE** — See “setback line.”

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

**BUILDING WIDTH** — The horizontal measurement between two structural walls of one building that are generally parallel, measured in one general direction that is most closely parallel to the required lot width. For a townhouse or twin homes, this width shall be the width of each dwelling unit from the center of one (1) party wall to the center of the next party wall or the outside edge of the exterior wall.

**BULK RECYCLING CENTER** — A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a junkyard.

**BULK STORAGE** — Storage beyond what is reasonably needed for customary use on-site. This includes storage of substances intended to be sold or resold for use off-site.

**BUS SHELTER** — A small, roofed structure, usually having three (3) walls, located near or on a street and designed primarily for the protection and convenience of waiting bus passengers.

**BUSINESS SERVICES** — An establishment engaged in rendering services to business establishments on a fee or contract basis or to the general public on a less frequent or personal basis than provided by personal

services establishments. Such enterprises may include: the service and repair of office equipment, machines, electronics, furniture, medical supplies, or commercial appliances; the printing, copy, and production of documents, signs, or banners; retail shipping and mailing services; food catering; locksmithing; carpentry; painting; remodeling; interior decorating or upholstering; roofing and insulation; carpet installation; heating and cooling; plumbing; taxidermy; and other similar business activities.

CABARET — See “adult nightclub.”

CAMPGROUND — A use that is for general recreational purposes involving the use of tents or sites leased for recreational vehicles for transient and seasonal occupancy, or the use of tents or cabins for seasonal occupancy.

CARGO CONTAINER — A standardized, reusable vessel that is or appears to be: (1) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, or (2) designed for or capable of being mounted or moved on a rail car, or (3) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

CAR WASH — A building or structure where motor vehicles are cleaned manually or mechanically, using a conveyor, sprayer, blower, steam-cleaning equipment, or other device. This use may include wash tunnels, pay stations, vacuums, drying facilities, and associated paved accessways and parking stalls. As an accessory use to a gasoline service station, a vehicle washing facility may include no more than a single bay, for one (1) vehicle to be washed at a time.

CARPORT — A roofed building intended for the storage of one or more motor vehicles, but which is not enclosed on all sides by walls or doors. If any portion of a carport is attached to a principal building, it shall be considered to be part of that building. A carport shall not utilize a soft-shell cover/roof and shall be permanently installed.

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

CEMETERY — An area of land used or intended to be used as a burial ground for deceased humans and which may include related accessory buildings or structures such as mausoleums.

CEMETERY, ANIMAL — See “animal cemetery.”

CHAIRPERSON — Means the Chairman, Chairwoman, Chair or Acting Chairperson (when applicable) of the Palmer Township Board of Supervisors.

CHRISTMAS TREE FARM — See “agricultural marketing enterprise.”

CLEAR CUTTING — A logging method that removes all trees or the vast majority of all trees from a tract of land or a portion thereof, other than cutting of trees that is clearly necessary for the development of an approved use.

COMMERCIAL INDOOR RECREATION USE — An establishment owned by a private-sector entity where the principal enterprise or activity involves the provision of primarily indoor recreational, amusement, and leisure activities, such as, but not limited to: fitness training, athletic courts, ice rinks, roller skating rinks, indoor playing fields, indoor swimming pools, bowling alleys, arcade games, indoor mazes,

indoor play structures and ball pits, escape rooms, indoor riflery or archery, indoor batting cages, and indoor golf.

**COMMERCIAL/INDUSTRIAL OUTDOOR STORAGE** — The incidental and accessory storage of raw or finished goods, building and construction materials, machinery, tools, and equipment, or other similar items, either completely in open air or in a partially-enclosed structure.

**COMMERCIAL OUTDOOR RECREATION USE** — A establishment owned by a private-sector entity where the principal enterprise or activity involves the provision of outdoor recreational, amusement, and leisure activities, such as, but not limited to: tennis courts, sand volleyball courts, miniature golf courses, driving ranges, outdoor batting cages, playing fields, outdoor swimming pools, beaches, and bumper car tracks, but not to include “golf courses” as defined herein. The total building coverage for a commercial outdoor recreational use shall be less than fifteen percent (15%).

**COMMERCIAL STABLE OR RIDING ACADEMY** — The keeping of three (3) or more horses in a non-household stable, which may include a commercial or private riding club.

**COMMERCIAL USE** — Includes retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

**COMMERCIAL VEHICLE** — A motor vehicle, other than a permitted recreation vehicle, having a primary use, including, but not limited to, making service calls or the transporting of tools, equipment and materials for business purposes.

**COMMISSION** — The Planning Commission of the Township of Palmer.

**COMMON OPEN SPACE** — See “open space, common.”

**COMMUNICATIONS ANTENNA** — Any structure designed for transmitting or receiving wireless communications of video, voice, data and similar transmissions, including but not limited to omnidirectional or whip antennas, directional or panel antennas and satellite or microwave dish antennas that may be mounted on an existing building, an existing public utility storage or transmission structure or an existing communications tower, excluding transmission and receiving devices licensed by the Federal Communications Commission (FCC) exclusively for private use by citizens.

**COMMUNITY CENTER** — A noncommercial, nonresidential use that exists solely to provide recreational and educational activities and programs to the general public or certain age groups. The use may also include the noncommercial preparation and/or provision of meals to low-income elderly persons. See “cultural center.”

**COMMUNITY GARDEN (AS A PRINCIPAL OR ACCESSORY USE)** — An open space area that is used for the cultivation of vegetables, fruits, flowers, or other plants for use by more than one person, family, or household.

**COMMUNITY-SUPPORTED AGRICULTURE DELIVERY STATION (CSA)** — See “agricultural marketing enterprise.”

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

COMPREHENSIVE PLAN — The document entitled the “Palmer Township Comprehensive Plan,” or any part thereof, adopted by the Board of Supervisors.

CONDITIONAL USE — A use which is allowed or denied by the Board of Supervisors within the provisions of Article IX, after review by the Planning Commission.

CONDOMINIUM — A set of individual dwelling units or other areas of buildings, each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which was created under the Pennsylvania Unit Property Act of 1963 or was/is to be created under the Pennsylvania Uniform Condominium Act of 1980, as amended.

CONSTRUCTION — Includes the placing of construction materials in permanent position and fastening in a temporary or permanent position and/or the demolition of a pre-existing building.

CONTRIBUTING STRUCTURE OR BUILDING — A building that retains historic or cultural or architectural significance and contributes to the historic or cultural or architectural qualities of a historic district.

CONVENIENCE STORE — A use that primarily sells routine household goods, groceries, and prepared and ready-to-eat foods to the general public, and that includes a building with a floor area of less than seven thousand (7,000) square feet. This use may include an indoor seating area comprising no more than twenty percent (20%) of the gross floor area and/or an outdoor seating area. This use may also include the sale of gasoline or other automotive fuels.

CONVENTION, CONFERENCE, BANQUET, OR TRAINING CENTER — A facility where conferences, exhibitions, large meetings, seminars, training sessions, weddings, banquets, and similar activities are held or hosted. This use may also provide, as accessory uses, office facilities, business services, or kitchen facilities for the preparation or catering of food. Sale of alcoholic beverages may take place only during scheduled events and for on-premises consumption and shall not be available to the general public.

CONVERSION — To change or adapt land or structures to a different use.

COUNTY — The County of Northampton, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION — The Lehigh Valley Planning Commission.

CREMATORIUM — A facility accessory to a funeral home or mortuary containing properly installed, certified equipment intended for reducing deceased humans or animals to ashes by burning (cremation).

CROP FARMING — The cultivating, raising, and harvesting of products of the soil and the storage of these products produced on the premises. The definition of “crop farming” shall include orchards and tree farms but shall not include “raising of livestock,” “forestry,” “commercial stables or riding academies,” or “kennels.” An “agricultural marketing enterprise,” as defined herein, is an accessory use to crop farming where permitted. If a crop farming lot includes more than fifteen (15) acres, it may also include the keeping of up to ten (10) additional animals as an accessory use in addition to what is permitted by the definition for “keeping of pets” or “urban keeping of livestock.” This use shall include vineyards, orchards, and tree farms provided.

**CROP STORAGE** — The accessory storage of agricultural products produced on the premises, in customary structures such as silos and grain bins.

**CULTURAL CENTER** — A facility open to the public which primarily contains exhibits of clearly artistic, literary, or cultural interest, such as a museum, library, or art gallery. This use may also include an auditorium as an accessory use. See “community center.”

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

**DAY CARE CENTER, ADULT** — A premises operated for profit or not-for-profit in which adult daily living services are simultaneously provided for four (4) or more clients who are not relatives of the operator for periods of less than eighteen (18) hours during the average day. “Adult daily living services” are defined as services provided or arranged to assist in meeting the needs, including personal care, social, nutritional, health and educational needs, of adult clients who may need such assistance primarily because of old age, developmental disability, physical disability or other limited physical abilities, dementia-related disease, Parkinsonism, or other organic brain syndrome. 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. An adult day care center must be licensed by the Pennsylvania Department of Aging and shall follow all applicable provisions for older adult daily living centers in Title 6, Part I, Chapter 11 of the Pennsylvania Code, as amended.

**DAY CARE CENTER, CHILD** — A premises in which child day care is provided at any one time for seven (7) or more children unrelated to the operator. A child day care center must be licensed by the Pennsylvania Department of Human Services and shall follow all applicable provisions for child day care centers in Title 55, Part V, Subpart D, Article I, Chapter 3270 of the Pennsylvania Code, as amended.

**DAY CARE CENTER, CHILD (AS AN ACCESSORY USE)** — A premises accessory to a professional office, retail establishment, or any of the “institutional uses” listed herein in which child day care is provided at any one time during the normal operating hours of the principal use for six (6) or fewer children unrelated to the operator.

**DAY CARE, CHILD** — The supervised care of children under age 16 outside of the children’s own home for periods of less than eighteen (18) hours during the average day.

**DAY CARE HOME, FAMILY** — A dwelling other than the child’s own home, operated for profit or not-for-profit, in which child day care is provided at any one time to four (4), five (5), or six (6) children unrelated to the operator. A family child day care home shall be considered an accessory use to an owner-occupied dwelling, must be licensed by the Pennsylvania Department of Human Services, and shall follow all applicable provisions for family child day care homes in Title 55, Part V, Subpart D, Article I, Chapter 3290 of the Pennsylvania Code, as amended.

**DAY CARE HOME, GROUP** — A premises in which child day care is provided at one time for more than six (6) but fewer than sixteen (16) older school-age level children or more than six (6) but fewer than thirteen (13) children of another age level who are unrelated to the operator. A group child day care home shall be considered an accessory use to an owner-occupied dwelling, must be licensed by the Pennsylvania



Department of Human Services, and shall follow all applicable provisions for group child day care homes in Title 55, Part V, Subpart D, Article I, Chapter 3280 of the Pennsylvania Code, as amended.

DAYS — Calendar days.

DECK, RAISED — A structure without a roof which has an elevation of 30 inches or greater from finished grade at any point which is 36 inches from the edge of the deck.

DEMOLITION or DEMOLISH — The razing, destruction, covering or dismantling of 50% or more of the perimeter walls of a structure. "Demolition" includes the removal of a building from its site or the removal, stripping, concealing or destruction of the facade or roof line or any significant exterior architectural features which are integral to the historic or architectural or cultural character of the building and facing the public street, for whatever purpose, including but not limited to new construction or reconstruction.

DENSITY — The total number of dwelling units proposed on a lot divided by the lot area, unless otherwise stated.

DEP — The Pennsylvania Department of Environmental Protection, or its successor, and its relevant subparts.

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

DEVELOPMENT — Construction, erection or expansion of a structure or mining, dredging, filling, grading, paving, excavation or drilling operations. The term also includes any activities defined as "land development" under the Palmer Township Subdivision and Land Development Ordinance.

DISTRICT OR ZONING DISTRICT — A land area within the Township within which certain uniform regulations and requirements apply under the provisions of this ordinance.

DOG KENNEL — See "kennel."

DRIVE-THROUGH FACILITY — The accessory use of an access drive and structure(s) in which goods or services are dispensed directly to a patron in a motor vehicle and which eliminates the necessity for the patron to exit the motor vehicle.

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

DUMPSTER — A container that is not affixed to the land and is designed for temporary short-term refuse disposal.

DWELLING — A building or portion of a building used as a non-transient living quarters and having individual living, kitchen, and bath facilities in each dwelling unit. The following terms apply:

- A. SINGLE-FAMILY DETACHED DWELLING — One (1) dwelling unit in one (1) building accommodating only one (1) family and having open areas on all sides.
- B. SINGLE-FAMILY SEMIDETACHED DWELLING (TWIN) — One (1) dwelling unit that is attached by an unpierced vertical fire-resistant wall to one (1) adjacent dwelling unit, both of which

accommodate one (1) family each and are on their own separate lots, with one (1) side yard being adjacent to each dwelling unit. Each dwelling unit shall have its own outside access. This use is commonly known as a “twin.”

- C. SINGLE-FAMILY ATTACHED DWELLING (TOWNHOUSE) — One (1) dwelling unit that is attached to two (2) or more dwelling units, with each dwelling unit on its own separate lot and completely separated from and attached to each other by unpierced vertical fire-resistant walls. Each dwelling unit shall have its own outside access. The units may be attached side-by-side or back-to-back. Side yards shall be adjacent to each end unit. This use is commonly known as a “townhouse” or “rowhouse.”
- D. TWO-FAMILY DWELLING (DUPLEX) — Two (2) dwelling units in a single building on a single lot, with each dwelling unit accommodating one (1) family. This use is commonly known as a “duplex.”
- E. MULTIFAMILY DWELLING — A dwelling containing three (3) or more attached dwelling units on a single lot, each with its own independent access but not necessarily directly to the outside. Units may share outside access and/or corridors, lobbies, and other common facilities, and may be either leased or sold for condominium ownership. This Ordinance categorizes multifamily dwellings into the following subtypes:
  - (1) MULTIFAMILY DWELLING, LOW-RISE (GARDEN APARTMENTS) — Three (3) or more dwelling units within a building or in a group of buildings, not to exceed three-and-one-half (3 1/2) stories or thirty-five (35) feet in height (whichever is more restrictive), that are separated by horizontal floors or by a combination of horizontal floors and vertical walls.
  - (2) MULTIFAMILY DWELLING, MID-RISE — Four (4) or more dwelling units within a building or in a group of buildings that is greater than three-and-one-half (3 1/2) stories or thirty-five (35) feet in height but less than six (6) stories or seventy-two (72) feet in height (whichever is more restrictive).
- F. APARTMENT — A single dwelling unit in a multifamily dwelling or a mixed-use building.
- G. DWELLING UNIT — A single habitable living unit occupied by only one family. See definition of “family.” Each dwelling unit shall have its own toilet, bath or shower, sink, sleeping and cooking facilities and separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. No “dwelling unit” shall include a separate living area that is completely separated by interior walls so as to prevent interior access from the remainder of the living area.
- H. UNIT, ACCESSORY DWELLING (RELATIVE CARE) — An accessory living area, but not a mobile home, located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. Secondary dwelling units shall be developed in accordance with the standards set forth in local code and only in those zoning districts where the use is listed as permitted by right, special exception, or conditional use.
- I. NON-FAMILY RESIDENTIAL FACILITY, TYPE 1 — A living arrangement that may or may not be restricted by identified age(s) of residents who are primarily unrelated persons, whereas said arrangement provides dwelling units for residents of varying abilities of mobility and/or disability and on-site supervision and assistance available to the residents on an occasional, as-needed basis and which may include certain design features associated with resident needs that are not customary to

conventional dwelling units, such as, but not limited to, emergency call systems, common dining facilities, common laundry facilities, housekeeping services, cognitive support services and/or memory care, common leisure and recreational facilities, transportation services, and similar supporting services for residents. A non-family residential facility, Type 1 may include such living arrangements as an independent living facility and shall not include a use that meets the definition of “group care facility,” “nursing home,” or “personal care home.”

- J. NON-FAMILY RESIDENTIAL FACILITY, TYPE 2 — A living arrangement that may or may not be restricted by identified age(s) of residents who are primarily unrelated persons, whereas said arrangement provides dwelling units for residents of independent mobility and on-site supervision and assistance available to the residents on an occasional, as-needed basis and which may include certain design features associated with resident needs that are not customary to conventional dwelling units, such as, but not limited to, emergency call systems, common dining facilities, common laundry facilities, housekeeping services, and/or common leisure and recreational facilities, transportation services, and similar supporting services for residents. A non-family residential facility, Type 2 may include such living arrangements as college dormitories, fraternities and sororities, or active adult communities.
- K. SECTIONAL OR MODULAR HOME — A type of dwelling that meets a definition of single-family detached dwelling, single-family semidetached dwelling, townhouse or garden apartment that is substantially but not wholly produced in two or more major sections off the site and then is assembled and completed on the site, and that does not meet the definition of a “mobile home” and that is supported structurally by its exterior walls and that rests on a permanent foundation.
- L. MOBILE HOME — A type of single-family detached dwelling that meets all of the following requirements: is transportable; is designed for permanent occupancy; is contained in a single piece or two substantial pieces 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; is constructed so that it may be used with or without a permanent foundation; is not a recreation vehicle; and includes a minimum of three hundred (300) square feet of interior floor space. The terms “mobile home” and “manufactured home” have the same meaning.
- M. MOBILE HOME PARK — A parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for non-transient residential use. The homes may be individually owned. The development of mobile homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes.

EASEMENT — Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner’s property.

ELECTRIC VEHICLE CHARGING STATION - A public or private parking space that is served by battery charging station equipment for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.

ELECTRIC VEHICLE - Any vehicle that is licensed and registered for operation on public and private streets; either partially or exclusively on electrical energy from the grid, or an off-board source that is stored on-board via a battery for motive purpose. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle.

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

**ESSENTIAL SERVICES** — Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary, and appropriate to the character of the area in which they are to be located, including electric, telephone, gas, and water. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, wireless communications towers, a power generating station, septic or sludge disposal, long-term storage of trucks or equipment, or bulk storage of materials. Examples of essential services include underground or overhead transmission systems, poles, wires, pipes, cables, hydrants, or other similar equipment.

**EXTENDED STAY HOTEL** — A building containing guest rooms for lodging, offered to the public for compensation, which are advertised, designed, intended, marketed or routinely utilized for weekly or monthly occupancy, or alternatively, in which at least 30% of the guest rooms have facilities for the refrigeration and preparation of food by guests, such as a refrigerator and cooktop/stove (or a refrigerator, a microwave, and a dishwasher or kitchenette sink), and a self-serve laundry facility is available for guest use. For purposes of this Ordinance, “Extended Stay Hotels” are separate and distinct uses from “Hotels” and “Boarding Rooms” as defined elsewhere in this Ordinance.

**FAMILY** — One or more persons living in a single dwelling unit and functioning as a common household unit. A family shall not include more than four persons who are not related to each other.

**FARM CAFÉ** — See “agricultural marketing enterprise.”

**FARM CAMP** — See “agricultural marketing enterprise.”

**FARM POND** — The ditching and subsurface excavation of farm fields resulting in a pond used for agricultural purposes.

**FARM STAND** — See “agricultural marketing enterprise.”

**FARMER’S MARKET** — See “agricultural marketing enterprise.”

**FENCE** — A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or other materials shall be considered a wall. The terms “fence” and “wall” do not include hedges, trees or shrubs. The term “wall” does not include engineered retaining walls, which are permitted uses as needed in all districts (see “retaining wall, engineered”).

Floodplain definitions. The following definitions apply exclusively to § 190-506 Floodplain management.

**BASE FLOOD** — A flood which has a one-percent chance of being equaled or exceeded in any given year (also called the “one-hundred (100) year flood” or “one-percent annual chance flood”).

**BASE FLOOD DISCHARGE** — The volume of water resulting from a base flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

**BASE FLOOD ELEVATION (BFE)** — The elevation shown on the Flood Insurance Rate Map (FIRM) for AE Zones that indicates the water surface elevation resulting from a flood that has a one

percent (1%) or greater chance of being equaled or exceeded in any given year. Within the approximated floodplain, the base flood elevation shall be established as a point on the boundary of the approximated floodplain which is nearest to the construction site in question.

**BASEMENT** — Any area of a building having its floor below ground level on all sides.

**COMPENSATORY STORAGE** — Excavation within or directly contiguous to a flood hazard area, above the seasonal high groundwater table elevation and below the design flood elevation, of a hydraulically-equivalent volume provided to balance the effects of proposed fill on the flood hazard area (no net loss of floodplain storage volume). Areas excavated for compensatory storage shall become part of the flood hazard area and not be separated from the flood hazard area by an open channel or closed conduit or culvert.

**DEVELOPMENT** — Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land. The term shall also include but shall not be limited to the placement or development of a mobile (manufactured) home on a lot or the placement or development of any recreational vehicle or travel trailer on a lot for more than one hundred eighty (180) consecutive days.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** — The preparation of additional sites by the construction of facilities for servicing the lots on which manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FLOOD** — A temporary inundation of normally dry land areas.

**FLOOD INSURANCE RATE MAP (FIRM)** — The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS)** — The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

**FLOODPLAIN AREA** — A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

**FLOODPROOFED** — Watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

**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 one foot.

**LOWEST FLOOR** — The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood-resistant, partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area, is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

**MANUFACTURED HOME** — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term “manufactured home” also includes travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term “manufactured home” does not include park trailers, travel trailers and other similar vehicles. The term “manufactured home” shall have the same meaning as “mobile home.”

**MANUFACTURED HOME PARK OR SUBDIVISION** — For floodplain management purposes, a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MINOR REPAIR** — The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring, mechanical or other work affecting public health or general safety.

**NEW CONSTRUCTION** — Structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and which includes any subsequent improvements to such structures. Any construction started after June 28, 1976, and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within one hundred eighty (180) days of permit issuance. Work on existing structures is covered under the definition of “substantial improvement.”

**NEW MANUFACTURED HOME PARK OR SUBDIVISION** — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**PERMANENT** — Having a life span of six (6) months or more at a particular location.

**PERSON** — An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

RECREATIONAL VEHICLE — A vehicle which is:

- A. Built on a single chassis;
- B. Not more than four hundred (400) square feet, measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck; and
- D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION — The base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet. The freeboard safety factor also applies to utilities and ductwork.

SPECIAL FLOOD HAZARD AREA (SFHA) — An area in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on the FIRM as Zone A or AE.

START OF CONSTRUCTION — Includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit, unless a time extension is granted, in writing, by the floodplain administrator. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the “actual start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE — Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure. This term includes structures which have incurred “substantial damage” regardless of the actual repair work performed. This term does not include the following:

- A. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

- B. Any exterior restoration or interior alteration of an historic structure listed on the National Register of Historic Places or a state inventory of historic places or which the Pennsylvania Historical and Museum Commission has officially determined is eligible for such listing.

**VIOLATION** — The failure of a structure or other development to be fully compliant with the floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**FLOOR AREA (FOR A DWELLING UNIT)** — The minimum habitable, heated space intended for human occupancy and routine use and not including areas shared among dwelling units (such as common hallways, common stairs and common recreation areas).

**FLOOR AREA (FOR USES OTHER THAN A DWELLING UNIT)** — The total horizontal square footage of a building. This shall not include areas such as unfinished basements, porches that are not fully enclosed and heated, unfinished attics or other spaces not intended for routine access by humans or not serving a business purpose. “Floor area” shall include spaces such as hallways, business storage, equipment rooms and stairs. The total “floor area” shall be measured between exterior faces of walls. See also separate definitions in Article VI for the purposes of calculating parking requirements.

**FLOOR AREA RATIO** — The ratio of the floor area of a building (including all its floors) to the area of the lot upon which it sits.

**FOOD TRUCK** — A licensed, self-contained, accessory motorized vehicle or mobile food unit (a trailer which does not travel under its own power) that is temporarily permitted to park in a designated area of an established principal use for the service of food and/or beverages, in a location approved by the owner of the lot.

**FOOTCANDLE** — A measure of light falling on a surface. One (1) footcandle is equal to one (1) lumen per square foot — that is, the amount of light generated by a point source having a luminous intensity of one (1) candle shining on a one (1) square foot surface with a uniform distribution. Footcandle measurements shall be made with a photometric light meter and with a specified horizontal orientation.

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

**FUNERAL HOME OR MORTUARY** — A business establishment approved by the State Board of Funeral Directors and operated by a licensed funeral director (as defined in Title 49, Chapter 13 of the Pennsylvania Code) which provides services for preparing the deceased humans or animals for burial or cremation and which may include rooms for viewings and ceremonies. A crematorium is a separate use accessory to a funeral home or mortuary.

**GARAGE, PRIVATE OR HOUSEHOLD** — An enclosed building for the storage of one or more motor vehicles. No business, occupation or service shall be conducted in a private garage that is accessory to a dwelling, except as may be allowed as a home occupation or home-based business. The rental to a person who does not reside on the property of storage space that would accommodate more than two cars or for commercial purposes shall be regulated as a business use.



**GARAGE SALE** — The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. The terms “garage sale” and “yard sale” are interchangeable.

**GARDEN APARTMENT** — See definition for “multifamily dwelling, mid-rise” under “dwelling.”

**GASOLINE SERVICE STATION** — A facility supplying and selling gasoline, diesel, natural gas, or other fuel for motor vehicles directly from pumps and storage tanks and which may include a convenience store and accessory facilities for additional services, such as a one-bay car wash or a minor vehicle repair and service shop for repairs and services not to include body work or engine, transmission, or suspension overhaul. An accessory use providing only motor fuel to vehicles operated by that business shall not be considered to be a gasoline service station. This use shall not include a use meeting the definition of a “truck stop.”

**GEOHERMAL ENERGY SYSTEM** — Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the open-loop or closed-loop circulation of a geothermal fluid vertically, or the location, acquisition or artificial recharge of groundwater.

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

**GOLF COURSE** — A recreational facility that has a course, with a minimum nine regulation-size holes, for playing golf as its principal use and that may have a clubhouse, locker rooms, restaurant, swimming pool, pro shop, facilities for racquet sports, maintenance facilities, and similar facilities as accessory uses.

**GOVERNMENTAL AND EMERGENCY SERVICES FACILITY** — Municipal, county, state, or federal government buildings or facilities designed and intended to be occupied by the government for public purposes. The term shall include police stations, fire stations, emergency medical stations, and post offices, but shall not include sewage treatment facilities, solid waste facilities, or correctional facilities.

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

**GROUP CARE FACILITY** — Any premises in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency, or medication prescribed for self-administration. A group care facility must be licensed by the Pennsylvania Department of Human Services and shall follow all applicable provisions for assisted living residences in Title 55, Part IV, Subpart E, Chapter 2800 of the Pennsylvania Code, as amended.

**GROUP HOME** — A dwelling in which no more than eight (8) unrelated persons, each of whom is handicapped (disabled) within the meaning of the Fair Housing Act (Title 42, Chapter 45, Subchapter II, Section 3601, et. seq. of the United States Code), live together as a single, non-transient household unit (i.e., a “family,” as defined herein), with such non-resident staff as may be needed to assist the residents with their daily life activities. A group home shall follow all applicable provisions for “Division C-3 occupancy” in Title 34, Part I, Chapter 56 of the Pennsylvania Code, as amended. If serving a psychiatrically disabled population, the group home must be licensed by the Pennsylvania Department of Human Services and shall follow all applicable provisions for Community Residential Rehabilitation

Services (CRRS) in Title 55, Part VII, Subpart E, Chapter 5310 of the Pennsylvania Code, as amended. Group homes shall not include uses that meet the definition of “transitional dwelling.”

**HAZARDOUS WASTE** — Those wastes where significant potential exists for causing adverse public health or environmental impacts if the waste is handled, stored, transported, treated or disposed of in a manner customarily accepted for ordinary solid wastes. This also includes wastes subject to special state or federal licensing or regulation, including but not limited to regulations of the DEP.

**HEIGHT** — The vertical distance measured from the average elevation of the average proposed ground level along the front of the building to the highest point of a structure. For a building with a roof, such “height” shall be measured to the highest point of the structural roof.

**HELIPORT** — An area, licensed by the Pennsylvania Department of Transportation, Bureau of Aviation, used for the loading, landing, and takeoff of helicopters, together with any related support facilities such as for maintenance, refueling, and storage. This ordinance is not intended to regulate the nonroutine emergency landing and takeoff of aircraft to pick up seriously injured or ill persons.

- A. **PUBLIC HELIPORT** — A heliport that does not meet the definition of a “private heliport.”
- B. **PRIVATE HELIPORT** — A heliport limited to a maximum total of fifteen (15) flights or takeoffs in any seven-day period and that is not available for use by the general public.

**HELISTOP** — An accessory area, either at ground level or elevated on a structure, licensed by the Pennsylvania Department of Transportation, Bureau of Aviation, and approved for the loading, landing, and takeoff of helicopters, limited to a maximum total of fifteen (15) flights or takeoffs in any seven (7) day period and this is not available for use by the general public. This ordinance is not intended to regulate the nonroutine emergency landing and takeoff of aircraft to pick up seriously injured or ill persons.

**HISTORIC** — Pertaining to historic or cultural or architectural values.

**HOME GARDENING** — The cultivation of herbs, fruits, flowers or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of livestock and permitting the sale of produce raised thereon.

**HOME OCCUPATION, LOW IMPACT** — An activity, intended to be financially gainful, conducted within a dwelling unit, the conduct of which is clearly incidental and secondary to the residential use of the dwelling unit but where said activity does not meet the definition of a no-impact home-based business. A low-impact child day care home as defined herein is considered a low-impact home-based business.

**HOME-BASED BUSINESS, NO IMPACT** — An activity, intended to be financially gainful, conducted within a dwelling unit, the conduct of which is clearly incidental and secondary to the residential use of the dwelling unit and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises, in excess of that normally associated with residential use. The business must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.
- E. No on-site parking of commercially identified vehicles shall be permitted.
- F. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- G. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- H. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
- I. The business may not involve any illegal activity.

**HOSPITAL** — An institution having an organized medical staff established for the purpose of providing to inpatients, by or under the supervision of physicians, diagnostic and therapeutic services for the care or rehabilitation of persons who are injured, disabled, pregnant, diseased, sick, or mentally ill. The term includes facilities for the diagnosis and treatment of disorders within the scope of specific medical specialties but not facilities caring primarily for the mentally ill. A hospital may also involve medical research and training for health care professions.

**HOTEL OR MOTEL** — A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. See also “bed-and-breakfast use.” A “hotel” or “motel” may include a restaurant, nightclub, central kitchen, newsstand, bar or tavern, and/or meeting facilities, provided that such uses are clearly accessory to the principal use of overnight accommodations. This definition does not include an “Extended Stay Hotel,” nor “Boardinghouse” which are separate and distinct uses, and are defined elsewhere.

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

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

**IMPERVIOUS SURFACE** — Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of 0.7 or higher. The Township Engineer shall decide any dispute over whether an area is “impervious.”

**INTERSECTION** — The point of intersecting legal rights-of-way of two streets.

**INVASIVE PLANTS** – Plant species that are not native to the state, grow aggressively, and spread and displace native vegetation. For the purposes of this Ordinance, invasive plant species are identified on the

PA DCNR Invasive Plant List as Rank 1 (severe threat) or Rank 2 (significant threat) as well as plant species listed on the PA Department of Agriculture's list of Noxious Weed List.

INVENTORY — The Palmer Township Historic Building Inventory, a list of buildings in Palmer Township having historical or cultural or architectural significance, identified by the Planning Commission and approved by Board of Supervisors

JUNK — Any discarded, unusable, scrap or abandoned man-made or man- processed material or articles, such as the following types: metal, furniture, appliances, motor vehicle parts, aircraft, glass, plastics, machinery, equipment, containers and building materials other than materials permitted actively being used under a valid construction permit. "Junk" shall not include solid waste that is temporarily stored as is customary in an appropriate container that is routinely awaiting collection and disposed of in a manner consistent with state regulations; toxic wastes; grass clippings, leaves or tree limbs, or items clearly awaiting imminent recycling at an approved recycling use.

JUNK VEHICLE —

A. Includes any vehicle or trailer that meets any of the following conditions:

- (1) Does not display a current license plate with a current registration sticker or does not have a valid safety inspection sticker (except for licensed antique cars not required to have an inspection sticker) as identified by the Commonwealth of Pennsylvania.
- (2) Cannot be immediately moved under its own power, in regard to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs.
- (3) Cannot be immediately towed, regarding a vehicle designed to be towed.
- (4) Has been demolished beyond repair.
- (5) Has been separated from its axles, engine, body or chassis.
- (6) Includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

B. See § 190-604 (Parking of commercial, unlicensed and junk vehicles in residential districts).

JUNKYARD — An area of land where junk as defined herein is stored (primarily outdoors), collected, dismantled, scrapped, and/or processed for sale, salvage, or disposal. The outdoor storage of two (2) or more unlicensed, uninspected, wrecked, or inoperable vehicles on a lot, other than that used for "auto, boat and/or mobile/manufactured home sales or rental" or an "auto repair or service garage" as defined herein, shall be considered a junkyard.

KEEPING OF PETS — The keeping of domestic animals that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, birds, gerbils, fish, iguanas, turtles, rabbits, and other animals commonly sold in retail pet shops.

KENNEL — The keeping of a six (6) or more of dogs or cats on a lot or within a building beyond that number permitted by the definition for "keeping of pets." A nonprofit animal shelter is considered a type of kennel.

**LANDFILL** — A type of solid waste disposal area involving the depositing of solid waste on land, compacting the waste, covering the waste with soil, and then compacting the soil, and which has a permit to operate as a sanitary landfill from the state.

**LANDOWNER** — The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner and if such lease is for a remaining period of at least twelve (12) months), or authorized officers of a partnership or corporation that is a “landowner” or other person having a proprietary interest in land. A person who has clearly received formal notarized powers of attorney relating to a landowner may act in the capacity of the landowner, if legally authorized.

**LIBRARY** — See “cultural center.”

**LIGHT, DIFFUSED OR SHIELDED** — Illumination that passes from the source through a filter, cover, or shade, or which otherwise does not meet the definition of “direct light.”

**LIGHT, DIRECT** — Lighting where the source is visible and the light is distributed in an uninterrupted path between the source and the target — that is, directly from the source to the object to be illuminated.

**LINE, STREET** — The street right-of-way line. This shall be the future street right-of-way line, if one is required to be established.

**LOT** — A separate parcel of land that is recorded or that will be recorded after Township final subdivision approval in the office of the County Recorder of Deeds. A parcel under common ownership that is completely separated into two parts by a public street shall be considered to be one tract but two “lots.”

**LOT AREA** — The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). For the purposes of determining “lot area” of uses other than townhouses and low-rise apartments (which are regulated by a separate section), “lot area” shall not include any of the following:

- A. Areas within the “existing” and/or “future” rights-of-way of any proposed or existing public streets or alleys.
- B. Areas within the cartway or access easement (whichever is most restrictive) of any proposed or existing private streets that serve more than one lot.
- C. Areas that are currently or will be required to be dedicated as common open space on a separate lot.
- D. For residential lots only: areas within rights-of-way or easements of overhead electrical lines of thirty-five (35) kilovolts or higher capacity.

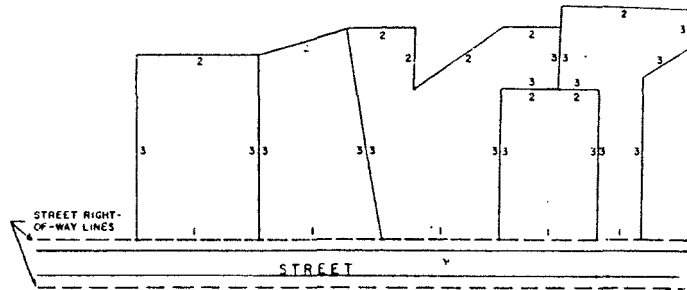
**LOT, CORNER** — A lot abutting on two (2) or more intersecting streets which has an interior angle of less than one hundred thirty-five degrees (135°) at the intersection of right-of-way lines of two (2) streets. A lot abutting upon a curved street or streets shall be considered a “corner lot” if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than one hundred thirty-five degrees (135°).

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

**LOT, INTERIOR** — A lot other than a corner lot.

LOT LINE —

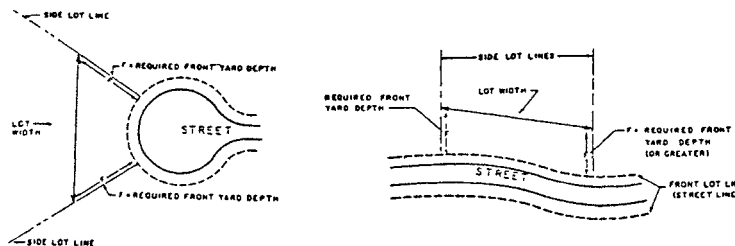
- A. The property lines bounding the lot. Wherever a property line borders a public street, the lot line shall be considered to be the existing street right-of-way.
- B. Types.
- C. FRONT LOT LINE (street line) — A lot line separating the lot from the existing street right-of-way.
- D. REAR LOT LINE — A lot line opposite and most distant from the front lot line. (A three (3) sided lot has no “rear lot line.”)
- E. SIDE LOT LINE — Any lot line other than a front or rear lot line. A “side street lot line” is a side lot line separating a lot from a street.



LOT, REVERSE FRONTAGE — A lot that abuts two approximately parallel streets, but only has access onto one street.

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

LOT WIDTH — The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, the “lot width” shall be measured using a straight line from end to end.



MANUFACTURING — The activity of producing goods by hand, by industrial equipment, or by other agency, typically the provision of labor and the use of machinery, including the making of wares and the transformation of raw materials into refined materials or finished goods. The term shall include the following uses:

- A. LIGHT MANUFACTURING — Any facility involving 1) generally unobtrusive processes resulting in the generation of hazardous waste products at a scale no greater than permitted as a Small Quantity Generator (SQG), or any future equivalent adopted metric in accordance with the Pennsylvania Department of Environmental Protection, and/or 2) the manufacturing of small finished goods, by

which less potential exists for air, water, soil, noise, and light pollution than with heavy industry. Light industry includes, but is not limited to, the manufacture or processing of: food and beverage products, electronic devices, precision instruments, household appliances, machine tools, optical goods, personal care products, non-toxic commercial products, non-explosive cleaning products, wood and paper products, home and office furnishings, printed materials, ceramics, glass products, jewelry and personal accessories, apparel, lightweight non-ferrous metal casts and dies, graphic arts products, light sheet metal products, film, games and toys, and plastic goods.

- B. **HEAVY MANUFACTURING** — Any facility involving 1) processes resulting in the generation of hazardous waste products at a scale permitted as a Large Quantity Generator (LQG), or any future equivalent adopted metric in accordance with the Pennsylvania Department of Environmental Protection, and/or 2) the production of raw materials into refined materials by mechanical or chemical transformation, and/or 3) manufacturing processes that do not meet the definition of light industry. Heavy industry includes, but is not limited to, steel production, coke production, oil and gas production and refining, ethylene production, cracking of ethane or propane, gravel and limestone mining, pharmaceuticals, motor vehicle assembly, aerospace manufacturing, and shipbuilding.

**MEDICAL OR DENTAL CLINICS AND LABORATORIES** — A use involving the treatment and examination of patients by state-licensed physicians, dentists, or other health care professionals, including mental health care professions, provided that no patients shall be kept overnight on the premises. **SLEEP** Order clinics. This use may involve the testing of tissue, blood, or other human materials for medical or dental purposes. Such use shall include a building or buildings with offices for one or more health care professionals for the examination or treatment of persons as outpatients and laboratories incidental thereto.

**MEDICAL MARIJUANA DISPENSARY** — The use of a premise to dispense medical marijuana by legal permit issued by the Pennsylvania Department of Health.

**MEDICAL MARIJUANA GROWER/PROCESSOR** — The use of a premise to grow and process medical marijuana by legal permit issued by the Pennsylvania Department of Health.

**MEMBERSHIP CLUB, LODGE OR FRATERNAL ORGANIZATION** — A facility routinely used by a recreational, civic, social, fraternal, religious, political, or labor union association of persons for meetings and routine socializing and recreation that are limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business. This use shall not include a gun club or target range for outdoor shooting and shall not meet the definition for a “boardinghouse,” “bar or tavern,” “nightclub,” or any other similar commercial use.

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

**MINERAL EXTRACTION/OPEN PIT MINING** — Includes all activity which removes from the surface or beneath the surface of the land some material mineral resources, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition and position. “Mineral extraction/open-pit mining” includes but is not limited to the excavation necessary to the extraction of sand, gravel, topsoil, limestone, sandstone, coal, clay, shale, and iron ore.

**MIXED-USE BUILDING** — A single building occupied by a two (2) or more separate principal uses. For example, a building containing a retail establishment and a professional office or a building containing a personal services establishment and an upper-floor apartment would both meet the definition of this term.

**MOTEL** — See “hotel.”

**MOTOR VEHICLE** — A vehicle which is self-propelled except an electric personal assistive mobility device or a vehicle which is propelled solely by human power.

**MUNICIPALITIES PLANNING CODE OR STATE PLANNING CODE** — The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

**NATURE RESERVE** — A non-commercial preservation of land for providing wildlife habitats, forests, or scenic natural features that involves no buildings other than a nature education and/or visitor center and customary maintenance buildings. A nature reserve may include state or federal lands where hunting and fishing are permitted or where game and fish are raised.

**NIGHTCLUB** — An establishment that meets all of the following standards: (1) offers amplified music after 12 midnight; (2) sells or allows alcoholic beverages primarily for on-site consumption; (3) includes hours open to patrons after 12 midnight; (4) has a building capacity of over 100 persons; and (5) has less than 20 percent of its total sales in food and non-alcoholic beverages.

**NONCOMMERCIAL RECREATIONAL FACILITY FOR HOUSEHOLD USE OR FOR RESIDENTS OF A DEVELOPMENT** — A recreational structure that is clearly accessory, customary, and incidental to a principal dwelling on a residential lot, and which is commonly found in yard areas. Examples include: swimming pools, tennis courts, basketball hoops, and children’s playground equipment.

**NONCONFORMING LOT** — A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated but was lawfully in existence prior to the effective date of this ordinance or is legally established through the granting of a variance by the Zoning Hearing Board, and which is not abutted by other undeveloped land owned by the same owner.

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

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

**NURSERY** — See “plant nursery.”

**NURSING HOME** — A facility that provides either skilled or immediate nursing care or both levels of care for two (2) or more patients, who are unrelated to the licensee, for a period exceeding twenty-four (24) hours. A nursing home must be licensed by the Pennsylvania Department of Health and shall follow all applicable provisions for long-term care nursing facilities in Title 28, Part IV, Subpart C of the Pennsylvania Code, as amended. A nursing home may also be established as a Continuing Care Retirement Community (CCRC), which provides a continuum of accommodations and care, including independent living, skilled care, assisted living, memory care, and short-term rehabilitation.



**OFFICE** — A use that involves administrative, clerical, financial, governmental, or professional operations, and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical or dental offices, clinics, or laboratories. Examples of professions carried on in professional offices include, but are not limited to: architects, engineers, accountants, attorneys, real estate agents, insurance agents, business consultants, financial analysts, physicians, dentists, psychotherapists, television and radio broadcasters, computer programmers, graphic designers, call center representatives, and notaries. This term may include buildings or shared workspaces involving the practice of multiple professions by multiple practitioners.

**OFFICIAL MAP** — Any Official Map that may be adopted or amended by the Board of Supervisors in accordance with the PA Municipalities Planning Code.

**OFFICIAL STREET CLASSIFICATION MAP** — The map as adopted by the Board of Supervisors classifying the streets of the Township. See definition of “street classification.” This map may be amended by resolution of the Board of Supervisors.

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

**OFF-SITE AND ON-SITE SEWER SERVICE** — See “sewage disposal system.”

**OPEN AIR MARKET** — The temporary accessory sale of fresh and packaged agricultural products or handicrafts directly to consumers in an outdoor area of an established principal use, in a location approved by the owner of the lot. See “farmer’s market.”

**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.

**OPEN SPACE, COMMON** — A parcel or parcels of land within a tract which meets all of the following standards:

- A. Is designed, intended and suitable for active or passive recreation by residents of a development or the general public.
- B. If not intended to be publicly owned, is covered by a process for perpetual maintenance.
- C. Will be deeded to the Township and/or deed restricted to permanently prevent uses of land other than “common open space” and noncommercial recreation.
- D. Does not use any of the following areas to meet minimum open space requirements:
  - (1) Existing or future street rights-of-way.
  - (2) Accessways.
  - (3) Buildings (other than accessory buildings and pools clearly intended for noncommercial recreation).
  - (4) Off-street parking needed to meet minimum requirements of this Ordinance (other than that clearly intended for noncommercial recreation).

- (5) Any area needed to meet a requirement for an individual lot.
- (6) Any area deeded over to an individual property owner for his/her own use.
- (7) Land with rights-of-way intended eventually for overhead electrical transmission of thirty-five (35) kilovolts or greater capacity.
- (8) Any area routinely under water.

ORDINANCE — The Palmer Township Zoning Ordinance, including the Official Zoning Map, Official Street Classification Map, and any amendments enacted by the Board of Supervisors.

OUTDOOR DINING AREA — A seating area incidental and accessory to a restaurant for patrons of said restaurant to consume food or beverages outdoors but on the premises.

OUTDOOR INDUSTRIAL STORAGE/SUPPLY YARD — An area or facility storing or offering for sale building supplies, metal supplies, lumber, stone, coal, heavy equipment, feed and grain, sand and gravel, and similar goods. This term shall not include the wrecking, salvaging, dismantling, scrapping, or storage of junk vehicles.

OUTPARCEL — A building lot separated or separable from a commercial development, to be sold and/or developed under separate ownership.

PA — Pennsylvania.

PARKING — Off-street parking and aisles for vehicles unless otherwise stated.

PARKING LOT OR STRUCTURE, OFF-STREET (PRINCIPAL/ACCESSORY USE) — A paved, off-street area other than a driveway or a street with adequate means of access and used exclusively for the parking of three (3) or more vehicles and which may consist of a covered structure or portion of a structure, other than a private garage. A parking lot or structure may be a principal use on its own lot where permitted or accessory to the principal use of the lot.

PATIO — An outdoor area that is not covered by a permanent roof and that is used as an accessory recreation area by the occupants of a building.

PAVED AREA — All areas covered by gravel and/or impervious surfaces, other than areas covered by buildings, bicycle paths and pedestrian sidewalks.

PENNDOT — The Pennsylvania Department of Transportation, or its successor, and its subparts.

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

- A. ZONING PERMIT — A permit issued indicating that a proposed use, building or structure is, to the best knowledge of the Township staff, in accordance with this ordinance and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations. For the purposes of this ordinance, a “zoning permit” or “a permit under this ordinance” shall mean the applicable portions of a construction permit, unless a specific system of zoning permits has been established.

- B. CONSTRUCTION PERMIT — A permit indicating that a proposed construction, alteration or reconstruction of a structure is, to the best knowledge of the Township staff, in accordance with the provisions of the Building Code which may be adopted by the Township.
- C. OCCUPANCY PERMIT — A permit that may be required by the Township that is issued upon completion of the construction of a structure or change in use of a structure or parcel of land, or re-occupancy of a structure or land, indicating that the premises, to the best knowledge of the Building and Zoning Officers, complies with the provisions of Township ordinances. This shall have the same meaning as a “certificate of use and occupancy.”

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

PERSONAL CARE HOME OR CENTER — A dwelling in which food, shelter, and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours, for four (4) or more unrelated adults who are not relatives of the operator and who do not require the services in or of a licensed long-term care facility but who do require assistance or supervision with activities of daily living, instrumental activities of daily living, or both. A personal care home must be licensed by the Pennsylvania Department of Human Services and shall follow all applicable provisions for personal care homes in Title 55, Part IV, Subpart E, Chapter 2600 of the Pennsylvania Code, as amended, and for “Division C-3 occupancy” in Title 34, Part I, Chapter 56 of the Pennsylvania Code, as amended.

PERSONAL SERVICE ESTABLISHMENT — An establishment that provides a service oriented to personal needs of the general public and which does not involve retail or wholesale sales or services to businesses. “Personal services” include, but are not limited to, barber- and beauty shops, health spas, tanning salons, licensed massage establishments, yoga studios or small fitness studios, optometrists’ offices and accessory eyeglass shops, photography studios, travel agencies, retail tax preparation services, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any adult uses.

PICK YOUR OWN OPERATION – See Agricultural Marketing Enterprise

PICNIC GROVE, PRIVATE — An area of open space and pavilions that is not publicly owned and which is rented for picnics and outdoor recreation.

PLACES OF ASSEMBLY OR WORSHIP — A facility that is designed for the assembly or meeting of persons for religious, civic, political, educational, or social purposes, not including a “membership club, lodge or fraternal organization” as defined herein and not under the ownership of a governmental agency, and where recreation, amusement, or dining may occur as accessory activities. A place of assembly or worship may also include, as accessory uses, administrative offices, child day care centers, rooms for religious education, rectories, convents, seminaries, and shrines.

PLANNED DEVELOPMENT — An area of land under single ownership, developed as a single entity, and designed with shared parking and loading, for a number of dwelling units, or combination of residential and nonresidential uses, as permitted by right or as a conditional use in the district in which the development is proposed, provided that approval must be obtained for any proposed use so listed in the regulations of the district in which the development is proposed.

PLANNING COMMISSION — The Planning Commission of Palmer Township.

PLANT NURSERY — The indoor and/or outdoor raising of trees, plants, shrubs, or flowers for sale, but not primarily including commercial forestry for lumber.

PORTABLE STORAGE UNIT — A container that is not affixed to the land and that is designed for temporary short-term storage.

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

PRINCIPAL BUILDING — The building in which the principal use of a lot is conducted. Any building that is physically attached to a principal building shall be considered part of that principal building.

PRINCIPAL USE — A dominant use(s) or main use on a lot, as opposed to an accessory use.

PROFESSION — Includes any occupation or vocation in which a professed knowledge of some department of science or learning is used by its practical application to the affairs of others, either advising, guiding or teaching them and in serving their interests or welfare in the practice of an art founded on it. The work implies attainments in professional knowledge as distinguished from mere skill and the application of such knowledge to uses for others as a vocation. It requires knowledge of an advanced type in a given field of science or instruction and study, and some form of professional certification by the commonwealth or a professional organization.

PROPERTY LINE — Has the same meaning as “lot line.”

PUBLIC NOTICE — Notice required by the Pennsylvania Municipalities Planning Code.

PUBLIC PARK/RECREATION — Land and/or facilities that are owned by the Township or another government agency and are available for use by the general public for leisure and recreation.

PUBLIC UTILITY, APPROPRIATE — This shall include facilities such as electrical substations, telephone exchange centers and other similar facilities that are operated by public utility companies. These uses shall be of such a character that they are compatible with adjacent uses and neighborhoods. In an LDR, MDR or HDR District, this shall not include uses of a character such as heavy vehicle storage, business offices or bulk storage. See also applicable sections of the Pennsylvania Municipalities Planning Code relating to Public Utility Commission pre-emption.

RAISING OF LIVESTOCK — The raising and keeping of livestock, poultry, or insects for any commercial purposes or the keeping of any animals for any reason beyond what is permitted by the definition of “keeping of pets” or “urban keeping of livestock.” Also known as “animal husbandry.” For the purposes of this Ordinance, these terms shall not include a slaughterhouse or a stockyard used for the housing of animals awaiting slaughter.

RECREATION, ACTIVE - Those recreational pursuits which require physical alteration to the area in which they are performed. Such areas are intensively used and include but are not limited to playgrounds, ball courts, golf courses, and swimming pools.

**RECREATION, PASSIVE** - Those recreational pursuits which can be carried out with little alteration or disruption to the area in which they are performed. Such uses include but are not limited to hiking, picnicking, and bicycle paths/trails.

**RECREATIONAL VEHICLE** — A vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure time or recreational use. Recreational vehicles include travel trailers, truck-mounted campers, motor homes, folding tent campers and automobiles, buses or trucks adapted for vacation use, snowmobiles, mini-bikes, all-terrain vehicles, go-cart, golf carts, personal watercrafts, boats, boat trailers, and other vehicles not suitable for daily conventional family transportation on Township roads, streets and highways.

**RECREATIONAL VEHICLE STORAGE AREA** — An outdoor area used for the storage of three (3) or more recreational vehicles. Retail sales or major repair work shall only be allowed if those uses are permitted in that zoning district.

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

**RELATED OR RELATIVE** — Persons who are closely related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: brother, sister, parent, child, grandparent, great- grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law or first cousin; shall not include relationships such as second, third or fourth cousins.

**RESEARCH, DEVELOPMENT OR TESTING LABORATORY** — A facility used for the research and experimental development or analytical testing services in the physical, engineering, and life sciences, such as agriculture, electronics, environmental, biology, biotechnology, botany, computers, chemistry, food, fisheries, forests, geology, health, mathematics, medicine, oceanography, pharmacy, physics, veterinary, and other related subjects. Testing services may occur in a laboratory or on site.

**RESIDENTIAL ACCESSORY BUILDING, STRUCTURE OR USE** — A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: garage (household), carport, tennis court, garage sale, basketball backboard, household swimming pool, volleyball court, gazebo, storage shed, greenhouse, children’s playhouse, and children’s play equipment.

**RESIDENTIAL LOT LINE** — The lot line of a lot that contains an existing dwelling within two hundred (200) feet of such lot line and/or is undeveloped and zoned as a residential district.

**RESTAURANT** — A business establishment where food and/or beverages are prepared and served to the public for sale and consumption on or off the premises, or both. If the service of food is secondary to the sale of alcoholic beverages at an establishment in question, the establishment shall be considered a “bar or tavern” or “nightclub” as defined herein. This Ordinance categorizes restaurants into the following types:

- A. **QUICK-SERVICE RESTAURANT** — A restaurant where the principal business is the rapid preparation, turnover, and sale of food and/or beverages without waited table service and where over one-third (1/3) of sales are to patrons for off-premise consumption (carryout or delivery), often referred to as a “fast-food restaurant.” Menus for quick-service restaurants are posted, and food and beverages served at such restaurants are usually ordered at a counter and contained in disposable containers or packaging, with on-premise patrons typically expected to clean up after themselves. This term shall include coffee shops or cafes and ice cream stands, as defined herein. Accessory drive-through facilities may be included where permitted. Quick-service restaurants meeting the definition of an ice cream stand may include an accessory walk-up window. A quick-service restaurant may include the accessory sale of alcoholic beverages. However, if such sale consists of over half of the total trade, the requirements of a “bar or tavern” or “nightclub,” as applicable, must be met. A quick-service restaurant may include a drive through facility as an accessory use in districts where permissible. See § 190-924 for standards related to drive-through.
- B. **SIT-DOWN RESTAURANT** — A restaurant where the principal business is the sale of food and beverages with waited table service or where less than one-third (1/3) of sales are to patrons for off-premise consumption (carryout or delivery). Menus for such restaurants are often provided individually to on-premise patrons at their tables, or food may be selected from a buffet table or cafeteria line. A sit-down restaurant may include the accessory sale of alcoholic beverages. However, if such sale consists of over half of the total trade, the requirements of a “bar or tavern” or “nightclub,” as applicable, must be met.

**RETAIL ESTABLISHMENT** — A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, gasoline service station, auto repair garage, convenience store, or any restaurant.

**RETAINING WALL, ENGINEERED** — A professionally engineered structure designed and constructed to retain the earth on one side at a higher elevation than the earth on the other side, in such a way that resists the lateral displacement of soil or other materials, in order to stabilize slopes and provide usable areas of land at different elevations.

**RIPARIAN BUFFER Definitions.** Unless specifically defined below, words and phrases used in this ordinance shall be interpreted so as to give this ordinance its most reasonable application. The following words, terms and phrases shall have the following meanings for the purposes of this section:

**APPLICANT** — A landowner or developer who has filed an application for subdivision or land development or for any zoning or building permit that will result in land disturbance, including his heirs, successors and assigns or the equitable owner of property with the owner’s permission. Applicants must either be the legal or beneficial owner or owners of land subject to the application, 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.

**BANKFULL FLOW OR LEVEL** — The discharge that just fills the water channel to the top of its banks and at a point where the water begins to overflow onto a floodplain.

**BEST MANAGEMENT PRACTICE (BMP)** — A structural or non-structural device designed to temporarily store or treat stormwater runoff in order to mitigate flooding and pollution and reduce soil

loss and water quality degradation caused by runoff containing nutrients, animal wastes, toxins, and sediments.

**EDGE OF WATER** — The top of bank of a watercourse, or the limit of water within a wetland, pond, lake, or other surface water feature that does not have a discernible bank.

**FORESTED RIPARIAN BUFFER** — A riparian buffer that consists predominantly of native trees, shrubs and/or herbaceous plants that provide a minimum of sixty percent (60%) uniform canopy coverage.

**IMPACTED RIPARIAN BUFFER** — A riparian buffer that does not consist predominantly of native trees, shrubs and/or herbaceous plants, and where its existing use, or activity conducted thereon, is not otherwise exempted or expressly permitted by the provisions of this Ordinance.

**IMPERVIOUS COVER** — Those surfaces that do not readily absorb precipitation and surface water. The term includes but is not limited to buildings, parking areas, driveways, roads, sidewalks, swimming pools, and any areas in concrete, asphalt, packed stone, or other equivalent surfaces, including those with a coefficient of runoff of 0.7 or higher. Impervious surfaces also include disturbed soils with a bulk density of ninety-five percent (95%) of the value at which plant growth limitation is expected for average plant material.

**LAND DISTURBANCE** — Any activity that exposes soils, alters topography, and/or alters vegetation.

**NORMAL POOL ELEVATION** —

- A. For water bodies which have no structural measures to regulate the height of water, the height of water at ordinary stages of low water unaffected by drought.
- B. For structurally regulated water bodies, the elevation of the spillway, outlet control, or dam crest which maintains the water body at a specified height.
- C. The term does not apply to wetlands.

**RIPARIAN** — Belonging or related to the bank of a water body, river, stream, wetland, lake, pond, or impoundment.

**RIPARIAN BUFFER** — A vegetated area, including trees, shrubs, and herbaceous vegetation, adjacent to a water body.

**TOP OF BANK** — The elevation at which rising waters begin to inundate the floodplain. In case of ambiguous, indefinite, or non-existent floodplain or question regarding the location, the Top of Bank shall be the bankfull water elevation as delineated by a person trained in fluvial geomorphology. “Top of Bank” shall be synonymous with “edge of water”, where applicable.

**WATER BODY** — Any natural or manmade pond, lake, wetland, impoundment, or watercourse. This shall not include any pond or facility designed and constructed solely to contain stormwater, or a swimming pool.

**WATERCOURSE** — Any channel of conveyance of surface water having a defined bed and banks, such as a stream, river, brook, or creek, whether natural or artificial, with perennial, intermittent or

seasonal flow. This shall not include any channel or ditch designed and constructed solely to carry stormwater.

**WETLAND OR WETLANDS** — Those areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances, do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, ponds, lakes, and similar areas. Wetlands shall include any area so delineated by the National Wetlands Inventory of the U.S. Fish and Wildlife Service and all lands regulated as wetlands by the Pennsylvania Department of Environmental Protection (PA DEP) or the U.S. Army Corps of Engineers (USACE). In the event there is a conflict between the definitions of these agencies, the more restrictive definition that defines the wetlands most expansively shall apply.

**RIGHT-OF-WAY** — Land reserved for the public or others for use as a street or other purpose. Unless otherwise stated, “right-of-way” shall mean the existing street right-of-way line.

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

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

**SATELLITE DISH ANTENNA OR SATELLITE ANTENNA** — An accessory device for the transmission and reception of radio, television, or other electromagnetic signals incorporating a reflective surface, which is solid, open mesh, or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia, with a pedestal or other attachments.

**SCHOOL, COMMERCIAL** — A privately operated, for-profit establishment providing technical, vocational, trade-related or craft/hobby-related training or education and that does not primarily provide state-required education to persons under the age of sixteen (16).

**SCHOOL, PUBLIC OR PRIVATE** — An accredited facility of instruction operated by a public, private nonprofit, or religious organization, having regular sessions, with regularly employed instructors and meeting all of the requirements of the Pennsylvania Department of Education for providing primary, secondary, post-secondary, undergraduate, and/or graduate collegiate education. The term shall not include commercial schools.

**SCREENING** — Year-round plant material of substantial height and density designed to buffer one use from view or from a less intense use. See requirements in § 190-804.D (Buffer Yards).

**SELF-STORAGE DEVELOPMENT** — A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

**SERVICES, ESSENTIAL** — See “essential services.”

**SETBACK LINE** —



- A. The line within a lot defining the required minimum distance between any structure to be erected or use to be developed and the adjacent future street right-of-way or exterior lot line (when the property is not abutted by a right-of-way). Such line shall be measured at right angles from and parallel to lot lines. A “yard” consists of the land area created by such setback line extended on a plane parallel to the ground extending the full width of the lot (in the case of front setback lines and rear setback lines) or the full front-rear length of the lot minus the extent of the front and rear setback lines (in the case of side setback lines).
- B. Any building setbacks shall be measured from the foundation, exterior wall or other component of a structure that is closest to the right-of-way line or lot line from which the setback is being measured. See exceptions for eaves and cornices in § 190-804.B (Exceptions to minimum lot areas, lot widths and yards).
- C. Unless otherwise stated, setback distances are for both accessory and principal structures.
- D. Private streets. For a building setback measured from a private street, the setback shall be measured from the existing right-of-way of such a street or the defined access easement lines, if a right-of-way or easement exists. If a private street does not have a right-of-way or access easement, then setback shall be measured from the edge of the cartway.

**SEWAGE DISPOSAL SYSTEM** — A system to collect, treat and dispose of sewage. No such system shall be permitted that does not comply with local, state and federal requirements.

- A. **PUBLIC SEWER SERVICE** — Service at the time of occupancy of a use by a central sewage treatment plant that is owned by a municipality or a municipal or county authority.
- B. **ON-LOT OR NONPUBLIC SEWER SERVICE** — Any form of sewage service permitted under local, state and federal law that does not meet the definition of “public sewer service,” including septic systems.

**SEWAGE SLUDGE OR SLUDGE** — The treated, conditioned digested accumulated settled solids deposited as a result of sewage treatment processes that occur within the requirements of a state or federal environmental pollution or on-lot septic system permit. This shall only include substances adequately stabilized so that they are suitable for land application. See the separate Township ordinance on the land application of sewage sludge.

**SHOPPING CENTER** — A group of three (3) or more business establishments that are planned, owned, and managed as a total integrated entity with common facilities such as employee and patron parking, loading and unloading spaces, pedestrian walks, utilities, and sanitary facilities shared between the establishments. Principal uses permitted in shopping centers are limited to the following: retail establishments, restaurants, bars or taverns, personal services establishments, business and general services establishments, laundromats, banks or financial institutions, commercial indoor recreation facilities, commercial schools, performing arts studios, art studios or galleries, theaters (excluding adult theaters), public or institutional uses and buildings, and offices and apartments located in mixed-use buildings.

**SHORT TERM RENTAL** — The accessory use of a single-family dwelling unit rented for the purpose of overnight lodging by non-related individuals for a period of not less than one (1) and not more than thirty (30) days and which does not meet the definition of a bed-and-breakfast use.

**SIGHT DISTANCE** — An area required to be kept free of visual obstruction. See § 190-804.C (Sight Distance).

**SIGN** — Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising.

**ABANDONED SIGN** – A sign which has not identified or advertised a business, service, owner, product, or activity for a period of at least 180 days (for off-premises signs) and 360 days (for on premises signs).

**AWNING SIGN** - Any sign painted on, or applied to, an awning. An awning shall be defined as a cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

**BANNER SIGN** — A sign made of flexible material, usually a fabric, which is hung at short intervals to promote special events.

**BILLBOARD** — An off-premises sign.

**CANOPY SIGN** - Any sign that is part of, or attached to a canopy. A canopy shall be defined as a structure other than an awning made of fabric, metal, or other material that is supported by columns or posts affixed to the ground and may also be connected to a building.

**DIGITAL SIGN** — An on-premise or off-premise that utilizes digital or video light-emitting diodes (LED), liquid crystal components (LCD), neon or plasma light segments or similar electronic methods to create a changeable image display area.

**DIRECTIONAL SIGN** — An informational sign indicating direction, entry or exit, loading or service area, fire lanes, or similar information incidental to the primary use and not itself advertising that use.

**ELECTRONICALLY CHANGING MESSAGE SIGN** — A sign or portion thereof that utilizes light-emitting diodes (LED), fiberoptics, light bulbs or other similar illumination devices to create characters or letters within the display area that can be controlled or programmed by computer or other electronic device to accommodate frequent message changes without altering the face or surface of such sign.

**FENCE SIGN** — A sign hung or mounted on a specially crafted residential fence, advertising the maker or installer of that fence.

**FEATHER SIGN** - A free-standing temporary sign typically constructed with a plastic or metal shaft driven in the ground and an attached pennant typically in the shape of a feather, teardrop or rectangle that is vertically elongated and attached to a shaft.

**FLAG** - Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners, but not including a feather sign or any other explicitly defined sign.

**FLASHING SIGN** — A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects. Signs which indicate the time, temperature, date or other similar information shall not be considered flashing signs.

**FREESTANDING SIGN** — A sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure. The following are subtypes of freestanding signs:

**GROUND SIGN:** A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building. (Also known as monument sign)

**POLE SIGN:** A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

**IDENTIFICATION SIGN** — A sign identifying a home occupation or identifying the use of a property but one that has no advertisement.

**ILLUMINATED SIGN, DIRECT** — A sign which is designed to be illuminated by artificial light from a source adjacent to, or outside of, the sign in such a manner that the source of the light is not directly visible from the street or any other intended vantage point of the sign.

**ILLUMINATED SIGN, EXTERNAL** — A sign which is designed to be illuminated by artificial light from a source adjacent to, or outside of, the sign in such a manner that the source of the light is not directly visible from the street or any other intended vantage point of the sign.

**ILLUMINATED SIGN, INDIRECT** — A sign which is designed to be illuminated by light from within the sign rather than a source adjacent to or outside of the sign.

**ILLUMINATED SIGN, INTERNAL** — A sign which is designed to be illuminated by light from within the sign rather than a source adjacent to or outside of the sign.

**MOVABLE SIGN** — A sign which is not secured or attached to a structure or to the ground.

**NAMEPLATE SIGN** — A sign indicating only the name and/or address of persons or person residing on or legally occupying the premises.

**OFFICIAL SIGN** — A sign erected by the state, county, Township or other legally constituted governmental body or specifically authorized by a Township ordinance or resolution.

**OFF-PREMISES SIGN** — An outdoor sign whose message directs attention to a specific business, product, service, event or activity, or other commercial or noncommercial activity about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located. (Also known as a third-party sign, billboard, or outdoor advertising).

**ON-PREMISES SIGN** - A sign whose message and design relate to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.

OPEN HOUSE or AUCTION SIGN — A temporary sign used as an open invitation for the general public to inspect a specific building listed for sale or auction. This shall not include signs directing persons to a model or sample home.

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

PROJECTING SIGN - A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee. (Also known as blade sign)

PUBLIC SERVICES SIGN — A sign which advertises availability of rest rooms, telephone, meeting times of service organizations or other similar public conveniences.

SANDWICH BOARD SIGN - A type of freestanding, portable, temporary sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians (Also known as A-frame sign)

SIGNABLE AREA — A continuous rectangular area on the face of a building.

SIGN AREA — The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the sign. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

SIGN, HEIGHT OF — The vertical distance measured from the average ground level immediately below a sign to the highest point of the sign and its supporting structure. Average ground level shall be measured at grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

SIGN, HOME SECURITY — A sign advertising a company that provides security services and systems to home and business owners.

SIGN ON MOBILE STANDS — A freestanding sign of more than six square feet in sign area per side that is not permanently attached to the ground and that was originally designed to be able to be periodically transported to a different location. See § 190-706 (Signs prohibited in all districts).

SIGN, PARKING and NO TRESPASSING — A sign used to indicate special parking information or to alert people that they are not to trespass on the property.

TEMPORARY SIGN — A sign constructed of any lightweight material intended to be displayed for no more than 30 consecutive days at one time.

TIME AND TEMPERATURE SIGNS — A sign or portion of a sign whose sole purpose is to indicate the time and/or temperature.

VEHICULAR SIGN — A sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary advertisement for the business on which the vehicle sits or is otherwise not incidental to the vehicle's primary purpose.

**WALL SIGN** — A sign posted on, painted on, suspended from or otherwise affixed to a wall or vertical surface of a building which does not project more than eighteen (18) inches from the wall or vertical surface to which it is attached.

**WINDOW SIGN** — A temporary sign attached or affixed to the interior of a window or door or a sign which is readily visible and can be read from the exterior through a window or door from an exterior lot line.

**SITE PLAN REVIEW** — Review of a site plan by the Planning Commission and/or the Board of Supervisors that is required for certain uses under § 190-811 (Site plan review procedures for specific uses).

**SLAUGHTERHOUSE** — A use involving the killing of animals for the production of food or some other commercial product. A commercial stockyard or similar facility that primarily involves the bulk storage or transferring of animals on the way to slaughter shall also be considered a “slaughterhouse.” This shall not include a custom “butcher shop” that does not involve killing of animals (which is a retail sales use).

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

**SOLAR ENERGY SYSTEM, PRINCIPAL/UTILITY SCALE** — An area of land on which the principal use is the capture of solar energy and its conversion to electrical energy or thermal power for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground- or roof-mounted solar modules or other solar related equipment and may include accessory structures and buildings including light reflectors, concentrators and heat exchangers, substations, electrical infrastructure, transmission lines, and other appurtenant structures.

**SOLAR ENERGY SYSTEM, SMALL** — An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. A small solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

**SOLICITOR** — Unless otherwise stated, shall mean the appointed Solicitor to the Palmer Township Board of Supervisors.

**SOLID WASTE** —

- A. Any garbage, refuse, sewage sludge or other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, public, household, commercial or mining activities.
- B. For the purposes of this ordinance, the following materials shall not be considered to be “solid waste”:
  - (1) Portions of trees or shrubs, leaves, mulch and rocks.
  - (2) Substances legally disposed of into the air or water through a federal or state pollution discharge permit.
  - (3) Customary residual wastes from a permitted mineral extraction use.
  - (4) Materials of a character such as paper, plastic, aluminum, and metal that have been separated from the waste stream for recycling.

**SPECIAL EXCEPTION** — A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this ordinance, provided that the use complies with the conditions and standards required by this ordinance.

**STABLE, NON-HOUSEHOLD** — Keeping of three or more horses, which may include a commercial or private riding club. The housing of one or two horses shall be considered an accessory use under the definition for “urban keeping of livestock.”

**STATE** — The Commonwealth of Pennsylvania and its agencies.

**STATE PLANNING CODE** — The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 and as may be further amended.

**STEEP SLOPE AREA** — Those areas having slopes of fifteen percent (15%) or more.

**STORAGE SHED** — An enclosed accessory structure maintained primarily for the convenience of the occupant(s) of the principal building on the lot and which is not used for the housing of a motor vehicle.

**STORY AND HALF-STORY** — A level of a building routinely accessible to humans having an average vertical clearance six feet or greater shall be considered a full “story,” except as provided for in the definition of “basement.” Any level of a building having an average vertical clearance from floor to ceiling of less than six feet shall be considered a “half-story.”

**STREET** — A public or private thoroughfare which provides the principal means of access to abutting lots or that is an expressway, but not including an alley or a driveway. The terms “street,” “highway” and “road” have the same meaning and are used interchangeably.

**STREET CENTER LINE** — The center of the existing street right-of-way or, where such cannot be determined, the center of the traveled cartway.

**STREET CLASSIFICATION** — The functional classification of streets into the following types, as shown on the Official Street Classification Map at the end of this ordinance for existing streets and as determined by the Township Engineer for future streets:

- A. **EXPRESSWAY OR MAJOR ARTERIAL STREET** — Designed for large volumes and high-speed traffic with access limited to grade separated intersections.
- B. **MINOR ARTERIAL STREET** — Designed to carry a high volume of fast or moderate-speed traffic from collector and local streets to major arterial streets.
- C. **COLLECTOR STREET** — Designed to carry a moderate volume of traffic to intercept local (residential) streets, to provide routes to minor arterial streets and to community facilities and to provide access to the abutting properties. Major collector streets typically carry more traffic than minor collector streets.
- D. **LOCAL STREET** — Designed to provide access to the abutting properties, to serve local traffic movement and as a route to collector streets.
- E. **CUL-DE-SAC STREET** — A local street intersecting another street at one end and terminating in a vehicular turnaround at the other.

**STREET, PROPOSED** — A street which is planned in a proposed subdivision or land development plan or approved within a subdivision or land development plan, but not yet open to traffic.

**STREET, STUB** — A street extended to the boundary of the tract being subdivided or developed to allow for the future continuation of the street into abutting land.

**STRUCTURE** — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**SUBDIVISION** — See the definition in the Township Subdivision and Land Development Ordinance.

**SUBDIVISION ORDINANCE OR SUBDIVISION AND LAND DEVELOPMENT ORDINANCE** — The Palmer Township Subdivision and Land Development Ordinance; Chapter 165 of the Township Code, as amended.

**SUBSTANTIAL IMPROVEMENT** — See definition in § 190-506 (Floodplain management). For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

**SWIMMING POOL, HOUSEHOLD OR PRIVATE** — A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests.

**SWIMMING POOL, NONHOUSEHOLD** — A man-made area with walls of man-made materials intended to enclose water at least thirty (30) inches deep for bathing or swimming and that does not meet the definition of a “household” swimming pool. This includes a semipublic pool that serves only residents of a development or members of a club and their occasional guests, or a public pool intended to serve the general public.

**TANK FARM** — An area of land on which the principal use involves the storage or distribution of fuel in two (2) or more aboveground or underground storage tanks and any associated piping, lines, dikes, curbs, transfer stations, and ancillary equipment.

**TATTOO PARLOR** — A business establishment where the permanent application of body art, including the insertion of pigments under the surface of human skin or the creation of an opening in the human body for the purpose of inserting jewelry or other decorations, takes place.

**TAXI, BUS, OR PASSENGER TRAIN TERMINAL** — An area of land used for the centralized storage of taxicabs or buses or where taxis, buses, or trains are congregated for the loading and unloading of passengers. This term shall include accessory facilities for the service and repair of vehicles involved in the normal operation.

**TEMPORARY STRUCTURE OR USE** — A structure or use which is not designed to last or to be used for a specific use for more than one (1) year or be erected and/or used for a maximum of thirty (30) days in any calendar year.

**THEATER** — A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

**TIRE STORAGE, BULK** — The storage of more than two hundred-fifty (250) tires on a lot, except for manufacture or wholesale or retail sales of new tires.

**TOWNHOUSE** — See “dwelling.”

**TOWNSHIP** — Palmer Township, Northampton County, Pennsylvania.

**TRACT** —

- A. In certain zoning districts, the tract is the minimum amount of adjacent land area within the Township that is required to be approved as part of an overall preliminary subdivision or land development plan in order to allow either certain types of uses or to allow the creation of lots smaller than a certain specified lot area. An area of land shall meet the following requirements in order to be considered a “tract”:
1. Shall only include lands within an approved preliminary plan that includes a well-defined internal circulation system, maximum coordination between lots and carefully limited points of vehicular access onto streets exterior to the tract; and
  2. Shall only include lands that at the time of the approval of the preliminary plan have one landowner (as defined herein), unless the applicant proves to the satisfaction of the Township that there is a legally binding commitment between two or more landowners to coordinate the access and development of the tract as shown in the approved preliminary plan; and
  3. Shall include each lot being at least partially abutting another portion of the tract, except that part of a tract may be separated by public streets or a waterway.
- B. It is not required that construction of all streets or structures within an entire minimum tract occur at one point in time.

**TRAILER** — A vehicle without propelling power designed to be drawn by a motor vehicle.

**TRANSFER STATION** — A type of facility which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal, and which may or may not involve the separation of recyclables from solid waste. Also see definitions in Title 25 of Pennsylvania Department of Environmental Protection regulations.

**TRANSITIONAL DWELLING** — A dwelling occupied on a short-term basis by no more than eight (8) unrelated persons assigned by a court of law or who are self-referred or referred by a public, semipublic, or nonprofit agency, for the purposes of recovery from alcoholism or drug addiction, domestic violence, community re-entry or work-release following incarceration, court-ordered assignment as an alternative to incarceration, or any other short-term supervised arrangement to the extent that such persons is not considered handicapped (disabled) within the meaning of the Fair Housing Act (Title 42, Chapter 45, Subchapter II, Section 3601, et. seq. of the United States Code). A transitional dwelling shall follow all applicable provisions for “Division C-3 occupancy” in Title 34, Part I, Chapter 56 of the Pennsylvania Code, as amended, and shall be managed by a public, semipublic, or nonprofit agency responsible for the occupants’ care, safety, conduct, counseling, and supervision.



**TREATMENT CENTER** — A use (other than a prison or a permitted accessory use in a hospital) providing housing facilities for persons who need specialized housing, treatment and/or counseling for stays of less than one (1) year and who need such facilities because of:

- A. Criminal rehabilitation, such as a criminal halfway house or a treatment/housing center for persons convicted of driving under the influence.
- B. Addiction to alcohol and/or a controlled substance.
- C. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others.

**TRUCK, RAIL OR FREIGHT TERMINAL** — A building or group of buildings on the same lot used for the purpose of loading or unloading materials or goods from trucks, for the primary purpose of transferring materials and goods, either for distribution or changing from one transportation carrier to another. This use may also involve parking, storage, and incidental repairs and maintenance of primarily tractor-trailers. A Truck, Rail, or Freight Terminal may include as accessory uses if they are closely related to the principal use: repair, washing, refueling, and maintenance facilities for trucks using the terminal, administrative uses for the terminal, but shall not include passenger bus or train stations, which are considered “taxi, bus or passenger train terminals” as defined herein. A Truck, Rail, or Freight Terminal that exceeds 25,000 square feet in gross floor area shall be required to satisfy the requirements for a Large Warehouse/Logistics Use in § 190-983 in addition to the requirements for a Truck, Rail, or Freight Terminal in § 190-980

**TRUCK STORAGE** — An area of land used for the centralized storage of trucks for the service and repair of vehicles, rest area for company trucker drivers and education facilities for maintenance personnel and/or truck drivers.

**TRUCK STOP** — An establishment, located on a lot no smaller than five (5) acres, designed to serve the needs of professional drivers and the traveling public, which shall include vehicle fuel and repair services, convenience and retail stores, and restaurants, and which may also include related and ancillary services such as communication and delivery services, financial services, personal services, lodging for professional drivers, and amusement games establishments, but does not include a hotel or motel. The components of a truck stop may be freestanding or combined in a single building.

**URBAN KEEPING OF LIVESTOCK** — Small-scale accessory keeping and raising of animals customarily found on a farm conducted on a lot in conjunction with an authorized principal use.

**USE** — The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a building, activity outside of a building, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

**VARIANCE** — The granting of specific permission by the Zoning Hearing Board to use, construct, expand or alter land or structures in such a way that compliance not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the State Municipalities Planning Code.

**VETERINARIAN OFFICE OR ANIMAL HOSPITAL** — A building routinely used for the treatment of animals and related housing or boarding of sick animals. Treatment of “small animals” includes only small domestic animals, including but not limited to dogs, cats, rabbits, birds, or fowl. Treatment of “large

animals” includes all types of animals, including horses, cows and pigs. Housing primarily healthy animals shall be considered a “kennel” and shall meet the requirements of that use.

VINEYARD— Ground planted with grapevines cultivated for the purpose of commercially producing wine. A vineyard is an agricultural use where grapes and/or other wine producing crops are grown, but not on-site consumption.

WALL — See “fence.” See also “retaining wall, engineered.”

WALK-UP WINDOW — A window opening for the exclusive use of pedestrians in the façade of an ice cream stand, theater as defined herein, used for the dispensing of food, drinks, tickets, and other goods related to the primary business.

WAREHOUSE/LOGISTICS USE —

A. A building or group of buildings on the same lot used for the indoor storage of goods, products and materials and/or receipt of bulk products and separation and distribution of those products to another Warehouse/Logistics Use or to individual end-user consumers. A Warehouse/Logistics Use may include value-added services between a supplier and its customers such as breaking down of large orders from a single source into smaller orders (break-bulk functions), product mixing, sorting, packaging, cross-docking, order fulfillment, order returns, the consolidation of several orders into one large order for distribution to several recipients and/or vice versa but shall not include Retail or Manufacturing uses. This use shall also include High Cube and Automated Warehouses/Logistic Uses. Warehouse/Logistics Use shall be classified as:

(1) SMALL WAREHOUSE/LOGISTICS USE: A Warehouse/Logistics Use that does not exceed 25,000 square feet of gross floor area per lot.

(2) LARGE WAREHOUSE/LOGISTICS USE: A Warehouse/Logistics Use that exceeds 25,000 square feet of gross floor area per lot.

B. A Warehouse/Logistics Use that incorporates ten (10) or more tractor trailer loading/unloading docks or would generate more than fifty (50) tractor-trailer trips or 100 non-tractor trailer truck trips in any 24-hour period based on the latest edition of the Institute of Transportation Engineers’ Trip Generation Handbook shall be required to satisfy the requirements for a Truck, Rail, or Freight Terminal in Section § 190-980 in addition to the applicable Warehouse/Logistics Use requirements. A “trip” shall be defined as one arrival at or one departure from the property on which the use is located.

WASTE ENERGY PLANT — A type of facility that utilizes solid waste (such as trash, sludge or any other nonhazardous commercial, residential or industrial materials) as a fuel to produce usable energy (such as steam or electricity) in bulk to be marketed for reuse to offset disposal costs. Also see definitions in Title 25 of Pennsylvania Department of Environmental Protection regulations.

WATER SYSTEM — A system designed to transmit water from a source to users, in compliance with the requirements of the appropriate state agencies and the Township.

A. CENTRAL WATER SERVICE — Service by a central water system that is owned and operated by a municipality, a municipal or county authority or a water company regulated by the State Public Utility Commission, and which transmits water from a common source to more than thirty (30) dwellings or principal uses.

- B. PUBLIC WATER SERVICE — Central water service by a system owned by a municipality or a municipal or county authority.
- C. ON-LOT OR NON-PUBLIC WATER SERVICE — Service by a water system that does not meet the definition of a “central water service.” In most cases, this would involve an individual well serving an individual lot but may also include a common well or another duly approved system.

WETLANDS — An area of land and/or water meeting one or more definitions of a “wetland” under federal and/or Pennsylvania law and/or regulations.

WIND ENERGY SYSTEM, PRINCIPAL/UTILITY SCALE — An area of land on which the principal use is the capture of wind energy and its conversion to electrical energy or thermal power for off-site use. Principal wind energy systems consist of one (1) or more free-standing ground-mounted wind turbines or other related equipment.

WIND ENERGY SYSTEM, SMALL — A device accessory to a principal use that converts wind energy to mechanical or electrical energy.

WIRELESS COMMUNICATIONS FACILITY, NON-TOWER — An accessory wireless communication facility, including, but not limited to, data collection units, antennas, nodes, and related equipment for the transmission, reception, distribution, or accommodation of wireless communications services. This term shall not include the support structures for these accessory facilities, nor does it include supporting structures on residential dwellings for private, noncommercial amateur purposes, including, but not limited to, ham radios and citizen band radios.

WIRELESS COMMUNICATION FACILITY, TOWER-BASED — A structure other than a building, such as a monopole or guyed tower, designed and used to support one (1) or more communications antennas, including but not limited to antennas used for transmitting commercial radio or television signals or cellular telephone communications (but not including amateur radio antennas).

WHOLESALE ESTABLISHMENT — An establishment or place of business engaged in selling merchandise to retailers, business users, other wholesalers, or their agents or brokers. A wholesale establishment may sell directly to the general public, but such sales must comprise less than fifty percent (50%) of total trade volume.

YARD — An area not covered by buildings and that is on the same lot as the subject structure or use. See “setback line.” Regulations of specific districts prohibit principal and accessory structures within specified required minimum yards. See § 190-804 (Special lot and yard requirements, sight distance and buffer yards) regarding setbacks from power transmission line rights-of-way and regarding exceptions to yard requirements.

YARD, FRONT — An area required to be open to the sky and not covered by buildings between the front lot line (which usually is the future street right-of-way line) and a line drawn parallel to such front lot line at a distance specified by the applicable section of this ordinance. Such yard shall extend the full width of the lot from side lot line to side lot line.

- A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot.

- B. When a lot abuts onto two (2) or more public streets, all such abutting portions of the lot shall be considered a front yard, unless the Zoning Officer determines that the front yard should follow the clearly predominant front yard orientation of the development of abutting lots. See also § 190-804 regarding setbacks on corner lots. If two (2) front yards are required, then two side yards shall be required but a rear yard is not required.
- C. No accessory or principal structure shall extend into the required front yard, except as provided in § 190-804.B(4) (Projections into required yards) or another specific provision of this ordinance.

**YARD, REAR** — An area required to be open to the sky and not covered by buildings between the rear lot line and a line drawn parallel to such rear lot line at a distance specified by the applicable section of this ordinance. Such “yard” shall extend the full width of the lot from side lot line to side lot line. (A principal building shall not extend into the required rear yard for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this ordinance.) See exceptions in § 190-804B(4) (Projections into required yards).

**YARD, SIDE** — An area required to be open to the sky and not covered by buildings between each side lot line and a line drawn parallel to each side lot line at a distance specified by the applicable section of this ordinance. A structure shall not extend into the applicable minimum side yard, except as provided for in this ordinance. See exceptions in § 190-804B(4) (Projections into required yards).

**ZONING** — The designation of specified districts within a municipality, reserving each district for certain uses, together with limitations on lot area, heights of structures and other stipulated requirements.

**ZONING MAP** — The Official Zoning Map of Palmer Township, Northampton County, Pennsylvania.

**ZONING OFFICERS** — The administrative officers charged with the duty of enforcing the provisions of the Zoning Ordinance or his or her officially designated assistant(s).

**ZONING ORDINANCE** — The Palmer Township Zoning Ordinance, as amended.

**ARTICLE III — Establishment of Districts**

**§ 190-301. Designated zoning districts and zoning overlays**

For the purpose of this ordinance, the Township of Palmer is hereby divided into the following zoning districts and overlays, which shall be of the number, size, shape, and location shown on the Official Zoning Map:

A. Zoning districts.

1. RA - Rural Agricultural District
2. LDR - Low-Density Residential District
3. MDR - Medium-Density Residential District
4. HDR - High-Density Residential District
5. NC - Neighborhood Commercial
6. GC - General Commercial District
7. PO/B - Planned Office/Business District
8. MSC - Main Street Commercial District
9. LI/MU - Light Industrial/Mixed Use District
10. IOC - Industrial/Office/Commercial District
11. NEB - North End Business District

B. Zoning overlays.

1. R-248 - Route 248 Overlay District
2. WPH - William Penn Highway Overlay District
3. FAO - Freemansburg Avenue Overlay District
4. EGO - Eastern Gateway Overlay District
5. RBO - Riparian Buffer Overlay District
6. PRO – Parks, Recreation and Open Space Overlay District
7. AHO – Airport Hazard Overlay District
8. HPO – Historic Preservation Overlay District
9. GIO – Government/Institutional Overlay District

**§ 190-302. Application of district regulations.**

- A. Unless otherwise provided by law or specifically in this ordinance, no land or building or structure shall be used or occupied except for a use permitted in the zoning district within which the land or building or structure is located.
- B. The regulations set by this ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this ordinance.
- C. No building, structure or land shall hereafter be erected, constructed, reconstructed, moved or structurally altered and no building or structure or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- D. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.
- E. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.
- F. Any territory which may hereafter be annexed to the Township shall be classified as the zoning district of the Township most similar to the zoning of such territory before annexation (as determined by the Board of Supervisors) until otherwise classified.
- G. No more than one principal use and no more than one user shall be permitted on a lot, unless specifically permitted by this ordinance.
- H. Whenever a use is not specifically permitted under the provisions of this Ordinance, the Zoning Officer shall refer the matter to the Zoning Hearing Board to hear and decide such use as a special exception request. The party seeking the use determination is required to file a special exception request with the Board. The Board shall have the authority to permit the use or deny the use in accordance with the standards governing special exception applications. The use may be permitted if it is similar to and compatible with the permitted uses in the zoning district, and in no way is in conflict with the general purposes of this Ordinance, and is not in conflict Article IX. The burden of proof shall be upon the applicant to demonstrate that the proposed use would not be detrimental to the public health, safety and welfare of the neighborhood. No zoning permit shall be issued by the Zoning Officer for any such unspecified use until this determination has been made by the Zoning Hearing Board.

**§ 190-303. Zoning map.**

- A. A map entitled, "Zoning Map for the Township of Palmer" accompanies this ordinance and is declared a part of this ordinance.
- B. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors, attested by the Township Manager, and shall bear the adoption date of this ordinance and the seal of the Township.

- C. Changes of any nature to the Official Zoning Map shall be made in conformity with the amendment procedures set forth in this ordinance. All changes shall be noted by date with a brief description of the nature of the change.
- D. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be located in the Township Office and shall be the final authority on boundaries and districts. The Zoning Officer shall have a certified copy of the Official Zoning Map for official use.
- E. New map.
  - 1. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, the Board of Supervisors may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.
  - 2. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall include an amendment thereof.
  - 3. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any part or parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.
- F. The documents and mapping referenced by the floodplain regulations of this ordinance are hereby incorporated by reference into this ordinance as if they were fully described within.

**§ 190-304. District boundaries.**

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

- A. District boundary lines are intended to follow or be parallel to the center line of existing street rights-of-way, streams and railroads and lot or property lines as they exist on a recorded deed or plan of record in the County Recorder of Deeds' office at the time of the adoption of this ordinance, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.
- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, and where it does not scale more than ten (10) feet therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.
- C. In unsubdivided land or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the maps.
- D. The Official Township Property Line Maps are hereby specifically referenced to be used to interpret any zoning district boundary uncertainty.

**§ 190-305. Interpretation of boundaries.**

In case of any uncertainty, the Zoning Hearing Board shall determine the location of district boundaries as required for any application for which the Zoning Hearing Board has jurisdiction under the Municipalities Planning Code.

**§ 190-306. Buffers and setbacks across municipal boundaries.**

- A. Purpose: to continue the objective of compatible land uses across municipal boundaries.
- B. This ordinance requires additional setbacks and the provision of buffer yards when a use would abut an existing dwelling or a residential zoning district. Refer to § 190-804 (Special lot and yard requirements, sight distance, and buffer yards).
- C. Setback and buffer yard provisions shall be provided for uses located within Palmer Township if abutting an existing residence or principally residential zoning district whether in Palmer Township or another Municipality.



**ARTICLE IV — Use, Area/Bulk and District-Specific Regulations**

**§ 190-401. Additional regulations, quick views, and tables.**

- A. For all uses and districts, the following articles, sections, and ordinances shall also apply.
1. Off-street parking. See Article VI (Off-Street Parking and Loading).
  2. Signs. See Article VII (Signs).
  3. Screening and landscaping. See Articles VIII (General Regulations) and VI (Off-Street Parking and Loading).
  4. Site plan review. See § 190-811 (Site Plan Review Procedures for Specific Uses) under Article VIII (General Regulations), which generally requires a site plan review for every principal nonresidential use.
  5. Construction area. See § 190-503 (Proposed Construction Area and Natural Features and Utility Corridors; Steep Slopes) under Article V (Environmental Preservation), which requires a minimum construction area that does not intrude into specified features.
  6. Flood-prone areas. See § 190-504 (Areas with High Water Table; Wetlands) and § 190-506 (Floodplain Management) under Article V (Environmental Preservation), which regulate flood-prone areas.
  7. Key lock box systems. See Article III (Key Lock Box System) in Chapter 81 (Palmer Township Basic Fire Prevention Ordinance) of the Township Code
- B. Zoning District Quick Views are appended to the Zoning Ordinance in the appendix section.
- C. The following items related to each Zoning District are included within each of the following Quick Views:
1. Principal uses permitted by right, by condition, or by special exception. Accessory uses permitted by right, by condition, or by special exception.
  2. Area and bulk regulations.
- D. Zoning District Quick Views are intended to provide a simple, consolidated recitation of Zoning District regulations, but do not contain all applicable regulations to all uses within a particular zoning district. Where a conflict exists between the Zoning District Quick Views or where the Zoning District Quick Views do not contain an applicable regulation, the substantive Zoning Ordinance provision shall control.
- E. Principal and Accessory Land Use Table.
1. For a table layout of all principal uses permitted within each Zoning District, see the attached Table 1 (Principal Land Use Table). In the case that a discrepancy exists between information within an attached land use table and the substantive provisions of the Zoning Ordinance including within this Chapter, the information within the Zoning Ordinance substantive

provisions shall supersede the land use table.

2. For a table layout of all accessory uses permitted within each Zoning District, see the attached Table 2 (Accessory Land Use Table). In the case that a discrepancy exists between information within an attached land use table and the substantive provisions of the Zoning Ordinance including within this Chapter, the information within the Zoning Ordinance substantive provisions shall supersede the land use table.

**§ 190-402. Specific regulations for the RA Rural Agriculture District.**

A. Permitted by right uses. The following uses are permitted by right in the RA Rural Agricultural District, provided that all other requirements of this ordinance are met:

1. Campground, limited to tent sites
2. Cemetery
3. Cemetery, animal
4. Commercial outdoor recreation
5. Commercial stable or riding academy
6. Community garden
7. Crop farming
8. Essential services
9. Forestry
10. Golf course
11. Governmental and emergency services facility
12. Group home
13. Kennel
14. Membership club, lodge or fraternal organization
15. Nature reserve
16. Place of assembly or worship
17. Plant nursery
18. Public park/recreation
19. Raising of livestock

20. Single-family detached dwelling
  21. Veterinarian office or animal hospital
- B. Special exception uses. The following is a list of special exception uses within the RA Rural Agricultural District, which shall also have to meet the requirements set forth for particular uses set forth in § 190-903:
1. Bed-and-breakfast use
  2. Beverage production – limited winery, meadery or cidery
  3. Beverage production - limited distillery
  4. Commercial indoor recreation
  5. Transitional dwelling
  6. Wireless communications facility, tower-based
- C. Conditional uses. The following is a list of special exception uses within the RA Rural Agricultural District, which shall also have to meet the requirements set forth for particular uses set forth in § 190-902:
1. Adult-oriented establishment
  2. Airport
  3. Geothermal energy system
  4. Heliport
  5. Junkyard
  6. Landfill, waste energy plant, or transfer station
  7. Mineral extraction/open pit mining
  8. Planned development
  9. Recycling collection center
  10. Solar energy system, principal/community-scale
  11. Wind energy system, principal/community-scale
- D. Permitted accessory uses. Accessory uses in the RA Rural Agricultural District shall be as follows:
1. Accessory use and structure which are clearly customary and incidental to a permitted principal use
  2. Brew pub or tap/tasting room

3. Bus shelter
  4. Community-supported agriculture delivery station
  5. Crop storage
  6. Farm cafe
  7. Farm camp
  8. Farm pond
  9. Farm stand
  10. Farmer's market
  11. Food truck
  12. Home-based business, no impact
  13. Home occupation, low-impact
  14. Keeping of pets
  15. Noncommercial recreational facility for household use or for residents of a development (including tennis courts and swimming pools)
  16. 'Pick-your-own' operation
  17. Residential accessory building, structure or use
  18. Satellite dish antenna or satellite antenna
  19. Short-term rental
  20. Solar energy system, small
  21. Temporary structure or use
  22. Urban keeping of livestock
  23. Wind energy system, small
- E. Area and bulk regulations. Area and bulk regulations in the RA Rural Agricultural District shall be as follows:
1. Minimum lot size: three (3) acres, unless a larger lot area is required by another section of this ordinance.
  2. Minimum lot width: a minimum of one hundred twenty-five (125) feet at the building setback line.

3. Minimum lot depth: a minimum of one hundred fifty (150) feet.
4. Maximum lot coverage: 20% maximum for all principal and accessory buildings, except that buildings devoted to agricultural use may have a 40% maximum building coverage. The total impervious coverage shall not be greater than 40% of a lot.
5. Front yard setback.
  - a. Fronting arterial street: Fifty (50) feet minimum.
  - b. Fronting collector street: Forty (40) feet minimum.
  - c. Fronting local street: Thirty (30) feet minimum.
  - d. In the case where a property's front yard does not abut a public street, the front yard setback shall be no less than thirty-five (35) feet from the center line of any private street serving more than one dwelling unit.
6. Side yard setback.
  - a. Principal uses: There shall be two side yards with an aggregate width of not less than forty (40) feet, and the width of the narrower side shall not be less than fifteen (15) feet.
  - b. Accessory uses: Twelve (12) feet minimum.
7. Rear yard setback.
  - a. Principal uses: Forty (40) feet minimum.
  - b. Accessory uses: Twelve (12) feet minimum.
8. Height:
  - a. Principal structures: Thirty-five (35) feet maximum.
  - b. Accessory structures: Fifteen (15) feet maximum.

**§ 190-403. Specific regulations for the LDR Low-Density Residential District.**

- A. Permitted by right uses. The following uses are permitted by right in the LDR Low-Density Residential District, provided that all other requirements of this ordinance are met:
1. Community garden
  2. Crop farming
  3. Essential services
  4. Forestry
  5. Governmental and emergency services facility

6. Nature reserve
  7. Place of assembly or worship
  8. Public park/recreation
  9. School, public or private
  10. Single-family detached dwelling
- B. Special exception uses. The following is a list of special exception uses within the LDR Low-Density Residential District, which shall also have to meet the requirements set forth for particular uses set forth in § 190-903:
1. Bed-and-breakfast use
  2. Comparable residential uses not specifically listed
- C. Conditional uses. The following is a list of conditional uses within the LDR Low-Density Residential District, which shall also have to meet the requirements set forth for particular uses set forth in § 190-902:
1. Geothermal energy system
- D. Permitted accessory uses. Accessory uses in the LDR Low-Density Residential District shall be as follows:
1. Accessory use and structure which are clearly customary and incidental to a permitted principal use
  2. Accessory dwelling unit
  3. Bus shelter
  4. Farm stand
  5. Home-based business, no impact
  6. Home occupation, low impact
  7. Keeping of pets
  8. Noncommercial recreational facility for household use or for residents of a development (including tennis courts and swimming pools)
  9. Residential accessory building, structure or use
  10. Satellite dish antenna or satellite antenna
  11. Solar energy system, small
  12. Temporary structure or use

13. Wind energy system, small

14. Urban keeping of livestock

E. Area and bulk regulations. Area and bulk regulations in the LDR Low-Density Residential District shall be as follows:

1. Minimum lot size: twenty thousand (20,000) square feet, except where a minimum lot size of one (1) acre shall be required if the lot would not have approved public sewage service.
2. Minimum lot width: a minimum of one hundred (100) feet at the required minimum building setback line; a minimum of 40 feet at the edge of the existing right-of-way, except
  - a. A minimum of two hundred (200) feet at the edge of the existing right-of-way for lots having direct vehicular access onto any minor arterial street, for any lot created after the adoption of this ordinance (except if the driveway entrance is approved to abut the driveway of an abutting lot).
  - b. A minimum of one hundred thirty (130) feet at the edge of the existing right-of-way for lots having direct vehicular access onto a collector street, for any lot created after the adoption of this ordinance (except if the driveway entrance is approved to abut the driveway of an abutting lot).
3. Minimum lot depth: a minimum of one hundred twenty (120) feet.
4. Maximum lot coverage: 20% maximum for all principal and accessory buildings. The total impervious coverage shall not be greater than 35% of a lot.
5. Front yard setback.
  - a. Fronting arterial street: Fifty (50) feet minimum.
  - b. Fronting collector street: Forty (40) feet minimum.
  - c. Fronting local street: Thirty (30) feet minimum.
  - d. In the case where a property's front yard does not abut a public street, the front yard setback shall be no less than thirty-five (35) feet from the center line of any private street serving more than one dwelling unit.
6. Side yard setback.
  - a. Principal uses: There shall be two side yards with an aggregate width of not less than thirty (30) feet, and the width of the narrower side shall not be less than twelve (12) feet.
  - b. Accessory uses: Five (5) feet minimum.
7. Rear yard setback.
  - a. Principal uses: Thirty-five (35) feet minimum.

- b. Accessory uses: Five (5) feet minimum.
- 8. Height:
  - a. Principal structures: Thirty-five (35) feet maximum.
  - b. Accessory structures: Fifteen (15) feet maximum.
- 9. Number of principal buildings: There shall be no more than one principal building per lot.

**§ 190-404. Specific regulations for the MDR Medium-Density Residential District.**

- A. Permitted by right uses. The following uses are permitted by right in the MDR Medium-Density Residential District, provided that all other requirements of this ordinance are met:
  - 1. Community garden
  - 2. Crop farming
  - 3. Essential services
  - 4. Forestry
  - 5. Governmental and emergency services facility
  - 6. Nature reserve
  - 7. Place of assembly or worship
  - 8. Public park/recreation
  - 9. School, public or private
  - 10. Single-family detached dwelling
- B. Special exception uses. The following is a list of special exception uses within the MDR Medium-Density Residential District, which shall also have to meet the requirements set forth for particular uses set forth in § 190-903:
  - 1. Bed-and-breakfast use
  - 2. Comparable residential uses not specifically listed
- C. Conditional uses. The following is a list of conditional uses within the MDR Medium-Density Residential District, which shall also have to meet the requirements set forth for particular uses set forth in § 190-902:
  - 1. Geothermal energy system
  - 2. Planned development



D. Permitted accessory uses. Accessory uses in the MDR Medium-Density Residential District shall be as follows:

1. Accessory use and structure which are clearly customary and incidental to a permitted principal use
2. Accessory dwelling unit
3. Bus shelter
4. Day care home, family
5. Home occupation, low-impact
6. Home-based business, no impact
7. Keeping of pets
8. Noncommercial recreational facility for household use or for residents of a development (including tennis courts and swimming pools)
9. Residential accessory building, structure or use
10. Satellite dish antenna or satellite antenna
11. Solar energy system, small
12. Temporary structure or use
13. Wind energy system, small
14. Urban keeping of livestock

E. Special exception accessory uses. Accessory uses as allowed by special exception in the MDR Medium-Density Residential District shall be as follows:

1. Wireless communications facility, non-tower

F. Area and bulk regulations. Area and bulk regulations in the MDR Medium-Density Residential District shall be as follows:

1. Minimum lot size: fifteen thousand (15,000) square feet, except where a minimum lot size of one (1) acre shall be required if the lot would not have approved public sewage service.
2. Minimum lot width: a minimum of seventy-five (75) feet at the required minimum building setback line; a minimum of 40 feet at the edge of the existing right-of-way, except
  - a. A minimum of two hundred (200) feet at the edge of the existing right-of-way for lots having direct vehicular access onto any minor arterial street.
  - b. A minimum of one hundred (100) feet at the edge of the existing right-of-way for lots having direct vehicular access onto a collector street.

3. Minimum lot depth: a minimum of one hundred twenty (120) feet.
4. Maximum lot coverage: 25% maximum for all principal and accessory buildings. The total impervious coverage shall not be greater than 50% of a lot.
5. Front yard setback.
  - a. Fronting arterial street: Fifty (50) feet minimum.
  - b. Fronting collector street: Forty (40) feet minimum.
  - c. Fronting local street: Thirty (30) feet minimum.
  - d. In the case where a property's front yard does not abut a public street, the front yard setback shall be no less than thirty-five (35) feet from the center line of any private street serving more than one dwelling unit.
6. Side yard setback.
  - a. Principal uses: There shall be two side yards with an aggregate width of not less than twenty-five (25) feet, and the width of the narrower side shall not be less than ten (10) feet.
  - b. Accessory uses: Five (5) feet minimum.
7. Rear yard setback.
  - a. Principal uses: Thirty (30) feet minimum.
  - b. Accessory uses: Five (5) feet minimum.
8. Height:
  - a. Principal structures: Thirty-five (35) feet maximum.
  - b. Accessory structures: Fifteen (15) feet maximum.
9. Number of principal buildings: There shall be no more than one principal building per lot.

**§ 190-405. Specific regulations for the HDR High-Density Residential District.**

- A. Permitted by right uses. The following uses are permitted by right in the HDR High-Density Residential District, provided that all other requirements of this ordinance are met:
  1. Community garden
  2. Crop farming
  3. Essential services
  4. Forestry

5. Governmental and emergency services facility
6. Group home
7. Nature reserve
8. Place of assembly or worship
9. Public park/recreation
10. School, public or private
11. Single-family attached dwelling (townhouse)
12. Single-family detached dwelling
13. Single-family semidetached dwelling (twin)
14. Two-family dwelling (duplex)

B. Special exception uses. The following is a list of special exception uses within the HDR High-Density Residential District, which shall also have to meet the requirements set forth for particular uses set forth in § 190-903:

1. Bed-and-breakfast use
2. Boardinghouse or rooming house
3. Comparable residential uses not specifically listed
4. Day care center, child
5. Transitional dwelling

C. Conditional uses. The following is a list of conditional uses within the HDR High-Density Residential District, which shall also have to meet the requirements set forth for particular uses set forth in § 190-902:

1. Geothermal energy system
2. Multifamily dwelling, low-rise (garden apartments)
3. Multifamily dwelling, mid-rise
4. Non-family residential facility, type 1
5. Non-family residential facility, type 2
6. Planned development

D. Permitted accessory uses. Accessory uses in the HDR High-Density Residential District shall be as follows:

1. Accessory use and structure which are clearly customary and incidental to a permitted principal use
  2. Accessory dwelling unit
  3. Auditorium
  4. Bus shelter
  5. Community-supported agriculture delivery station
  6. Day care home, family
  7. Day care home, group
  8. Home occupation, low-impact
  9. Home-based business, no-impact
  10. Keeping of pets
  11. Noncommercial recreational facility for household use or for residents of a development (including tennis courts and swimming pools)
  12. Residential accessory building, structure or use
  13. Satellite dish antenna or satellite antenna
  14. Solar energy system, small
  15. Temporary structure or use
  16. Wind energy system, small
  17. Urban keeping of livestock
- E. Special exception accessory uses. Accessory uses as allowed by special exception in the HDR High-Density Residential District shall be as follows:
1. Wireless communications facility, non-tower
- F. Area and bulk regulations. Area and bulk regulations in the HDR High-Density Residential District shall be as follows:
1. Minimum lot size:
    - a. Single-family detached and mobile homes: a minimum of twelve thousand (12,000) square feet.
    - b. Single-family detached and mobile homes (no public sewer): a minimum forty-three thousand five hundred sixty (43,560) square feet.

- c. Single-family semidetached dwelling; two-family detached dwelling; two-family semidetached dwelling: a minimum of six thousand (6,000) square feet.
    - d. All other principal uses (unless larger lot requirements stated elsewhere): a minimum of fifteen thousand (15,000) square feet
  2. Minimum lot width: a minimum of 40 feet at the edge of the existing right-of-way, except:
    - a. Single-family detached and mobile homes: a minimum of sixty (60) feet.
    - b. Single-family detached and mobile homes (no public sewer): a minimum of one hundred (100) square feet.
    - c. Single-family semidetached dwelling; two-family detached dwelling; two-family semidetached dwelling: a minimum of forty-five (45) feet.
    - d. All other principal uses (unless larger lot requirements stated elsewhere): a minimum of sixty (60) feet.
    - e. A minimum of two hundred (200) feet at the edge of the existing right-of-way for lots having direct vehicular access onto any minor arterial street.
    - f. A minimum of one hundred (100) feet at the edge of the existing right-of-way for lots having direct vehicular access onto a collector street.
  3. Minimum lot depth: a minimum of one hundred (100) feet, except for single-family detached and mobile homes with no public sewer, which shall be a minimum of two hundred (200) feet.
  4. Maximum lot coverage: 30% maximum for all principal and accessory buildings. The total impervious coverage shall not be greater than 70% of a lot.
  5. Minimum lot coverage: 30% minimum for landscaping.
  6. Front yard setback.
    - a. Fronting arterial street: Forty-five (45) feet minimum.
    - b. Fronting collector street: Thirty-five (35) feet minimum.
    - c. Fronting local street: Twenty-five (25) feet minimum.
    - d. In the case where a property's front yard does not abut a public street, the front yard setback shall be no less than twenty-five (25) feet from the center line of any private street serving more than one dwelling unit.
  7. Side yard setback.
    - a. Principal uses: There shall be two side yards with an aggregate width of not less than sixteen (16) feet, and the width of the narrower side shall not be less than eight (8) feet.
    - b. Accessory uses: Five (5) feet minimum.

8. Rear yard setback.
  - a. Principal uses: Thirty (30) feet minimum.
  - b. Accessory uses: Five (5) feet minimum.
9. Height:
  - a. Principal structures: Forty (40) feet maximum.
  - b. Accessory structures: Twenty-five (25) feet maximum.

**§ 190-406. Specific regulations for the NC Neighborhood Commercial District.**

- A. Permitted by right uses. The following uses are permitted by right in the NC Neighborhood Commercial District, provided that all other requirements of this ordinance are met:
1. Artisan, craft, exercise, or performing art studio
  2. Bank or financial institution (no drive thru)
  3. Bar or tavern
  4. Beverage production - microbrewery
  5. Business service establishment
  6. Community center or cultural center
  7. Community garden
  8. Crop farming
  9. Day care center, adult
  10. Day care center, child
  11. Essential services
  12. Forestry
  13. Funeral home or mortuary
  14. Governmental and emergency services facility
  15. Group home
  16. Membership club, lodge or fraternal organization
  17. Medical or dental clinics and laboratories

18. Medical marijuana dispensary
19. Mixed-use building
20. Office, Professional
21. Personal services establishment
22. Place of assembly or worship
23. Public park/recreation
24. Restaurant, sit-down
25. Retail establishment
26. School, public or private
27. Single-family attached dwelling (townhouse)
28. Single-family detached dwelling
29. Single-family semidetached dwelling (twin)
30. Tattoo parlor
31. Theater
32. Transitional dwelling

B. Special exception uses. The following is a list of special exception uses within the NC Neighborhood Commercial District, which shall also have to meet the requirements set forth for particular uses set forth in § 190-903:

1. Boardinghouse or rooming house
2. Comparable residential uses not specifically listed
3. Comparable commercial uses not specifically listed

C. Conditional uses. The following is a list of conditional uses within the NC Neighborhood Commercial District, which shall also have to meet the requirements set forth for particular uses set forth in § 190-902:

1. Geothermal energy system
2. Planned development

D. Permitted accessory uses. Accessory uses in the NC Neighborhood Commercial District shall be as follows:

1. Accessory use and structure which are clearly customary and incidental to a permitted principal use
  2. Auditorium
  3. Brew pub or tap/tasting room
  4. Bus shelter
  5. Community-supported agriculture delivery station
  6. Farmer's market
  7. Home occupation, low-impact
  8. Home-based business, no-impact
  9. Keeping of pets
  10. Noncommercial recreational facility for household use or for residents of a development (including tennis courts and swimming pools)
  11. Outdoor dining area
  12. Residential accessory building, structure or use
  13. Satellite dish antenna or satellite antenna
  14. Short-term rental
  15. Solar energy system, small
  16. Temporary structure or use
  17. Wind energy system, small
- E. Area and bulk regulations. Area and bulk regulations in the NC Neighborhood Commercial District shall be as follows:
1. Lot area: a minimum of ten thousand (10,000) square feet.
  2. Lot width: a minimum of seventy-five (75) feet per lot at the edge of the existing legal right-of-way.
  3. Maximum lot coverage: 40% maximum for all principal and accessory buildings. The total impervious coverage shall not be greater than 85% of a lot.
  4. Front yard setback: a minimum of twenty-five (25) feet.
  5. Side yard setback: a minimum of ten (10) feet.
  6. Rear yard setback: a minimum of fifteen (15) feet.



7. Height: a maximum of thirty-five (35) feet.

**§ 190-407. Specific regulations for the GC General Commercial District.**

A. Permitted by right uses. The following uses are permitted by right in the GC General Commercial District, provided that all other requirements of this ordinance are met:

1. Artisan, craft, exercise or performing arts studio
2. Auto repair garage
3. Auto, boat and/or mobile/manufactured home sales
4. Bank or financial institution
5. Bar or tavern
6. Beverage production – micro-brewery
7. Beverage production – limited distillery
8. Business services establishment
9. Car wash
10. Commercial indoor recreation use
11. Community center or cultural center
12. Convenience store
13. Crop farming
14. Day care center, adult
15. Day care center, child
16. Essential services
17. Forestry
18. Funeral home or mortuary
19. Gasoline service station
20. Governmental and emergency services facility
21. Medical or dental clinics and laboratories
22. Medical marijuana dispensary

23. Membership club, lodge or fraternal organization
24. Mixed-use building
25. Nursing home
26. Office, Professional
27. Parking lot or structure, off-street
28. Personal care home or center
29. Personal services establishment
30. Place of assembly or worship
31. Plant nursery
32. Public park/recreation
33. Restaurant, quick-service
34. Restaurant, sit-down
35. Retail establishment
36. School, commercial
37. Shopping center
38. Tattoo parlor
39. Theater
40. Veterinarian office or animal hospital

B. Special exception uses. The following is a list of special exception uses within the GC General Commercial District, which shall also have to meet the requirements set forth for particular uses set forth in § 190-903:

1. Comparable commercial uses not specifically listed
2. Nightclub
3. Wireless communications facility, tower-based

C. Conditional uses. The following is a list of conditional uses within the GC General Commercial District, which shall also have to meet the requirements set forth for particular uses set forth in § 190-902:

1. Geothermal energy system
2. Planned development

D. Permitted accessory uses. Accessory uses in the GC General Commercial District shall be as follows:

1. Accessory use and structure which are clearly customary and incidental to a permitted principal use
2. Auditorium
3. Brew pub or tap/tasting room
4. Bus shelter
5. Commercial/industrial outdoor storage or display
6. Community-supported agriculture delivery station
7. Day care center as an accessory use
8. Farmer's market
9. Food truck
10. Keeping of pets
11. Outdoor dining area
12. Satellite dish antenna or satellite antenna
13. Solar energy system, small
14. Temporary structure or use
15. Wind energy system, small

E. Special exception accessory uses. Accessory uses allowed as a special exception in the GC General Commercial District shall be as follows:

1. Drive-through facility
2. Walk-up window
3. Wireless communications facility, non-tower

F. Area and bulk regulations. Area and bulk regulations in the GC General Commercial District shall be as follows:

1. Lot area: a minimum of ten thousand (10,000) square feet for any lot existing prior to this ordinance taking effect; a minimum of thirty thousand (30,000) square feet for any lot created after March 1, 1987.
2. Lot width: a minimum of one hundred twenty (120) feet per lot at the edge of the existing legal right-of-way, except for the following:

- a. Common access. If more than one lot shares one common access point and shares a common and integrated parking lot, the lots combined may have a minimum lot width of one hundred twenty (120) feet at the existing legal right-of-way line.
  - b. New lots. If a lot including only one principal use is created after March 1, 1987, that involves the creation of an additional and new access point onto a minor arterial street, the minimum lot width at the existing legal right-of-way line shall be two hundred fifty (250) feet.
3. Off-street parking. In addition to the off-street parking regulations found in Article VI (Off-Street Parking and Loading), shared access drives and shared parking lots with adjacent uses are strongly encouraged to create an efficient and safe interior circulation system. See § 190-601.B (Conditional Reduction in Off-Street Parking Areas) for conditional reduction of parking requirements. The number of access points onto minor arterial roads shall be minimized, as described in § 190-808.B (Access Points).
  4. Maximum lot coverage: 40% maximum for all principal and accessory buildings. The total impervious coverage shall not be greater than 85% of a lot.
  5. Front yard setback: a minimum of twenty-five (25) feet.
  6. Side yard setback: a minimum of ten (10) feet.
  7. Rear yard setback: a minimum of fifteen (15) feet.
  8. Height: a maximum of thirty-five (35) feet.

**§ 190-408. Specific regulations for the PO/B Planned Office/Business District.**

- A. Permitted by right uses. The following uses are permitted by right in the PO/B Planned Office/Business District, provided that all other requirements of this ordinance are met:
  1. Artisan, craft, exercise or performing arts studio
  2. Bank or financial institution
  3. Bar or tavern
  4. Beverage production – microbrewery
  5. Business services establishment
  6. Commercial indoor recreation use
  7. Community center or cultural center
  8. Community garden
  9. Convenience store
  10. Convention, conference, banquet or training center

11. Crop farming
12. Day care center, adult
13. Day care center, child
14. Essential services
15. Forestry
16. Group care facility
17. Governmental and emergency services facility
18. Medical or dental clinics and laboratories
19. Mixed-use building
20. Nursing home
21. Office, Professional
22. Personal care home or center
23. Personal services establishment
24. Public park/recreation
25. Research, development, engineering or testing laboratory
26. Restaurant, sit-down
27. Retail establishment

B. Special exception uses. The following is a list of special exception uses within the PO/B Planned Office/Business District, which shall also have to meet the requirements set forth for particular uses set forth in § 190-903:

1. Comparable commercial uses not specifically listed
2. Restaurant, quick-service
3. Theater
4. Wireless communications facility, tower-based

C. Conditional uses. The following is a list of conditional uses within the PO/B Planned Office/Business District, which shall also have to meet the requirements set forth for particular uses set forth in § 190-902:

1. Geothermal energy system

2. Hospital
3. Planned development
4. School, commercial

D. Permitted accessory uses. Accessory uses in the PO/B Planned Office/Business District shall be as follows:

1. Accessory use and structure which are clearly customary and incidental to a permitted principal use
2. Auditorium
3. Brew pub or tap/tasting room
4. Bus shelter
5. Community-supported agriculture delivery station
6. Day care center as an accessory use
7. Farmer's market
8. Food truck
9. Home occupation, low impact
10. Home-based business, no-impact
11. Keeping of pets
12. Noncommercial recreational facility for household use or for residents of a development (including tennis courts and swimming pools)
13. Outdoor dining area
14. Residential accessory building, structure or use
15. Satellite dish antenna or satellite antenna
16. Solar energy system, small
17. Temporary structure or use
18. Wind energy system, small
19. Urban keeping of livestock

E. Special exception accessory uses. Accessory uses allowed as a special exception in the PO/B Planned Office/Business District shall be as follows:

1. Drive-through facility
  2. Helistop
  3. Walk-up window
  4. Wireless communications facility, non-tower
- F. Area and bulk regulations. Area and bulk regulations in the PO/B Planned Office/Business District shall be as follows:
1. Maximum height.
    - a. Five stories or 65 feet maximum, whichever is more restrictive, for uses that are principally offices, except that:
      - i. The height of any building shall not exceed 35 feet for any use within 100 feet of an existing right-of-way or right-of-way reserved for future dedication.
      - ii. The height of any building shall not exceed 35 feet within 150 feet of the abutting exterior lot line of an existing residential use or the abutting boundary of an LDR, MDR or HDR District.
      - iii. See Township Building and Fire Code requirements regarding fire safety.
    - b. A maximum height of 45 feet or three stories, whichever is more restrictive, shall apply to all uses that are not principally offices
  2. Tract area: a minimum of six (6) acres.
  3. Lot area: a minimum of thirty thousand (30,000) square feet.
  4. Tract width: a minimum of two hundred twenty-five (225) square feet.
  5. Lot width: a minimum of one hundred (100) feet, except for any use or uses on a lot having direct vehicular access onto a minor arterial street shall have a minimum lot width of 250 feet, except if such access is provided onto PA Route 248, in which case the minimum lot width shall be 350 feet at the edge of the existing right-of-way.
  6. Maximum lot coverage: 40% maximum for all principal and accessory buildings. The total impervious coverage shall not be greater than 70% of a lot.
  7. Front yard setback: a minimum of thirty-five (35) feet.
  8. Side yard setback: a minimum of thirty-five (35) feet.
  9. Rear yard setback: a minimum of thirty-five (35) feet.
- G. Review procedures. Any application for land development in the PO/B District or for any use involving the subdivision of land into lots smaller than six (6) acres shall provide a site plan as described in § 190-811 (Site Plan Review Procedures for Specific Uses) and also the following information. The

submission and review of this information should be coordinated with the requirements and processes of the sketch or preliminary plan or land development plan process of Chapter 165 (Palmer Township Subdivision and Land Development Ordinance) of the Township Code.

1. The applicant shall provide a written description of the substance of covenants, grant of easements or other restrictions to be imposed upon the use of land, buildings and structures including proposed grants and/ or easements for common open space areas and public utilities, and the legal form of provision and enforcement thereof.
2. In the case of plans which call for development in stages, a schedule shall be provided showing the approximate order that applications for final approval of each stage of the development are intended to be filed and the approximate number and type of uses planned for each stage.
3. Preliminary architectural renderings. Such renderings of the front facades of principal buildings shall be submitted for informational purposes. These plans shall not be used as the basis for a conditional use or subdivision or land development process decision or any other regulatory decision of the Township.

H. Access to minor arterial streets.

1. Purpose. The PO/B areas in the Township are located at critical areas for traffic movement. Carefully designed traffic access will be essential to avoid added congestion and traffic hazards. The number of access points onto minor arterial streets shall be minimized and traffic directed towards signalized intersections.
2. The standards in this section apply both as requirements for all uses in the PO/B District and also as conditions for any conditional or special exception use in the PO/B District.
3. PennDOT review. This section is intended to be used in close cooperation with and not to supersede PennDOT requirements for highway occupancy permits. In any decision by the Board of Supervisors regarding access from a PO/B development to a minor arterial street, the Board of Supervisors should consider comments from PennDOT, the Planning Commission, the Township Police Chief, the Township Engineer and any traffic studies that are submitted.
4. Access alternatives to minor arterial streets. Access involving left-hand turns shall be provided from a PO/B tract only onto and off of an abutting collector or local street when possible, instead of directly onto a minor arterial street, wherever practical, as determined by the Board of Supervisors.
5. Access onto minor arterial streets. A maximum of one access point involving left-hand turns may be permitted from a PO/B tract directly onto and off of a minor arterial street.
6. Setback of access points from highly trafficked intersections. Any access point involving left-hand turns directly onto or off of a minor arterial street shall be set back a minimum of three hundred (300) feet from the following intersections: two minor arterial streets, a minor arterial and a collector street or a minor arterial street and a major arterial ramp.
7. Setback of access points within a PO/B District. Any access point involving left-hand turns onto and off of a minor arterial street within a PO/B District shall be set back a minimum of five hundred (500) feet from any other access point onto that street from within a PO/B District.



8. Interior streets. All uses within a PO/B tract shall make maximum possible use of a coordinated interior street system to minimize individual access points onto minor arterial streets.
  9. Easements for access. The Board of Supervisors may at the time of approval of a subdivision or land development within a PO/B District, require a lot or tract to grant an easement for vehicular traffic to adjoining tracts to allow an efficient interior access system.
  10. Subdivision. All subdivision of land within a PO/B District into tracts or lots shall only occur if it would not result in fragmented patterns of ownership and development that would prevent a carefully coordinated interior road system and minimization of access points to minor arterial streets.
- I. Off-street parking. In addition to the off-street parking regulations found in Article VI (Off-Street Parking and Loading), shared access drives and shared parking lots with adjacent uses are strongly encouraged to create an efficient and safe interior circulation system. See § 190-601.B (Conditional Reduction in Off-Street Parking Areas) for conditional reduction of parking requirements. The number of access points onto minor arterial roads shall be minimized, as described in § 190-808.B (Access Points).

**§ 190-409. Specific regulations for the MSC Main Street Commercial District.**

- A. Permitted by right uses. The following uses are permitted by right in the MSC Main Street Commercial District, provided that all other requirements of this ordinance are met:
1. Artisan, craft, exercise or performing arts studio
  2. Bank or financial institution
  3. Bar or tavern
  4. Business services establishment
  5. Car wash
  6. Commercial indoor recreation use
  7. Community center or cultural center
  8. Convenience store
  9. Convention, conference, banquet or training center
  10. Crop farming
  11. Essential services
  12. Forestry
  13. Gasoline service station
  14. Government and emergency services building

15. Hotel or motel
  16. Medical or dental clinics and laboratories
  17. Mixed-use building
  18. Office, Professional
  19. Personal services establishment
  20. Public park/recreation
  21. Restaurant, quick-service
  22. Restaurant, sit-down
  23. Retail establishment
  24. Shopping center
  25. Wireless communications facility, tower-based
- B. Conditional uses. The following is a list of conditional uses within the MSC Main Street Commercial District, which shall also have to meet the requirements set forth for particular uses set forth in § 190-902:
1. Geothermal energy system
  2. Planned Development
  3. Landfill, waste energy plant, or transfer station
- C. Permitted accessory uses. Accessory uses in the MSC Main Street Commercial District shall be as follows:
1. Accessory use and structure which are clearly customary and incidental to a permitted principal use
  2. Bus shelter
  3. Drive-thru facility
  4. Farmer's market
  5. Food truck
  6. Keeping of pets
  7. Outdoor dining area
  8. Satellite dish antenna or satellite antenna

9. Solar energy system, small
  10. Temporary structure or use
  11. Wind energy system, small
- D. Special exception accessory uses. Accessory uses allowed as special exception in the MSC Main Street Commercial District shall be as follows:
1. Wireless communications facility, non-tower
- E. Area and bulk regulations. Area and bulk regulations in the MSC Main Street Commercial District shall be as follows:
1. Lot area: a minimum of two (2) acres
  2. Lot width: a minimum of one hundred fifty (150) feet per lot at the edge of the existing legal right-of-way
  3. Maximum lot coverage: 35% maximum for all principal and accessory buildings. The total impervious coverage shall not be greater than 80% of a lot.
  4. Minimum landscape coverage: 20% minimum of the lot.
  5. Front yard setback: a minimum of five (5) feet.
  6. Side yard setback: a minimum of twenty-five (25) feet, if not adjacent to the MSC District; a minimum of fifteen (15) feet if adjacent to the MSC District.
  7. Rear yard setback: a minimum of twenty-five (25) feet, if not adjacent to the MSC District; a minimum of fifteen (15) feet if adjacent to the MSC District.
  8. Height: a maximum of thirty-five (35) feet for principal structures and a maximum of twenty (20) feet for accessory structures.
  9. Parking setback: a minimum of fifty (50) feet away from Main Street.
- F. Community development objectives.
1. To expand the variety and competitiveness of goods and services that can be conveniently accessed by Township residents and local business employees.
  2. To ensure safe and efficient pedestrian and vehicular connections along the Main Street corridor by managing land uses and traffic conflicts and minimizing the number of curb cuts.
  3. To minimize the adverse visual impact of expansive parking lots by establishing effective building and parking lot orientations and through the use of shade trees, screening, and grade changes.
  4. To proactively manage the streetscape and character of the area through the application of coordinated amenities, including sidewalks, landscaping, streetlighting and signage.

G. Zoning permits.

1. Applications for zoning permits related to the construction of structures permitted in the Main Street Commercial District shall include the following information:
  - a. Size of building, in square feet.
  - b. Architectural renderings of the building showing compliance with the design provisions.
2. Applications for zoning permits for uses provided for in the Main Street Commercial District shall include the following additional information:
  - a. Description of business and/or services provided.
  - b. Hours and days of operation.
  - c. Maximum number of employees expected on each shift.
  - d. Expected number of outside customers or visitors.
  - e. Number of daily vehicle and truck trips and expected hours of vehicle traffic.
3. Applications for building permits related to the construction of structures permitted within the Main Street Commercial District shall be approved only in the event that all relevant provisions of this ordinance and the Palmer Township Subdivision and Land Development Ordinance have been met.

H. Development requirements. Within the boundaries of the Main Street Commercial District, all tracts shall be developed as part of a planned commercial development, subject to the following provisions:

1. All developments shall be constructed in accordance with a well- coordinated, integrated overall plan. If a development is to be carried out in progressive phases, each phase shall be planned so that the requirements and intents of this article and this ordinance shall be fully complied with at the completion of any phase.
2. The site shall utilize a carefully designed interior and exterior system of vehicular access to minimize the number of driveways entering onto public streets. The applicant shall prove that all proposed driveways or access points are placed in the most logical and reasonable locations, considering impacts upon abutting streets. No new traffic access that would involve left-hand turns onto and off Main Street shall be permitted, except at an intersection where a traffic signal exists or will be provided at the same time as the use.
3. Where a drive-through window is proposed for any use within the development, a stacking lane shall be provided to serve a minimum of ten (10) cars. The stacking lane shall not have direct access from the street. The stacking lane shall not be used as a parking lot circulation aisle nor shall it in any way conflict with the circulation of traffic through the parking lot.

I. Building standards and orientation.

1. The main entrance of a building shall be identified by being recessed in from or projecting out from the surrounding wall, changes in building height, roof overhangs, awnings, lighting or combinations thereof.
2. Blank walls shall not be permitted along any wall that faces a street.
3. All exterior building walls that face a street shall be finished with brick, cut stone, precast/poured-on-site tilt-up concrete panels concrete, poured concrete panels, split-face masonry blocks, stucco, plaster, clear or lightly tinted glass, or combinations thereof.
  - a. Standard concrete block or metal shall not be permitted as a visible wall material.
4. For buildings that contain more than one use, the building shall be designed to give the appearance of a separate facade for each use. Uses shall be differentiated by columns, alternate materials, recesses, projections, roof overhangs, awnings or combinations thereof within an overall design scheme.
5. Exterior building walls shall use neutral colors. Contrasting trim, color bands and/or textures may be used to create contrast.
6. Loading doors or service entrances shall use the same color as the wall on which they are located.
7. Building mechanical systems, including but not limited to air-conditioning units, exhaust systems, satellite dishes, and elevator housing, shall be located on the roof whenever possible. Any mechanical systems not mounted on the roof shall be enclosed with fencing and/or covering that is the same color as the building.
8. Public utility equipment shall be placed underground whenever feasible.
9. Trash receptacles and above-ground utility equipment shall be placed to the side or rear of the nearest building.
  - a. All trash receptacles shall be enclosed by landscaping, fencing, walls or other enclosures.
  - b. All fencing, walls, and/or enclosures used for trash receptacles shall be the same color as the building with which they are associated.

J. Off-street parking and loading.

1. Parking. In addition to the off-street parking requirements in Article VI (Off-Street Parking and Loading) and Table 3, the following requirements shall apply to uses within the Main Street Commercial District:
  - a. The design of parking and circulation areas on the site shall address the needs of different users to the site, such as visitors, employees and truck loading and unloading.
    - i. Parking areas for customers shall be located closest to the main entrance of the building.

- ii. All parking areas on a lot shall be accessible from within the lot.
  - b. Off-street parking areas shall be oriented to the rear or side of structures. Parking areas shall not be permitted between the street and the building. For corner lots, the side of the building fronting onto Main Street shall be considered the front, and the side of the building fronting on the secondary street frontage shall be considered the side.
  - c. Interconnection of off-street parking areas.
    - i. To reduce traffic congestion and minimize the number of curb cuts along Main Street, parking areas shall be connected to adjacent parcels through a rear or side yard access road. Where a parking area is constructed and is adjacent to an undeveloped parcel, the access drive shall be extended to the lot line for future connection.
    - ii. The use of shared access points is required. Adjacent uses shall share ingress and egress points to serve both uses.
    - iii. Access onto arterial and collector streets shall conform to the standards in the Township Zoning Ordinance § 190-808 (Access onto Arterial and Collector Streets).
  - d. Internal walkways.
    - i. Pedestrian walkways shall be provided for customers and employees to travel between buildings and parking areas.
    - ii. Pedestrian walkways shall be provided between the sidewalk and the main entrance of all principal buildings.
    - iii. Pedestrian walkways shall be constructed with a different pavement material than that used for streets and parking areas so as to differentiate the walkway from the driving areas. Pedestrian walkways may be constructed with concrete, decorative bricks, blocks or stone, not including crushed stone.
    - iv. All pedestrian walkways shall comply with the ADA Standards for Accessible Design.
  - e. Fire zones. At the direction of the Township Fire Commissioner, fire zones shall be set aside and marked around each building to ensure access by fire vehicles. Such marking shall consist of metallic signs or painted lines, or both, bearing the legend “No Parking - Fire Zone” or “No Parking - Fire Lane.”
- 2. Loading. In addition to the loading requirements in Article VI (Off-Street Parking and Loading), the following requirements shall apply to uses within the Main Street Commercial District:
  - a. Loading and unloading areas shall be located at the rear of a building. If loading and unloading areas are not possible at the rear of a building, then they may be located at the side of a building, provided that they are screened from view of the street using

fencing, a wall that matches the architectural style of the principal building, dense landscaping, or combinations thereof.

K. Streetscape performance regulations.

1. Sidewalks. Sidewalks shall be provided for all uses within the Main Street Commercial District. Sidewalks shall be constructed in accordance with Township specifications (see Palmer Township Standard Construction Details) and installed to connect to the lot line of adjacent parcels.
2. Where sidewalks coincide and/or adjoin a Township-designated recreation path, the sidewalk width and locations shall be constructed in accordance with Township specifications.
3. Streetlighting. Streetlighting shall be provided along all street frontages in the Main Street Commercial District.
  - a. Streetlight poles shall have a maximum height of twenty (20) feet and shall be placed a maximum of one hundred (100) feet apart measured along the same side of the street.
  - b. All streetlight poles and fixtures shall be constructed in accordance with design standards set forth by the electric utility company.
  - c. The design of streetlight poles and fixtures shall be consistent throughout the Main Street Commercial District.
  - d. Cobra-head-style streetlights shall be prohibited.

L. Traffic management.

1. Road capacity. To ensure the road network is able to handle additional traffic from development, the following shall be met:
  - a. A traffic impact assessment shall be completed for all applications of proposed development, redevelopment and/or expansion of existing development.
  - b. A report shall be submitted as required by § 190-813 (Traffic Impact Assessment).
  - c. The Township shall review, at the expense of the applicant, any professional traffic studies that are presented and make recommendations to the Township.
  - d. The provisions of § 165-59M of the Township Subdivision and Land Development Ordinance, entitled “Required traffic improvements,” shall also apply to any use that involves construction of one or more new principal buildings.
2. Access management. The number of access points onto Main Street needs to be minimized, and traffic shall be steered towards a minimum number of strategically planned intersections and traffic signals. In order to minimize traffic congestion and hazards, the following access management provisions shall apply:
  - a. Access to lots shall be provided only onto and off of an abutting collector or local street and shall not be provided directly onto or off of Main Street.

- b. Access to two (2) or more adjoining lots may be combined, shared and/or coordinated to minimize the number of access points onto a public street. Shared parking lots and access drives or access points connecting adjacent lots are strongly encouraged.
  - i. The provision of joint access shall be subject to the creation of an easement with the deed allowing cross-access between the properties within the access road area. The joint access arrangements shall include a joint agreement recorded with the deed defining the maintenance responsibilities of each of the property owners served by the access road.
- c. Developments consisting of three (3) or more principal structures shall make use of a carefully coordinated interior street system.
  - i. Each principal building shall have its main vehicle access onto a common parking lot, access drive, service road, marginal access street, or other alternative method approved by the Township, which shall then provide access to an abutting collector or local street.
  - ii. Vehicle access shall be provided to each use without causing congestion to, hazards upon or interference with traffic movement on public streets.
  - iii. All access to outparcels of a development shall be provided using internal access drives. Separate access to outparcels from collector or local streets shall be prohibited.
- d. The minimum distance to be provided between an access point or driveway and a street intersection on the same and/or opposite side of the following types of streets (measured from center line to center line) is listed below:
  - i. From Main Street: four hundred (400) feet required.
  - ii. From other roads: two hundred (200) feet required.
- e. An access point or driveway shall be aligned with or separated a minimum distance of two hundred (200) feet from any other access point or driveway onto the same street, measured from center line to center line.
- f. The access control provisions of § 190-808 (Access onto Arterial and Collector Streets) and § 165-59.E and § 165-67 of the Township Subdivision and Land Development Ordinance shall also apply, except that where the requirements of this ordinance are more restrictive, this ordinance shall supersede.

**§ 190-410. Specific regulations for the LI/MU Light Industrial/Mixed Use District**

- A. Permitted by right uses. The following uses are permitted by right in the LI/MU Light Industrial/Mixed Use District, provided that all other requirements of this ordinance are met:
  - 1. Artisan, craft, exercise or performing arts studio
  - 2. Auto repair garage



3. Beverage production – limited distillery
4. Beverage production – limited winery, meadery or cidery
5. Business service establishment
6. Commercial indoor recreation use
7. Convenience store
8. Crop farming
9. Essential Services
10. Forestry
11. Funeral home or mortuary
12. Gasoline service station
13. Governmental and emergency services facility
14. Golf course
15. Kennel
16. Manufacturing, light
17. Medical or dental clinics and laboratories
18. Medical marijuana dispensary
19. Medical marijuana grower/processor
20. Mixed-use building
21. Office, Professional
22. Plant nursery
23. Public park/recreation
24. Recycling collection center
25. Research, development, engineering or testing laboratory
26. Retail establishment
27. Self-storage development

B. Special exception uses. The following is a list of special exception uses within the LI/MU Light Industrial/Mixed Use District, which shall also have to meet the requirements set forth for particular uses set forth in § 190-903:

1. Comparable industrial uses not specifically listed
2. Solar energy system, principal/community-scale
3. Wind energy system, principal/community-scale
4. Wireless communications facility, tower-based

C. Conditional uses. The following is a list of conditional uses within the LI/MU Light Industrial/Mixed Use District, which shall also have to meet the requirements set forth for particular uses set forth in § 190-902:

1. Geothermal energy system
2. Hospital
3. Planned development

D. Permitted accessory uses. Accessory uses in the LI/MU Light Industrial/Mixed Use District shall be as follows:

1. Accessory use and structure which are clearly customary and incidental to a permitted principal use
2. Brew pub or tap/tasting room
3. Bus shelter
4. Commercial/industrial outdoor storage or display
5. Food truck
6. Keeping of pets
7. Satellite dish antenna or satellite antenna
8. Solar energy system, small
9. Temporary structure or use
10. Wind energy system, small
11. Wireless communications facility, non-tower

E. Area and bulk regulations. Area and bulk regulations in the LI/MU Light Industrial/Mixed Use shall be as follows:

1. Lot area: a minimum of one (1) acre.

2. Lot width: a minimum of one hundred (100) feet per lot at the edge of the existing legal right-of-way; for a minor arterial street, a minimum of two hundred (200) feet per lot at the edge of the street line.
  3. Maximum lot coverage: 40% maximum for all principal and accessory buildings. The total impervious coverage shall not be greater than 65% of a lot.
  4. Front yard setback: a minimum of forty (40) feet; if the lot abuts or is across the ROW from a residential lot line, a minimum of seventy-five (75) feet.
  5. Side yard setback: a minimum of thirty (30) feet; if the lot abuts or is across the ROW from a residential lot line, a minimum of one hundred twenty (120) feet.
  6. Rear yard setback: a minimum of thirty (30) feet; if the lot abuts or is across the ROW from a residential lot line, a minimum of one hundred twenty (120) feet.
  7. Height: a maximum of forty (40) feet.
- F. Review procedures. In addition to the requirements of § 190-811 (Site Plan Review Procedures for Specific Uses), § 190-902 (Process for Conditional Uses), and § 190-903 (Process for Special Exception Uses), the following information shall also be submitted to the Township by the applicant:
1. A list of the types of establishments expected to be located on the site and their approximate floor areas.
  2. The maximum number of employees expected to work on-site on each shift.
  3. An estimate of the average number of daily vehicle trips (tractor-trailer truck trips, automobile trips and other vehicle trips) expected to be generated.
  4. For specific uses including Light Manufacturing, a detailed description of the following information shall be submitted:
    - a. For Light Manufacturing, the nature of the on-site activities and manufacturing operations, the types of materials used in the manufacturing process, the waste generated and the methods of disposal, outside storage (if any) of raw materials, final products, or waste materials (this includes any tanks, silos or bins).
    - b. For Light Manufacturing, any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. If available, provide any external noise studies conducted of similar operations.
    - c. For all uses, the general scale of the operation, in terms of its specific floor space requirements for each activity, hours of operation, and the total number of employees on each shift.
    - d. For all uses, provide evidence of the internal and external fire protection/suppression systems being provided at the facility.

- e. For all uses, provide evidence that the proposed uses shall not substantially change the character of any surrounding residential neighborhoods.
- f. For all uses, provide evidence that the proposed uses shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.

G. Sewage restrictions on uses.

1. In areas of the Township as determined to be unlikely be served by public sewers within the next year following the date of zoning application, no industrial use shall be permitted that would reasonably be expected to generate an amount or intensity of sewage greater than one equivalent dwelling unit per acre, nor shall any use be permitted that would generate significant amounts of process waste.
2. The Board of Supervisors and/or Easton Area Joint Sewer Authority Industrial Pretreatment Program may require an industrial facility to adequately pretreat its wastes if the waste that would result from the use would represent a serious hazard to the proper functioning of the sewage system of the EAJSA Wastewater Treatment Plant.

H. Design Guidelines

1. The proposed development should be designed with an overall plan having a single architectural and landscaping theme.
2. Proposed buildings should relate in scale and materials to adjacent buildings.
3. Long, unbroken facades are strongly discouraged.
4. The exteriors of all buildings that are visible to a public street should be finished with masonry, brick, stone or equivalent types of attractive materials, as opposed to tin, steel or aluminum.

**§ 190-411. Specific regulations for the IOC Industrial/Office/Commercial District.**

A. Permitted by right uses. The following uses are permitted by right in the IOC Industrial/Office/Commercial District, provided that all other requirements of this ordinance are met:

1. Auto repair garage
2. Bank or financial institution
3. Beverage production – limited distillery
4. Beverage production – limited winery, meadery or cidery
5. Beverage production – large brewery
6. Beverage production – micro-brewery
7. Billboard (on its own lot)
8. Business services establishment

9. Commercial indoor recreation use
10. Convenience store
11. Crop farming
12. Day care center, adult
13. Essential services
14. Forestry
15. Gasoline service station
16. Governmental and emergency services facility
17. Hotel or motel
18. Manufacturing, light
19. Medical or dental clinics and laboratories
20. Medical marijuana dispensary
21. Membership club, lodge or fraternal organization
22. Mixed-use building
23. Office, Professional
24. Outdoor industrial storage/supply yard
25. Plant nursery
26. Public park/recreation
27. Research, development, engineering or testing laboratory
28. Restaurant, sit-down
29. Retail establishment
30. Self-storage development
31. Taxi, bus, or train terminal
32. Truck stop
33. Truck, rail or freight terminal
34. Warehouse/logistics use

35. Wholesale establishment

B. Special exception uses. The following is a list of special exception uses within the IOC Industrial/Office/Commercial, which shall also have to meet the requirements set forth for particular uses set forth in § 190-903:

1. Comparable commercial uses not specifically listed
2. Comparable industrial uses not specifically listed
3. Wireless communications facility, tower-based

C. Conditional uses. The following is a list of conditional uses within the IOC Industrial/Office/Commercial District, which shall also have to meet the requirements set forth for particular uses set forth in § 190-902:

1. Geothermal energy system
2. Hospital
3. Planned development
4. School, commercial

D. Permitted accessory uses. Accessory uses in the IOC Industrial/Office/Commercial District shall be as follows:

1. Accessory use and structure which are clearly customary and incidental to a permitted principal use
2. Bus shelter
3. Commercial/industrial outdoor storage or display
4. Crematorium
5. Food truck
6. Keeping of pets
7. Satellite dish antenna or satellite antenna
8. Solar energy system, small
9. Temporary structure or use
10. Wind energy system, small

E. Special exception accessory uses. Accessory uses allowed as special exception in the IOC Industrial/Office/Commercial District shall be as follows:

1. Heliport

2. Wireless communications facility, non-tower

F. Area and bulk regulations. Area and bulk regulations in the IOC Industrial/Office/Commercial District shall be as follows:

1. Lot area: a minimum of five (5) acres. The tract size shall be a minimum of fifteen (15) acres.
2. Lot width: a minimum of one hundred (100) feet per lot at the edge of the existing legal right-of-way; for a minor arterial street, a minimum of two hundred fifty (250) feet per lot at the edge of the street line.
3. Maximum lot coverage: 40% maximum for all principal and accessory buildings. The total impervious coverage shall not be greater than 65% of a lot.
4. Minimum landscape coverage: 20% minimum of the lot.
5. Front yard setback: a minimum of forty (40) feet; if the lot abuts or is across the ROW from a residential lot line, a minimum of seventy-five (75) feet.
6. Side yard setback: a minimum of fifteen (15) feet; if the lot abuts or is across the ROW from a residential lot line, a minimum of one hundred fifty (150) feet.
7. Rear yard setback: a minimum of fifteen (15) feet; if the lot abuts or is across the ROW from a residential lot line, a minimum of one hundred fifty (150) feet.
8. Height: a maximum of forty-five (45) feet.

G. Review procedures.

1. In addition to the requirements of § 190-811 (Site Plan Review Procedures for Specific Uses), § 190-902 (Process for Conditional Uses), and § 190-903 (Process for Special Exception Uses), a development plan shall be submitted including the following information:
  - a. A list of the types of uses expected to be located on the tract and their approximate floor areas.
  - b. A map and statement indicating the manner in which the proposed site plan relates to existing and anticipated future development of the balance of the IOC District, with respect to traffic flow and parking, utilities and services, open space, landscaped areas and drainage.
  - c. A map and statement indicating the manner and extent to which open space and landscaped areas are to be provided in the development, including any proposal for extension of a recreation trail along the Schoeneck Creek.
  - d. For any major industrial use(s), the likely hours of operation, the maximum number of employees expected on any one shift and an estimate of the expected number of trips of different types of vehicles.
  - e. Proposed methods to screen and buffer any adjacent dwellings and/or any adjacent residential districts.

- f. Such additional data or evidence that the Board of Supervisors may reasonably require to ensure compliance with specific provisions of Township ordinances, especially to ensure public health and safety and to ensure compliance with the performance standards of Article V (Environmental Preservation).
  - g. An applicant for a development of multiple lots intended to involve industrial uses shall provide to the Township the substance of the proposed declarations of restrictions and covenants (if any) that would impose additional use and development and maintenance restrictions on the development of the tract. Such restrictions and covenants are strongly encouraged to ensure adequate maintenance and to control nuisances from individual uses within the tract. Any proposed covenants shall also include a written process for enforcement by the developer and the Township.
2. For specific uses including Light Manufacturing, Warehouses/Logistics Use, and Truck, Rail or Freight Terminal, a detailed description of the following information shall be submitted:
- a. For Light Manufacturing, the nature of the on-site activities and manufacturing operations, the types of materials used in the manufacturing process, the waste generated and the methods of disposal, outside storage (if any) of raw materials, final products, or waste materials (this includes any tanks, silos or bins).
  - b. For Light Manufacturing, any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. If available, provide any external noise studies conducted of similar operations.
  - c. For Warehousing and Truck, Rail or Freight Terminal, the nature of the on-site activities and operations, the types of materials stored.
  - d. For all uses, the general scale of the operation, in terms of its specific floor space requirements for each activity, hours of operation, and the total number of employees on each shift.
  - e. For all uses, provide evidence of the internal and external fire protection/suppression systems being provided at the facility.
  - f. For all uses, provide evidence that the proposed uses shall not substantially change the character of any surrounding residential neighborhoods.
  - g. For all uses, provide evidence that the proposed uses shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.

F. Sewage restrictions on uses.

- 1. In areas of the Township to unlikely be served by public sewers within the next year following the date of zoning application, no industrial use shall be permitted that would reasonably be expected to generate an amount or intensity of sewage greater than one equivalent dwelling unit per acre, nor shall any use be permitted that would generate significant amounts of process waste.



2. The Board of Supervisors and/or Easton Area Joint Sewer Authority Industrial Pretreatment Program may require an industrial facility to adequately pretreat its wastes if the waste that would result from the use would represent a serious hazard to the proper functioning of the sewage system of the EAJSA Wastewater Treatment Plant.

G. Design Guidelines

1. The proposed development should be designed with an overall plan having a single architectural and landscaping theme.
2. Proposed buildings should relate in scale and materials to adjacent buildings.
3. Long, unbroken facades are strongly discouraged.
4. The exteriors of all buildings that are visible to a public street should be finished with masonry, brick, stone or equivalent types of attractive materials, as opposed to tin, steel or aluminum.

**§ 190-412. Specific regulations for the NEB North End Business District.**

- A. Permitted by right uses. The following uses are permitted by right in the NEB North End Business District, provided that all other requirements of this ordinance are met:

1. Beverage production – large brewery
2. Beverage production – limited distillery
3. Beverage production – limited winery, meadery or cidery
4. Billboard (on its own lot)
5. Business services establishment
6. Crop farming
7. Day care center, child
8. Essential services
9. Forestry
10. Governmental and emergency services facility
11. Manufacturing, light
12. Manufacturing, heavy
13. Medical or dental clinics and laboratories
14. Medical marijuana grower/processor
15. Mixed-use building

16. Office, Professional
17. Outdoor industrial storage/supply yard
18. Public park/recreation
19. Research, development, engineering or testing laboratory
20. School, commercial
21. Truck stop
22. Truck, rail, freight terminal
23. Warehouse/logistics use
24. Wholesale establishment
25. Wireless communications facility, tower-based

B. Special exception uses. The following is a list of special exception uses within the NEB North End Business District, which shall also have to meet the requirements set forth for particular uses set forth in § 190-903:

1. Comparable industrial uses not specifically listed
2. Solar energy system, principal/community-scale
3. Tank farm
4. Wind energy system, principal/community-scale

C. Conditional uses. The following is a list of conditional uses within the NEB North End Business District, which shall also have to meet the requirements set forth for particular uses set forth in § 190-902:

1. Adult-oriented establishment
2. Airport
3. Geothermal energy system
4. Heliport
5. Junkyard
6. Mineral extraction/open pit mining
7. Planned development

D. Permitted accessory uses. Accessory uses in the NEB North End Business District shall be as follows:

1. Accessory use and structure which are clearly customary and incidental to a permitted principal use
  2. Bus shelter
  3. Commercial/industrial outdoor storage or display
  4. Crematorium
  5. Keeping of pets
  6. Satellite dish antenna or satellite antenna
  7. Solar energy system, small
  8. Temporary structure or use
  9. Wind energy system, small
  10. Wireless communications facility, non-tower
- E. Area and bulk regulations. Area and bulk regulations in the NEB North End Business District shall be as follows:
1. Lot area: a minimum of ten (10) acres.
  2. Lot width: a minimum of three hundred fifty (350) feet per lot at the edge of the existing legal right-of-way.
  3. Maximum lot coverage: 45% maximum for all principal and accessory buildings. The total impervious coverage shall not be greater than 75% of a lot.
  4. Front yard setback: a minimum of fifteen (15) feet.
  5. Side yard setback: a minimum of twenty-five (25) feet if not adjacent to the NEB District; a minimum of fifteen (15) feet if adjacent to the NEB District.
  6. Rear yard setback: a minimum of twenty-five (25) feet if not adjacent to the NEB District; a minimum of fifteen (15) feet if adjacent to the NEB District.
  7. Height: a maximum of sixty (60) feet.
- F. Community development objectives.
1. To promote industrial, research, distribution, office and commercial development in appropriate locations to provide wider employment choices and improve overall economic development for the Township.
  2. To ensure that sufficient road capacity and utilities are in place before new development occurs.
  3. To provide a safe and efficient transportation network that is closely coordinated with land use.

4. To proactively manage the streetscape and character of the area through the application of coordinated amenities, including sidewalks, landscaping and signage.

G. Zoning permits.

1. Applications for zoning permits related to the construction of structures permitted in the North End Business District shall include the following information:
  - a. Size of building, in square feet.
  - b. Architectural renderings of the building showing compliance with the design provisions of Subsection D below.
2. Applications for zoning permits for uses provided for in the North End Business District shall include the following additional information:
  - a. Description of business and/or services provided.
  - b. Hours and days of operation.
  - c. Maximum number of employees expected on each shift.
  - d. Expected number of outside customers or visitors.
  - e. Number of daily truck trips and expected hours of truck traffic.
3. Applications for building permits related to the construction of structures permitted within the North End Business District shall be approved only in the event that all relevant provisions of this ordinance and the Palmer Township Subdivision and Land Development Ordinance have been met.

H. Review procedures for uses. In addition to the requirements of § 190-811 (Site Plan Review Procedures for Specific Uses), § 190-902 (Process for Conditional Uses), and § 190-903 (Process for Special Exception Uses), the following information shall also be submitted for the following uses, including Light & Heavy Manufacturing, Warehouses/Logistics Use, and Truck, Rail or Freight Terminal:

1. For Light & Heavy Manufacturing, the nature of the on-site activities and manufacturing operations, the types of materials used in the manufacturing process, the waste generated and the methods of disposal, outside storage (if any) of raw materials, final products, or waste materials (this includes any tanks, silos or bins).
2. For Light & Heavy Manufacturing, any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. If available, provide any external noise studies conducted of similar operations.
3. For Warehousing and Truck, Rail or Freight Terminal, the nature of the on-site activities and operations, the types of materials stored.
4. For all uses, the general scale of the operation, in terms of its specific floor space requirements for each activity, hours of operation, and the total number of employees on each shift.

5. For all uses, provide evidence of the internal and external fire protection/suppression systems being provided at the facility.
  6. For all uses, provide evidence that the proposed uses shall not substantially change the character of any surrounding residential neighborhoods.
  7. For all uses, provide evidence that the proposed uses shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.
- I. Development requirements. Within the boundaries of the North End Business District, all developments shall be constructed in accordance with a well-coordinated, integrated overall plan. If a development is to be carried out in progressive phases, each phase shall be planned so that the requirements and intents of this article and this ordinance shall be fully complied with at the completion of any phase.
- J. Building standards and orientation.
1. The main entrance of all buildings shall be located along the front or side of the building that faces the street.
    - a. The main entrance of a building shall be identified by being recessed in or projecting out, changes in building height, roof overhangs, awnings, lighting or combinations thereof.
  2. Blank walls shall not be permitted along any wall that faces Main Street.
  3. All exterior building walls that face a street shall be finished with brick, cut stone, precast concrete, poured concrete panels, split-face masonry blocks, stucco, plaster, clear or lightly tinted glass, or combinations thereof.
    - a. Standard concrete block or metal shall not be permitted on walls that face a street.
  4. Exterior building walls shall use neutral colors. Contrasting trim, color bands and/or textures may be used to help break up the vertical monotony of flat walls.
  5. For any property with frontage on Main Street, loading docks, service bays and roll-up doors shall be screened against view from Main Street.
  6. Loading bays and roll-up doors shall use the same color as the wall on which they are located.
  7. Building mechanical systems, including but not limited to air-conditioning units, exhaust systems, satellite dishes, and elevator housing, shall be located on the roof whenever possible.
  8. Public utility equipment shall be placed underground whenever feasible.
  9. Trash receptacles and above-ground utility equipment shall be placed to the side or rear of the nearest building.
    - a. All trash receptacles shall be enclosed by landscaping, fencing, walls or other enclosures.
    - b. All fencing, walls, and/or enclosures used for trash receptacles shall be the same color as the building with which they are associated.

K. Off-street parking and loading.

1. Parking. In addition to the off-street parking requirements in Article VI (Off-Street Parking and Loading) and Table 3, the following requirements shall apply to uses within the North End Business District:
  - a. The design of parking and circulation areas on the site shall address the needs of different users to the site, such as visitors, employees and truck loading and unloading.
    - i. Parking areas for visitors or customers shall be located adjacent to the main entrance of the building.
    - ii. All parking areas on a lot shall be accessible from within the lot.
    - iii. Clear access shall be provided to all sides of the building for emergency vehicles.
  - b. Where parking areas are located between the building and the street, the parking areas shall be screened from view of the street using low fencing, a low wall that matches the architectural style of the principal building, earthen berms, variations in elevation, landscaping, or combinations thereof.
  - c. Internal walkways.
    - i. Pedestrian walkways shall be provided for visitors, customers and employees to travel between buildings and parking areas.
    - ii. Pedestrian walkways shall be constructed with a different pavement material than that used for streets and parking areas so as to differentiate the walkway from the driving areas. Pedestrian walkways may be constructed with concrete, decorative brick, blocks or stone, not including crushed stone.
    - iii. All pedestrian walkways shall comply with the ADA Standards for Accessible Design.
2. Loading. In addition to the loading requirements in Article VI (Off-Street Parking and Loading), the following requirements shall apply to uses within the North End Business District:
  - a. Loading and unloading areas, including areas for truck parking and/or service, shall be located at the rear of a building, whenever possible. If loading, unloading, truck parking and/or service bays are not possible at the rear of a building, then they may be located at the side of a building, provided that they are not visible from the street.
  - b. If loading, unloading, truck parking and/or service areas are located at the side of a building, they shall be shielded from view of the street using fencing, a wall that matches the architectural style of the principal building, or dense landscaping.

L. Streetscape performance regulations.

1. Sidewalks. Sidewalks shall be provided for all uses within the North End Business District. Sidewalks shall be constructed in accordance with Township specifications (see Palmer Township Standard Construction Details) and installed to connect to the lot line of adjacent parcels.
2. Where sidewalks coincide and/or adjoin a Township-designated recreation path, the sidewalk width and locations shall be constructed in accordance with Township specifications.
3. Streetlighting. Streetlighting shall be provided along all street frontages in the North End Business District.
  - a. Streetlight poles shall have a maximum height of twenty (20) feet and shall be placed a maximum of one hundred (100) feet apart.
  - b. All streetlight poles and fixtures shall be constructed in accordance with design standards set forth by the electric utility company.
  - c. The design of streetlight poles and fixtures shall be consistent throughout the North End Business District and in conformance with any applicable Township Design Standards.
  - d. Cobra-head-style streetlights shall be prohibited.

M. Traffic management.

1. Road capacity. To ensure the road network is able to handle additional traffic from development, the following shall be met:
  - a. A traffic impact assessment shall be completed for all applications of proposed development, redevelopment and/or expansion of existing development.
  - b. A report shall be submitted as required by § 190-813 (Traffic Impact Assessment).
  - c. The Township shall review, at the expense of the applicant, any professional traffic studies that are presented and make recommendations to the Township.
  - d. The provisions of § 165-59.M of the Township Subdivision and Land Development Ordinance, entitled “Required traffic improvements,” shall also apply to any use that involves construction of one or more new principal buildings.
2. Access management. The number of access points onto Main Street shall be minimized, and traffic shall be directed towards a minimum number of strategically planned intersections and traffic signals. In order to minimize traffic congestion and hazards, the following access management provisions shall apply:
  - a. Access to lots shall be provided only onto and off of an abutting collector or local street and shall not be provided directly onto or off of Main Street.
  - b. Access to two or more adjoining lots may be combined, shared and/or coordinated to minimize the number of access points onto a public street. Shared parking lots and access drives or access points connecting adjacent lots are strongly encouraged.

- i. The provision of joint access shall be subject to the creation of an easement with the deed allowing cross-access between the properties within the access road area. The joint access arrangements shall include a joint agreement recorded with the deed defining the maintenance responsibilities of each of the property owners served by the access road.
  - c. Developments consisting of three or more principal structures shall make use of a carefully coordinated interior street system.
    - i. Each principal building shall have its main vehicle access onto a common parking lot, access drive, service road, marginal access street, or other alternative method approved by the Township, which shall then provide access to an abutting collector or local street.
    - ii. Vehicle access shall be provided to each use without causing congestion to, hazards upon or interference with traffic movement on public streets.
  - d. The minimum distance to be provided between an access point or driveway and a street intersection on the same and/or opposite side of the following types of streets (measured from center line to center line) is listed below:
    - i. From Main Street and/or Van Buren: four hundred (400) feet required.
    - ii. From other roads: two hundred (200) feet required.
  - e. An access point or driveway shall be aligned with or separated a minimum distance of two hundred (200) feet from any other access point or driveway onto the same street, measured from center line to center line.
  - f. The access control provisions of § 190-808 (Access onto Arterial and Collector Streets) and § 165-59.E and § 165-67 of the Township Subdivision and Land Development Ordinance shall also apply, except that where the requirements of this ordinance are more restrictive, this ordinance shall supersede.

N. Sewage restrictions on uses.

- 1. In areas of the Township to unlikely be served by public sewers within the next year following the date of zoning application, no industrial use shall be permitted that would reasonably be expected to generate an amount or intensity of sewage greater than one equivalent dwelling unit per acre, nor shall any use be permitted that would generate significant amounts of process waste.
- 2. The Board of Supervisors and/or the Nazareth Borough Municipal Authority (NBMA) Industrial Pretreatment Program may require an industrial facility to adequately pretreat its wastes if the waste that would result from the use would represent a serious hazard to the proper functioning of the NBMA Wastewater Treatment Plant.

**§ 190-413. Specific regulations for the R-248 Route 248 Overlay District.**

A. Community development objectives.



1. To facilitate safe and efficient pedestrian and vehicular travel along the Route 248 corridor by managing land uses and traffic conflicts and decreasing curb cuts.
2. To establish more effective building and parking lot orientations for the corridor.
3. To encourage greater interest in architectural quality and public amenities by proactively managing the streetscape and character of the corridor.
4. To develop coordinated streetscape amenities along the corridor, including sidewalks, streetlighting, landscaping, and signage.
5. To build upon and improve the Route 248 corridor by establishing guidelines and standards for future development, reuse, and expansions; evaluate undeveloped parcels for their highest and best use; and design new developments so that they contribute to and have a relationship to the community as a whole.
6. To set standards for home conversions that will maintain the character of the structure.
7. To avoid uses which impose upon neighboring residential pockets and negatively impact the character of the area.
8. To establish backyard buffers which protect adjoining residential uses from excessive light and glare, noise, or parking.

B. Use regulations.

1. Uses by right, conditional uses, and uses by special exception shall be permitted in the Route 248 Overlay District as defined within the respective base zoning districts unless specifically prohibited herein.
  - a. In addition, the following principal uses may also be allowed as a permitted by right use:
    - i. Business services establishment
    - ii. Medical or dental clinics and laboratories
    - iii. Mixed-use building
    - iv. Office, Professional
2. Conversion of existing dwellings in the Route 248 Overlay District to non-residential uses may be permitted, provided the following conditions are met:
  - a. Total floor space shall not exceed three thousand (3,000) square feet.
  - b. No drive-through facilities or adult-oriented establishments shall be permitted.
3. Regulations in this article must be followed upon change of use. All conversions under this article shall be considered land developments conforming to the Palmer Township Subdivision and Land Development Ordinance and requiring a land development plan.

C. Area and bulk regulations. Uses permitted within the Overlay District shall follow respective base zoning district regulations, with the following exceptions:

1. Lot area: a minimum of ten thousand (10,000) square feet.
2. Maximum lot coverage: 40% maximum for all principal and accessory buildings. The total impervious coverage shall not be greater than 70% of a lot.
3. Front yard setback: a minimum of twenty (20) feet.
4. Side yard setback: a minimum of five (5) feet.
5. Rear yard setback: a minimum of five (5) feet.
6. Height: a maximum of thirty-five (35) feet.

D. Landscaping, screening, and buffer yard requirements. (Also see § 190-804 (Special Lot and Yard Requirements, Sight Distance and Buffer Yards) and § 190-805 (Landscaping).)

1. Trash dumpsters. Dumpsters and storage bins shall be screened (to ninety percent (90%) opaqueness) on three sides by evergreen planting, fencing, and/or walls. Screening shall block view of dumpster from streets and dwellings as well as those that are adjacent to a residential lot.
2. Rear yard buffer.
  - a. Rear yards shall include a permanent continuous fence with a minimum height of six (6) feet and a maximum height of eight (8) feet, maintained in good repair, and with a parallel row of trees or shrubs, unless the rear yard fronts onto an alleyway. At least ninety percent (90%) of the total surface shall be opaque and the exterior and/or intended finished face of the fence shall be oriented toward the adjacent lot and/or right-of-way. For purpose of the buffer yard, chain-link-type fences are not permitted.
  - b. All building mechanical systems such as air-conditioning units, exhaust systems, satellite dishes, elevator housing, and dumpsters shall be integrated into the overall design and character of the building. Landscaping and other screening devices, including decorative fencing, shall be used to soften the view of these features from adjoining properties.
3. Parking areas.
  - a. Where paved vehicular areas occur in a side yard that abuts a residential district or use, such paved areas shall have a permanent staggered/offset row of bushes, four feet high at the time of planting, with sufficient density to block car lights from shining into the adjoining property. Upon written approval from the adjoining (i.e., affected) property owner, a four-foot fence with ninety percent (90%) opaqueness may be substituted for the row of bushes, provided that it is not a chain-link-style fence.
  - b. The side yard buffer shall be provided by the developer or property owner for all new land developments, changes of uses and/or replacement with same use, and for

buildings reconstructed or rehabilitated over twenty-five percent (25%) of the assessed tax value or for buildings expanded by ten percent (10%) of the square footage or more.

E. Streetscape performance regulations.

1. Sidewalks.

a. Sidewalks shall be provided on all road frontages in accordance with the Township's Subdivision and Land Development Ordinance.

2. Street trees. Street trees shall be provided in accordance with § 165-73 (Street Trees, Tree Preservation and Historic Buildings) in the Palmer Township Subdivision and Land Development Ordinance.

F. Signs.

1. Height. Within the Route 248 Overlay District, ground signs shall be limited to a maximum height of five (5) feet. Freestanding pole signs are prohibited.

2. Area. Maximum sign area in the Route 248 Overlay District shall be limited to fifteen (15) square feet in residential districts and twenty (20) square feet in nonresidential districts.

3. Illumination.

a. No sign shall be excessively illuminated beyond which is necessary for the sign to be readable. Internally illuminated signs shall be prohibited in all residential districts in the Township. Where permitted in nonresidential districts, internally illuminated signs shall have a dark background with illuminated text that accounts for a maximum of twenty percent (20%) total sign area.

b. Externally illuminated signs shall be illuminated by a white, steady, stationary light. External light shall be directed at the sign without light spillover and without causing glare for motorists, pedestrians or neighboring properties. Signs may be backlit with a diffused or shielded light source if deemed necessary by the Township to control glare. Backlighting shall illuminate the letters, characters or graphics on the sign, but not its background, in order to shine only on the face of the sign and not spill over into the property.

c. Hours of illumination. Signs may be lit during occupied hours or between the hours of 7:00 a.m. and 11:00 p.m., whichever is less. All existing internally illuminated signs in a residential zoning district shall be lit during office hours only.

G. Parking standards and interconnection.

1. Interconnection of off-street parking areas.

a. To reduce traffic congestion and the number of curb cuts along public streets, parking areas shall be connected to adjacent parcels through rear or side yard access road. The intent is to provide a secondary point of access in a grid pattern to uses within the Route 248 Overlay District. Where a parking area is constructed and is adjacent to an

undeveloped nonresidential parcel, the access drive shall be extended to the lot line for future connection.

- b. The use of shared access points is strongly recommended. Where possible, two (2) adjacent uses may share ingress and egress points to serve both uses. This model will decrease the number of curb cuts along Route 248 and create a safer and more efficient road.
- c. When adjacent lots are consolidated, only one access point/curb cut shall be retained for the consolidated lot. Any existing access point/curb cut beyond the one permitted shall be abandoned.
- d. Access onto arterial and collector streets shall conform to the standards in § 190-808 (Access onto Arterial and collector Streets).

2. Parking area lighting.

- a. All lights used for parking or in parking areas must be designed to shine back toward the principal building and shall not spill any light or glare onto the adjacent property.
- b. Lighting fixtures shall have hoods or shields to manage the light from spilling over unnecessarily. Parking lighting fixtures shall be lit during office hours or between the hours of 7:00 a.m. and 11:00 p.m., whichever is less.
- c. Lighting shall be coordinated with landscaping in parking areas.

3. Parking.

- a. Off-street parking areas shall be oriented to the rear or side of structures to create a unified streetscape and minimize congestion.
- b. Parking and loading shall conform to the standards in Article VI (Off-Street Parking and Loading). A limit of three parking spaces may be provided on the side of the building that faces a public street in order to decrease the stacking of vehicles and “back up” on to a public street. For corner lots, the front yard shall be determined by side fronting onto the primary street, and the secondary street frontage shall be considered a side yard.
- c. Interior pedestrian pathways and crosswalks shall be added to parking lots to provide for the safety of pedestrians accessing the buildings, both from side sidewalk and the parking lot.

H. Building standards and orientation.

1. All new construction in the Route 248 Overlay District shall provide a prominent and highly visible street-level doorway or entrance fronting to Route 248, except in the case of master-planned developments exceeding two (2) acres in land area.
2. In order to maintain the character of the area, blank walls shall not be permitted to face a public street. The street level facade of any building facing a public street or access drive shall be at

least fifteen percent (15%) transparent. These requirements shall apply to all new land developments and existing buildings reconstructed over fifty percent (50%) of tax value.

3. Exterior wall materials that are not permitted in the Route 248 Overlay District include: large split face blocks, tilt-up concrete panels, prefabricated metal panels, and standard concrete masonry units.

I. Land development plan review.

1. For all home conversions to a nonresidential use, a land development plan shall be required.

**§ 190-414. Specific regulations for the WPH William Penn Highway Overlay District.**

B. Community development objectives.

1. To ensure safe and efficient pedestrian and vehicular travel along the William Penn Highway corridor by managing land uses and traffic conflicts, decreasing the number of curb cuts, and establishing more effective building and parking lot orientations.
2. To encourage greater interest in design unification.
3. To proactively manage the streetscape and character of the corridor through the application of coordinated amenities including sidewalks, landscaping, and signage.
4. To build upon and improve the William Penn Highway corridor by establishing guidelines and standards for future development, reuse, and expansions.
5. To design new developments that contribute to and have a relationship to the community as a whole and avoid uses which negatively impose upon neighboring residential pockets.
6. To set standards for home conversions to enable flexibility while also maintaining basic standards and minimizing land use conflicts.
7. To keep traffic and the number of curb cuts to a minimum.
8. To establish backyard buffers which protect adjoining residential uses from light, noise, and other conflicts that may be caused by nonresidential uses.

C. Use regulations.

1. Uses by right, conditional uses, and uses by special exception shall be permitted in the William Penn Highway Overlay District as defined within the respective base zoning districts unless specifically prohibited herein.
  - a. In addition, the following principal uses may also be allowed as a permitted by right use:
    - i. Artisan, craft, exercise or performing arts studio
    - ii. Bank or financial institution (no drive-thru)

- iii. Bar or tavern
- iv. Bed-and-breakfast use
- v. Business services establishment
- vi. Day care center, adult
- vii. Day care center, child
- viii. Funeral home or mortuary
- ix. Group home
- x. Membership club, lodge or fraternal organization Mixed-use building
- xi. Medical or dental clinics and laboratories
- xii. Mixed-use building
- xiii. Office, Professional
- xiv. Personal care home or center
- xv. Personal services establishment
- xvi. School, public or private
- xvii. Single-family semidetached dwelling (twin)
- xviii. Two-family dwelling (duplex)
- xix. Veterinarian office or animal hospital

b. The following principal uses may also be allowed as a special exception:

- i. Taxi, bus or passenger train terminal
2. Conversion of existing dwellings in the William Penn Highway Overlay District to non-residential uses may be permitted, provided the following conditions are met:
    - a. Total floor space shall not exceed three thousand (3,000) square feet.
    - b. No drive-through facilities or adult-oriented establishments shall be permitted.
  3. Lot consolidation. If adjacent lots are under the control of a single landowner, the lots shall be consolidated as a single lot prior to any land development.
  4. Regulations in this article must be followed upon change of use. All conversions under this article shall be considered land developments conforming to the Palmer Township Subdivision and Land Development Ordinance and requiring a land development plan.

D. Area and bulk regulations. Uses permitted within the Overlay District shall follow respective base zoning district regulations, with the following exceptions:

1. Lot area: a minimum of ten thousand (10,000) square feet.
2. Maximum lot coverage: 40% maximum for all principal and accessory buildings. The total impervious coverage shall not be greater than 70% of a lot.
3. Front yard setback: a minimum of twenty (20) feet.
4. Side yard setback: a minimum of five (5) feet.
5. Rear yard setback: a minimum of five (5) feet.
6. Height: a maximum of forty (40) feet.

E. Landscaping, screening, and buffer yard requirements. (Also see § 190-804 (Special Lot and Yard Requirements, Sight Distance and Buffer Yards and § 190-805 (Landscaping).)

1. Trash dumpsters. Dumpsters and storage bins shall be screened (to ninety percent (90%) opaqueness) on three (3) sides by evergreen planting, fencing, and/or walls. Screening shall block view of dumpster from streets and dwellings.
2. Rear yard buffer.
  - a. Rear yards shall include a permanent continuous fence with a minimum height of six feet and a maximum height of eight feet, maintained in good repair, and with a parallel row of trees or shrubs, unless the rear yard fronts onto an alleyway. At least ninety percent (90%) of the total surface shall be opaque. For purpose of the buffer yard, chain-link-type fences are not permitted.
  - b. All building mechanical systems such as air-conditioning units, exhaust systems, satellite dishes, elevator housing, and dumpsters shall be integrated into the overall design and character of the building. Landscaping and other screening devices, including decorative fencing, shall be used to soften the view of these features from adjoining properties.
3. Parking areas.
  - a. Where paved vehicular areas occur in a side yard that abuts a residential district or use, such paved areas shall have a permanent staggered/offset row of bushes, four feet high at the time of planting, with sufficient density to block car lights from shining into the adjoining property. Upon written approval from the adjoining (i.e., affected) property owner, a four-foot fence with ninety percent (90%) opaqueness may be substituted for the row of bushes, provided that it is not a chain-link-style fence.
  - b. The side yard buffer shall be provided by the developer or property owner for all new land developments, changes of uses and/or replacement with same use, and for buildings reconstructed or rehabilitated over twenty-five percent (25%) of the assessed tax value or for buildings expanded by ten percent (10%) of the square footage or more.

F. Streetscape performance regulations.

1. Sidewalks.

- a. Sidewalks shall be provided along all road frontages for all parcels within the William Penn Highway Overlay District. Sidewalks shall be provided by the developer or property owner for all new land developments, replacement of the same use and/or changes of uses, and for buildings reconstructed or rehabilitated over twenty-five percent (25%) of the assessed tax value or for buildings expanded ten percent (10%) of the square footage or more.
- b. Sidewalks shall be constructed in accordance with Township specifications (see Palmer Township Standard Construction Details) and installed to connect to the lot line of adjacent parcels. Sidewalks constructed along William Penn Highway shall begin at the right-of-way and be constructed a minimum of five (5) feet as measured toward the building setback line.

2. Street trees. Street trees shall be provided in accordance with § 165-73 (Street Trees, Tree Preservation and Historic Buildings) in the Palmer Township Subdivision and Land Development Ordinance.

G. Signs.

1. Height. Within the William Penn Highway Overlay District, ground signs shall be limited to a maximum height of five (5) feet. Freestanding pole signs are prohibited.
2. Area. Maximum sign area in the William Penn Highway Overlay District shall be limited to fifteen (15) square feet in residential districts and twenty (20) square feet in nonresidential districts.
3. Illumination.
  - a. No sign shall be excessively illuminated beyond which is necessary for the sign to be readable. Internally illuminated signs shall be prohibited in all residential districts in the Township. Where permitted in nonresidential districts, internally illuminated signs shall have a dark background with illuminated text that accounts for a maximum of twenty percent (20%) total sign area.
  - b. Externally illuminated signs shall be illuminated by a white, steady, stationary light. External light shall be directed at the sign without light spillover and without causing glare for motorists, pedestrians or neighboring properties. Signs may be backlit with a diffused or shielded light source if deemed necessary by the Township to control glare. Backlighting shall illuminate the letters, characters or graphics on the sign, but not its background, in order to shine only on the face of the sign and not spill over into the property.
  - c. Hours of illumination. Signs may be lit during occupied hours or between the hours of 7:00 a.m. and 11:00 p.m., whichever is less. All existing internally illuminated signs in a residential zoning district shall be lit during office hours only.

H. Parking standards and interconnection.



1. Interconnection of off-street parking areas.

- a. To reduce traffic congestion and the number of curb cuts along public streets, parking areas shall be connected to adjacent parcels through rear or side yard access road. The intent is to provide a secondary point of access in a grid pattern to uses within the William Penn Highway Overlay District. Where a parking area is constructed and is adjacent to an undeveloped nonresidential parcel, the access drive shall be extended to the lot line for future connection.
- b. The use of shared access points is strongly recommended. Where possible, two adjacent uses may share ingress and egress points to serve both uses. This model will decrease the number of curb cuts along William Penn Highway and create a safer and more efficient road.
- c. When adjacent lots are consolidated, only one access point/curb cut shall be retained for the consolidated lot. Any existing access point/curb cut beyond the one permitted shall be abandoned.
- d. Access onto arterial and collector streets shall conform to the standards in § 190-808 (Access onto Arterial and Collector Streets).

2. Parking area lighting.

- a. All lights used for parking or in parking areas must be designed to shine back toward the principal building and shall not spill any light or glare onto the adjacent property.
- b. Lighting fixtures shall have hoods or shields to manage the light from spilling over unnecessarily. Parking lighting fixtures shall be lit during office hours or between the hours of 7:00 a.m. and 11:00 p.m., whichever is less.
- c. Lighting shall be coordinated with landscaping in parking areas.

3. Parking.

- a. Off-street parking areas shall be oriented to the rear or side of structures to create a unified streetscape and minimize congestion.
- b. Parking and loading shall conform to the standards in Article VI (Off-Street Parking and Loading). A maximum of three (3) parking spaces may be provided on the side of the building fronting the public street in order to decrease the stacking of vehicles and “back up” on to a public street. For corner lots, the front yard shall be determined by side fronting onto the primary street, and the secondary street frontage shall be considered a side yard.
- c. Interior pedestrian pathways and crosswalks shall be added to parking lots to provide for the safety of pedestrians accessing the buildings, both from side sidewalk and the parking lot.

I. Building standards and orientation.

1. All new construction in the William Penn Highway Overlay District shall provide a prominent and highly visible street-level doorway or entrance fronting to William Penn Highway.
2. In order to maintain the character of the area, blank walls shall not be permitted to face any land development proposed under this ordinance. The street level facade of any building facing a public street or access drive shall be at least fifteen percent (15%) transparent. These requirements shall apply to all new land developments and existing buildings reconstructed over fifty percent (50%) of tax value.
3. Exterior wall materials that are not permitted in the William Penn Highway Overlay District include: large split face blocks, tilt-up concrete panels, prefabricated metal panels, and standard concrete masonry units.

J. Land development plan review.

1. For all home conversions to a nonresidential use, a land development plan shall be required.

**§ 190-415. Specific regulations for the Freemansburg Avenue Overlay District.**

A. Community development objectives.

1. To ensure safe and efficient pedestrian and vehicular travel along the Freemansburg Avenue corridor by managing land uses and traffic conflicts, decreasing the number of curb cuts, and establishing more effective building and parking lot orientations.
2. To encourage greater interest in design unification.
3. To proactively manage the streetscape and character of the corridor through the application of coordinated amenities including sidewalks, landscaping, and signage.
4. To build upon and improve the Freemansburg Avenue corridor by establishing guidelines and standards for future development, reuse, and expansions.
5. To design new developments that contribute to and have a relationship to the community as a whole and avoid uses which negatively impose upon neighboring residential pockets.
6. To set standards for home conversions to enable flexibility while also maintaining basic standards and minimizing land use conflicts.
7. To keep traffic and the number of curb cuts to a minimum.
8. To establish backyard buffers which protect adjoining residential uses from light, noise, and other conflicts that may be caused by nonresidential uses.

B. Use regulations.

1. Uses by right, conditional uses, and uses by special exception shall be permitted in the Freemansburg Avenue Overlay District as defined within the respective base zoning districts unless specifically prohibited herein.

- a. In addition, the following principal uses may also be allowed as a permitted by right use:
  - i. Uses permitted by right within respective base zoning districts
  - ii. Artisan, craft, exercise or performing arts studio
  - iii. Bank or financial institution (no drive-thru)
  - iv. Bed-and-breakfast use
  - v. Business services establishment
  - vi. Day care center, adult
  - vii. Day care center, child
  - viii. Funeral home or mortuary
  - ix. Group home
  - x. Medical or dental clinics and laboratories
  - xi. Membership club, lodge or fraternal organization
  - xii. Mixed-use building
  - xiii. Office, Professional
  - xiv. Personal care home or center
  - xv. Personal services establishment
  - xvi. Restaurant, sit-down
  - xvii. School, public or private
  - xviii. Single-family semidetached dwelling (twin)
  - xix. Two-family dwelling (duplex)
  - xx. Veterinarian office or animal hospital
2. Conversion of existing dwellings in the Freemansburg Avenue Overlay District to non-residential uses may be permitted, provided the following conditions are met:
  - a. Total floor space shall not exceed three thousand (3,000) square feet.
  - b. No drive-through facilities or adult-oriented establishments shall be permitted.
3. Lot consolidation. If adjacent lots are under the control of a single landowner in subdistricts A and B, the lots shall be consolidated as a single lot prior to any land development.

4. Regulations in this article must be followed upon change of use. All conversions under this article shall be considered land developments conforming to the Palmer Township Subdivision and Land Development Ordinance and requiring a land development plan.
- C. Area and bulk regulations. Uses permitted within the Overlay District shall follow respective base zoning district regulations, with the following exceptions:
1. Lot area: a minimum of ten thousand (10,000) square feet.
  2. Maximum lot coverage: 40% maximum for all principal and accessory buildings. The total impervious coverage shall not be greater than 70% of a lot.
  3. Front yard setback: a minimum of twenty (20) feet.
  4. Side yard setback: a minimum of five (5) feet.
  5. Rear yard setback: a minimum of five (5) feet.
  6. Height: a maximum of forty (40) feet.
- D. Landscaping, screening, and buffer yard requirements. (Also see § 190-804 (Special Lot and Yard Requirements, Sight Distance and Buffer Yards) and § 190-805 (Landscaping).)
1. Trash dumpsters. Dumpsters and storage bins shall be screened (to ninety percent (90%) opaqueness) on three (3) sides by evergreen planting, fencing, and/or walls. Screening shall block view of dumpster from streets and dwellings.
    - a. Roll off dumpster or other similar large-scale trash storage shall not be permitted at any location within the lot. Front load dumpsters are permitted.
    - b. Dumpsters and/or service areas shall not be located between the front lot line and the front facade of the principal structure. Dumpsters shall not be located within 75 feet of a residential dwelling.
    - c. Trash collection shall not occur between the hours of 10 p.m. and 6 a.m.
  2. Rear yard buffer.
    - a. Rear yards shall include a permanent continuous fence with a minimum height of six feet and a maximum height of eight feet, maintained in good repair, and with a parallel row of trees or shrubs, unless the rear yard fronts onto an alleyway. At least ninety percent (90%) of the total surface shall be opaque. For purpose of the buffer yard, chain-link-type fences are not permitted.
    - b. All building mechanical systems such as air-conditioning units, exhaust systems, satellite dishes, elevator housing, and dumpsters shall be integrated into the overall design and character of the building. Landscaping and other screening devices, including decorative fencing, shall be used to soften the view of these features from adjoining properties.
  3. Parking areas.

- a. Where paved vehicular areas occur in a side yard that abuts a residential district or use, such paved areas shall have a permanent staggered/offset row of bushes, four feet high at the time of planting, with sufficient density to block car lights from shining into the adjoining property. Upon written approval from the adjoining (i.e., affected) property owner, a four-foot fence with ninety percent (90%) opaqueness may be substituted for the row of bushes, provided that it is not a chain-link-style fence.
- b. The side yard buffer shall be provided by the developer or property owner for all new land developments, changes of uses and/or replacement with same use, and for buildings reconstructed or rehabilitated over twenty-five percent (25%) of the assessed tax value or for buildings expanded by ten percent (10%) of the square footage or more.

E. Streetscape performance regulations.

1. Sidewalks.

- a. Sidewalks shall be provided for along all road frontages on all parcels within the Freemansburg Avenue Overlay District. Sidewalks shall be provided by the developer or property owner for all new land developments, replacement of the same use and/or changes of uses, and for buildings reconstructed or rehabilitated over twenty-five percent (25%) of the assessed tax value or for buildings expanded ten percent (10%) of the square footage or more.
  - b. Sidewalks shall be constructed in accordance with Township specifications (see Palmer Township Standard Construction Details) and installed to connect to the lot line of adjacent parcels. Sidewalks constructed along Freemansburg Avenue shall begin at the right-of-way and be constructed a minimum of five feet as measured toward the building setback line.
2. Street trees. Street trees shall be provided in accordance with § 165-73 (Street Trees, Tree Preservation and Historic Buildings) in the Palmer Township Subdivision and Land Development Ordinance.

F. Signs.

1. Height. Within the Freemansburg Avenue Overlay District, ground signs shall be limited to a maximum height of five (5) feet. Freestanding pole signs are prohibited.
2. Area.
  - a. Maximum sign area in the subdistrict A of the Freemansburg Avenue Overlay District shall be limited to fifteen (15) square feet in residential districts and twenty (20) square feet in nonresidential districts.
  - b. Maximum sign area in subdistricts B of the Freemansburg Avenue Overlay District shall be limited to ten (10) square feet in residential districts and fifteen (15) square feet in nonresidential districts.
3. Illumination.

- a. No sign shall be excessively illuminated beyond which is necessary for the sign to be readable. Internally illuminated signs shall be prohibited in all residential districts in the Township. Where permitted in nonresidential districts, internally illuminated signs shall have a dark background with illuminated text that accounts for a maximum of twenty percent (20%) total sign area.
- b. Externally illuminated signs shall be illuminated by a white, steady, stationary light. External light shall be directed at the sign without light spillover and without causing glare for motorists, pedestrians or neighboring properties. Signs may be backlit with a diffused or shielded light source if deemed necessary by the Township to control glare. Backlighting shall illuminate the letters, characters or graphics on the sign, but not its background, in order to shine only on the face of the sign and not spill over into the property.
- c. Hours of illumination. Signs may be lit during occupied hours or between the hours of 7:00 a.m. and 11:00 p.m., whichever is less. All existing internally illuminated signs in a residential zoning district shall be lit during office hours only.

G. Parking standards and interconnection.

1. Interconnection of off-street parking areas.

- a. To reduce traffic congestion and the number of curb cuts along public streets, parking areas shall be connected to adjacent parcels through a rear or side yard access drive. The intent is to provide a secondary point of access in a grid pattern to uses within the Freemansburg Avenue Overlay District.
- b. The use of shared access points is strongly recommended. Where possible, two adjacent uses may share ingress and egress points to serve both uses. This model will decrease the number of curb cuts along Freemansburg Avenue and create a safer and more efficient road.
- c. When adjacent lots are consolidated, only one access point/curb cut shall be retained for the consolidated lot. Any existing access point/curb cut beyond the one permitted shall be abandoned.
- d. Access onto arterial and collector streets shall conform to the standards in § 190-808 (Access onto Arterial and Collector Streets).

2. Parking area lighting.

- a. All lights used for parking or in parking areas must be designed to shine back toward the principal building and shall not spill any light or glare onto the adjacent property.
- b. Lighting fixtures shall have hoods or shields to manage the light from spilling over unnecessarily. Parking lighting fixtures shall be lit during office hours or between the hours of 7:00 a.m. and 11:00 p.m., whichever is less.
- c. Lighting shall be coordinated with landscaping in parking areas.

3. Parking.

- a. Off-street parking areas shall be oriented to the rear or side of structures to create a unified streetscape and minimize congestion.
- b. Parking and loading shall conform to the standards in Article VI (Off-Street Parking and Loading). A maximum of three (3) parking spaces may be provided on the side of the building that faces a public street in order to decrease the stacking of vehicles and “back up” on to a public street. For corner lots, the front yard shall be determined by side fronting onto the primary street, and the secondary street frontage shall be considered a side yard.
- c. Interior pedestrian pathways and crosswalks shall be added to parking lots to provide for the safety of pedestrians accessing the buildings, both from side sidewalk and the parking lot.

H. Building standards and orientation.

1. All new construction in the Freemansburg Avenue Overlay District shall provide a prominent and highly visible street-level doorway or entrance fronting to Freemansburg Avenue.
2. In order to maintain the character of the area, blank walls shall not be permitted to face a public street. The street level facade of any building facing a public street or access drive shall be at least fifteen percent (15%) transparent. These requirements shall apply to all new land developments and existing buildings reconstructed over fifty percent (50%) of tax value.
3. Exterior wall materials that are not permitted in the Freemansburg Avenue Overlay District include: large split face blocks, tilt-up concrete panels, prefabricated metal panels, and standard concrete masonry units.

I. Land development plan review.

1. For all home conversions to a nonresidential use, a land development plan shall be required.

**§ 190-416. Specific regulations for the Eastern Gateway Overlay District.**

A. Community development objectives.

1. To establish a coordinated approach for redevelopment and reinvestment within the Township’s eastern gateway, as recommended by the Township Comprehensive Plan.
2. To balance the nonresidential and residential needs and interests for the Township’s eastern gateway and for the Township as a whole.
3. To manage anticipated future redevelopment of the eastern end to the Township along William Penn Highway into mixed-use retail, office, research and development, and residential development options.
4. To ensure that such future redevelopment compliments surrounding land uses, encourages efficient land use, and promotes accessibility to the Palmer Township trail network.

B. Use regulations.

1. Uses by right, conditional uses, and uses by special exception shall be permitted in the Eastern Gateway Overlay District as defined within the respective base zoning districts unless specifically prohibited herein.
  - a. In addition, the following principal uses may also be allowed as a permitted by right use:
    - i. Uses permitted by right within respective base zoning districts
    - ii. Artisan, craft, exercise or performing arts studio
    - iii. Bank or financial institution (no drive thru)
    - iv. Bar or tavern
    - v. Beverage production – microbrewery
    - vi. Beverage production – limited winery, meadery or cidery
    - vii. Beverage production – limited distillery
    - viii. Business services establishment
    - ix. Hotel or motel
    - x. Medical or dental clinics and laboratories
    - xi. Mixed-use building
    - xii. Multifamily dwelling, low-rise (garden apartments)
    - xiii. Multifamily dwelling, mid-rise
    - xiv. Office, Professional
    - xv. Personal services establishment
    - xvi. Planned development
    - xvii. Restaurant, sit-down
    - xviii. School, public or private
    - xix. Single-family attached dwelling (townhouse)
    - xx. Retail establishment
    - xxi. Theater
    - xxii. Veterinarian office or animal hospital
2. No drive-through uses shall be permitted.



3. No outdoor storage or display shall be permitted.
- C. Area and bulk regulations. Uses permitted within the Overlay District shall follow respective base zoning district regulations, with the following exceptions:
1. Lot area: a minimum of ten thousand (10,000) square feet.
  2. Maximum lot coverage: 40% maximum for all principal and accessory buildings. The total impervious coverage shall not be greater than 70% of a lot.
  3. Front yard setback: a minimum of twenty (20) feet.
  4. Side yard setback: a minimum of five (5) feet.
  5. Rear yard setback: a minimum of five (5) feet.
- D. Incentives. If a master planned development or mixed-use building applying under the Eastern Gateway Overlay option meets all of the standards of this article, the following development incentives may be permitted:
1. Lot area. The minimum lot area or minimum average lot area per dwelling unit (as applicable) that would otherwise be required may be decreased by fifteen percent (15%). Lot area used for nonresidential principal uses and their accessory uses shall not be used as the basis for calculating density of residential uses.
  2. Infrastructure density bonus. In addition to the decreased minimum lot area or minimum average lot per dwelling unit set forth in Subsection D(1) above, the Board of Supervisors may allow, at the sole discretion of the Board of Supervisors after recommendation by the Planning Commission, an increase in the total number of dwelling units permitted by Subsection D(1), up to, but not exceeding, twenty-five percent (25%), upon finding that the development provides the Township with significant infrastructure improvements that would not otherwise be required for the proposed development. These infrastructure improvements shall address regional or off-site traffic concerns, regional stormwater controls or other infrastructure improvements of a substantial nature, as may be identified through the Township Comprehensive Plan, regional transportation plan, Township Capital Improvements Plan or other infrastructure improvement needs that would not otherwise be required by this ordinance. The density bonus calculation identified in this section shall apply to the overall tract of land prior to any subdivision thereof.
    - a. As part of the approval for infrastructure density bonus, the Board of Supervisors may waive any restrictions on the number of dwelling units permitted within a single acre. In no case shall the density for the development exceed the following densities:
      - i. Twelve (12) units per acre for single-family attached (townhouse) dwellings.
      - ii. Twenty (20) units per acre for low-rise multifamily dwellings.
      - iii. Forty (40) units per acre for mid-rise multifamily dwellings.
    - b. Eligible contributions to infrastructure improvement may take the form of either the actual construction of the identified improvements or a payment to the Township in

the amount of the determined improvement value. As part of the approval, or if in affiliation with an outside government agency approval process, the Board of Supervisors shall determine the required form of the improvements.

- c. Infrastructure improvements provided in exchange for bonus density are in addition to any on-site or off-site transportation or infrastructure improvements required under the Zoning Ordinance or Subdivision and Land Development Ordinance. Any bonus dwelling units shall be included in the calculation of recreation fees or any other improvement requirements which are calculated on a per-unit basis.
3. Lot width. The minimum lot width that would otherwise be required under the applicable area and bulk regulations may be decreased by:
    - a. Twenty percent (20%) if all vehicle off-street parking spaces are located more than twenty-five (25) feet from the right-of-way of a public street or if vehicle garages are located underground.
    - b. Ten percent (10%) in all other cases.
  4. Street widths. All newly built local streets that would be abutted on both sides by a development approved under this article shall have a minimum street right-of-way width of thirty-six (36) feet and a minimum cartway width of twenty-four (24) feet with additional width for any on-street parking spaces present.
  5. Lot coverage. The maximum building coverage and the maximum impervious coverage may each be ten percent (10%) points higher than what would otherwise be required.
  6. Setbacks.
    - a. The minimum side and rear principal building setbacks that would otherwise be required may be decreased by fifteen percent (15%), except all setback requirements in the applicable district regulations shall still apply abutting the exterior lot lines of the master planned development or mixed-use building.
    - b. Permitted accessory structures may be set back from any exterior lot lines of a tract a minimum distance of ten (10) feet.

E. Parking standards and interconnection.

1. An applicant for a master planned development or mixed-use building shall, as much as physically feasible, design an internal grid-like street and driveway pattern that reduces ingress and egress points to the development from William Penn Highway and promotes internal circulation of traffic. Cul-de-sac streets shall not be permitted.
2. As a condition by the Board of Supervisors, after a recommendation by the Planning Commission, an applicant may provide a maximum of twenty percent (20%) of the required off-street parking using on-street spaces parallel to the curb along an internal or approved local street, provided that the applicant proves to the satisfaction of the Board of Supervisors that such parking would be sufficient and safe and that the cartway would be sufficiently wide to allow for such parking.

3. No dwelling unit shall have an individual driveway from a public street onto the required front yard of the lot. Dwellings are strongly encouraged to only have garage access from private alley(s) in the rear or from a shared parking garage. Any such alleys shall have a minimum cartway width of twelve (12) feet and shall be paved to Township standards that would apply to a local public street, unless the Board of Supervisors permit a modification under the Subdivision and Land Development Ordinance.

F. Curbs, sidewalks, and pathways.

1. A master planned development or mixed-use building applying under the Eastern Gateway Overlay option shall have curbs and sidewalks abutting all streets, except that under § 165-69 of the Subdivision and Land Development Ordinance, the Board of Supervisors may approve an alternate pathway system in place of part or all of the sidewalk system.
2. See §165-69B(1) of the Subdivision and Land Development Ordinance, which provides the Township with the authority to require bicycle or pedestrian pathways, including the Palmer Township trail network.

G. Building standards and orientation.

1. Blank walls shall not be permitted to face a public street. The street level facade of any building facing a public street or access drive shall be at least fifteen percent (15%) transparent.
2. Exterior wall materials that are not permitted include: large split face blocks, tilt-up concrete panels, prefabricated metal panels, and standard concrete masonry units.

H. Illumination & Signage. Signage shall comply with applicable base zoning standards.

1. Lighting fixtures shall have hoods or shields to manage the light spill over the outermost lot-line of the development.
2. No lighted sign shall be excessively illuminated beyond which is necessary for the sign to be readable.
3. Externally illuminated signs shall be illuminated by a white, steady, stationary light. External light shall be directed at the sign without light spillover and without causing glare for motorists, pedestrians or neighboring properties. Signs may be backlighted with a diffused or shielded light source if deemed necessary by the Township to control glare. Backlighting shall illuminate the letters, characters or graphics on the sign, but not its background, in order to shine only on the face of the sign and not spill over into the property.

I. Open space. A master planned development or mixed-use building applying under the Eastern Gateway Overlay option shall have a centrally located common open space of a minimum twenty thousand (20,000) square feet. If such development has more than one hundred (100) dwelling units, then such open space shall include a minimum total of one (1) acre.

1. Such open space shall be well-landscaped following a plan approved by the Township that shall include the planting of primarily deciduous trees.

2. Such open space shall include concrete, brick and/or decorative paving pattern paths and sturdy weather-resistant wood or wrought iron benches (or materials that in the determination of the Zoning Officer closely resemble such materials).
  3. The ownership and maintenance of all common open space shall be responsibility of the lot owner.
  4. Such open space required under this section shall not include slopes of greater than fifteen percent (15%).
  5. Such open space under this section shall be in addition to any open space or recreation fees required by other sections of this ordinance or the Subdivision and Land Development Ordinance (SALDO).
- J. Landscaping, screening, and buffer yard requirements. (Also see § 190-804 (Special Lot and Yard Requirements, Sight Distance and Buffer Yards) and § 190-805 (Landscaping).)
1. Trash dumpsters. Dumpsters and storage bins shall be screened (to ninety percent (90%) opaqueness) on three sides by evergreen planting, fencing, and/or walls. Screening shall block view of dumpster from streets and dwellings.
  2. Rear yard buffer. All buffer yard vegetation must be detailed on site plans.
    - a. Rear yard buffer strips shall be provided for all nonresidential and multifamily residential uses, including master planned developments and mixed-use buildings.
    - b. Rear yard buffers shall include a minimum twenty-foot-wide landscaping strip to act as a visual screen. The buffer shall be provided by the developer or property owner for all new land developments, replacement of the same use and or changes of uses, and for buildings reconstructed or rehabilitated over twenty-five percent (25%) of the assessed tax value or for buildings expanded by ten percent (10%) of the square footage or more.
    - c. Per every forty (40) lineal feet of perimeter, the landscaping strip shall contain a combination of one deciduous tree having a caliper of not less than three (3) inches and a height of ten (10) feet at the time of planting and two (2) evergreen trees having a height of not less than six (6) feet at time of planting, plus five (5) shrubs, per forty (40) lineal feet of perimeter. The deciduous trees, evergreen trees, and shrubs shall be chosen from the list of plant types for Palmer Township provided in the Subdivision and Land Development Ordinance, § 165-73. Trees and shrubs shall be creatively planted within the ten-foot landscaping strip to include staggered placement and/or clustering.
    - d. In addition to the required landscaped buffer, rear yards shall include a permanent continuous fence with a minimum height of six (6) feet and a maximum height of eight (8) feet, maintained in good repair, and with a parallel row of trees or shrubs, unless the rear yard fronts onto an alleyway. At least eighty percent (80%) of the total surface shall be opaque. For purpose of the buffer yard, chain-link-type fences are not permitted.

- e. All building mechanical systems such as air-conditioning units, exhaust systems, satellite dishes, elevator housing, and dumpsters shall be integrated into the overall design and character of the building. Landscaping and other screening devices, including decorative fencing, shall be used to soften the view of these features from adjoining properties.
- f. The rear buffer shall be installed and permanently maintained by the applicant or his/her successor. Plants that are needed to form the visual screen, which die or are removed, shall be replaced by the landowner within five months of notification by the Township.

3. Parking areas.

- a. Where paved vehicular areas occur in a side yard that abuts a residential district or use, such paved areas shall have a permanent staggered/offset row of bushes, four feet high at the time of planting, with sufficient density to block car lights from shining into the adjoining property. Upon written approval from the adjoining (i.e., affected) property owner, a four-foot fence with ninety percent (90%) opaqueness may be substituted for the row of bushes, provided that it is not a chain-link-style fence.
- b. The side yard buffer shall be provided by the developer or property owner for all new land developments, changes of uses and/or replacement with same use, and for buildings reconstructed or rehabilitated over twenty-five percent (25%) of the assessed tax value or for buildings expanded by ten percent (10%) of the square footage or more.

K. Streetscape performance regulations.

1. Sidewalks.

- a. Sidewalks shall be provided along all building frontages. For master planned developments, sidewalks shall additionally be provided along all building fronts and on adjacent streets. Sidewalks shall be provided by the developer or property owner for all new land developments, replacement of the same use and/or changes of uses, and for buildings reconstructed or rehabilitated, or for buildings expanded ten percent (10%) of their respective square footage or more.
- b. Sidewalks shall be constructed in accordance with Township specifications (see Palmer Township Standard Construction Details and other applicable design standards) and installed to connect to the lot line of adjacent parcels.

2. Street trees.

- a. Street trees shall be provided along all existing and proposed public or private streets, with such trees meeting the requirements of § 165-73 of the Subdivision and Land Development Ordinance (SALDO).
- b. The placement of such trees in relation to the curb and sidewalk shall be subject to approval of the Board of Supervisors under the SALDO.
- c. The minimum trunk width shall be three inches instead of two inches required in the SALDO.

- d. Such trees shall be planted a minimum average of forty (40) feet apart per side of a street instead of the fifty (50) feet required in the SALDO.
3. Lighting. Any streetlight poles provided by a developer and any private lighting poles within a traditional village under this Article shall have a maximum height of twenty (20) feet. Decorative styles of streetlight poles are strongly encouraged.

**§ 190-417. Specific regulations for the RBO Riparian Buffer Overlay District.**

- A. Purpose, intent, and community development objectives. The purposes of these provisions are as follows:
  1. To conserve the water, land, and wetland resources along a portion of the stream corridor of Schoeneck Creek, Bushkill Creek and Lehigh River, as recommended by the Palmer Township Comprehensive Plan.
  2. To conserve, protect, and restore these resources through scientifically supported processes.
  3. To allow the Township to utilize its natural resources as scenic and recreational amenities for the benefit of its residents by encouraging connections between open spaces and enhancing their ecological value.
  4. To maintain and improve surface water quality by reducing the entry of detrimental substances, including nutrients, sediments, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, and surface and subsurface water bodies.
  5. To enhance in-stream processing of nutrients and pollutants and to reduce the downstream movement of nutrients and pollutants toward the Bushkill Creek and the Delaware River.
  6. To integrate with floodplain, steep slope, and other environmental provisions in this ordinance and other sections of the Township Code to attenuate flooding, reduce soil loss, and minimize hazards to life, property, and important riparian features.
  7. To reduce adverse aquatic health impacts due to changes in the temperature of receiving waters as a result of stormwater runoff, loss of vegetative shading, and direct discharges to Schoeneck Creek, Bushkill Creek and Lehigh River.
  8. To improve and maintain the safety, reliability, and adequacy of the Township's water resources for domestic, agricultural, commercial, industrial, and recreational uses along with sustaining diverse populations of aquatic plants and animals.
  9. To optimize the land use, siting, and engineering of development to be consistent with the intent and objectives of this section and with accepted conservation practices and to assure that the impacts of such development remain within the carrying capacity of existing natural resources.
  10. To reduce the entry of detrimental substances by restricting development and uses in riparian areas that intercept surface water runoff, wastewater, subsurface flow, and deep groundwater flows from upland sources and where the processes of filtration, deposition, absorption, adsorption, plant uptake, sediment and phosphorus attenuation, denitrification, and infiltration

may occur; encouraging sheet flow and minimizing, mitigating and preventing concentrated flows of storm water runoff across riparian areas; and securing increased channel and bank stabilization that avoids stream bank erosion and associated water quality, quantity and flow harms.

11. To assist in the implementation of pertinent state laws concerning erosion and sedimentation control practices of the Pennsylvania Clean Streams Law, Act 394, P.L. 1987, Chapter 102 of the Administrative Code (as amended October 10, 1980, Act 157 P.L.), Title 25, and any subsequent amendments thereto, as administered by the Pennsylvania Department of Environmental Protection (PA DEP) and the Northampton County Conservation District.

B. Applicability and extent.

1. The Riparian Buffer Overlay District consists of the regulatory floodway and 100-year floodplain as regulated by the Commonwealth of Pennsylvania and applicable federal regulations. Uses or activities occurring within the Riparian Buffer Overlay District shall also comply with all applicable requirements as defined by § 190-506 Floodplain Management.
2. The provisions of this section shall apply when the following Township submissions, reviews, and approvals are required, or when a violation of this section requires an enforcement action:
  - a. Zoning and building permits.
  - b. Subdivision or land development plans.
  - c. Conditional use approvals.
  - d. Zoning variances, special exceptions, and other Zoning Hearing Board approvals.
  - e. Any land disturbance for which a grading permit is required.
3. The provisions of this section shall not apply to the footprints of existing primary and accessory buildings, existing driveways, crop farming, lawns and gardens, sidewalks, bikeways, any use meeting the definition of “essential services,” or any utility structures that by their nature cannot be located anywhere except within the Riparian Buffer Overlay District.
4. In interpreting the language of the Riparian Buffer Overlay District and the extent of underlying zoning district regulation upon use of property, where doubt exists between regulations, the stricter regulation shall govern. Any challenges to municipal interpretation of the applicability of the Riparian Buffer Overlay District shall be appealed in accordance with the requirements of Article I (General Provisions and Administration) of this chapter and of Article IX, “Zoning Hearing Board and Other Administrative Proceedings,” of the Municipalities Planning Code (MPC), Act 247, as amended.
5. The applicant shall delineate, for the property as a whole, the extent of the Riparian Buffer Overlay District on any plan that is submitted for any review or approval.
6. In cases in which riparian buffer requirements, as prescribe by 25 Pa. Code § 102.14, regulate to a greater extent than the provisions of this section, then such State provisions shall supersede the provisions of this section.

C. Use regulations.

1. Only the following uses by right shall be permitted on lots in the Riparian Buffer Overlay District, provided that no structures associated with those uses shall be permitted within seventy-five (75) feet of the edge of any applicable stream bank, or within areas designated on the FEMA map floodplain, whichever is more restrictive.
  - a. Campground, limited to tent sites
  - b. Commercial outdoor recreation use
  - c. Community garden
  - d. Crop farming
  - e. Forestry
  - f. Golf course
  - g. Nature reserve
  - h. Plant nursery
  - i. Public park/recreation
2. Any use or activity permitted in the base zoning districts may not regrade, fill, or otherwise alter or subject to land disturbance more than twenty percent (20%) of the lot's portion of the Riparian Buffer Overlay District lying beyond fifty (75) feet of the edge of any applicable stream bank, or within areas designated on the FEMA map floodplain, whichever is more restrictive.
3. The following activities or practices are expressly prohibited in the Riparian Buffer Overlay District:
  - a. Clear-cutting of timber or high-grading of forests.
  - b. Removal or disturbance of vegetation in a manner that is inconsistent with the regulations of this chapter.
  - c. Planting invasive plant species.
  - d. Use of fertilizers, pesticides, herbicides, and/or other chemicals, except for selective herbicide application by a qualified professional to control noxious weeds and invasive species of plants in riparian buffers. For the purpose of this provision, a qualified professional shall be licensed by the PA Department of Agriculture as a Commercial/Public Pesticide Applicator and shall be certified in the applicator category of "Right-of-way and weeds" per state regulations, 7 Pa. Code § 128.42, as amended.



- e. Storage or discharge of any hazardous or noxious materials, except those used during emergencies for the treatment and/or maintenance of any public sewer and public water treatment facilities (i.e., generator sets or alternative drive units).
- f. Motor or wheeled vehicle traffic in any area not associated with a designated stream crossing, recreation trail or municipal utility access affixed by their function.
- g. The disturbance of any land or water not associated with the uses listed Subsection C(3) above.

D. Buffer restoration and planting requirements.

1. All riparian buffer areas shall be continually maintained with a diverse mix of locally adapted native species of canopy trees, understory trees, shrubs, and herbaceous plants so as to constitute a forested riparian buffer where not otherwise occupied by any existing use except in accordance above.
2. The applicant shall restore the impacted riparian buffer area from one hundred (100) feet of the centerline of any applicable stream, to a forested riparian buffer, as a condition of any approval listed in above.
3. Restoration of impacted riparian buffer areas shall occur as follows:
  - a. Restoration planting shall be planted at a density sufficient to provide a minimum of two-hundred (200) trees per acre at canopy closure. The following tree planting and spacing standards shall apply at installation:
    - i. Seedlings: Ten (10) foot spacing (approximately four hundred thirty-five (435) seedlings per acre) protected by five (5) foot tree shelters.
    - ii. Bare root trees or container trees (at least six (6) feet in height for either): twelve (12) foot spacing (approximately three hundred (300) trees per acre). Tree shelters, wraps, or other proven methods shall be required to prevent damage from antler rubbing and herbivore browsing.
4. To reduce competition from grasses and invasives, vegetation around tree shelters shall be effectively controlled annually for a minimum of four (4) years. Mechanical removal of vegetation is recommended, however, if spraying is necessary, it shall be completed by a qualified professional licensed by the PA Department of Agriculture as a Commercial/ Public Pesticide Applicator and shall be certified in the applicator category of “Right-of-way and weeds” per state regulations, 7 Pa. Code § 128.42, as amended. Tree shelters shall be maintained at all times and removed when the tree reaches one and one-half inch – two inches (1.5" - 2") caliper.
  - a. Landowners who are enrolled in and fully in compliance with the Conservation Reserve Enhancement Program (CREP) administered through the USDA Northampton County Farm Service Agency are permitted to utilize their streamside buffer restoration to satisfy the forested riparian buffer restoration requirements of this section for as long as they are enrolled in and fully in compliance with that voluntary program.

- b. Additional planting guidance may be obtained from PA DEP’s Bureau of Watershed Management Document Number 394-5600-001, entitled “Riparian Forest Buffer Guidance, November 27, 2010.”
5. Applicants shall submit, and as a condition of approval for any application listed in Subsection C(1), a planting and maintenance plan for impacted riparian buffer areas. The plan shall be prepared by a registered landscape architect or professional plant ecologist. The plan shall identify the number, density and species of locally adapted native trees appropriate to the site conditions that will achieve a minimum of sixty percent (60%) uniform canopy coverage within ten (10) years. The plan shall describe the maintenance program to be conducted by the buffer owner for a minimum of five (5) years, including measures to remove, and subsequently control, invasive plant species, limit deer and rodent damage, and replace deceased trees for the first four (4) years. Applicants with riparian buffer areas associated with a pending Township application, and which are also enrolled in CREP, shall submit a plan showing the existing or proposed streamside buffer planting that has been approved by the USDA Northampton County Farm Service Agency.
6. Any riparian buffer that is included within a lot created after the effective date of this ordinance shall include as a condition of approval of the subdivision creating the lot, a restrictive covenant approved by the Township solicitor, and recorded with the final subdivision or land development plan and the deed for the lot. The restrictive covenant shall define the riparian buffer area, shall include binding provisions for the adequate long-term functioning and integrity of the riparian buffer, and shall include a requirement for notification of all subsequent lot owners of its restrictive nature.

E. Modifications to riparian buffer standards.

1. For any use by right, conditional use, or use by special exception subject to subdivision or land development review, as part of applicable Plan submission, modification(s) may be requested to the provisions of this Article. Requested modification(s) may be granted at the discretion of the Board of Supervisors pursuant to the provisions of the Palmer Township Subdivision and Land Development Ordinance.
2. For any use or activity not subject to subdivision or land development review, but subject to application for approval of a conditional use, special exception, or zoning variance under the provisions of this Ordinance, the applicant may request modification(s) to the provisions above.
3. Applicants shall provide appropriate documentation in support of their modification request, the Board of Supervisors may request additional documentation of an applicant to help reach its decision.
4. In consideration of approval of any applicant request for modification(s), the following standards shall serve as the basis for a decision:
  - a. That there are unique physical circumstances or conditions, including but not limited to irregularity, narrowness, or shallowness of lot size or shape, excessive frontage along a water body, presence of existing buildings or structures, or exceptional topographical or other physical conditions peculiar to the particular property; and that because of such physical circumstances or conditions, it is impracticable for the property to be developed in strict conformity with the buffer requirements of this

Article and that the approval of the modification is therefore necessary to enable the use of the property under base zoning provisions.

- b. That the modification, if approved, will result in the minimum reduction in performance of the riparian buffer, pursuant to the purposes set forth in Subsection A, as needed to provide for the lawful intended use.
5. No alteration of the use regulations set forth in Subsection C shall be authorized as modification pursuant to this Subsection E. Any such requested alteration shall constitute an application for a use variance, meeting all applicable requirements for same, to be submitted to the Zoning Hearing Board.

**§ 190-418. Specific regulations for the PRO Parks, Recreation, and Open Space Overlay District.**

- A. Purpose. The purpose of the Parks, Recreation, and Open Space Overlay District is to preserve certain recreational, natural, and scenic areas of the Township for the benefits they provide to residents, visitors, and wildlife, as well as to maintain areas historically used as passive recreation for the community, such as cemeteries.
- B. Applicability and extent. The Parks, Recreation, and Open Space Overlay District consists of all public park space owned and/or managed by the Township, or other open space or areas as determined to be preserved as such space by the Board of Supervisors.
- C. Use regulations.
  1. Only the following uses by right shall be permitted on lots in the Parks and Recreation Overlay District:
    - i. Campground, limited to tent sites
    - ii. Cemetery
    - iii. Cemetery, animal
    - iv. Community garden
    - v. Crop farming
    - vi. Golf course
    - vii. Nature reserve
    - viii. Plant nursery
    - ix. Public park/recreation
  2. The following activities or practices are expressly prohibited in the Parks, Recreation, and Open Space Overlay District:
    - a. Clear-cutting of timber or high-grading of forests.

- b. Removal or disturbance of vegetation in a manner that is inconsistent with the regulations of this chapter.
  - c. Planting invasive plant species.
  - d. Storage or discharge of any hazardous or noxious materials, except those used during emergencies for the treatment and/or maintenance of any public sewer and public water treatment facilities (i.e., generator sets or alternative drive units).
  - e. Motor or wheeled vehicle traffic in any area not associated with a designated stream crossing, recreation trail or municipal utility access affixed by their function.
3. Should the owner of a property within the Parks, Recreation, and Open Space Overlay desire to convert the present use to one other than what is listed, approval must be granted by the Board of Supervisors prior to the submission of any applications for development or permits.

**§ 190-419. Specific regulations for the AHO Airport Hazard Overlay District.**

- A. Purpose. The purpose of the Airport Hazard Overlay is to designate an area that considers safety issues around Braden Airpark and to address requirements of the Pennsylvania State Aviation Code and Federal Aviation Regulation No. 77 limiting building and structural height in “airport hazard areas.” These height restrictions are designed to prevent any encroaching that would interfere with or obstruct normal airplane approaches or airport operations. Such interference or obstruction would pose a threat to the health, safety, welfare, and convenience to residents of Palmer Township as well as passengers aboard aircraft. The Airport Hazard Overlay is used to impose needed height restrictions as a zoning overlay, thereby enhancing public safety.
- B. Extent of the Airport Hazard Overlay. The land and airspace covered by the Airport Hazard Overlay are described in Subsection D.1 and shall directly correspond to such primary, approach, transitional, horizontal, and conical zones bound by the green lines depicted on the Part 77 Surface Overlay map for Braden Airpark as attached to this Ordinance and also available from the Pennsylvania Department of Transportation (PennDOT), Bureau of Aviation. If any doubt exists as to the extent of the Airport Hazard Overlay over a particular lot or portion of a lot, the provisions of the Airport Hazard Overlay shall apply.
- C. Relation to Other Activities and Zoning Districts. The Airport Hazard Overlay is an overlay district that only regulates the height of buildings and structures. The underlying zoning district shall prescribe all other zoning-related standards and uses imposed upon any lands within the Township. In those instances where the Airport Hazard Overlay prescribes a maximum height limitation more restrictive than that specified elsewhere in this Ordinance, the more restrictive standard shall apply. The Airport Hazard Overlay shall not modify the boundaries of any underlying zoning district.
- D. Use Regulations.
  1. The maximum permitted height of a proposed building, structure, object, or alteration of land shall be equivalent to the vertical height from the ground surface to the slope of the relevant approach zone as calculated below, or the maximum permitted height in the underlying zoning district, whichever is lower.
    - a. Visual Utility Runway Approach Zone – slopes 20 feet outward for each one (1) foot

- upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- b. Nonprecision Instrument Utility Runway Approach Zone – slopes 20 feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
  - c. Visual Larger-Than-Utility Runway Approach Zone – slopes 20 feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
  - d. Nonprecision Instrument Larger-Than-Utility Runway with a Visibility Minimum Greater than 3/4 Mile Approach Zone – slopes 34 feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
  - e. Nonprecision Instrument Larger-Than-Utility Runway with a Visibility Minimum As Low As 3/4 Mile Approach Zone – slopes 34 feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
  - f. Precision Instrument Runway Approach Zone – slopes 50 feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each one (1) foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
  - g. Heliport Approach Zone – slopes eight (8) feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a distance of 4,000 feet along the heliport approach zone centerline.
  - h. Transitional Zones – slopes seven (7) feet outward for each one (1) foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation (396.8 feet above mean sea level, in the case of Braden Airpark). In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each one (1) foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface.
  - i. Heliport Transitional Zones – slope two (2) feet outward for each one (1) foot upward beginning at the sides of and at the same elevation as the primary surface and the heliport approach zones and extending a distance of 250 feet measured horizontally from and at 90-degree angles to the primary surface centerline and heliport approach zone centerline.
  - j. Horizontal Zone – established at 150 feet above the airport elevation (396.8 feet above mean sea level, in the case of Braden Airpark).

- k. Conical Zone – slopes 20 feet outward for each one (1) foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation (396.8 feet above mean sea level, in the case of Braden Airpark) and extending to a height of 350 feet above the airport elevation.
2. Notwithstanding any other provisions of this Ordinance, no use shall be made of land or water in such a manner as to create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft.

E. Zoning Permit Requirements.

1. A zoning permit shall be required for the proposed erection, extension, or alteration of any structure or portion thereof or any object (natural or manmade), within the Airport Hazard Overlay.
2. Prior to the issuance of any zoning permit, the Zoning Officer shall review the application for the zoning permit to determine if all other necessary government permits required by state and federal laws have been obtained.
3. Prior to applying for a zoning permit and at least 30 days prior to commencing the permit action, the applicant shall notify the Pennsylvania Department of Transportation (PennDOT), Bureau of Aviation, by submitting PennDOT Form AV-57 to obtain an obstruction review of the proposal. The Bureau of Aviation's response must be included with the zoning permit application for it to be considered complete.
4. If the Bureau of Aviation returns a determination of penetration of airspace, the applicant may seek a variance from the regulations by filing an appeal, as prescribed in Subsection F.

F. Variances.

1. Variance requests shall be made on the forms provided by the Township and shall be in accordance with § 910.2 of the Pennsylvania Municipalities Planning Code (MPC) and this Ordinance.
2. All requests for a variance shall include documentation in compliance with Federal Regulation Title 14 Part 77 Subpart B (FAA Form 7460-1, as amended or replaced).
3. Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Pennsylvania Department of Transportation (PennDOT), Bureau of Aviation, as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. In particular, the Zoning Hearing Board shall consider which of the following determination categories the FAA has placed the proposed erection, extension, or alteration in:
  - a. No Objection – the subject construction/alteration is determined not (to) exceed obstruction standards and marking/lighting is not required to mitigate potential hazard;
  - b. Conditional Determination – the proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively

mitigated; or

- c. Objectionable – the proposed construction/alteration is determined to be a hazard and is thus objectionable.
4. Any variance or zoning permit granted pursuant to the provisions of this Subsection may be conditioned, according to the process described herein, to require the owner of the building, structure, or natural growth in question or the person requesting the variance to install, operate, and maintain such marking or lighting as deemed necessary to assure both air and ground safety.

**§ 190-420. Specific regulations for the HPO Historic Preservation Overlay District.**

- A. Purpose. The purpose of the Historic Preservation Overlay is to preserve buildings in the Township having historical, architectural and or cultural importance. These regulations are designed to establish criteria for the identification of buildings of historical, cultural and or architectural value and to prevent the demolition of such buildings upon the application of procedures and standards which are intended to assess the impact that the demolition of such structures would have upon the historic, cultural and or architectural values within the Township.
- B. Establishment of overlay district.
  1. A separate zoning overlay district entitled "The Historic Preservation Overlay" is hereby created and shall overlie all zoning districts, but shall apply only to those lots containing a building or contributing building identified in the inventory. The Overlay District shall be recorded on the Township Zoning Map.
  2. All of the zoning, subdivision and land development and Uniform Construction Code regulations pertaining to the underlying zoning districts throughout the Township shall remain in full force and effect, except that the demolition of buildings in the Overlay District shall only occur in compliance with this chapter.
- C. Criteria and procedures for identifying buildings for inclusion in the Palmer Township Historic Building Inventory.
  1. Any building satisfying at least one of the following criteria may be included on the inventory:
    - a. Any building designated by the Secretary of the Interior as a National Historic Landmark.
    - b. Any building listed in the National Register of Historic Places.
    - c. All buildings classified as "Certified Historic Structures" by the Secretary of the Interior.
    - d. A building that is a contributing building that is listed on or eligible for the National Register of Historic Places.
    - e. Any building that is at least 75 years old and:

- i. Is associated in some significant way with the historic, cultural or architectural development of the Township, county, region, state or nation;
  - ii. Is associated in some significant way with an event or person of importance to the history or culture or architecture of the Township, county, region, state or nation;
  - iii. Contains a feature or features associated with an era characterized by a distinctive architectural style;
  - iv. Contains a feature or features associated with a distinctive architectural style or building type or engineering specimen;
  - v. Is the work of a designer, architect or engineer whose work significantly influenced the historical, economic, architectural or cultural development of the Township, county, region, state or nation;
  - vi. Contains elements of design detail, materials or craftsmanship representing a significant innovation; or
  - vii. Owing to its unique location or some singular physical characteristic, represents an established and familiar landmark identifying a neighborhood or business district.
2. The Planning Commission shall apply the criteria set forth above to assess the buildings in the Township for inclusion in the inventory. In its deliberations, the Planning Commission shall consider that any decision to include or exclude a building in or from the inventory implicates both important private property rights and the public policy of the Township that the historic, cultural and architectural heritage of the Township is to be preserved.
3. At the conclusion of its deliberations, the Planning Commission shall prepare and present a report identifying those buildings proposed to be included in the inventory, along with a summary of findings pertaining to the various buildings proposed for the inventory.
4. The Planning Commission shall report to the Board of Supervisors their recommendations regarding the proposed Inventory. The deliberations of the Planning Commission shall be guided by all of the criteria set forth above.
5. Upon receipt of the report of the Planning Commission regarding the buildings proposed for inclusion in the inventory, Township Board of Supervisors may, by resolution, determine which buildings to include in the inventory, approving none or some or all of the recommendations of the Planning Commission, upon deliberations utilizing the criteria set forth above. Thereafter, the inventory resolved by the Board of Supervisors shall be the Palmer Township Historic Building Inventory.
6. At the time that Board of Supervisors promulgates the Historic Building Inventory, the Township shall also prepare and publish an updated Historic District Overlay Map, reflecting the geographic location of the buildings included in the inventory to be incorporated into this chapter.
7. From time to time, on its own initiative or at the direction of Board of Supervisors, the Planning



Commission may review the inventory, and utilizing the same deliberative process and criteria prescribed above and present a report to the Board of with recommendations. Again, the Board of Supervisors may amend the inventory by striking buildings from the inventory or by adding buildings to the Inventory, by resolution, upon deliberations utilizing the criteria set forth above.

D. Demolition. No building included in the Palmer Township Historic Building Inventory shall be demolished except in accordance with the provisions set forth hereafter:

1. An application to demolish a building on the inventory shall be deemed to be a conditional use application subject to all of the provisions of Article IX of this ordinance. Wherever § 190-902 of this ordinance refers to a proposed "use" or "development" or to any proposed objective of an applicant, for the purposes of this section, the word "demolition" shall be substituted therefor.
  - a. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, and to all persons who own property adjoining or across a public street from the property. In addition, Board of Supervisors may direct that a copy of the public notice be given to other Township residents or organizations who or which have requested a copy of the notice, and to the Planning Commission.
2. In addition to the general conditions for conditional uses identified in § 190-902 of this ordinance, the following specific conditions and considerations shall apply to all applications to demolish a building contained in the inventory:
  - a. Inclusion of a building in the inventory shall be conclusive proof that the building satisfied the criteria established above at the time the building was included in the inventory.
  - b. In the absence of clear and convincing evidence of a pertinent significant change in circumstances relating to a building or its immediate environs having occurred since the time a building was included in the inventory, the Board of Supervisors shall not reconsider whether or not the building is properly included in the inventory.
  - c. Before granting any permit to demolish a building in the inventory, the Board of Supervisors may consider the feasibility of permitting an applicant to establish additional or different uses in a historic structure, even where such uses may not be consistent with current zoning restrictions, to encourage an owner to retain rather than demolish a structure. While such uses may not be consistent with underlying zoning regulations, additional or different uses should be compatible with existing zoning regulations. The Board of Supervisors may permit such additional or different uses as a conditional use.
3. Where the Board of Supervisors does decide to permit demolition of a building, the Board may determine that such demolition is only appropriate upon the imposition of conditions, without which conditions the demolition must not occur. Such conditions include but are not limited to:
  - a. Imposition of a ninety-day waiting period prior to demolition to permit the applicant to review alternatives to demolition.

- b. The applicant may be required to adequately record and document the historical and architectural features of the building, including but not limited to, photographs, floor plans, video recording, a site plan, a historic narrative or a written architectural description of the building. The Board may also require that the recording and documentation of the building be accomplished by a qualified historic preservation consultant. The applicant may be required to provide a sufficient number of copies of any of the materials required to be prepared in this subsection to the Township. The Board may also require, in appropriate circumstances, an applicant to employ the services of a professional historic preservation consultant to perform a Historic American Building Survey (HABS) to document the historic building to be demolished.
- c. The applicant may be required to remove distinctive exterior architectural or historical features from the building and to donate them to the Township for use within the Township.
- d. The applicant may be required to design any new building replacing the demolished building in a fashion designed to preserve the historic, architectural and or cultural values existing in the neighborhood. The applicant may also be required to follow other architectural standards as required by the Board of Supervisors.
- e. The Board may require an applicant to install appropriate landscaping features on properties following demolition of a building where the applicant has no immediate plan to construct a new building (such as properties proposed to be used as vacant lots, parking lots, open space or parks). The Board may require landscaping features that are consistent with the historic, cultural and or architectural values in the surrounding area.

The Board may impose any other reasonable conditions and safeguards to promote the objectives of this section.

- E. Enforcement. No building contained on the inventory shall be demolished in the absence of approval of the Board of Supervisors in accordance with the provisions of this section. Any violation of this section shall be subject to the penalties provided in this chapter and, in addition, shall permit the Township to apply for injunctive relief to enjoin the violation or further violation of this section or to restore the condition of a building improperly demolished.

**§ 190-421. Specific regulations for the GIO Government/Institutional Overlay District.**

- A. Purpose. The purpose of the Government/Institutional Overlay is to provide for the needs of regionally-oriented institutional uses; to preserve the open character of large areas of the Township which are now dominated by or suited to institutional and quasi-public uses; and to encourage a harmonious pattern of institutional development which can mutually benefit the Township and the institutions themselves.
- B. Use regulations.
  - 1. Only the following uses shall be permitted by right on lots in the Government/Institutional Overlay:

- a. Community center or cultural center
  - b. Convention, conference, banquet or training center
  - c. Governmental and emergency services facility
  - d. Membership club, lodge or fraternal organization
  - e. Place of assembly or worship
  - f. Public park/recreation
  - g. School, public or private
2. The following principal use may also be allowed as a conditional use:
    - a. Hospital
- C. Area and bulk regulations. Uses permitted within the Overlay District shall follow respective base zoning district regulations, with the following exceptions:
1. Lot area: a minimum of 5 acres.
  2. Maximum lot coverage: 30% maximum for all principal and accessory buildings. The total impervious coverage shall not be greater than 50% of a lot.
  3. Front yard setback: a minimum of 100 feet.
  4. Side yard setback: a minimum of 75 feet.
  5. Rear yard setback: a minimum of 75 feet.
  6. Height: a maximum of 60 feet.
- D. Building location and spacing.
1. The greatest dimension in length or depth of a building shall not exceed 400 feet, but no more than three buildings may be attached to each other. Furthermore, a building shall include design elements so as to create an architecturally pleasing view of the building, notwithstanding the length and depth of same.
  2. The distance at the closest point between any two buildings or groups of attached buildings, including accessory buildings, shall not be less than 30 feet but shall be at least as great as the average height of the two adjacent buildings.
  3. In no case shall the width of a building or the aggregate widths of buildings fronting on a street on the same lot exceed 80% of the width of the lot.
  4. These regulations on building location and spacing shall apply to both accessory and principal structures.

E. Special development regulations.

1. The tract of land on which each permitted use is conducted shall, in its entirety, be owned and operated as a single or common management and maintenance unit, with common open space, parking, utility, maintenance and service facilities and services.
2. The land surrounding any permitted use shall be landscaped, except for paved areas such as sidewalks, multi-use paths, bike lanes, accessways and play areas.
3. Any accessory building or structure which is industrial or nonresidential in appearance, such as a boiler room or maintenance shop, shall be suitably screened or shall be located so as to be least observable from a public street or property line.
4. No truck or maintenance vehicle and no materials or goods shall be stored out of doors where they can be seen from a public street or property line.

**ARTICLE V — Environmental Preservation**

**§ 190-501. Environmental preservation required.**

- A. All uses shall be developed in a manner consistent with the preservation of the quality of the existing environment and of any natural amenities present on the site.
- B. All uses shall seek to minimize alteration of natural drainage patterns, shall minimize grading and unnecessary removal of natural vegetation, except for invasive plant species and noxious weeds, shall seek to preserve substantial stands of mature and healthy trees, shall take into account attractive scenic views and shall properly respect any other important natural features, including wildlife habitats, existing on the site.

**§ 190-502. Nuisances prohibited.**

No land or structure in any district shall be used or occupied in any manner that:

- A. Creates dangerous, injurious or noxious conditions or fire, explosive or toxic hazards.
- B. Does not comply with federal or state regulations regarding electromagnetic or radiation hazards.
- C. Creates smoke, dust or odor nuisances.
- D. Creates any other condition in such manner or in such amount as to adversely affect the use of adjoining premises or to be dangerous to public health or safety.

**§ 190-503. Proposed construction area and natural features and utility corridors; steep slopes.**

- A. Proposed construction area and natural features. For any proposed new lot that may potentially involve construction that could impact upon any of the features identified in Subsection A(2) below, the applicant shall be required to comply with this Subsection A.
  - 1. The subdivision and land development plans shall designate the proposed locations of principal buildings. If an exact principal building location is not known, then such site plan shall designate the maximum outer extents within which the building will be located. Such locations are required to be to scale but are not required by this section to be professionally surveyed. Such plans shall also show a construction area including lands within the following minimum distances from the proposed location of each principal building: thirty (30) feet in the front, thirty (30) feet to the rear and fifteen (15) feet to each side.

[NOTE: If the required yard is permitted to be smaller by the applicable district regulations for that use, such smaller distance shall apply. For instance, if an eight (8) feet-wide side yard is permitted, then the construction area shall be eight feet along the side from the proposed building location instead of fifteen (15) feet.]

- 2. The lot and buildings shall be laid out so that the proposed construction area described above does not include any of the following features:

- a. Wetlands (as defined by federal and state regulations).
  - b. Ponds and lakes.
  - c. Rights-of-way or easements of overhead electrical lines. Ponds or lakes.
  - d. One hundred (100) year floodplain (as defined by § 190-506 (Floodplain Management)).
  - e. Areas of more than five hundred (500) square feet with fifteen percent (15%) or greater existing natural slope (unless the lot meets the requirements of Subsection C below).
  - f. Proposed manmade slopes of thirty-three percent (33%) or greater (such as sides of a drainage swale).
  - g. For a residential use, any drainage swale that can be expected to carry more than twelve (12) cubic feet per second during a ten (10) year storm.
  - h. Any stormwater detention basin.
- B. Natural steep slopes. “Steep slopes” shall be considered those of fifteen percent (15%) or greater slope (equal to fifteen (15) feet vertical distance over one hundred (100) feet horizontal distance). If the proposed construction area described above includes any areas with slopes of fifteen percent (15%) or greater (other than slopes that were clearly man-made), then the applicant shall submit a site plan and shall comply with the following provisions. This Subsection B shall not apply to townhouses and low-rise apartments, which are regulated by a different set of standards.
1. Such site plan shall show two-foot slope contours, with all areas of slope greater than fifteen percent (15%) and twenty-five percent (25%) identified, unless alternate contour intervals are preapproved by the Township Engineer. Detailed contours are not required within areas identified as having over twenty-five percent (25%) slopes. The Township may require a plan to be drawn by a professional surveyor, professional engineer or landscape architect. The plan shall show the proposed principal building location and proposed construction area as described above. This site plan shall also show substantial areas of mature trees.
  2. If the proposed construction area includes more than one thousand (1,000) square feet with slopes greater than fifteen percent (15%), but does not include more than one thousand (1,000) square feet with slopes greater than twenty-five percent (25%), then the following regulations shall apply, unless a more restrictive provision is established by another section of this ordinance:
    - a. Permitted residential use: a minimum lot area of one (1) acre per dwelling unit.
    - b. Permitted commercial or industrial use: a minimum lot area of two (2) acres per principal use and maximum impervious coverage of twenty-five percent (25%) .
  3. If the proposed construction area includes more than one thousand (1,000) square feet with slopes greater than twenty-five percent (25%), the following regulations shall apply, unless a more restrictive provision is established by another section of this ordinance:

- a. Permitted residential use: a minimum lot area of two (2) acres per dwelling unit and a maximum impervious coverage of fifteen percent (15%).
  - b. Permitted commercial or industrial use: a minimum lot area of four (4) acres per principal use and a maximum impervious coverage of fifteen percent (15%).
- C. Conservation easement. To ensure that the construction area plan is complied with and that important natural features are not disturbed, the Board of Supervisors may require that a permanent conservation easement be established by the applicant to ensure the preservation of concentrations of steeply sloped, floodplain, wetland, ponds, and lakes areas. The Board of Supervisors may require that such conservation easement be referenced in each deed for each lot. Also, such conservation easement, at a minimum, shall grant the Board of Supervisors the authority to enforce such easement. In addition, the approved recorded subdivision or land development plan shall state that such areas are to be preserved.
- D. Streets and driveways. See applicable slope standards in Chapter 165 (Palmer Township Subdivision and Land Development Ordinance).
- E. Erosion. See § 190-507 (Erosion Control and Grading).

**§ 190-504. Areas with high water table; wetlands.**

- A. High water table areas. In areas where the depth to the seasonally high water table is less than four feet based upon the County Soil Survey, the Board of Supervisors may, at its option, require that all portions of new dwellings that are underground be adequately waterproofed to prevent flooded basements.
- B. Wetlands.
- 1. If the Township has reason to believe that a portion of a site proposed to be altered may possibly meet the state or federal definitions of a “wetland,” then the Township may require the applicant to provide a study by a qualified professional delineating the locations of wetlands. The qualifications of such expert shall also be submitted. However, the Township accepts no responsibility to identify all wetlands or to warn all parties of such possibilities.
  - 2. All permits of the Township are issued on the condition that the applicant comply with all federal and state wetland regulations. Such permits may be revoked or suspended by the Township for noncompliance with such regulations.

**§ 190-505. Setbacks from waterways and drainage swales.**

- A. Purposes: to protect the water quality of surface waters in the Township, to preserve opportunities for future recreation use of the waterways, to minimize erosion and sedimentation, to preserve the natural stormwater drainage system of the area and to conserve sensitive wildlife and aquatic habitats.
- B. Setbacks from major surface waters.
- 1. No structure or paved vehicle parking area or parking aisle shall be located within 100 feet of the top of the primary bank of a major surface water.

2. "Major surface waters" are defined as the entire length of the Lehigh River and the Bushkill Creek through the Township.
  3. The setbacks required by Subsections B and C shall not apply to a hydroelectric plant or publicly-owned recreational facilities. See § 190-506 (Floodplain Management) regarding whether larger building setbacks are required by floodplain regulations.
- C. Setbacks from minor surface waters. No structure or paved vehicle parking area or parking aisle shall be located within seventy-five (75) feet of the center of any minor surface waters. "Minor surface waters" are defined as the Schoeneck Creek, Williams Creek, or unnamed tributaries.
- D. Setbacks from major natural drainage swales.
1. Major natural drainage swales shall be maintained in open space for a width approximately equal to their width during a one-hundred-year flood. See Subsection O (Stormwater Easements) of § 165-63 (Stormwater Management) in Chapter 165 (Palmer Township Subdivision and Land Development Ordinance) of the Township Code. No buildings shall be located within fifty (50) feet of the center of a major natural drainage swale, or within the area covered by the one hundred (100) year floodplain.
  2. A major natural drainage swale shall be a stormwater channel segment that is unlined and designated on the official Township Topographic Base Maps as "Drainage and Intermittent Drainage."
  3. The Board of Supervisors may allow a natural drainage swale to be diverted or lined underground in cases where the applicant proves to the full satisfaction of the Board of Supervisors that such a method would be necessary for the development of the tract, and that such a method would result in an overall improvement of stormwater management within the entire area.
- E. Setbacks and slopes of drainage swales; setbacks from detention basins. See § 190-503 (Proposed Construction Area and Natural Features and Utility Corridors; Steep Slopes) above.
- F. Stormwater easements and maintenance. See Subsection O (Stormwater Easements) of § 165-63 (Stormwater Management) in Chapter 165 (Palmer Township Subdivision and Land Development Ordinance) of the Township Code.

**§ 190-506. Floodplain management.**

- A. Statutory authorization. The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry.
- B. Purposes. The purposes of these provisions are as follows:
1. To promote the general health, welfare and safety of the community;
  2. To encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future;



3. To minimize danger to public health by protecting water supply and natural drainage;
  4. To reduce financial burdens imposed on the community, governments and residents by preventing excessive development in areas subject to flooding;
  5. To protect individuals from buying lands which are unsuitable for building sites or certain uses because of flooding by prohibiting the subdivision and/or development of unprotected flood-prone lands; and
  6. To regulate development in flood hazard areas in accordance with the National Flood Insurance Act of 1968 (42 U.S.C. § 4001 et seq.) and the Pennsylvania Flood Plain Management Act 166 of 1978 (32 P.S. § 679.101 et seq.).
- C. Repealer, abrogation and greater restrictions. This ordinance hereby repeals and supersedes any prior ordinances and any other similar provisions currently in effect in identified floodplain areas. However, all provisions of other ordinances shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this ordinance, the more restrictive shall apply.
- D. Reserved.
- E. Warning and disclaimer of liability.
1. The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply, represent, or suggest that areas outside any identified flood-prone area, or that land uses permitted within such areas, will be free from flooding or flood damages; and every person who proposes to build on or develop any land within the Township is cautioned to cause their own independent study to be made to determine the likelihood of flooding or flood damage occurring on that property.
  2. This section shall not create liability on the part of Palmer Township or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder. See Article I (General Provisions and Administration).
- F. Administration.
1. Designation of floodplain administrator.
    - a. The Planning Director or Assistant Planning Director is hereby appointed to administer and enforce this ordinance and is referred to herein as the “floodplain administrator.” The floodplain administrator may:
      - i. Fulfill the duties and responsibilities set forth in these regulations;
      - ii. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees; or

- iii. Enter into a written agreement or written contract with another agency or private-sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 CFR 59.22.
  - b. In the absence of the designated floodplain administrator, the floodplain administrator duties are to be fulfilled by the Township Manager or his/her designee.
- 2. Duties and responsibilities of the floodplain administrator.
  - a. The floodplain administrator shall issue a floodplain development permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
  - b. Prior to the issuance of any floodplain development permit, the floodplain administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the United States Clean Water Act, Section 404, 33 U.S.C. § 1344. No permit shall be issued until this determination has been made.
  - c. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the proposed cost of improvements or repairs and the pre-improvement market value of the structure, so that a substantial improvement/substantial damage determination can be made, in accordance with FEMA's Substantial Improvement/Substantial Damage Desk Reference.
  - d. During the construction period, the floodplain administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. The floodplain administrator shall make as many inspections during and upon completion of the work as are necessary.
  - e. In the discharge of their duties, the floodplain administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials to enforce the provisions of this ordinance.
  - f. In the event the floodplain administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the floodplain administrator shall revoke the permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
  - g. The floodplain administrator shall maintain in perpetuity all records associated with the requirements of this ordinance, including but not limited to finished construction elevation data, permitting, inspection and enforcement.

- h. The floodplain administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program.
  - i. The responsibility, authority and means to implement the commitments of the floodplain administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the floodplain administrator/manager.
  - j. The floodplain administrator shall consider the requirements of 34 Pa. Code and the 2009 IBC and the 2009 IRC, or latest revisions thereof.
3. Permits required. A Township floodplain development permit is required for all proposed construction, development and any man- made change to improved or unimproved real estate within a special flood hazard area, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
4. Application procedures. Application for a floodplain development permit shall be made on forms prescribed and provided by the Township. If any proposed construction or development is located within, or adjacent to, any identified floodplain area, applicants for a building/zoning permit shall, in addition to supplying such information as may be required by the provisions of other Township ordinances, supply the following specific information in connection with such application:
- a. A plan which accurately delineates the area which is subject to flooding, the location of the proposed construction, the location of any other floodplain development or structures, and the location of any existing or proposed stream improvements or protective works. Included shall be all plans for proposed subdivision and land development in order to assure that:
    - i. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
    - ii. All utilities and facilities, such as sewer, gas, electrical and water systems, are located, elevated and constructed to minimize or eliminate flood damage;
    - iii. Adequate drainage is provided so as to reduce exposure to flood hazards;
    - iv. Structures will be anchored to prevent floatation, collapse, or lateral movement;
    - v. Building materials are flood-resistant;
    - vi. Appropriate practices that minimize flood damage have been used; and
    - vii. Electrical, heating, ventilation, plumbing and conditioning equipment and other service facilities have been designed and located to prevent water entry or accumulation.

- b. Such plan shall also include existing and proposed contours; information concerning base flood elevations, velocities, and other applicable information such as pressures, impact and uplift forces associated with the base flood; size of structures; location and elevations of streets; plans and engineering analyses to document compensatory storage; water supply and sanitary sewage facilities; soil types; and floodproofing measures.
        - c. A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the base flood elevations, pressures, velocities, impact, and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the base flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure.
        - d. A document, certified by a registered professional engineer or architect, which shows that the effect of any proposed development within a Floodway Area will not increase the base flood elevation at any point.
        - e. Information showing the proposed lowest floor and basement elevations in relation to the North American Vertical Datum of 1988.
5. Review by County Conservation District. A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Township to the Northampton County Conservation District for review and comment prior to the issuance of a building/zoning permit. The recommendations of the Conservation District shall be incorporated into the proposed plan.
6. Review of application by others. A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the floodplain administrator to any other appropriate agencies and/or individuals (such as the Planning Commission, Township Engineer, etc.) for review and comment, and the comments of the agencies or individuals to whom such submissions are made shall be considered by the floodplain administrator for possible incorporation into the proposed plan.
7. Other permit issuance requirements. Prior to the issuance of any floodplain development permit, the applicant shall obtain all other necessary governmental permits, such as those required by state and federal laws, including but not limited to those required by Act 537, the Pennsylvania Sewage Facilities Act, the Water Obstruction Act of 1913, and the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33 U.S.C. § 1334.
8. Changes. After the issuance of a floodplain development permit, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the floodplain administrator; and any work done pursuant to such permit shall be done in accordance with plans, specifications and other documents and in accordance with any conditions imposed upon the granting of said permit by the Township. Requests for any change to the application, permit, plans, specifications or other documents shall be in writing and shall be submitted by the applicant to the floodplain administrator for consideration.

9. Start of construction.
  - a. Work on the proposed construction shall begin within 180 days after the date of issuance of the floodplain development permit, and work shall be completed within 12 months after the date of issuance of the permit, or the permit shall expire, unless a time extension is granted, in writing, by the floodplain administrator. Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient cause for the floodplain administrator to approve such a request and the original permit is compliant with the ordinance and FIRM/FIS in effect at the time the extension is granted.
  - b. Construction shall be considered to have started with the first placement of permanent construction on the site, such as the pouring of slabs or footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation or the affixing of any prefabricated structure to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling, excavation for a basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street. For a substantial improvement, construction shall be considered to have started with the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
10. Inspection and revocation. During the construction period, the Township shall inspect the premises to determine that the work is progressing in compliance with the permit and with all applicable Township laws and ordinances. In the event it is found that the work does not comply with the permit or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Township shall revoke the permit and take such other action as in the circumstances it may deem appropriate.
11. Enforcement. Failure to comply with the provisions of this ordinance is a violation of this ordinance, and the floodplain administrator shall proceed with enforcement action in accordance with Municipalities Planning Code (MPC), Section 616.1, Enforcement Notice, Section 617.2, Enforcement Remedies (Penalties), and Article X-A, Appeals to Court. The floodplain administrator may also issue a declaration of violation, under Section 1316 of the National Flood Insurance Act of 1968, to the Federal Emergency Management Agency to deny flood insurance on the property in violation. The effects of having a Section 1316 violation are non-availability of flood insurance for any buildings, possible reduction of market value, risk of damage without compensation, possible mortgage foreclosure, and denial of disaster assistance for repair of structural damage.
  - a. Notices. Whenever the floodplain administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this section, or of any regulations adopted pursuant thereto, the floodplain administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:
    - i. Be in writing;

- ii. Include a statement of the reasons for its issuance;
  - iii. Allow a time, not to exceed a period of thirty (30) days, for the performance of any act it requires;
  - iv. Be served upon the property owner or his agent, as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state;
  - v. Contain an outline of remedial actions which, if taken, will affect compliance with the provisions of this section.
- b. Appeals. Any person aggrieved by any action or decision of the floodplain administrator concerning the administration of the provisions of this ordinance may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the floodplain administrator.
- i. Upon receipt of such appeal, the Zoning Hearing Board shall consider the appeal in accordance with the Municipalities Planning Code and any other local ordinance.
  - ii. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this state, including the Pennsylvania Flood Plain Management Act.
  - iii. Granting of a municipal appeal will not relieve a landowner from the obligation to comply with the minimum requirements of the National Flood Insurance Program. Landowners that fail to meet the program's minimum requirements, notwithstanding any appellate decision to the contrary, are in violation of the National Flood Insurance Program and remain subject to the accompanying penalties.

G. Description and identification of floodplain areas.

1. Identification. The identified floodplain area shall include any areas of Palmer Township classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated July 16, 2014 and issued by the Federal Emergency Management Agency (FEMA), or the latest revision thereof, including all digital data developed as part of the FIS. The above-referenced FIS and FIRMs, and any subsequent revisions and amendments, are hereby adopted by Palmer Township and declared to be part of this ordinance.
2. Description and special requirements. The identified floodplain area shall consist of the following specific areas:
  - a. The floodway area shall consist of those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water

surface elevation by more than one foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those special flood hazard areas where no floodway has been identified in the FIS and FIRM.

- i. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis (HEC-RAS) performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
  - ii. Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection's regional office.
- b. The AE Area shall consist of those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
  - i. The AE Area adjacent to the floodway shall consist of those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
- c. The A Area shall consist of those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other federal, state, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township. [See provisions for site-specific floodplain studies in Subsection H(4) below.]

3. Floodplain as overlay area. The identified floodplain area shall function as an overlay district, which is incorporated within the RBO Riparian Buffer Overlay, as identified and regulated within this Ordinance. All portions of this ordinance shall also apply to the floodplain area; except that where the floodplain regulations and other regulations of this ordinance regulate the same matter, the more-restrictive regulation shall apply. Should any part of the identified floodplain area be declared inapplicable because of lawful official action of the Board of Supervisors, the Zoning Hearing Board, the Federal Insurance Administration or a court of competent jurisdiction, the underlying zoning district shall continue to remain in effect.
4. Studies by a developer.

- a. If the applicant does not desire the regulations of the identified floodplain area to apply within an approximated floodplain, the applicant may, at the applicant's expense, have a detailed study completed to determine the exact base flood elevation using accepted hydraulic modeling techniques (HEC-RAS, HEC-2, etc.).
  - b. This determination shall be made under the review and approval of the Township Engineer and be sealed by a professional engineer.
  - c. An applicant may also provide any base flood elevation and floodway data available from a federal, state or other reputable source.
  - d. Such study may also seek to show that an area is within an A or AE flood area and not the floodway area.
  - e. Based upon such study and information, in areas that the Township Engineer determines, in writing, not to be within the identified floodplain area, the regulations of the identified floodplain area shall not apply.
  - f. No modification or revision of the water surface elevation, the floodway area, or any area identified as being flood-prone as set forth in the latest Flood Insurance Study prepared by the Federal Insurance Administration shall be made without prior written approval from the Federal Insurance Administration.
5. Changes in identification of floodplain area. The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the special flood hazard area, approval (CLOMR) must be obtained from FEMA. Additionally, as soon as practicable, but not later than six months after the date such information becomes available, a community shall notify FEMA of the changes to the special flood hazard area by submitting technical or scientific data.
6. Boundary disputes. When exact measurements do not exist, the boundaries of the floodplain areas shall be determined by the floodplain administrator by scaling distances off the Flood Insurance Rate Map. If an applicant challenges such determination by the Floodplain Administrator, the applicant may appeal the boundaries to the Zoning Hearing Board, which shall seek comments from the Township Engineer. The person contesting the location of the floodplain boundary shall have the burden of establishing that the land does not lie within the identified floodplain area.
- H. Floodplain area prohibited uses. On any site or portion of a site which is located in a special flood hazard area, the construction, enlargement or expansion of any of the following uses shall be specifically prohibited, regardless of their elevation relative to the floodplain:
1. All new or substantially improved:
    - a. Residential dwellings.
    - b. Commercial, institutional or industrial structures.
    - c. Hospitals, nursing homes, jails and prisons.



- d. Mobile/manufactured homes, a mobile/manufactured home park or a recreational vehicle park.
  - e. Solid waste disposal areas/facilities.
  - f. Dumps or junkyards.
  - g. Outdoor storage or disposal of all materials
  - h. Bulk storage of manure, except within a waterproof enclosure.
  - i. On-site sewage disposal systems.
  - j. Any building or structure which would cause any increase in the base flood elevation.
  - k. All uses not specifically permitted, unless their allowance is clearly implied in the determination of the Zoning Hearing Board by a very close similar use.
2. Any new or substantially improved structure which will be used for the production or storage of any hazardous materials or substances, or which will be used for any activity requiring the maintenance of a supply of more than five hundred fifty (550) gallons, or other comparable volume, of any hazardous materials or substances on the premises, or which will involve the production, storage or use of any amount of radioactive substances, including but not limited to the comprehensive list in accordance with the regulations of the US Environmental Protection Agency or as otherwise more currently published.
3. The production or storage of any substance defined as hazardous waste under the Pennsylvania DEP's Hazardous Waste Management Regulations in quantities of more than five (5) gallons within the identified floodplain area.
4. The filling of marshlands, dredging, removal of topsoil or damming or relocation of any watercourse, except with the approval of the Pennsylvania DEP.
5. Any relocation or altering of a watercourse if the water-carrying capacity will be reduced without an appropriate alternative method of stormwater management approved under Chapter 165 (Palmer Township Subdivision and Land Development Ordinance) of the Township Code or any relocation of a waterway without needed Pennsylvania DEP permits. The State Floodplain Coordinating Office and downstream municipalities shall be notified prior to any alteration or relocation of a stream watercourse, and copies of such notifications shall be submitted to FEMA and the Pennsylvania Department of Community and Economic Development.
6. The following activities or practices are expressly prohibited within floodplain areas:
- a. Clear-cutting of timber or high-grading of forests.
  - b. Removal or disturbance of vegetation in a manner that is inconsistent with the regulations of this chapter.
  - c. Use of fertilizers, pesticides, herbicides, and/or other chemicals, except for selective herbicide application by a qualified professional to control noxious weeds and invasive

species of plans in riparian buffers. For the purpose of this provision, a qualified professional shall be licensed by the PA Department of Agriculture as a Commercial/Public Pesticide Applicator and shall be certified in the applicator category of “Right-of-way and weeds” per state regulations, 7 Pa. Code § 128.42, as amended.

- d. Storage or discharge of any hazardous or noxious materials, except those used during emergencies for the treatment and/or maintenance of any public sewer and public water treatment facilities (i.e., generator sets or alternative drive units).
- e. Motor or wheeled vehicle traffic in any area not associated with a designated stream crossing, recreation trail or municipal utility access affixed by their function.
- f. The disturbance of any land or water not associated with the uses listed Subsection C(3) above.

7. No fill shall be permitted in the Floodway or Special Flood Hazard Area.

I. Permitted uses in special flood hazard areas shall be as follows, provided that all other requirements of this section and this ordinance are complied with:

- 1. Crop farming, orchards and raising of livestock.
- 2. Plant nursery or Christmas tree farm.
- 3. Recreational uses, including public and private parks, day camps, picnic groves, golf courses, hunting and fishing membership clubs and boating launches, marinas, docks, wharves, piers, etc., but not to include recreational vehicles or recreational vehicle parks.
- 4. Game farm, fish hatchery, hunting and fishing reserve.
- 5. Nature reserve.
- 6. Front, side or rear yards and required lot area for uses that may or may not be in an abutting district.
- 7. Pervious parking areas.

J. Conditional uses. All applications for conditional uses shall require appropriate state and federal approvals. Conditional uses in the floodplain area shall be as follows:

- 1. Dams, culverts and bridges approved by the Pennsylvania DEP if it has jurisdiction over the watershed in question, or by the governmental agency exercising jurisdiction over the watershed.
- 2. Paved roads, and driveways, parking areas, and loading areas.
- 3. Storm sewers, not including detention facilities.
- 4. Grading or regrading of land, including the deposit of topsoil and the grading thereof, and the construction of retaining walls, provided that a detailed engineering study is provided that

proves to the satisfaction of the Zoning Hearing Board, based upon review by the Township Engineer, that the grading work will not individually or collectively increase the base flood elevation more than one foot at any point.

- K. Permissible nonconformities. A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions may be continued, subject to the following conditions:
1. Existing nonconformities (structures and/or uses) located in the floodway area shall not be expanded or enlarged (unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying stream improvements).
  2. Any modification, alteration, repair, reconstruction or improvements of any kind to a nonconformity (structure and/or use) located in the floodway area shall be elevated and/or floodproofed in accordance with the provisions of this ordinance.
  3. The modification, alteration, repair, reconstruction or improvement of any kind to a nonconformity (structure and/or use), regardless of location, to an extent or amount of fifty percent (50%) or more of its value constitutes a substantial improvement and, therefore, shall be undertaken only in full compliance with the provisions of this and any other applicable ordinance.
  4. Uses or adjuncts thereof which are or become nuisances shall not be permitted to continue.
- L. Fill in the floodplain. No fill shall be permitted in the Floodway or Special Flood Hazard Area. Minor filling may be allowed where needed to protect or restore natural floodplain functions, such as a part of a channel restoration project.

Placement of fill in the 0.2% Annual Chance Flood Hazard (500-year floodplain) is discouraged and should be minimized. Placement of fill shall be restricted to functional purposes such as elevating a structure. Placement of fill to dispose of spoil from excavation or to elevate yards, parking lots, or fields will not generally be considered a functional purpose. In addition to any required federal and state permits, a Township floodplain development permit shall be required for any filling of either the floodplain area or anywhere within one hundred (100) feet of the top of the primary bank of the Lehigh River or the Bushkill Creek or within fifty (50) feet of the top of the primary bank of the Schoeneck Creek. An applicant for such permit shall prove that there will be no increase in stormwater flows or flooding of the contiguous properties of other owners. If fill is used, it shall:

1. Extend laterally at least fifteen (15) feet beyond the building line from all points.
2. Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
3. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
4. Be no steeper than one vertical foot to three horizontal feet, unless substantiated data justifying steeper slopes are submitted to, and approved by, the floodplain administrator.
5. Be used to the extent to which it does not adversely affect adjacent properties.

M. Design standards and improvements.

1. General.

- a. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified and until all required permits or approvals have been first obtained from the commonwealth. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.
- b. Where not prohibited by this or any other laws or ordinances, land located in flood-prone area(s) may only be platted for development subject to the requirement that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws and ordinances regulating such development.
- c. No subdivision and/or land development, or part thereof, shall be approved if the proposed development and/or improvements will, individually or collectively, increase the base flood elevation more than one foot at any point. In identified floodplain areas where base flood elevation data are not available, plans shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a conditional letter of map revision and letter of map revision. Submittal requirements and processing fees shall be the responsibility of the applicant.
- d. If the Palmer Township Board of Supervisors shall determine that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.
- e. When a developer does not intend to develop the plat himself and the Palmer Township Board of Supervisors determines that additional controls are required to ensure safe development, it may require the developer to impose appropriate deed restrictions on the land as recommended by the Township Solicitor. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.
- f. Requirement for compensatory storage. All new development shall provide compensatory storage at hydraulically equivalent sites up to a maximum of 195 for a ratio of 1.5:1 or greater. Fill (other than temporary structures and temporary storage) is permitted in flood hazard areas outside of floodways if compensatory storage is provided. Engineering analyses prepared by a qualified professional shall be submitted to demonstrate the compensatory storage hydraulically balances the fill.

2. Elevation and floodproofing requirements.

Within any Floodplain Area any new construction or substantial improvements shall be prohibited. If a variance is obtained for new construction or substantial improvements in the Floodplain Area, then the following provisions apply:

- a. Residential structures.

- i. Any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation on foundations that are designed and sealed by a registered design professional as complying with the requirements of the International Building Code.
    - ii. The design and construction standards and specifications contained in the 2018 IBC, the 2018 IRC and 34 Pa. Code, or the most recent revisions thereof, shall be utilized where they are more restrictive.
  - b. Nonresidential structures.
    - i. Any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation or be designed and constructed so that the space enclosed below the regulatory flood elevation:
      - i. Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water; and
      - ii. Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
    - ii. Any nonresidential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations," published by the United States Army Corps of Engineers (June 1972, or as amended), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above-referenced standards. There should be a statement submitted with the permit application and a statement submitted with the as-built Floodproofing Certificate prior to the issuance of the Certificate of Occupancy.
    - iii. The design and construction standards and specifications contained in the 2009 IBC, the 2009 IRC and 34 Pa. Code, or the most recent revisions thereof, shall be utilized where they are more restrictive.
  - c. Space below the lowest floor.
    - i. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.

- ii. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
    - [a] There shall be a minimum of two (2) openings having a net total area of not less than one square inch for every square foot of enclosed space installed on two (2) separate walls.
    - [b] The bottom of all openings shall be no higher than one (1) foot above grade.
    - [c] Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
  - d. Elevation records. Records of elevations of the base flood elevation and the lowest floor (including basement) of structures shall be provided by the applicant for all new or substantially improved structures in, and in vicinity to, the floodplain areas. Such information shall indicate whether or not such structures contain a basement. Such information shall be maintained in Township records.
3. Construction standards. The following minimum standards shall apply for all construction proposed to be undertaken within any identified flood-prone area:
- a. Drainage facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner without damage to persons or property. The system shall ensure drainage at all points along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
  - b. Sanitary sewer facilities.
    - i. All new or replacement sanitary sewer facilities, whether public or private, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed and floodproofed up to the regulatory flood elevation.
    - ii. No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
    - iii. The Palmer Township Board of Supervisors may prohibit installation of on-lot sewage disposal facilities requiring soil absorption systems where such systems will not function due to high groundwater, flooding, or unsuitable soil characteristics. The Board of Supervisors may require that the developer note on the face of the plat and in any deed of conveyance areas of the subdivision where soil absorption fields are prohibited.

- iv. The design and construction provisions of the UCC and most recent version of FEMA No. P-348, "Protecting Building Utilities from Flood Damages," and "The International Private Sewage Disposal Code" shall be utilized.
- c. Water facilities. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system and be located and constructed to minimize or eliminate flood damage.
- d. Streets. The finished elevation of proposed new streets shall be no more than one (1) foot below the regulatory flood elevation.
- e. Utilities. All other utilities, such as gas lines, electrical and telephone systems, being placed in flood-prone areas should be located, elevated (where possible) or floodproofed up to a point one foot above the regulatory flood elevation. and constructed to minimize the chance of impairment during a flood.
- f. Storage. No materials that are buoyant, flammable, explosive or, in times of flood, could be injurious to human, animal, or plant life shall be stored below the regulatory flood elevation..
- g. Placement of buildings and structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.
- h. Anchoring.
  - i. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
  - ii. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- i. Floors, walls and ceilings.
  - i. Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without causing structural damage to the building.
  - ii. Plywood used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
  - iii. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
  - iv. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water- resistant material.
- j. Paints and adhesives.

- i. Paints or other finishes used at or below the regulatory flood elevation shall be of a water-resistant quality.
    - ii. Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant quality.
    - iii. All wooden components (doors, trim, cabinets, etc.) shall be finished with a marine or water-resistant paint or other finishing material.
  - k. Electrical systems and components.
    - i. Electric water heaters, furnaces, air-conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located below the regulatory flood elevation .
    - ii. Electrical distribution panels shall be at least three feet above the regulatory flood elevation .
    - iii. Separate electrical circuits shall serve lower levels and shall be dropped from above.
  - l. Utilities and equipment.
    - i. Water heaters, furnaces, air-conditioning and ventilation units and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation .
    - ii. All fuel supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provision shall be made for the drainage of these systems in the event that floodwater infiltration occurs.
- 4. Pilings or columns rather than fill, for the elevation of structures within flood-prone areas, shall be required in order to maintain the storage capacity of the floodplain and to minimize the potential for negative impacts to sensitive ecological areas.

N. Variances in the floodplain areas.

- 1. A variance shall only be granted to the requirements of this section if the applicant can prove that an exceptional and unnecessary hardship of a unique nature is imposed upon the property.

**§ 190-507. Erosion control and grading.**

- A. For all activities which would involve the disturbance of earth, other than routine crop farming unrelated to development, applicants shall prepare an E&S control plan. For proposals disturbing over an area greater than five thousand (5,000) sf or disturbance of slopes of over fifteen percent (15%) shall submit in advance a grading plan to the Township and a soil and erosion and sedimentation control plan to the County Conservation District. The erosion control plan shall be revised as needed until it is found acceptable by the Conservation District. Copies of all data submitted to CCD and related correspondence shall be copied to the Township. Compliance with such approved plan shall be a condition of any Township permit, and a Township permit may be suspended for noncompliance.



B. Grading regulations.

1. The existing grade shall not be increased so that unstable slopes are created.
2. The surface area of any yard adjacent to a building or structure shall be graded so that surface water will be drained away from such structure.
3. The deposit of soils, detritus or other debris (as a result of site preparation, grading or excavating) shall not be unsightly or detrimental to any property, street, sewer or natural waterway.
4. Materials used for fill as a future base for construction shall be nonorganic and provide a suitable and secure base.
5. The Board of Supervisors may require appropriate underground testing of a proposed building site if there is doubt in the opinion of the Township Geotechnical Engineer that the subsurface is suitable and secure for building.
6. A site plan shall be provided to the Township showing the existing natural features of a site before grading occurs, with sufficient information to ensure compliance with the tree preservation and steep slope regulations of this ordinance. Such information should also include photographs of the site prior to grading.

**§ 190-508. Storage of gases, liquids and solids.**

- A. All uses of this nature considered a tank farm must be registered and in compliance with the Storage Tank and Spill Prevention Act, 35 P. S. § § 6021.101—6021.2104.
- B. No underground or subsurface storage of chemicals, either gas, liquid or solids, shall be permitted in any district, except for underground storage of petroleum products as regulated by the State Police and/or other state or federal regulatory agencies.
- C. All storage of explosive or hazardous substances or gases shall comply fully with the standards of the National Fire Protection Association.
- D. All bulk outdoor commercial storage facilities for fuel, chemicals or hazardous machinery, other than at construction sites shall be enclosed by a secure fence with a minimum height of six (6) feet.
- E. Depositing of wastes.
  1. Materials or wastes shall not be deposited upon a lot in such a form or manner that they may be transported off by natural causes or forces.
  2. No substance shall be allowed to enter any groundwater or surface water if such substance can:
    - a. Contaminate groundwater or surface water.
    - b. Render groundwater or surface water undesirable as a source of water supply or recreation.
    - c. Destroy aquatic life.

**§ 190-509. Sewage treatment.**

(Hereafter in this section “sewage” shall refer to sanitary sewage.)

- A. All methods of sanitary sewage treatment and disposal shall be approved by the DEP and in accordance with the ACT 537 plan for the Township. See § 165-64 of the Subdivision and Land Development Ordinance concerning provisions of an alternate on-lot septic system.
- B. Recertification of the adequacy of sewage disposal systems shall be required, prior to an expansion or conversion of an existing use that can reasonably be expected to increase sewage flows.
- C. Public sewerage connections. A developer shall extend the public sewerage system to each lot intended to involve development of a new principal use and each principal use shall connect to the public sewerage system, unless the Board of Supervisors determines that such extension and/or connection would be impossible or cost-prohibitive. If the Board of Supervisors determines that such service currently is not reasonably accessible, then capped sewers shall be required to be installed by the developer, within the requirements of § 165-64 (Sanitary Sewage Systems) in Chapter 165 (Palmer Township Subdivision and Land Development Ordinance).
- D. Capped sewers. See the requirements of § 165-64 (Sanitary Sewage Systems) in Chapter 165 (Palmer Township Subdivision and Land Development Ordinance).
- E. Sanitary sewage disposal improvements installed by the developer shall meet requirements of the authority or Township providing such service and DEP regulations.
- F. Sanitary sewerage systems shall not be used to carry stormwater and shall be constructed and maintained to prevent inflow and infiltration.

**§ 190-510. Noise control.**

- A. No person shall operate or cause to be operated on private or public property any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the following table when measured at or within the property boundary of the receiving land use:

<b>Sound Level Limits by Receiving Lands Use and Time</b>		
<b>Land Use or Zoning District Receiving Noise</b>	<b>Hours and Days</b>	<b>Maximum Permitted Sound Level (dBA)</b>
Principally residential lot or nursing homes	7:00 a.m. to 10:00 p.m. other than Sundays and major legal holidays	62
	10:00 p.m. to 7:00 a.m. and Sundays and major legal holidays	57
Industrially developed or zoned lots	All times and days	74

<b>Sound Level Limits by Receiving Lands Use and Time</b>		
<b>Land Use or Zoning District Receiving Noise</b>	<b>Hours and Days</b>	<b>Maximum Permitted Sound Level (dBA)</b>
Any lot not listed above	7:00 a.m. to 10:00 p.m. other than Sundays and major legal holidays	67
	10:00 p.m. to 7:00 a.m. and Sundays and major legal holidays	62

- B. The maximum permissible sound level limits set forth in Subsection A shall not apply to any of the following noise sources:
1. The emission of sound for the purpose of alerting persons to the existence of an emergency.
  2. Emergency work to provide electricity, water or other public utilities when public health or safety are involved.
  3. Domestic power tools, between the hours of 7:00 a.m. and 10:00 p.m.
  4. Construction (associated with publicly declared emergencies and including necessary blasting) and street and utility repair operations.
  5. Agriculture.
  6. Motor vehicles traveling on public streets (See the State Motor Vehicle Code).
  7. Public celebrations specifically authorized by the Township.
  8. Railroads or airplanes.
  9. The unamplified human voice.
- C. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one time in any fifteen-second interval), the sound level shall not exceed 20 dBA over the ambient sound level, regardless of time of day or night or receiving land use.
- D. Sound levels (dBA) shall be measured by a qualified professional. If a violation is not found, the measurement shall be at the expense of the property owner of the receiving land use. If a violation is found, the measurement shall be at the expense of the violator.

**§ 190-511. Vibration control.**

No person shall operate or permit the operation of any device or conduct or permit any use to be conducted that creates vibration which is above the vibration perception threshold of an average person (without the use of instruments) on private property outside of the lot lines of the use generating the vibration. This restriction shall not apply to occasional non-routine blasting that may be necessary during construction of structures, streets or utilities.

**§ 190-512. Dust, dirt, smoke, vapor, gas and odor control.**

- A. No person shall operate or permit the operation of any device or conduct or permit any use to be conducted which does not conform with the standards established under DEP air pollution control regulations.
- B. No use shall generate odors that would be seriously offensive to persons of average sensibilities beyond the boundaries of a lot line.
- C. Any spreading of manure and septic sludge shall follow good soil and water conservation and standard practices to reasonably minimize odor. General standards shall be those recommended by the Northampton County Conservation District and United States Department of Agriculture.

**§ 190-513. Light and glare control.**

- A. Overall. All uses shall direct, deflect and shield lights and control the intensity of lights and illuminated signs to avoid nuisances and prevent glare onto other properties and streets and to avoid distractions to motorists. Lights shall not shine directly into the normal line of sight of motorists. Lights shall not produce a strobe effect.
- B. This section shall not apply to a) Township or government agency owned and installed streetlights, signage, or public safety devices, or b) an individual porch light of less than 8 feet total height attached to a dwelling or within a front yard (not including an unshielded spot light).
- C. Luminaire height. No luminaire, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot or within a Residential district shall be placed at a height exceeding 20 feet above the average surrounding ground level. In other situations, a luminaire or spotlight shall not be placed more than 30 feet above the average surrounding ground level. These limitations shall not apply to lights needed for air safety or lights intended solely to illuminate an architectural feature of a building, nor lighting of outdoor public recreation facilities that is aimed downward.
- D. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
- E. Shielding. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.
- F. Flickering. Flashing, flickering, or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10<sup>th</sup>.
- G. Gasoline Sales Canopies. Any canopy over gasoline pumps shall have light fixtures recessed into the canopy or screened by an extension around the bottom of the canopy so that lighting elements are not visible from another lot or street.
- H. Maximum Spillover. Exterior lighting from any use onto a residential use shall not cause a spillover of light onto a residential lot that exceeds 0.1 of a footcandle, measured at line of sight inside the residential lot line, except where that lighting level is already exceeded by preexisting conditions, the spillover may be increased by 0.1 footcandle. This limit shall also apply to sign lighting.

- I. Lighting of Horizontal Surfaces. For the lighting of predominantly horizontal surfaces such as parking areas and vehicle sales areas, lighting fixtures shall be aimed downward and shall include full cut-off measures as needed to properly direct the light and to meet the maximum spillover requirements of subsection 7. above and to prevent glare onto streets. The Township may require that light fixtures for non-residential uses be placed along the street and be aimed away from the street in a manner that also minimizes light shining onto residential lots.
- J. Lighting of Non-Horizontal Surfaces. For lighting of predominantly non-horizontal surfaces such building walls and wall signs, lighting fixtures shall be fully shielded and shall be aimed so as to not project light towards neighboring residences or past the object being illuminated or skyward. Any lighting of a flag shall use a beam no wider than necessary to illuminate the flag. Lighting of a billboard should be attached to the top of the billboard and project downward. However, lighting shall be allowed of the United States flag from dusk to dawn, provided the light source shall have a beam spread no greater than necessary to illuminate the flag.
- K. Upward Lighting and Lasers. Spotlights shall not be directed upwards into the sky. Laser lights shall not be directed into the sky to attract attention to a business or activity."
- L. Signs.
  - 1. Nits in this section shall mean a measure of the luminance or brightness of a sign, as measured from the sign's face, in candelas per square meter.
  - 2. The brightness of a sign with an electronically changing message shall not exceed 3,500 nits during daytime hours and 150 nits during nighttime hours. The sign shall have an automatic dimming process to meet these maximum levels. Information on the illumination in nits shall be provided at the time of the permit application.
  - 3. If a digital electronic sign malfunctions, it shall be designed to display a dark static image or to turn off the image.
  - 4. Compliance. Compliance with the maximum luminance standard shall be certified by an independent professional after installation is complete, prior to issuance of the final permit. In case of doubt of compliance, at any time the Zoning Officer may require the owner of the sign to provide independent written proof of compliance with the luminance requirements from a qualified professional. An all-white background shall be used for the test, which shall fill the sensor of the light meter.
  - 5. No sign shall be excessively illuminated beyond that which is necessary for the sign to be readable. Internally illuminated signs shall be prohibited in all residential districts in the Township. Where permitted in nonresidential districts, internally illuminated signs shall have a dark background with illuminated text that accounts for a maximum of twenty percent (20%) total sign area. (See Figure I.).
  - 6. Externally illuminated signs shall be illuminated by a white, steady, stationary light. For all freestanding pole signs, the light shall be attached directly to the sign. (See Figure II.). External light shall be directed at the sign without light spillover and without causing glare for motorists, pedestrians or neighboring properties. Signs may be backlit with a diffused or shielded light source if deemed necessary by the Township to control glare. Backlighting shall

illuminate the letters, characters or graphics on the sign but not its background in order to shine only on the face of the sign and not spill over into the property.

7. Hours of illumination. In a residential zoning district, signs may be lit during occupied hours or between the hours of 7:00 a.m. and 11:00 p.m., whichever is less. All existing internally illuminated signs in a residential zoning district shall be lit during office hours only.
8. Digital signs and electronically changing message signs shall be prohibited in all residential districts in the Township.

**§ 190-514. Reserved.**

**§ 190-515. Control of radioactivity, electrical emissions and electrical disturbances.**

- A. No person shall operate or permit the operation of any device or conduct or permit any use to be conducted which does not comply with the regulations of the DEP, the Nuclear Regulatory Commission, Federal Energy Regulatory Commission, and the Federal Interstate Commerce Commission.
- B. No person shall conduct or permit any use to be conducted which causes electrical disturbances (except from domestic household appliances and overhead electric transmission lines) to adversely affect any equipment at any time other than the equipment creating the disturbance.
- C. No radioactive or hazardous wastes, as defined by the U.S. Environmental Protection Agency shall be disposed of within any district.

**§ 190-516. Tree preservation.**

- A. Existing trees on a lot shall be preserved in accordance with the tree preservation requirements of Chapter 165 (Palmer Township Subdivision and Land Development Ordinance) of the Township Code.
- B. Invasive plant species, as defined by this Ordinance, are exempt from preservation.

**§ 190-517. Toxic, hazardous, or explosive uses.**

- A. Intent. This section is intended to provide a process for the Township to carefully review proposed land uses (especially industrial uses involving toxic or highly hazardous or explosive substances) to determine the threat of significant hazards to the public health and safety and/or future noncompliance with the performance standards of this article.
- B. If doubt exists whether a proposed use will comply with the performance standards of this Article, the Board of Supervisors may require the applicant for a zoning or occupancy permit to fund such necessary studies to determine the use's compliance with the performance standards. Such studies shall be completed by expert(s) selected by the Board of Supervisors. Such studies should be completed in written form within ninety (90) days after the submittal of an application for a zoning or occupancy permit.

- C. The applicant shall be required to provide such information to the appropriate reviewer designated by the Board of Supervisors to allow an accurate determination of potential hazards.
- D. If doubt exists that a use would violate the performance standards of this ordinance, the Board of Supervisors may require a use to fund such necessary independent monitoring to ensure its compliance.

**ARTICLE VI — Off-Street Parking and Loading**

**§ 190-601. Required number of off-street parking spaces.**

A. Requirement.

1. Each use established, enlarged or altered in any district shall provide and satisfactorily maintain off-street vehicle parking spaces in accordance with Table 3 and the regulations of this Article. When not specifically stated, bicycle parking and/or storage facilities shall be provided for each use in an appropriate location.
2. Where the computation of required parking spaces results in a fractional number, the fraction shall be rounded to the next whole number.
3. Any Warehouse/Logistics Use shall include parking spaces for trailer trucks waiting for dock time. These spaces shall be provided with electrical connections for these trucks so that there is no need for the trucks to idle during their wait time.

B. Conditional reduction in off-street parking areas. In order to prevent the establishment of a greater number of parking spaces than is actually required to serve the needs of nonresidential uses, the Board of Supervisors may permit a reduction of parking spaces to be built if the following conditions are satisfied:

1. The design of the parking lot, as indicated on the land development plan, must designate sufficient space to meet the parking requirements of this Chapter. The plan shall also illustrate the layout for the total number of parking spaces.
2. The reduction shall provide for the establishment of not less than 60% of the required number of parking spaces, as specified in this Chapter. This initial phase of the parking provision shall be clearly indicated on the plan.
3. The balance of the parking area reserved shall not include areas for required buffer yards, setbacks, or areas that would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this Chapter. The parking area that is reserved shall be located and have characteristics so as to provide amenable open space should it be determined the additional parking spaces are not required. The developer shall provide a landscaping plan for the reserved area with the land development plan. The area reserved shall be graded as if parking were to be built, and seeded.
4. The developer shall enter into a written agreement with the Board of Supervisors, in recordable form, that the additional parking spaces shall be provided at the developer's or owner's expense should it be determined that the required number of parking spaces are necessary to satisfy the need of the particular use or establishment. The developer shall post financial security in a form acceptable to the Township and such security shall remain in place for five years following the certificate of occupancy issuance.
5. Land which has been determined and designated by the Board of Supervisors to remain as open space rather than as required parking shall not be used to provide parking spaces for any addition or expansion but shall remain as open space and shall be shown on the record plan as land reserved for parking.



**§ 190-602. General regulations for parking facilities.**

- A. General. Parking space layout and requirements shall be adequate for the intended use.
- B. Existing parking. Structures and uses in existence at the effective date of this ordinance shall not be subject to the requirements of this Article, provided that the kind of use is not changed and that any parking facility now serving such structures or uses shall not in the future be reduced to an amount less than that required by this ordinance.
- C. Changes in use. Whenever a building or use (including those specified in Subsection A) is changed or enlarged in floor area, number of employees, number of dwellings, seating capacity or otherwise to create a need, based upon the requirements of § 190-601 (Required Number of Off-Street Parking Spaces), the number of additional spaces to be provided shall be based upon the incremental change or enlargement so required.
- D. Continuing character of obligation.
  - 1. All required parking facilities shall be provided and maintained so long as the use which the facilities were designed to serve still exists.
  - 2. Off-street parking facilities shall not be reduced in total extent except when such reduction is in conformity with the requirements of this Article in conjunction with a change in the nature of the use.
- E. Conflict with other uses. No parking area shall be used for any other use that interferes with its availability for the parking need it is required to serve.
- F. Location of parking spaces. Required off-street parking spaces shall be on the same lot or premises with the principal use served. Parking shall be located at the side or rear wherever possible.
- G. Joint use. Two (2) or more uses may provide for required parking in a common parking lot, provided that the total number of spaces in such lot shall not be less than the sum of the spaces required for each use individually and provided such parking lot is within three hundred (300) feet walking distance of all of the principal uses served by such lot, and provided that the applicant shows evidence of a long-term legally binding mechanism to assure joint use of the parking. The applicant may seek to prove that the parking requirement should be reduced under the provisions of § 190-601.B (Conditional reduction in off-street parking areas) because the uses would have their peak parking at different times of the day.
- H. Handicapped parking shall be in accordance with current requirements of the American with Disabilities Act as amended.

**§ 190-603. Design standards for off-street parking facilities.**

- A. General requirements.
  - 1. Every parking facility shall be designed so that its use does not constitute a nuisance, hazard or unreasonable impediment to traffic.
  - 2. Every parking area shall be arranged for orderly, safe movement.

3. No parking area shall be designed to require or encourage parked vehicles to back into a public or private street in order to leave a parking space, except for a single-family or two-family dwelling backing onto a road other than a major or minor arterial road.
4. Every parking area shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle, except those of a single-family or two-family dwelling.
5. No parking area shall be located within:
  - a. A required buffer yard; or
  - b. Ten (10) feet of a septic system absorption area.
6. All parking areas shall include clearly defined and marked traffic patterns, with the utmost care taken to provide for safe internal traffic movement and to avoid conflicts between vehicles and pedestrians. This shall include providing safe pedestrian pathways and crosswalks, both from the parking lot as well as sidewalk to the principle structure.

B. Parking spaces.

1. Each parking space shall at a minimum consist of a rectangle with a minimum width of nine (9) feet and a minimum length of eighteen (18) feet, except that a minimum length of twenty-two (22) feet shall be required for parallel parking.
2. All spaces shall be marked so as to indicate their location, except those of a single-family or two-family dwelling.

C. Aisles.

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

<b>Angle of Parking (degrees)</b>	<b>Minimum Aisle Width (feet)</b>
parallel or up to 30	12
45	14
60	18
90	20

2. Each aisle providing access to stalls for two-way traffic shall be at least twenty-five (25) feet in width.
3. No aisle shall exceed two hundred (200) feet in length.
4. Parking within and obstruction of a required aisle shall be prohibited.

D. Access drives and driveways.

1. Driveway width.

- a. Unless a differing requirement is established by PennDOT along a state street, for common driveways serving four or more dwelling units, or for any driveway or accessway serving a nonresidential principal use, the following driveway widths shall apply, measured at the curbline (or at the edge of street paving if no curb will exist):
  - i. For two-way traffic: a minimum width of twenty-five (25) feet and a maximum width of fifty (50) feet.
  - ii. For one-way traffic: a minimum width of twelve (12) feet and a maximum width of twenty (20) feet.
- b. All other driveways shall have a minimum width of seven (7) feet and a maximum width of twenty-four (24) feet.
- c. All driveways shall be set back from any property line a minimum distance of five (5) feet.

2. Driveway slope. See § 165-67 of the Subdivision and Land Development Ordinance (SALDO). If the Subdivision and Land Development Ordinance does not apply to a proposed driveway, then the same slope requirements as stated in the SALDO shall apply by reference through this Zoning Ordinance.

3. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway or access drive entry.

4. At least fifty (50) feet shall be provided between any two (2) driveways along one (1) street for one (1) lot Unless a greater separation is required by another section. See the minimum separation distance between driveways and streets in § 165-67 of the Subdivision and Land Development Ordinance.

5. All driveways to be constructed, paved or resurfaced shall require a driveway construction permit. If access is to a state street or road, a state highway occupancy permit shall be obtained.

6. Where access drives and driveways are proposed as part of a subdivision or land development, the provisions of the Township Subdivision and Land Development Ordinance shall also be met.

7. Sight distance for driveways. See § 190-804.C.(2) (Sight distance at intersection of driveways or accessways with streets).

E. Paving, grading, surface drainage. Except for areas that are landscaped and so maintained, all parking facilities, including parking access aisles and driveways, shall be graded, surfaced with asphalt, concrete, decorative paving block or other appropriate material approved by the Township, and drained to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining properties.

F. Nighttime illumination.

1. Unless restricted elsewhere, any parking area designed for use by six or more cars after dusk shall be adequately illuminated for security and pedestrian safety during all hours of darkness when the parking area is in use. The minimum illumination of such parking spaces and aisles shall be 0.75 footcandle, except that a minimum of 0.5 footcandle is permitted for industrial uses. The maximum footcandles measured at any location along the horizontal and projected vertical lot line shall not exceed 0.1 footcandles.
2. All luminaires shall be adequately shielded and directed to protect adjacent dwellings and motorists on public streets from glare. See also screening requirements of § 190-603.I (Screening). See also § 190-513 (Light and Glare Control) especially concerning maximum height of a luminaire.

G. Parking lot setbacks. The following requirements shall apply to uses other than single- and two-family dwellings.

1. All parking spaces and driveways shall be at least five (5) feet from any side or rear lot lines, unless the uses share a parking lot and access or unless the adjacent lots involve buildings that are attached at the lot line, or unless shared abutting driveways are approved by the Township.
2. No parking space nor outdoor display of articles or vehicles for sale or rent shall be located within the right-of-way required to be reserved for future dedication under § 190-806 (Establishment of Future/Ultimate Right-of-Way Widths for Streets).
3. Parking setback from buildings. No parking space or parking access aisle shall be located within fifteen (15) feet of any apartment building of four or more dwelling units or any townhouse building or within ten (10) feet of any nonresidential principal building. This setback shall not apply for driveways entering into a private garage, carport or vehicle service garage bay. This requirement is intended to allow sufficient space for walkways, foundation landscaping and firefighting. This requirement may be waived or reduced by the Zoning Officer if the Planning Commission finds that the requirement would be unreasonable or unsafe considering the characteristics of the site.
4. Parking setback from arterial and collector streets. No off-street parking space nor outdoor display of articles or vehicles for sale or rent shall be located within fifteen (15) feet of the proposed curbline (or of the proposed legal right-of-way for a street that will not be curbed) of a minor arterial street for lots that include parking spaces for more than five (5) cars and less than sixty (60) cars. This setback shall be a minimum of thirty (30) feet for lots including a total of sixty (60) or more off- street parking spaces. Such setback shall be ten (10) feet for a collector street.

H. Parking lot landscaping. The following shall apply for uses other than single-family or two-family dwellings.

1. All areas not serving as parking spaces, aisles, access drives or pedestrian walkways shall be covered with an all-season ground cover and be well-maintained.
2. Except where entrance and exit driveways cross street lines, all parking areas shall be physically separated from any public street by a raised curb or landscaped berm and an area not less than ten (10) feet in depth (measured from the right-of-way line) which shall be permanently landscaped and maintained.

3. Any lot that would include more than thirty (30) parking spaces shall be required to provide landscaped areas within the paved area. This required landscaped area shall be equal to a minimum of five percent (5%) of the total paved area.
  4. One deciduous tree of a minimum caliper of three (3) inches shall be required for every fifteen (15) required off-street parking spaces. The trees shall be of the same species as listed in the Township Subdivision and Land Development Ordinance.
  5. A substantial proportion of the trees required by this section should be planted within the parking lot within protected islands. These protected islands should be used to direct the flow of traffic through the parking lot in a smooth and safe manner to prevent “cross-taxiing.” Required trees are also encouraged to be planted in highly visible locations, especially between parking areas and major streets.
- I. Screening. Any area of six (6) or more off-street parking spaces which is not within a building and abuts or is across the street from any residential lot in an LDR, MDR, or HDR District or an existing primarily residential use shall be provided with a suitable fence, wall or evergreen planting at least four feet in height, designed to screen the parked vehicles and headlight glare from such residential lot.
- J. Electric Vehicle Charging/Fueling Spaces.
1. The installation of charging equipment shall not reduce the length or width of a parking space below the size and standards required under this section § 190-603.
  2. Electric vehicle parking spaces shall not be located immediately adjacent to internal vehicular circulation routes, such as end cap parking islands, in order to reduce vehicular and pedestrian safety issues.
  3. Charging equipment shall be protected by wheel stops, curbing, or concrete filled bollards.
- K. Outdoor Storage. For storage within off-street parking areas, see section § 190-817.
- L. Reconfiguration of parking area. In the case that the parking area of a multi-tenant building use is reconfigured by greater than 25 percent, then the resubmission of a land development application is required to allow Planning Commission to review the revised site plan.

**§ 190-604. Parking of commercial, unlicensed and junk vehicles in residential districts.**

- A. Commercial vehicles.
1. Applicability. This Subsection A shall apply to the following:
    - a. Within any lot in any district occupied by a primarily residential use.
    - b. Within a lot without a principal building within the LDR, MDR, or HDR District.
    - c. Within on-street parking spaces within twenty-five (25) feet of a lot occupied by a primarily residential use within the LDR, MDR, or HDR District.

2. In locations specified in Subsection A(1) above, no commercial vehicle with a PennDOT registration of Class 4 or higher shall be sold, stored, repaired, dismantled or parked.

Exceptions:

- a. Routine operations as may be permitted within a lawful principal business nonconforming use or home occupation use.
  - b. The on-site construction or repair of buildings, streets and utilities.
  - c. Routine service or delivery calls by commercial vehicles or routine loading or unloading of moving trucks.
  - d. A single, operable commercial vehicle with a PennDOT registration of up to Class 4, unless otherwise approved elsewhere in a Township ordinance or by zoning variance, may be parked in a residential zone if the vehicle is necessary for the occupation of the resident, including a lawful home occupation. If parking is available on the lot, the vehicle shall be parked there; otherwise, it shall be parked on the street immediately adjacent to the lot.
3. Junk and unlicensed vehicles. In the LDR, MDR, or HDR Districts, or on primarily residential lots in other districts, on lots of less than five acres, no junk vehicles (as defined in Article II herein) shall be parked outside of an enclosed building, except as specifically permitted for an gasoline service station, auto repair garage, junkyard or other lawful use. For parking an unlicensed or junk vehicle on public streets, reference is made to the Pennsylvania State Motor Vehicle Code or the Palmer Township Nuisance Code.
  4. In LDR, MDR, or HDR Zoning Districts, all streets and off-street parking areas shall be reserved and used for automobile parking only. Not allowed in such zoning districts are sales, dead storage, repair work, dismantling or major servicing of any kind or any type of vehicles.

**§ 190-605. Off-street loading.**

- A. General requirements. Each use shall provide off-street loading facilities sufficient to accommodate the maximum demand generated by the use (as determined by the Zoning Officer or another applicable review agent for the Township), which comply with the regulations contained in this section.
- B. Design and layout of off-street loading facilities. Off-street loading facilities shall be designed to conform to the following specifications:
  1. Each off-street loading and unloading space shall be at least fourteen (14) feet in width by sixty (60) feet in depth, unless the applicant proves to the satisfaction of the Township that the use will only utilize smaller trucks.
  2. Each space shall have sufficient maneuvering room separate from other parking to eliminate traffic conflicts within off-street loading and parking areas.
  3. Each space shall be located entirely on the lot being served and be so located that each space and all maneuvering room is outside of required buffer areas, yard areas, and rights-of-way.

4. An appropriate means of access to a street or alley shall be provided that the maximum width of driveways (measured at the street lot line) shall be thirty-five (35) feet and that the minimum width shall be twenty (20) feet exclusive of any radius or flared areas.
5. All off-street loading and unloading spaces, maneuvering areas, driveways and entranceways shall be graded, surfaced with asphalt or other suitable material and drained to the satisfaction of the Township Engineer to the extent necessary to prevent nuisances of dust, erosion or excessive water flow across public ways and to protect adjoining property.
6. No such facilities shall be designed or used in any manner so as to constitute a nuisance, a hazard or an unreasonable impediment to traffic.
7. No vehicles, commercial or non-commercial, shall park or load in any median or turn lane.
8. All such facilities shall comply with the lighting requirements of § 190-513 (Light and Glare Control), the landscaping requirements of § 190-603.G (Parking Lot Setbacks) and the noise limitations of § 190-510 (Noise Control).

**§ 190-606. Reserved**

**§ 190-607. Electric Vehicle Charging Stations**

Electric vehicle charging stations utilizing parking spaces located in parking lots, or parking garages shall comply with the following requirements:

- A. The installation of an electric vehicle charging equipment should not reduce the dimensions of the parking space to below the size and standards required within this Article.
- B. Charging equipment shall be configured so that it does not impede the safe travel of pedestrians along a driveway, traffic isle, sidewalk, walkway, or passenger unloading area.
- C. Electric vehicle charging stations may contain one parking sign per charging station which identifies the parking space as designated for charging of electric vehicles, in accordance with § 190-705.
- D. No portion of the electric vehicle charging station shall be covered or mounted with any signage other than the name of the manufacture and/or provider of the charging station.

## ARTICLE VII — Signs

### § 190-701. Construction.

- A. Every sign, except temporary signs not requiring a permit, shall be constructed of durable materials and must be kept in good condition and repair.
- B. Signs shall be limited to white, black, and three colors per sign, with neon and fluorescent colors prohibited.

### § 190-702. Abandoned signs.

- A. No person shall maintain or permit to be maintained on any premises that they own or control a sign which has been abandoned.
- B. Any abandoned sign which is allowed to become dilapidated or a hazard shall be removed or repaired as part of a new sign permit by the property owner or lessee of the property within thirty (30) days of notice or it may be removed by the Township at the expense of the owner or lessee of the property on which it is located.

### § 190-703. Location of signs.

- A. No sign except official signs, name plate signs, public service signs and directional signs shall be erected within two feet or project over an existing street right-of-way. Freestanding business signs shall be set back a minimum of five feet from the existing street right-of-way.
- B. No sign shall be so located or arranged that it interferes with the sight distance requirements of § 190-804.C (Sight Distance), except that one sign may have one pole with a maximum width of one foot within a sight distance triangle.
- C. No signs except official, personal expression, public service and specifically permitted off-premises signs shall be erected on a property to which it does not relate.
- D. No temporary sign, personal expression or otherwise, shall be placed on any Township-owned property or on any public utility pole or on any traffic light standard or on any other edifice, whether artificial or natural, owned or controlled by any governmental entity or any public utility except signs specifically authorized by such government or public utility.
- E. All signs erected in any zoning district shall comply with the accessory side yard requirements for the district, except a freestanding sign may be erected one foot from the side lot line in the GC District if the abutting use is a principal business use.
- F. No digital sign or electronically changing message sign for a commercial use or purpose shall be located within two hundred (200) feet of any LDR, MDR, HDR Zoning District property.

### § 190-704. Temporary signs.



- A. The following types of signs are exempt from zoning permit requirements, provided that they are removed in the time specified and conform to the sign requirements of this section. Any sign not meeting the time limits and size limits specified below shall need a zoning permit and shall only be allowed if permitted by another section of this ordinance.
1. Up to two (2) yard or garage sale signs per event, with the date of the event included on the sign, provided each does not exceed four (4) square feet in area and shall be put up a maximum of forty-eight (48) hours prior to a sale and removed within twenty-four (24) hours after sale.
  2. Signs giving notice of the sale or rental of the property on which the sign is located, provided that they do not exceed thirty-two (32) square feet in area, except that a maximum of six (6) square feet shall apply to lots of less than three (3) acres in an LDR, MDR, or HDR or District. Such signs shall be removed within ten (10) days after final settlement for a sale property or occupancy of the premises for a rental.
  3. Off-premises or on-premises signs of up to twenty-four (24) square feet erected by a nonprofit or entirely charitable entity denoting a special event, provided they are erected no more than fifteen (15) days before the event and removed within three (3) days after the event. Signs by an entirely charitable entity shall be permitted for up to four (4) months if approved by the Board of Supervisors.
  4. Signs and decorations for an officially recognized designated holiday, provided that they do not create traffic or fire hazards and are removed within seven (7) days following the event.
  5. Signs announcing work being performed on the premises by contractors, mechanics, painters, artisans, etc., are not to exceed ten (10) square feet, except that a maximum of eight (8) square feet shall apply within the LDR, MDR, or HDR Districts. Such signs shall be permitted on the premises only while work is being done on a daily basis and must be removed at the time of substantial completion of work (90% completion of the total value of the work), as determined by the Code Enforcement Officer. Such signs shall also be removed should a delay of more than seven (7) days prevent continuance of work and may be replaced upon the continuance of said work.
  6. Signs advertising the temporary sale of products or goods such as Christmas trees.
    - a. Type: Freestanding sign, Window sign, Wall sign, or Banner
    - b. Area: Maximum of sixteen (16) square feet in area for freestanding, window, or wall signs or a maximum of twenty-four (24) square feet for a banner.
    - c. Height: Maximum of eight (8) feet in area for freestanding, window, or wall signs or a maximum of fourteen (14) feet for a banner.
    - d. The sign shall be removed within thirty (30) days from the end of sales.
  7. Signs placed on bus shelters shall be permitted. A maximum of two (2) signs shall be permitted per shelter, each sign shall be limited to six (6) square feet. The sign shall not contain any off-premise advertising not related to bus agency operations.
  8. Banner signs of up to twenty-four (24) square feet, provided that they are erected no more than

30 consecutive days, four times per calendar year.

- a. Height: Maximum of fourteen (14) feet.
9. Sandwich Board or A-frame Signs shall be permitted on any lot containing a permitted non-residential use and shall comply with the following requirements:
- a. Number: One (1) sandwich board sign is permitted per establishment. For the purposes of this subsection, a parking garage or parking lot shall be considered an establishment.
  - b. Area: Each sign shall have a maximum area of seven (7) sq. ft. per sign face.
  - c. Height: Signs shall have a maximum height of three and one-half (3.5) feet.
  - d. Sign Placement.
    - i. If a sign is located on a public or private sidewalk, a minimum of 36 inches of unobstructed sidewalk clearance must be maintained between the sign and any building or other obstruction.
    - ii. The sign must be located on the premises, and within 12 feet of the primary public entrance, of the establishment it advertises. For the purposes of this subsection, a public entrance includes a vehicular entrance into a parking garage or parking lot.
    - iii. Portable signs shall be weighted, temporarily secured, or strategically placed so as to avoid being carried away by high winds.
  - e. Manual Changeable Copy.
    - i. Manual changeable copy signs are permitted when integrated into a sandwich board sign.
    - ii. Commercial must advertise only goods and services available on the premises.
- B. Feather Signs shall be permitted on any lot containing a permitted non-residential use provided they are erected for no more than thirty days per calendar year and shall comply with the following requirements:
1. Lots with one business are permitted one feather sign; provided, however that a maximum of two feather signs shall be permitted if the zoning lot has a street frontage of 150 linear feet or greater.
  2. Lots with more than one business are permitted a maximum of one feather sign per business.
  3. Feather signs shall not exceed 25 square feet in area per sign and shall not exceed a height of 12 feet above grade.
  4. Feather signs shall only be displayed from dawn to dusk and stored inside the business when the business is closed.

- C. Signs on mobile stands are defined as a special type of temporary sign, with special requirements listed in § 190-711.B (Signs on Mobile Stands). These signs are prohibited in all districts except the GC District.

**§ 190-705. Signs not requiring permits.**

Zoning permits are not required for the following types of signs:

- A. Official signs.
- B. Nameplate signs: one per lot, not to exceed two (2) square feet in sign area.
- C. Identification signs: one (1) per lot, not to exceed two (2) square feet in sign area.
- D. Directional signs: each not to exceed four (4) square feet in sign area, not to exceed thirty-two (32) square feet in total, and not to include any advertising.
- E. Memorial or historic markers when approved by motion or resolution of the Board of Supervisors or the Pennsylvania Museum and Historical Commission.
- F. Public service signs such as those advertising availability of restrooms, telephone, meeting times of service organizations or other similar public conveniences, each not to exceed two (2) square feet.
- G. Temporary signs within the provisions of this Chapter
- H. Parking and no-trespassing signs or signs indicating the private nature of a road, driveway or premises and signs prohibiting or controlling hunting and fishing upon the premises: four per lot, not to exceed two (2) square feet in sign area.
- I. Signs physically carried by a person, which are not regulated in any way by this ordinance.
- J. Home occupation signs. These signs are exempt from the permit requirements if they have a maximum total area of three (3) square foot and are limited to one (1) per lot or use, whichever is less. These signs shall not be internally illuminated. These signs shall be attached to the primary residential structure and shall not be internally illuminated.
- K. Home security signs shall be a maximum of twelve (12) square inches and shall be affixed to the principal structure.
- L. Fence signs shall be limited to one (1) per fence, except for no-trespassing signs in accordance with state regulations, not to exceed one (1) square foot, and shall be positioned so the text faces toward the principal structure.
- M. Personal expression signs, including flags, shall not exceed three (3) square feet in area and shall be non-illuminated.

**§ 190-706. Signs prohibited in all districts.**

The following signs are prohibited in all zoning districts:

- A. Flashing, blinking, twinkling, animated or mechanically-powered moving signs of any type and/or the outlining of roofs, doors, windows or wall edges by illuminating tubing or strings of lights for advertising purposes. This shall not prohibit Christmas lighting or displays in season. This provision shall not apply to digital signs or electronic message signs, which are subject to specific requirements under this article, nor signs specifically authorized by government entities or public utilities.
- B. Signs placed, inscribed or supported upon the roof or upon any structure which extends above the eaves of the roof of any building.
- C. Signs which emit smoke, visible vapors or particles, sound or odor.
- D. Signs which contain information that states or implies that a property may be used for any purpose not permitted under the provisions of the Township Zoning Ordinance in the zoning district in which the property to which the sign relates is located.
- E. Signs that are of such character, form, shape or color that it imitates or resembles any official traffic sign, signal or device or that has any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street.
- F. Signs that use reflective materials to give the appearance of flashing, blinking or twinkling.
- G. Signs or displays that include words or images that are obscene, pornographic or highly offensive to public decency.
- H. Balloons of greater than ten (10) cubic feet that are tethered to the ground and primarily intended for advertising purposes.
- I. Vehicular signs. This regulation does not include the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.
- J. Off-Premises Signs, except for Billboards in conformance with specific provisions of this Ordinance.

**§ 190-707. Signs and/or structures identifying major residential or business developments.**

- A. When allowed. Signs and/or structures described in this section may be allowed for:
  - 1. Residential subdivisions or land developments approved for ten (10) or more dwelling units; or
  - 2. Office, commercial or industrial subdivisions or land developments comprising three (3) or more principal uses.
- B. Size and number. Signs described in this section may have a maximum sign face area of thirty-two (32) square feet and a maximum height of eight (8) feet. These signs and/or structures may be located at up to three (3) of the major entrances to the development from exterior streets. This sign area may be an addition to other sign area limits of this ordinance.

1. Where more than one (1) sign may be permitted for an office, commercial or industrial development under the provisions above, only one sign shall be a digital sign or electronic message sign, provided that it meets the size requirements of this section, the hours of illumination requirements of § 190-513 (Light and Glare Control) and the provisions of § 190-715 (Lights Around Commercial Structure Rooflines).
- C. Durability. Such signs shall be designed to be of a durable nature requiring little maintenance.
- D. Message. Such signs may include the overall name of the development and any logo. Such signs shall not include advertising.
- E. Landscaping. It is the intent of this section that such signs be attractively landscaped, with plants and shrubs requiring minimal maintenance.
- F. Location. Such signs and structures shall be located outside of the future right-of-way lines and shall satisfy the sight distance requirements of § 190-804.C (Sight Distance).
- G. Maintenance. If such signs are intended to remain beyond the completion of a developer's involvement in a project, the developer shall provide an appropriate method to ensure proper maintenance of the sign.

**§ 190-708. Area of signs.**

The following regulations shall be used in computing the area of signs:

- A. The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background whether open or enclosed, on which they are displayed but not including any supporting framework and bracing which are incidental to the display itself.
- B. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other regular shape, including the sign background, which encompasses all of the letters and symbols.
- C. In computing square foot area of a double-face sign, only one side shall be considered, provided that both faces are identical in size. If the interior angle formed by the two (2) faces of the double-faced sign is greater than 45°, then both sides of such sign shall be considered in calculating the sign area.
- D. Unless otherwise specified, all square footages are maximum sizes.

**§ 190-709. Maximum height of signs.**

- A. Maximum height. No sign shall exceed the maximum height restriction for the particular type of sign structure and zoning district established below. (NOTE: "Maximum height" shall mean the vertical distance measured from the average ground level immediately below a sign to the highest point of the sign and its supporting structure. See Table Below.) For specific height requirements for billboards, refer to § 190-911.

Type of Sign	RA, LDR, MDR, HDR or District	GC District	LI/MU, IOC District	Any Other District
Freestanding	5 feet	10 feet	10 feet	5 feet
Wall	Equal to the total height of the principal building	Equal to the total height of the principal building	Equal to the total height of the principal building	Equal to the total height of the principal building

- B. Minimum height. Freestanding business signs in the GC District that include any portion of the sign within twenty (20) feet of the existing street right-of-way shall have a minimum height of six (6) feet. This minimum height shall be measured from the ground or pavement to the bottom most part of the sign.

**§ 190-710. Signs permitted in residential districts.**

The following sign regulations shall apply within the LDR, MDR, HDR, and R-A Zoning Districts:

- A. The following types of signs are permitted:

1. Signs not requiring permits in § 190-705 (Signs not requiring permits).
2. Temporary signs in § 190-704 (Temporary Signs).
3. Subdivision and land development signs in § 190-707 (Signs and/or structures identifying major residential or business developments).

- B. The following type of signs, and no others, are permitted for any lawful permitted or nonconforming principal nonresidential use (not including home occupations):

1. One (1) wall sign, not to exceed 10% of the total area of the building face on which it is visible or thirty-two (32) square feet, whichever is less, and permitted on the front wall of the structure only.
2. One (1) freestanding sign, not to exceed thirty-two (32) square feet in area for a place of worship or twenty (20) square feet for other uses. No more than one (1) freestanding sign per street frontage. Any freestanding sign that would be associated with a proposed conditional or special exception use shall be reviewed and either be approved or denied at the same time that the conditional or special exception use is being reviewed. A condition of approval of such sign shall be compatibility with adjacent land uses.
  - a. A freestanding sign for a public or private elementary or secondary school may be an electronic message sign provided that it meets the size requirements of this section, the hours of illumination requirements of § 190-513.D(3) (Hours of Illumination), the height requirements of § 190-709 (Maximum Height of Signs) and the provisions of § 190-715 (Lights Around Commercial Structure Rooflines). Where more than one (1) sign may be permitted on a lot under the provisions above, only one sign shall be an electronic message sign.

- C. Movable signs and signs on mobile stands are specifically prohibited.
- D. As of November 1, 2002, internally illuminated signs shall not be permitted to be erected in residential districts within the Township. However, internally illuminated signs shall be permitted to be erected within the William Penn Highway Overlay District, Route 248 Overlay District or Freemansburg Avenue Overlay District subject to all other provisions of the Palmer Township Zoning Ordinance governing signs. As of November 1, 2002, internally illuminated signs which are located in a residential district and were in existence before the enactment of this ordinance (except for those located in the William Penn Highway Overlay District, Route 248 Overlay District, and or Freemansburg Avenue Overlay District ) shall be lit during office hours only. Other signage within overlays shall be controlled by this Chapter.

**§ 190-711. Signs permitted in commercial districts.**

- A. The following types of signs are permitted in the GC and NC Districts:
  - 1. Signs not requiring permits in § 190-705 (Signs Not Requiring Permits).
  - 2. Temporary signs in § 190-704 (Temporary Signs).
  - 3. Signs for a use occupying an individual structure on a single lot, in accordance with the following regulations.
    - a. Wall signs. One (1) shall be permitted for each wall facing a public street, each with a total area not to exceed 10% of the total area of the building face on which the sign is located. The maximum total wall sign area shall be sixty (60) square feet.
      - i. A wall sign shall not include a digital sign or electronic message sign.
    - b. Freestanding signs.
      - i. One (1) shall be permitted with a total area not to exceed twenty-eight (28) square feet. This sign may consist of a structure to which are attached several signs, within the total square footage.
      - ii. If a use has a total linear road frontage of more than three hundred (300) feet, a second freestanding sign is permitted with a total square footage of sixty (60) square feet for the two (2) signs together.
      - iii. A lot in the GC District may also include one (1) additional nonilluminated freestanding sign with a maximum square footage of six (6) square feet.
      - iv. A freestanding sign may include a digital sign or electronic message sign provided that it meets the size requirements of this section, the hours of illumination requirements of § 190-513.D(3) (Hours of Illumination) and the provisions of § 190-715 (Lights Around Commercial Structure Rooflines). The portion of a freestanding sign containing a digital sign or electronic message sign shall have a maximum area of fourteen (14) square feet.

- v. Where more than one (1) sign may be permitted on a lot under the provisions above, only one sign shall be a digital sign or electronic message sign provided that it meets the size requirements of this section, the hours of illumination requirements of § 190-513.D(3) (Hours of Illumination) and the provisions of § 190-715 (Lights Around Commercial Structure Rooflines).
- c. Window signs. Total window signs, as defined by this article, shall not exceed 20% of the total window area of any single building frontage may be used for signs.
  - i. A window sign shall not include a digital sign or electronic message sign.
- d. Canopy or Awning Signs.
  - i. A canopy or awning without lettering or other advertising shall not be regulated as a sign.
  - ii. Canopy or awning signs must be centered within or over architectural elements such as windows or doors.
  - iii. No awning or canopy sign shall be wider than the building wall or tenant space it identifies.
  - iv. Sign Placement.
    - [a] Letters or numerals shall be located only on the front and side vertical faces of the awning or canopy.
    - [b] Logos or emblems are permitted on the top or angled portion of the awning or canopy up to a maximum of three square feet. No more than one emblem or logo is permitted on any one awning or canopy.
  - v. Sign Height.
    - [a] The lowest edge of the canopy or awning sign shall be at least eight (8) feet above the finished grade.
    - [b] Signs shall have a maximum height equal to the eaveline.
  - vi. Any ground-floor awning projecting into a street right-of-way must be retractable.
  - vii. Awnings above the ground floor may be fixed, provided they do not project more than four (4) feet from the face of the building.
  - viii. Sign Size. The total area of an awning/canopy signs for non-residential uses shall be limited to one and a half (1.5) square feet per one (1) linear foot of building frontage that faces a public street or parking area.
- 4. Signs relating to more than one commercial establishment on a lot, in accordance with the following regulations:
  - a. Wall signs. One (1) shall be permitted for each establishment. The total area of all wall signs



shall not exceed 10% of the total area of the building face on which the signs are located. Wall signs shall only be allowed on portions of a building that face onto a public street and not on faces that abut residential uses.

[1] A wall sign shall not include a digital sign or electronic message sign.

b. Freestanding signs.

- i. One (1) shall be permitted with a total area not to exceed forty (40) square feet. This sign may consist of a structure to which are attached several signs, within the total square footage.
- ii. If a lot has a total linear street frontage of more than three hundred (300) feet or if the lot includes more than ten (10) principal establishments or involves the sale of automobiles by more than three (3) distinct manufacturers, a second freestanding sign shall be allowed with a total square footage of eighty (80) square feet for the two (2) signs together.
- iii. A lot in the GC District may also include one additional nonilluminated freestanding sign with a maximum square footage of six (6) square feet.
- iv. A freestanding sign may include a digital sign or electronic-message sign provided that it meets the size requirements of this section, the hours of illumination requirements of § 190-513.D(3) (Hours of Illumination) and the provisions of § 190-716 (Digital Signs and Electronic Message Signs). The portion of a freestanding sign containing a digital sign or electronic message sign shall have a maximum area of twenty (20) square feet.
- v. Where more than one (1) sign may be permitted on a lot under the provisions above, only one (1) sign shall be a digital sign or electronic message sign provided that it meets the size requirements of this section, the hours of illumination requirements of § 190-513.D(3) (Hours of Illumination) and the provisions of § 190-715 (Lights Around Commercial Structure Rooflines).

c. Window signs. Total window signs, as defined by this article, shall not exceed 20% of the total window area of any single building frontage may be used for signs.

i. A window sign shall not include a digital sign or electronic message sign.

d. Buildings including more than one use. The requirements of this section shall apply. It is the specific intent of this section that for buildings including more than one use, that each use be identified as part of one (1) coordinated freestanding sign structure and not by individual freestanding signs.

e. Canopy or Awning Signs shall be permitted in compliance with § 190-711.A.3. For more than one commercial establishment on one lot, all awning or canopy signs shall be similar in terms of height, projection, and style across all tenants in the lot or building.

5. Projecting Signs in accordance with the following requirements:

- a. No portion of a projecting signs shall project more than four (4) feet from the face of the building.

- b. The outermost portion of a projecting sign shall project no closer than five (5) feet from a curbline or shoulder of a public street.
  - c. Sign Height. The lowest edge of a projecting sign shall be at least eight (8) feet above the finished grade.
  - d. Projecting signs shall be limited to a total sign area of twelve (12) square feet.
  - e. One (1) projecting sign is permitted per each non-residential establishment.
6. Flags containing commercial messages may be displayed as a permitted freestanding or projecting sign, provided that the flag complies with all applicable area and positioning requirements for freestanding or projecting signs respectively.
- B. Signs on mobile stands.
1. Purpose: to recognize signs on mobile stands as a particular type of sign that has the characteristics of a temporary sign but that is inappropriately used as a permanent sign. This section is based on the policy that if a use desires to regularly display a that it erect a permanent sign within all of the requirements of this ordinance.
  2. Standards for signs on mobile stands.
    - a. Signs on mobile stands shall be permitted only in the GC District.
    - b. Signs on mobile stands shall have a maximum sign area of forty (40) square feet.
    - c. Only one (1) mobile sign shall be permitted per use or per lot, whichever is lesser.
    - d. Permit. The display of signs on mobile stands shall require a special permit to ensure their use only as a temporary sign. The cost of this permit shall be assigned by the Township fee schedule.
    - e. Time limit. A permit for a sign on a mobile stand shall be limited to twenty (20) days and be issued only once per use or lot, whichever is lesser, within a calendar year.
    - f. No sign on a mobile stand shall be placed so that it causes a hazard to traffic nor shall it be placed within the existing/future road right-of-way.
    - g. No sign on a mobile stand shall include a flashing or blinking light, electronic changing or digital sign.
  3. Applicability. The standards of this section shall apply to all signs on mobile stands that are placed for display to the public after this ordinance goes into effect. These standards shall also apply to all signs on mobile stands that currently exist in the Township for which a permit from the Township has not been granted for a permanent sign.
- C. The following types of signs are permitted within the Main Street Commercial (MSC) Zoning District.
1. Signs relating to a single use occupying an individual structure on a single lot.
  2. Freestanding signs.

- a. One (1) freestanding ground-supported (monument) sign shall be permitted with a total sign area not to exceed thirty-two (32) square feet.
  - b. If a lot has a total linear street frontage of more than three hundred (300) feet or if the lot has frontage on more than one (1) street, a second freestanding ground-supported sign is permitted with a total maximum sign area of sixty (60) square feet for the two signs together.
3. Wall signs. One (1) wall sign shall be permitted for each building wall facing a public street, each with a total sign area not to exceed fifteen percent (15%) of the total area of the building wall on which the sign is located. The maximum total wall sign area shall be sixty (60) square feet.
4. Window signs. The total sign area of window signs, as defined in Article VII (Signs), shall not exceed 20% of the total window area of any single building frontage may be used for signs.
5. Signs not requiring permits per Article VII (Signs).
6. Temporary signs per Article VII (Signs).
7. Canopy or Awning Signs.
  - a. A canopy or awning without lettering or other advertising shall not be regulated as a sign.
  - b. Canopy or awning signs must be centered within or over architectural elements such as windows or doors.
  - c. No awning or canopy sign shall be wider than the building wall or tenant space it identifies.
  - d. Sign Placement.
    - i. Letters or numerals shall be located only on the front and side vertical faces of the awning or canopy.
    - ii. Logos or emblems are permitted on the top or angled portion of the awning or canopy up to a maximum of three square feet. No more than one emblem or logo is permitted on any one awning or canopy.
  - e. Sign Height.
    - i. The lowest edge of the canopy or awning sign shall be at least eight (8) feet above the finished grade.
    - ii. Signs shall have a maximum height equal to the eaveline.
  - f. Awnings above the ground floor may be fixed, provided they do not project more than four (4) feet from the face of the building.
  - g. Sign Size. The total area of an awning/canopy signs for non-residential uses shall be limited to one and a half (1.5) square feet per one (1) linear foot of building frontage that faces a public street or parking area.

8. Signs relating to more than one commercial use or building on a lot:
  1. Freestanding signs.
    - i. One freestanding ground-supported (monument) sign shall be permitted with a maximum sign area not to exceed one hundred (100) square feet, except where such sign is located within one hundred (100) feet of the right-of-way of, and intended or designed to be viewed from, PA Route 33, in which case the maximum sign area may be increased to two hundred (200) square feet. This sign may consist of a structure to which are attached several signs, within the total sign area.
    - ii. A freestanding sign may include a digital sign or electronically changing message sign, provided that it meets the size requirements of this section and the provisions of Article VII (Signs).
    - iii. If a lot has a total linear road frontage of more than three hundred (300) feet on Main Street or if the lot has frontage on more than one (1) street or if the lot includes more than ten (10) principal uses, a second freestanding sign shall be allowed with a total maximum sign area of one hundred fifty (150) square feet for the two (2) signs together, except where one such sign is located within one hundred (100) feet of the right-of-way of, and intended or designed to be viewed from, PA Route 33, in which case the maximum total sign area shall be increased to two hundred fifty (250) square feet.
    - iv. Where more than one (1) sign may be permitted on a lot under the provisions above, only one (1) sign shall be a digital sign or electronically changing message sign, provided that it meets the size requirements of this section and the provisions of Article VII (Signs).
    - v. It is the specific intent of this section that, for buildings including more than one (1) use, each use be identified as part of one (1) coordinated freestanding sign structure and not by individual freestanding signs.
  2. Wall signs. Up to two (2) wall signs shall be permitted for each use. One (1) wall sign shall be allowed on the wall of the building containing the main entrance to the building. If the primary entrance is not on the wall of the building which faces the street, a second wall sign shall be permitted on the wall of the building which faces the street. For each use, the sign area of a wall sign shall not exceed fifteen percent (15%) of the area of the wall on which the sign is located, up to a maximum sign area of fifty (50) square feet.
9. Window signs. The total sign area of window signs, as defined in Article VII (Signs), shall not exceed 20% of the total window area of any single building frontage may be used for signs.
10. Signs identifying major developments per Article VII (Signs).
11. Signs not requiring permits per Article VII (Signs).
12. Temporary signs per Article VII (Signs).
  - a. Canopy or Awning Signs shall be permitted in compliance with § 190-711.C.1. For more than

one commercial establishments on one lot, all awning or canopy signs shall be similar in terms of height, projection, and style across all tenants in the lot or building.

- b. Prohibited signs.
  - a. Freestanding pole signs are prohibited.

D. Height.

- 1. Freestanding signs shall be limited to a maximum height of ten (10) feet, except where such sign is located within one hundred (100) feet of the right-of-way of, and intended or designed to be viewed from, PA Route 33, in which case the maximum height may be increased to forty (40) feet.
- 2. The maximum height of wall signs shall be equal to the total height of the wall on which they are located.

E. Illumination.

- 1. Externally illuminated signs shall be illuminated by a white light that does not move or change intensity. External light shall be directed at the sign without light spillover and without causing glare for motorists, pedestrians or neighboring properties.
- 2. Externally illuminated signs may be backlit with a diffused or shielded light source to control glare. Backlighting shall illuminate the letters, characters or graphics on the sign but not its background.
- 3. Internally illuminated signs shall have a dark background with illuminated text that accounts for a maximum of twenty percent (20%) of the total sign area.

F. Projecting Signs in accordance with the following requirements:

- 1. No portion of a projecting signs shall project more than four (4) feet from the face of the building.
- 2. The outermost portion of a projecting sign shall project no closer than five (5) feet from a curblineline or shoulder of a public street.
- 3. Sign Height. The lowest edge of a projecting sign shall be at least eight (8) feet above the finished grade.
- 4. Projecting signs shall be limited to a total sign area of twelve (12) square feet.
- 5. One (1) projecting sign is permitted per each non-residential establishment.

Flags containing commercial messages may be displayed as a permitted freestanding or projecting sign, provided that the flag complies with all applicable area and positioning requirements for freestanding or projecting signs respectively.

**§ 190-712. Signs permitted in industrial and business districts.**

A. The following types of signs are permitted in the LI/MU, IOC Districts, but not including PO/B:

1. Signs not requiring permits in § 190-705 (Signs Not Requiring Permits).
2. Temporary signs in § 190-704 (Temporary Signs).
3. Signs identifying major developments in § 190-707 (Signs and/or structures identifying major residential or business developments).
4. Wall signs. Up to two (2) shall be permitted for each establishment. Each sign shall have a maximum total sign area of fifty (50) square feet.
  - a. A wall sign shall not include a digital sign or electronic message sign.
5. Freestanding signs, not to exceed one structure per street frontage. The total area of each freestanding sign shall not exceed fifty (50) square feet.
  - a. A freestanding sign may include a digital sign or electronic-message sign provided that it meets the size requirements of this section, the hours of illumination requirements of § 190-513.D(3) (Hours of Illumination) and the provisions of § 190-716 (Digital Signs and Electronic Message Signs). The portion of a freestanding sign containing a digital sign or electronic message sign shall have a maximum area of twenty-five (25) square feet.
  - b. Where more than one (1) sign may be permitted on a lot under the provisions above, only one (1) sign shall be a digital sign or electronic message sign provided that it meets the size requirements of this section, the hours of illumination requirements of § 190-513.D(3) (Hours of Illumination) and the provisions of § 190-715 (Lights Around Commercial Structure Rooflines).
6. Signs on mobile or movable stands are specifically prohibited.
7. Each principal establishment within a multi-tenant building may also have a wall sign with a maximum sign area of four (4) square feet, which shall be located near or on the use's door.
8. Canopy or Awning Signs.
  - a. A canopy or awning without lettering or other advertising shall not be regulated as a sign.
  - b. Canopy or awning signs must be centered within or over architectural elements such as windows or doors.
  - c. No awning or canopy sign shall be wider than the building wall or tenant space it identifies.
  - d. Sign Placement.

[1] Letters or numerals shall be located only on the front and side vertical faces

of the awning or canopy.

- [2] Logos or emblems are permitted on the top or angled portion of the awning or canopy up to a maximum of three square feet. No more than one emblem or logo is permitted on any one awning or canopy.

e. Sign Height.

- [1] The lowest edge of the canopy or awning sign shall be at least eight (8) feet above the finished grade.
- [2] Signs shall have a maximum height equal to the eaveline.
- [3] Any ground-floor awning projecting into a street right-of-way must be retractable.
- [4] Awnings above the ground floor may be fixed, provided they do not project more than four (4) feet from the face of the building.
- [5] Sign Size. The total area of an awning/canopy signs for non-residential uses shall be limited to one and a half (1.5) square feet per one (1) linear foot of building frontage that faces a public street or parking area.

9. Projecting Signs in accordance with the following requirements:

- a. No portion of a projecting signs shall project more than four (4) feet from the face of the building.
- b. The outermost portion of a projecting sign shall project no closer than five (5) feet from a curblineline or shoulder of a public street.
- c. Sign Height. The lowest edge of a projecting sign shall be at least eight (8) feet above the finished grade.
- d. Projecting signs shall be limited to a total sign area of twelve (12) square feet.
- e. One (1) projecting sign is permitted per each non-residential establishment.

10. Flags containing commercial messages may be displayed as a permitted freestanding or projecting sign, provided that the flag complies with all applicable area and positioning requirements for freestanding or projecting signs respectively.

B. The following types of signs are permitted in the PO/B District:

- 1. Signs not requiring permits in § 190-705 (Signs Not Requiring Permits).
- 2. Temporary signs in § 190-704 (Temporary Signs).
- 3. Signs identifying major developments in § 190-707 (Signs and/or structures identifying major residential or business developments).

4. Wall signs. Up to two (2) per building, each with a maximum sign area of sixteen (16) square feet. Such sign shall be posted a minimum of four (4) feet and a maximum of ten (10) feet above the average adjacent finished grade.
  - a. A wall sign shall not include a digital sign or electronic message sign.
5. Each principal establishment within a multi-tenant building may also have a wall sign with a maximum sign area of four (4) square feet, which shall be located near or on the use's door.
6. Freestanding signs, not to exceed one (1) sign for each principal building. The total area of each freestanding sign shall not exceed fifty (50) square feet.
  - a. A freestanding sign may include a digital sign or electronic-message sign provided that it meets the size requirements of this section, the hours of illumination requirements of § 190-513.D(3) (Hours of Illumination) and the provisions of § 190-715 (Lights Around Commercial Structure Rooflines). The portion of a freestanding sign containing a digital sign or electronic message sign shall have a maximum area of twenty-five (25) square feet.
  - b. Where more than one (1) sign may be permitted on a lot under the provisions above, only one (1) sign shall be a digital sign or electronic message sign provided that it meets the size requirements of this section, the hours of illumination requirements of § 190-513.D(3) (Hours of Illumination) and the provisions of § 190-715 (Lights Around Commercial Structure Rooflines).
7. Signs on mobile stands are specifically prohibited.
8. Canopy or Awning Signs.
  - a. A canopy or awning without lettering or other advertising shall not be regulated as a sign.
  - b. Canopy or awning signs must be centered within or over architectural elements such as windows or doors.
  - c. No awning or canopy sign shall be wider than the building wall or tenant space it identifies.
  - d. Sign Placement.
    - [1] Letters or numerals shall be located only on the front and side vertical faces of the awning or canopy.
    - [2] Logos or emblems are permitted on the top or angled portion of the awning or canopy up to a maximum of three square feet. No more than one emblem or logo is permitted on any one awning or canopy.
  - e. Sign Height.
    - [1] The lowest edge of the canopy or awning sign shall be at least eight (8) feet above the finished grade.
    - [2] Signs shall have a maximum height equal to the eaveline.



- f. Any ground-floor awning projecting into a street right-of-way must be retractable.
  - g. Awnings above the ground floor may be fixed, provided they do not project more than four (4) feet from the face of the building.
  - h. Sign Size. The total area of an awning/canopy signs for non-residential uses shall be limited to one and a half (1.5) square feet per one (1) linear foot of building frontage that faces a public street or parking area.
9. Projecting Signs in accordance with the following requirements:
- a. No portion of a projecting signs shall project more than four (4) feet from the face of the building.
  - b. The outermost portion of a projecting sign shall project no closer than five (5) feet from a curbline or shoulder of a public street.
  - c. Sign Height. The lowest edge of a projecting sign shall be at least eight (8) feet above the finished grade.
  - d. Projecting signs shall be limited to a total sign area of twelve (12) square feet.
  - e. One (1) projecting sign is permitted per each non-residential establishment.
10. Flags containing commercial messages may be displayed as a permitted freestanding or projecting sign, provided that the flag complies with all applicable area and positioning requirements for freestanding or projecting signs respectively.
- D. The following provisions apply to signs within the NEB Zoning District.
- 1. Permitted signs. The following types of signs are permitted within the North End Business District:
    - a. Freestanding ground-supported (monument) signs, not to exceed one sign per street frontage. The total sign area of each freestanding sign shall not exceed fifty (50) square feet.
      - i. A freestanding sign may include a digital sign or electronically changing message sign, provided that it meets the size requirements of this section and the provisions of Article VII (Signs).
      - ii. Where more than one sign may be permitted on a lot under the provisions above, only one sign shall be a digital sign or electronically changing message sign, provided that it meets the size requirements of this section and the provisions of Article VII (Signs).
    - b. Wall signs.
      - i. Up to two (2) wall signs shall be permitted for each principal building. Each sign shall have a maximum total sign area of fifty (50) square feet.

- ii. Each principal use within a multiple-occupancy building may also have a wall sign with a maximum sign area of four (4) square feet, which shall be located near or on the main entrance to the use.
- c. Signs identifying major developments per Article VII (Signs).
- d. Signs not requiring permits per Article VII (Signs).
- e. Temporary signs per Article VII (Signs).
- f. Canopy or Awning Signs.
  - i. A canopy or awning without lettering or other advertising shall not be regulated as a sign.
  - ii. Canopy or awning signs must be centered within or over architectural elements such as windows or doors.
  - iii. No awning or canopy sign shall be wider than the building wall or tenant space it identifies.
  - iv. Sign Placement.
    - [a] Letters or numerals shall be located only on the front and side vertical faces of the awning or canopy.
    - [b] Logos or emblems are permitted on the top or angled portion of the awning or canopy up to a maximum of three square feet. No more than one emblem or logo is permitted on any one awning or canopy.
  - v. Sign Height.
    - [a] The lowest edge of the canopy or awning sign shall be at least eight (8) feet above the finished grade.
    - [b] Signs shall have a maximum height equal to the eaveline.
  - vi. Any ground-floor awning projecting into a street right-of-way must be retractable.
  - vii. Awnings above the ground floor may be fixed, provided they do not project more than four (4) feet from the face of the building.
  - viii. Sign Size. The total area of an awning/canopy signs for non-residential uses shall be limited to one and a half (1.5) square feet per one (1) linear foot of building frontage that faces a public street or parking area.
- g. Projecting Signs in accordance with the following requirements:
  - i. No portion of a projecting signs shall project more than four (4) feet from the face of the building.

- ii. The outermost portion of a projecting sign shall project no closer than five (5) feet from a curblineline or shoulder of a public street.
  - iii. Sign Height. The lowest edge of a projecting sign shall be at least eight (8) feet above the finished grade.
  - iv. Projecting signs shall be limited to a total sign area of twelve (12) square feet.
  - v. One (1) projecting sign is permitted per each non-residential establishment.
  - h. Flags containing commercial messages may be displayed as a permitted freestanding or projecting sign, provided that the flag complies with all applicable area and positioning requirements for freestanding or projecting signs respectively.
2. Prohibited signs.
- a. Freestanding pole signs are prohibited.
  - b. Signs on mobile or movable stands are prohibited.
3. Height.
- a. Freestanding signs shall be limited to a maximum height of ten (10) feet.
  - b. The maximum height of wall signs shall be equal to the total height of the wall on which they are located.
4. Illumination.
- a. Externally illuminated signs shall be illuminated by a white light that does not move or change intensity. External light shall be directed at the sign without light spillover and without causing glare for motorists, pedestrians or neighboring properties.
  - b. Externally illuminated signs may be backlit with a diffused or shielded light source to control glare. Backlighting shall illuminate the letters, characters or graphics on the sign but not its background.
  - c. Internally illuminated signs shall have a dark background with illuminated text that accounts for a maximum of twenty percent (20%) of the total sign area.

**§ 190-713. Approval of signs associated with proposed variances and changes in nonconforming uses.**

Any signs that are to be associated with a proposed variance or change of a nonconforming use shall be reviewed and either be approved or denied at the same time that such action is approved by the Zoning Hearing Board. A condition of such approval shall be compatibility with adjacent land uses.

**§ 190-714. Off-premises signs**

A. Purposes. Off-premises signs, including billboards, are regulated to support the Township's goals of

limiting visual pollution produced from off-premises signs which conflicts with the economic development goals of the Comprehensive Plan, the existing and planned residential character of many areas of the Township, the preservation of areas of great natural and scenic beauty in the Township, the protection of the agricultural and open space character of many areas of the Township, and the safe movement of vehicles and pedestrians along the area's street system.

- B. Nonconforming off-premises signs. This section is not intended to require the removal of existing lawful off-premises sign that are structurally sound and in good repair.
- C. Commercial and noncommercial signs. This section applies to both commercial and noncommercial off-premises signs except as may be specifically provided for elsewhere in this ordinance.
- D. State signs. Signs erected and maintained by the PA Department of Transportation are permitted by right in all districts. Such signs that identify business services available at an interchange are specifically encouraged as an appropriate and orderly means of providing information without causing visual pollution or traffic hazards.
- E. Prohibition. All off-premises signs are prohibited in all districts of the Township, except for billboards as specifically permitted in certain districts.

**§ 190-715. Lights around commercial structure rooflines.**

- A. Lights shall be permitted as an outline to commercial structure rooflines, provided that the lights are white, non-flashing, nonblinking and pose no distraction or harm to passing motorists. Lights shall be no more than three fourths (3/4) inches in height and 8.1 watts per bulb.

**§ 190-716. Digital Signs and Electronic Message Signs.**

- A. Digital signs shall only be permitted to be located within two hundred (200) feet of the right-of-way of, and intended or designed to be viewed from U.S. Route 22 or PA Route 33, as permitted within a MSC, NEB, LI/MU, IOC or PO/B zoning district. Where applicable, such signs shall be located, constructed and maintained in accordance with all applicable Pennsylvania Department of Transportation regulations, in addition to all Palmer Township regulations. Where there is a conflict between regulations, the more restrictive regulation shall apply.
  - 1. A digital sign shall not be placed within five hundred (500) feet of a residential property line, as measured in any direction from the visible face of the sign.
  - 2. A digital sign placed within seven hundred fifty (750) feet of a residential property line, as measured in any direction from the visible face of the sign, shall be turned off between the hours of 11 pm and 7 am.
- B. Electronic message signs shall only be permitted to be located within fifty (50) feet of the right-of-way of and intended or designed to be viewed from U.S. Route 22, PA Route 33, William Penn Highway, Route 248/Nazareth Road/South 25th Street, or Freemansburg Avenue, as permitted within a LI/MU, IOC, or PO/B zoning district. Where applicable, such signs shall be located, constructed and maintained in accordance with all applicable Pennsylvania Department of Transportation regulations, in addition to all Palmer Township regulations. Where there is a conflict between regulations, the more restrictive regulation shall apply.

1. An electronic message sign shall not be placed within two hundred (200) feet of a residential property line, as measured in any direction from the visible face of the sign.
- C. A digital sign or electronic message sign, shall be separated a minimum of five hundred (500) feet from any other digital sign or electronic message sign, as measured in any direction, except as required under Billboard standards.
- D. All messages, images or displays on a digital sign or electronic message sign shall remain unchanged for a minimum of eight (8) seconds. Signs of twenty-four (24) square feet or less which indicate only the time, temperature, date or similar information shall be excluded.
- E. The time interval used to change from one complete message, image or display to the next complete message, image or display shall be a maximum of one (1) second.
- F. There shall be no appearance of a visual dissolve or fading, in which any part of one message, image or display appears simultaneously with any part of a second message, image or display.
- G. There shall be no appearance of flashing, twinkling, blinking, or sudden bursts of light, and no appearance of video motion, animation, scrolling, twirling, or flow of the message, image or display.
- H. The intensity and contrast of light levels shall remain constant throughout the sign face.
- I. The luminance of the sign display shall be controlled so as to not create glare, hazards or nuisances. The luminance or brightness of the display shall not exceed five thousand (5,000) nits during daylight hours and one hundred fifty (150) nits during hours of darkness. Each digital sign or electronic message sign shall be equipped with automatic dimming technology to adjust the sign's brightness based on ambient light conditions.
  1. The luminance specification shall be determined by a calibrated luminosity meter, operated by a qualified lighting professional following the instruments manufacturer's instructions.
  2. The measurement of luminance should be taken from the nearest roadway location perpendicular to the center of the digital sign face or electronic message sign face.
  3. The measurement of luminance shall include the measurement of an all-white image displayed by the sign to evaluate the worst-case condition.
- J. Signs shall be equipped with a properly functioning default mechanism that will stop the sign display on one message or image and reduce the luminance level to one hundred fifty (150) nits should a malfunction occur.
- K. Digital signs and electronic message signs shall be inspected annually to verify dwell time and brightness level. An annual inspection fee shall be charged for every digital sign and electronic message sign, as specified in the Township Fee Schedule. The inspection shall be paid and the inspection completed no later than April 30 of every year.

**ARTICLE VIII — General Regulations**

**§ 190-801. Principal uses limited; posting of address.**

- A. A maximum of one principal use is permitted on one lot, except as specifically permitted by this ordinance, and except for approved multi-tenant commercial and industrial buildings. See § 190-802C (Multiple Occupancy).
- B. Every principal building shall post its street number (if one has been established) in such a prominent place that it can be clearly viewed from a public street. Lighting of the street number is encouraged.

**§ 190-802. Frontage onto improved streets; number of uses or buildings.**

- A. Frontage required onto improved street.
  - 1. Every principal building shall be built upon a lot with permanent access upon a public street or a private street that is improved to meet Township standards, including a street right-of-way, or for which such improvements have been insured by the posting of a performance guaranty pursuant to the Township Subdivision and Land Development Ordinance. In the case of townhouses or low-rise/garden apartments, this requirement may be met by access onto a parking court which has access onto such street.
  - 2. See Article X of the Township Subdivision and Land Development Ordinance regarding required improvements to streets.
  - 3. If a pre-existing lawful lot only has access onto an existing private street that does not meet Township standards and the improvement of that street is reasonably beyond the control of the applicant, the lot may be used for a single permitted by right use, but no new lots shall be created that will not be able to meet this requirement.
- B. Multiple buildings on a lot. An approved commercial, institutional, industrial or garden apartment lot may include more than one principal building. In such case, the minimum front, side and rear yard requirements shall only apply at lot lines of the property. In such case, a twenty-five (25) foot-wide minimum separation distance shall apply between principal buildings, unless stated otherwise. Individual buildings or portions of such buildings may be held in approved condominium ownership, but the lot shall be owned by a single legal entity.
- C. Multiple occupancy.
  - 1. A principal commercial or industrial building may be occupied by more than one tenant within a similar general type of use, provided that all requirements of this ordinance are complied with.
  - 2. Each use within a multiuse building shall be required to apply for separate building and zoning permits through the required processes.

**§ 190-803. Height exceptions; airport approaches.**

A. § 190-417. Specific regulations for the Airport Hazard Overlay.

**§ 190-804. Special lot and yard requirements, sight distance and buffer yards.**

A. In general.

1. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this ordinance. This includes, but is not limited to, setback areas, impervious areas and off-street parking areas.
2. Emergency access. All uses and structures shall have adequate provisions for access by emergency vehicles.
3. Setbacks not applicable. See exemptions for certain airport structures in Article IX (Additional Requirements for Specific Uses).
4. Accuracy. The applicant is responsible to make sure that all measurements submitted to the Township are accurate.

B. Exceptions to minimum lot areas, lot widths and yards.

1. Nonconforming lots. See § 190-809 (Nonconformities).
2. Through lots. Any lot having frontage on two (2) approximately parallel streets (not including an alley) shall provide a required front yard setback abutting each of these streets.
3. Corner lots.
  - a. A setback area equal to the minimum front yard setback shall be provided along all portions of a corner lot abutting any public street, except where the applicant proves to the satisfaction of the Zoning Officer that the provision of a smaller setback of a different yard for a residential building will conform with the clearly prevailing yard pattern on numerous existing developed adjoining lots fronting on the same street.
  - b. If a lot is required to provide front yard setbacks along two of four lot lines, then the remaining two (2) yards may be side yards without a rear yard being required.
4. Projections into required yards.
  - a. Cornices, eaves, sills or other similar architectural features, exterior stairways, fire escapes or other required means of egress, rain leaders or chimneys or other similar structures that do not include space usable by persons may extend or project into a required yard not more than two (2) feet, except as may be required under a drainage or utility easement.
  - b. Front, side or rear porches that are covered by a roof and are not enclosed, and are not raised more than four (4) feet above the ground level may project from the principal building into a required yard setback, provided that the porch does not intrude more than five feet into a required yard and has a maximum width of ten (10) feet.

- c. Wood Deck. Within all Residential Zoning Districts, a raised open primarily wood deck attached to a principal use may project into a rear yard and shall be located a minimum of twenty (20) feet from the rear property line.
5. Front yard setback exception.
    - a. In any district within a block containing a lot proposed for construction or expansion of a building, where fifty percent (50%) or more of the improved lots on such block frontage currently have front yards of less depth than is currently required for that district, and where the clear majority of such lots are already developed, the average of such existing front setbacks shall establish the minimum front yard depth for the remainder of the frontage; provided, however, that an absolute minimum front yard setback of twenty-five (25) feet shall apply.
    - b. In any district within a block containing a lot proposed for construction or expansion of a building, where ninety percent (90%) or more of the lots on such block frontage include existing principal buildings have front yards of greater depth than is currently required for that district, and where the clear majority of such lots are already developed, the average of such existing front setbacks shall establish the minimum front yard depth for the remainder of the frontage; provided, however, that the minimum front yard setback shall not be more than fifteen (15) feet greater than what would otherwise apply.
  6. Triangular lots. If a three (3) sided lot does not have a rear lot line, then the required rear yard shall be twice as wide as would otherwise be required and be measured from the corner of the lot farthest from the front lot line.
  7. Septic systems. Nothing in this ordinance shall prevent the Township Sewage Enforcement Officer from requiring a minimum lot area larger than what is stated in this ordinance to carry out state and Township sewage regulations.
  8. Previously approved setbacks. Where a subdivision or land development was granted final approval prior to the adoption of this ordinance, and the lawful setbacks in effect at such time are shown on the approved plans, at the option of the developer, those approved setbacks may apply in place of any revised setbacks in this ordinance.
  9. Electric power lines. See definition of "lot area" in Article II (Definitions). Active recreation facilities shall not be developed immediately beneath electric overhead transmission rights-of-way or easements.
  10. Recreation trail setback. No structure, parking space for a commercial or industrial use or commercial or industrial storage or display shall be located within twenty (20) feet of the lot line of the Palmer Township Bikeway/Recreational Trail.

C. Sight distance.

1. At every intersection of a public street, private street, alley, trail, or driveway (residential, commercial, industrial, etc.) with a public or private street, there shall be triangular areas deemed to be clear sight triangles. A clear sight triangle shall be determined by the intersecting street or driveway centerlines and a diagonal line connecting two points, one on each centerline.



The distance of each point from the intersection of the street or driveway centerlines, as applicable, shall be as specified by PENNDOT's Intersection Sight Distance, or in the Formula Stopping Sight Distances, in the latest edition of AASHTO "A Policy On Geometric Design of Highways and Streets", as applied by PENNDOT.

2. There shall be no obstruction of vision between a height of two (2') feet and ten (10') feet above the centerline grade of the street within the clear sight triangle.
  3. Clear sight triangles shall be graded as necessary and kept clear of any buildings, plantings, or other obstructions.
  4. Paved shoulder areas within any clear-sight triangle shall be designated as "No Parking" areas with appropriate signage and/or curb painting.
  5. Where Clear Sight Triangles would fall on private property, easements shall be granted in favor of Palmer Township to ensure the Clear Sight Triangles are kept free and clear of obstructions.
- D. Buffer yards. Buffer yards and screening complying with the following standards shall be required under the following situations:
1. Buffer yard width; when required. Buffer yards with evergreen screening shall be required in the following situations, with whichever is most restrictive applying.
    - a. A minimum forty (40) foot-wide buffer yard shall be required between any newly developed or expanded area of an industrial use and any abutting LDR, MDR, or HDR District or existing principal residential use.
    - b. A minimum twenty (20) foot-wide buffer yard shall be required between any newly developed or expanded area of a commercial use and any abutting LDR, MDR, or HDR District or existing principal residential use.
    - c. A minimum forty (40) foot-wide buffer yard shall be required between any newly developed or expanded area of industrial outdoor storage and/or a loading dock routinely used for tractor-trailer trucks or refrigerated trucks and any abutting principal office use, LDR, MDR, or HDR District, public street right-of-way or publicly-owned recreation area.
    - d. A minimum twenty-five (25) foot-wide buffer yard shall be required between any townhouse or garden apartment principal building and the lot line of any directly abutting existing single- family detached dwelling.
    - e. In any other location where a buffer yard is required by this ordinance, and where such width is not specifically stated, such yard shall have a minimum width of twenty (20) feet.
  2. Location of buffer yards.
    - a. The buffer yard shall be measured from the district boundary line, future street right-of-way line or lot line, whichever is applicable.

- b. Plants needed for the visual screen shall not be placed within a future street right-of-way. The required buffer yard width shall be in addition to the required future street right-of-way.
  - c. The buffer yard may include areas within a required front, side or rear yard, or a paved area setback area, provided that the larger yard requirement shall apply in case of overlap.
  - d. A business use shall not be required to provide a buffer yard for an adjacent residential use or district if the uses/districts are separated by an expressway. However, outdoor storage or tractor-trailer parking adjacent to an expressway shall still provide any required buffer yard and screening.
3. Characteristics of buffer yards.
- a. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display. No new driveways or streets shall be permitted in the buffer yards except at points of approved crossings for ingress or egress.
  - b. Maintenance. In buffer yards, all areas not covered by trees and shrubs shall be well-maintained in an all-season vegetative ground cover and shall be kept free of debris and rubbish and shall be maintained in accordance with Chapter 128 Property Maintenance.
  - c. Preservation of existing vegetation or slopes.
    - i. If an applicant proves to the satisfaction of the Zoning Officer that an existing healthy tree line, attractive thick vegetation, natural earth berm and/or steep slopes will be preserved and serve the same buffer purposes as plant screening that would otherwise be required, then such preserved existing buffer shall be permitted to be used in place of planting new plants.
    - ii. In such case, the width of the buffer yard required by Subsection D(1) shall still apply.
    - iii. If existing vegetation contains invasive plant species, the applicant is required to remove such vegetation and replace with a buffer yard that will meet the planting requirements of this section.
    - iv. If this existing buffer is removed, the applicant shall be required to plant a buffer yard that will meet the planting requirements of this section.
  - d. Fence. Any fence in a buffer yard shall be placed on the inside of any required evergreen screening.
4. Plant screen.
- a. Each buffer yard shall include a planting screen of trees or shrubs extending the full length of the lot line.

- b. Each planting screen shall meet the following requirements:
  - i. Plant materials needed to form the visual screen shall have a minimum height when planted of four (4) feet, unless otherwise stated in another section of this ordinance.
  - ii. Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce, within three (3) years, a solid year-round visual screen at least six feet in height.
  - iii. The plant screen shall be permanently maintained by present and future landowners. Any plants needed to form the visual screen that are impacted by limb loss, death or removal shall be restored every five (5) months to meet the originally required screen coverage.
  - iv. The plant screen shall be placed so that at maturity the plants will be at least five (5) feet from any cartway and will not grow over an exterior lot line.
  - v. The plant visual screen shall be interrupted only at:
    - [a] Approved points of vehicle or pedestrian ingress and egress to the lot that are perpendicular to the buffer yard.
    - [b] Locations necessary to comply with the sight distance requirements of Subsection C.
    - [c] Locations needed to meet other specific state and Township requirements.
  - vi. Evergreen trees likely to grow substantially in diameter should be planted in two (2) or more rows or offsets if needed to allow space for future growth.
- c. In circumstances where it is impractical to provide plant screening meeting the requirements of this section, the Zoning Officer may approve acceptable alternative methods of screening (such as an attractive visually solid weather-resistant wood fence), provided that the applicant proves such alternative would meet the spirit, objectives and intent of the screening requirements. The applicant shall state in writing the proposed size and materials of any such fence.

5. Buffer yard plans.

- a. Prior to the issuance of a permit under this ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
  - i. The location and arrangement of each buffer yard.
  - ii. The placement, general selection of species and initial size of all plant materials.
  - iii. The placement, size, materials and type of all fences to be placed in such buffer yard.

- b. The Zoning Officer shall review such plans to determine that the plans are in conformance with the terms of this ordinance.
6. Mechanical screening. All outdoor stationary ground level mechanical equipment that is visible from a public street shall be separated by landscaping and/or have an architectural building material screen or covering or design that is harmonious with the building design as seen from the street.
7. Based upon a review by the Planning Commission, the Board of Supervisors may allow an adjustment in the buffer yard requirements of this section where such requirements are deemed unnecessary because of the location (such as if a steep slope forms a natural buffer) or would create a hardship or where an alternative method of buffering (such as an earth berm and/or solid wood fence) would be more appropriate.
8. As a condition of approval of a conditional or special exception use or a variance, the Board of Supervisors or Zoning Hearing Board as applicable may require additional screening, additional width and/ or a raised earth berm where necessary to prevent a serious threat of incompatibility with neighboring uses.
9. See paved area screening requirements of § 190-603 (Design Standards for Off-Street Parking Facilities).
10. Species of plants in screening. Trees and shrubs needed to form a required visual screen shall be only those species within the Township's approved list of plant species, which is held on file at the Township's Office, unless the applicant proves to satisfaction of the Planning Commission that a substitution would be appropriate. A required visual screen shall primarily include evergreen plants. Leafy deciduous plants may be selectively used, provided that their use does not result in significant visual openings during the winter. To promote plant species diversity, at least three (3) different plant species of the following list shall be including in screening.

**§ 190-805. Landscaping.**

- A. Ground cover and plan required. Any part or portion of a lot which is not used for buildings, structures, loading or parking areas and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative ground cover and shall be landscaped with trees and shrubs in accordance with an overall landscape plan. This landscape plan should include the botanical and common names of the plants to be used, the sizes to be planted and the quantity and spacing of each.
- B. Modifications. Landscaping shall be provided in highly visible areas of the Township, especially along arterial roads. The Planning Commission may allow, with concurrence of the Board of Supervisors, that the specific landscaping requirements be adjusted to allow approximately the same amount of landscaping to be placed in different locations or arrangements or to be of different species than would otherwise be required, if the Township determines that such alternative would be superior in effect. To receive such adjustments, an applicant shall provide a landscaping plan prepared by a registered landscape architect.

C. See § 190-603 (Design Standards for off-street Parking Facilities), Parking lot landscaping and parking lot screening, § 190-804.D (Buffer yards) and Article X of the Township Subdivision and Land Development Ordinance regarding street trees.

D. Street trees. See Article X of the Subdivision and Land Development Ordinance.

1. If a Township regulation would require that street trees be placed within a state highway right-of-way, and PennDOT specifically refuses permission for such plantings, or if the Township determines that there are no acceptable locations for street trees within the right-of-way, then the street trees shall be planted immediately outside the right-of-way.

2. Location. See § 165-73A(8) of the Subdivision and Land Development Ordinance.

3. Any street trees planted under or near overhead utility lines shall be of a species with a limited mature height and meet any required utility company setbacks. (NOTE: Recommendations are available from the local utility company).

**§ 190-806. Establishment of future/ultimate right-of-way widths for streets.**

A. Purpose. Minimum future/ultimate right-of-way widths are established for streets where the existing right-of-way is less than that indicated in this section for the particular classification of street. These future rights-of-way are designed to reserve adequate rights-of-way for future circulation improvements, including street widenings, intersection realignments and widenings, shoulders, bikeways and sidewalks, and to provide rights-of-way for needed public sewer and water lines and other utilities and drainage improvements.

B. Measurement.

1. The future right-of-way shall be measured with one half (1/2) on either side of the center line of the existing right-of-way. If the existing right-of-way is clearly significantly off-center of the cartway, the center line of the cartway shall be used.

2. The specific classification of each street is shown on the Township Official Street Classification (do we have one) Map, at the end of this document.

C. Dedication of future/ultimate right-of-way. See § 165-59N of the Township Subdivision and Land Development Ordinance, as amended.

D. Minimum widths. The following future rights-of-way shall be reserved along each street:

Street Classification	Minimum Future Right-of-Way (feet)
Major arterial street/expressway	120 or existing right-of-way width, whichever is wider
Minor arterial street	80, except as stated below
Collector street	60

Local/marginal access/private streets	50
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- E. Maintenance. The owner of the adjacent property shall be responsible for maintenance of portions of the right-of-way not used for vehicle cartways.
- F. Modifications of right-of-way width.
  - 1. The Board of Supervisors may approve a reduction in the minimum future right-of-way where the applicant clearly proves to the satisfaction of the Board of Supervisors either of the following: (revisit)
    - a. That the proposed use and/or subdivision is of such low intensity that it will not create any measurable additional impact on the adjacent street system; or
    - b. That it would, for practical purposes, be infeasible for the street to be substantially widened at any time in the future because of the existence of substantial existing buildings on the applicable side of such street within close proximity to such street and that the additional right-of-way is not needed for the extension of water and sewer lines.
  - 2. Rights-of-way shall not be required to be dedicated in specific locations that are presently occupied by buildings that are proposed to remain.
  - 3. The Board of Supervisors may by resolution or ordinance establish a wider future right-of-way along a specific street than is provided by this section, where the Board of Supervisors determines there is a clear and necessary need for such additional width.

**§ 190-807. Right-of-way requirement for industrial and commercial uses.**

No industrial or commercial use shall be permitted adjacent to a street designated on the Township Official Street Classification Map as a minor arterial or collector street unless such street has a right-of-way with a minimum width of thirty (30) feet from the center line of said street to the lot line of the proposed use or unless such width will be provided.

**§ 190-808. Access onto arterial and collector streets.**

To encourage well-planned development fronting onto minor arterial and collector streets (as defined on the Official Street Classification Map and in this Ordinance) and to minimize traffic congestion and hazards, the following provisions shall apply to access onto such streets:

- A. Parking, loading and drive-through facilities. See § 190-601 (Required Number of Off-Street Parking Spaces). All off-street parking, loading, vehicle storage and display and associated internal vehicle accessways shall be physically separated from the cartway of a minor arterial or collector street (except at approved perpendicular entrance and exit points) by a raised curb, planting strip, wall or other suitable barrier to prevent un-channelized access onto the street. All parking and drive-through facilities shall have sufficient areas for stacking of vehicles to prevent the “backup” of vehicles onto a public street.
- B. Access points. Each lot with less than two hundred fifty (250) feet of frontage on an arterial street shall have not more than one access point involving left-hand turns onto each such street, and no lot with

two hundred fifty (250) or more feet of total frontage on an arterial street shall have more than two access points involving left-hand turns onto any such arterial street. If a lot has more than one access point, the separation distance between access points should be maximized.

1. This provision shall not apply to the following:
    - a. Construction of new streets onto an existing arterial street.
    - b. Access points that are clearly limited to use by only emergency vehicles.
  2. A separate ingress point and a separate egress point shall be considered one access point, if well-marked and if the geometry of the driveways inhibits two-way traffic.
- C. Where practical, access to two or more nonresidential lots should be combined and/or shared and/or coordinated to minimize the number of access points onto an arterial street. Shared parking lots and driveways connecting adjacent nonresidential lots are strongly encouraged. See possible reduction of parking requirements in § 190-601.B (Conditional Reduction in Off-Street Parking Areas).
- D. See the access control provisions in Article X of the Township Subdivision and Land Development Ordinance, including § 165-59.F and § 165-67.
- E. Larger developments. The following standards shall apply to any development involving three (3) or more principal commercial lots (including but not limited to office, service or retail uses) or more than five (5) acres of commercial, garden/low-rise apartment or townhouse uses.
1. Whenever feasible, each principal building shall have its primary vehicle access onto a service road, marginal access street, common parking lot, common accessway, collector street or other alternative method approved by the Township as opposed to direct vehicle access from each lot involving left-hand turns onto a minor arterial street.
  2. See requirements for setbacks of driveways from street intersections in § 165-67 of the Subdivision and Land Development Ordinance.
  3. Adequate vehicle access shall be provided to each use without causing undue congestion to, hazards upon or interference with traffic movement on public streets. Uses shall include adequate signalization, turn lanes, stacking areas and deceleration lanes to provide safe and efficient access.
  4. Illumination. See § 190-513 (Light and Glare Control) of this ordinance.
  5. See § 165-59.F of the Subdivision and Land Development Ordinance concerning access onto arterial streets. Alternative rear access to properties fronting an arterial street should be considered.

**§ 190-809. Nonconformities.**

- A. Registration of nonconformities. It shall be the responsibility of a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

- B. Continuation. A lawful nonconforming use, structure or lot as defined by this ordinance may be continued and may be sold and continued by new owners. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.
- C. Expansion of, construction upon or change in use of nonconformities.
  - 1. Nonconforming structures.
    - a. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded, provided that:
      - i. Such action will not increase the severity, extent or amount of the nonconformity (such as the area of the building extending into the required setback) or create any new nonconformity.
      - ii. Any expanded area must comply with the applicable height restrictions and applicable setbacks set forth in the base zoning district in which the nonconforming structure is located and any and all other requirements of this ordinance.
    - b. In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this section regarding nonconforming uses.
  - 2. Nonconforming lots of record.
    - a. Dwellings. In a district in which single-family detached dwellings are permitted, such dwelling and customary accessory structures may be erected on a lawful lot of record after receiving special exception approval, provided that such lot:
      - i. Has a minimum width of sixty (60) feet measured at the minimum building setback line, except that the minimum lot width in the LDR District shall be one hundred (100) feet.
      - ii. Was in lawful existence as of January 15, 1973.
      - iii. Was in single and separate ownership from any abutting lot as of January 15, 1973 and as of the present.
      - iv. Has a minimum lot area of twelve thousand (12,000) square feet in the LDR District and six thousand (6,000) square feet in any other district.
      - v. Will comply with minimum setbacks and other requirements of this ordinance for any new construction or expanded area, except for minimum lot depth and those provisions specifically allowed to be altered by this subsection or for which a variance is granted.
      - vi. Has minimum side yard setbacks of eight feet each or ten percent (10%) each of the lot width, whichever is larger.



- vii. If a new principal building will be served by an on-lot septic system, the lot will comply with all state on-lot sewage disposal regulations and shall provide an approved alternative drainfield location.
- b. Integration. Two (2) or more abutting nonconforming lots under common ownership at the time of adoption of this amended section shall be integrated to form a lot that would be less nonconforming. Such integrated lot in common ownership shall not be subdivided, resubdivided or sold in parts using separate deeds to separate owners, unless specifically approved as a subdivision under the Township Subdivision and Land Development Ordinance and in compliance with this ordinance. See § 165-9.B of the Subdivision and Land Development Ordinance regarding resubdivision of lots.
- c. Nonresidential districts. In a district where single-family detached dwellings are not permitted, a single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot of record as a permitted by right use if all of the following requirements are met:
  - i. The lot has a minimum lot width of sixty (60) feet.
  - ii. The lot width is at least thirty percent (30%) of the required minimum lot width.
  - iii. The lot is a lot of record that lawfully existed prior to the adoption of this ordinance or an applicable subsequent amendment.
  - iv. Minimum setbacks and other requirements of this ordinance are complied with for any new construction or expanded area.
  - v. If a new principal building will be served by an on-lot sewage disposal system, the lot shall comply with all state septic regulations, and shall provide an approved alternative drainfield location.
- d. Modification of setbacks. The Zoning Hearing Board may grant a special exception to reduce the required setbacks concerning construction on a nonconforming lot if the Board determines that such reduction would result in a building that would be more compatible with neighboring residences than would be built if the setback requirement was not reduced.
- e. Variances. If a proposed use on a nonconforming lot does not meet the requirements of the above Subsection C(2)(a), (b), (c) or (d), then the development of the nonconforming lot shall not occur unless a variance is granted by the Zoning Hearing Board. In addition to the standards stated for a variance in the PA Municipalities Planning Code, the Zoning Hearing Board shall also review whether any alternative permitted uses could reasonably be made of the property that would have less significant adverse impacts upon the established character of an existing residential neighborhood. The full burden of proof shall be upon the applicant to prove that the lot is a lawful lot of record, the variance standards are met, and the provisions of this Subsection C are complied with.

3. Expansion of nonconforming nonresidential uses. A nonconforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:
  - a. An expansion of a total of more than five percent (5%) in total building floor area in any five (5) year period shall require special exception approval from the Zoning Hearing Board under Article I (General Provisions and Administration).
  - b. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
  - c. The total building floor area used by a nonconforming use or the total area covered by impervious surfaces of a nonconforming use shall not be increased by greater than fifty percent (50%) beyond each such measurement that existed in such use at the time such use became nonconforming. This maximum increase shall be measured in aggregate over the entire life of the nonconformity.
  - d. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this ordinance, unless the Zoning Hearing Board grants a variance.
4. Expansion of nonconforming residential uses. An existing nonconforming residential use may be expanded in floor area as a permitted by right use, provided that:
  - a. The number of dwelling units is not increased.
  - b. The expansion meets all applicable setbacks.
  - c. No new types of nonconformities are created.
  - d. A nonconformity is not made more severe (including the building area within the required setback area).

D. Damaged or destroyed nonconformities.

1. Except as provided for in Subsection D(3) and J below, a nonconforming structure that has been destroyed or damaged equal to fifty percent (50%) or more of its total value by fire, windstorm, lightning or a similar cause deemed to be not the fault of the owner may rebuild in a nonconforming fashion only if the application for a building permit is submitted within eighteen (18) months after the date of damage or destruction, work begins in earnest within twelve (12) months after issuance of a building permit and no nonconformity is created or increased by any reconstruction.
2. Submittal. Rebuilding of a damaged or destroyed nonconformity shall not begin until plans for rebuilding have been presented to and approved by the Zoning Officer. Any change of one nonconforming use to another nonconforming use shall comply with the provisions of this section.
3. Agricultural. Nonconforming agricultural structures on farms may be reestablished or reconstructed as a permitted by right use if damaged or destroyed, without a time limit.

E. Abandonment of nonconformity.

1. If a nonconforming use of a structure or land is discontinued, razed, removed or abandoned for 12 months or longer, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:
    - a. As provided for in the damaged or destroyed nonconformities provisions of this section.
    - b. For crop farming.
    - c. For Subsection J.
  2. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned.
- F. Changes from one nonconforming use to another.
1. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.
  2. A nonconforming use may be changed to another nonconforming use only if permitted as a special exception by the Zoning Hearing Board. The Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equally or less objectionable in external effects than the pre-existing nonconforming use with regard to:
    - a. Traffic generation (especially truck traffic).
    - b. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire and explosive hazards.
    - c. Amount and character of outdoor storage.
    - d. Hours of operation if the use would be close to dwellings.
    - e. Compatibility with the character of the surrounding area.
- G. District changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this section on nonconformities.
- H. Floodplains. See § 190-506.H (Floodplain Areas Prohibited Uses) of this ordinance.
- I. Building permits and nonconformities. When an active building permit has been lawfully issued prior to the adoption of a section of this ordinance that makes such activity nonconforming, such use, lot or structure shall be regulated under the applicable nonconforming regulations, provided that such construction is completed within a maximum of twelve (12) months of the issuance of such permit.
- J. Nonconforming use of open land. If a nonconforming off-premises junkyard, outside storage area or similar nonconforming use of open land is discontinued for ninety (90) days or more, or is damaged or destroyed to an extent of fifty percent (50%) or more of replacement cost, such structure or use shall not be continued, repaired or reconstructed.

**§ 190-810. Temporary structure or use.**

A. Tents and membrane structures.

1. In addition to the special exception procedure provided for in this section, the Zoning Officer may allow the temporary erection of a tent, membrane or similar temporary structure that is not totally enclosed for a maximum of seven days in any four (4) month period for clearly routine customarily accessory uses such as a wedding in the rear yard of a dwelling, a festival by a place of worship or a special sale within the lot of a lawful commercial use.
2. The Zoning Officer may allow the temporary erection of a tent, temporary storage structure, membrane structure or similar temporary structure for a period of up to a maximum of one hundred eighty (180) days in any given calendar year, for clearly routine customary accessory uses.
3. All tents, membrane structures, temporary storage structures, or similar temporary structures to be erected for a total of more than seven (7) days shall require the submission of a site plan and an application for a zoning permit. The fee shall be established by resolution of the Board of Supervisors. Such structure shall comply with all applicable Palmer Township Code requirements.

B. Removal. If the structure or use is not removed in a timely fashion after proper notification, the Township may remove the use or structure at the cost of the person who owns the land upon which the structure or use is located.

C. Conditions. The temporary use or structure shall be compatible with adjacent uses and clearly be of a temporary nature. Clearly customary and incidental accessory uses to a lawful permitted use are permitted (such as festivals at a place of worship).

D. Construction vehicle parking and temporary offices. The parking of construction vehicles and temporary construction offices on a site that is necessary for the actual construction on the same lot or tract that is actively underway is permitted by right, provided that such vehicles or offices shall be removed immediately once the type of construction they relate to is completed or suspended.

E. Food carts. A permitted principal commercial use on lots of more than twenty thousand (20,000) square feet may include the temporary use of a food and nonalcoholic beverage cart for on-site sales, provided that the following requirements are met:

1. The cart is used for maximum periods of four (4) days once in any six (6) month period.
2. The cart is removed within forty-eight (48) hours after the sales are complete.
3. The applicant submits a site plan showing that the cart will be well- located to avoid pedestrian-vehicle conflicts.

F. Other temporary uses by special exception. A temporary permit may be issued by the Zoning Hearing Board as a special exception for structures or uses, other than those types listed as permitted by right in this section, subject to the following additional provisions:

1. Duration. The Zoning Hearing Board shall establish a limit on the duration of the use. In most cases, a temporary approval should have a maximum term of no longer than two years. In the case of a special event, except under special circumstances, this term should be a maximum of

six days in any sixty-day period. The Zoning Hearing Board may grant a single approval once for numerous occurrences of an event.

2. Fee. Either the Zoning Hearing Board or the Board of Supervisors may waive and/or return the required application fee if the applicant is an Internal Revenue Service recognized and well-established nonprofit organization, and the applicant clearly shows that the proposed use is temporary and will be used to clearly primarily serve a charitable or public service purpose.
3. Nonprofit. Only a well-established and Internal-Revenue-Service-recognized nonprofit organization proposing a temporary use to clearly primarily serve a charitable or public service purpose shall be eligible to receive approval for a commercial use in a district where that use is not permitted.
4. Special events. For a new special event (not including annual reoccurrences of a previously held event) that will attract significant numbers of the public, the Zoning Hearing Board shall deny the use if it determines that the following will not be generally appropriate: sanitary and water service, traffic control, off-street parking and protection of the public health and safety.

**§ 190-811. Site plan review procedures for specific uses.**

- A. When site plan required. A site plan review by the Planning Commission and Board of Supervisors under this section is required for any of the following uses unless the physical layout of the principal building(s) and use will be approved under the Subdivision and Land Development Ordinance.
  1. Any aggregate expansion of more than two thousand (2,000) square feet in the floor area of a structure. Aggregate calculation of expansion shall begin upon adoption of this amendment or December 31, 2001, for all structures of the following types: [Amended 12-17-2001 by Ord. No. 2001-311]
  2. Any new or expanded paved area of greater than five thousand (5,000) square feet.
  3. Conversion of a noncommercial or nonindustrial building to a new principal commercial use.
  4. Any change from one commercial or industrial use to a different commercial or industrial use that would require the addition of fifteen (15) or more off-street parking spaces beyond what would have been previously required.
  5. Any conditional use, except a routine replacement of one commercial use by another commercial use of similar intensity, within an existing building and using existing parking.
- B. Site plan procedures. The following procedures shall be followed for any use required to be reviewed under this section:
  1. Submission. Four complete copies of any required site plan shall be submitted to the Township. The Zoning Officer shall refuse to accept an application if it does not contain sufficient information to determine compliance with this ordinance. A minimum of one copy shall be retained in Township files. The site plan shall include the information listed in Subsection C below. The Zoning Officer shall seek a review by the Township Engineer if engineering matters are involved.

2. The Zoning Officer shall review the site plan and provide review and comments to the Board of Supervisors and Planning Commission.
- C. Submission requirements for site plan review. The following information, as applicable, shall be submitted by the applicant for any conditional use or any use required to submit a site plan under this section.
1. A statement describing the proposed use, including proposed maximum hours of operation, maximum number of employees on each shift and the proposed use.
  2. Layout. A site layout drawn to scale (preferably one (1) inch equals fifty (50) feet) showing the location, dimensions and area of each lot; the location, dimensions and height of proposed and any existing structures; the required setback areas; the proposed density of residential uses; the location and width of proposed or abutting streets; and the proposed areas to be used for different purposes within the development, including outdoor storage or display areas. If the plan involves one phase of what eventually may be a larger development, then the interrelationships of those phases shall be shown.
  3. Landscaping and tree preservation.
    - a. The width of any buffer yard and the heights, spacing and general species of plants to be used for screening.
    - b. General numbers, locations and types of landscaping to be provided in off-street parking lots, along streets and in other areas.
    - c. The locations of individual and clusters of healthy trees with a trunk diameter over six inches (measured four feet above the surrounding ground level) that are proposed to be removed or preserved. Locations of any “exceptional value trees” as defined in § 190-516 (Tree Preservation).
    - d. The locations of any “tree protection area” required by § 190-516 (Tree Preservation) of this ordinance, and a description of the proposed methods to protect such area.
  4. Parking. The locations and numbers of parking spaces; the location and widths of aisles; the location and sizes of off-street loading areas. The method of calculating the off-street parking requirement, based upon § 190-601 (Required Number of Off-Street Parking Spaces).
  5. Lighting and signs. The height, location and approximate intensity of exterior lighting. The sign area, height, location and general method of lighting of signs.
  6. Sidewalks. The location of any proposed sidewalks (with width) and curbing.
  7. Utilities. A note stating the general proposed method of providing sewage disposal and water supply (such as “public water and public sewage services”).
  8. Nuisances and safety. A description of any proposed industrial or commercial operations or storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large trucks, glare, air pollution, odors, dust, fire or toxic or explosive hazards or other significant hazards to the public health and safety, together with proposed methods to control such hazards and nuisances.

9. Grading and stormwater.
    - a. Proposed and existing contours if earth disturbance is proposed.
    - b. Identification of any slopes between fifteen percent (15%) and twenty-five percent (25%) and greater than twenty-five percent (25%) proposed to be impacted.
    - c. Proposed method of managing stormwater runoff, complying with Chapter 158, regardless of whether the application would be a subdivision or land development.
    - d. Delineation of any floodplains from the Official Floodplain Maps.
    - e. Areas of wetlands that may be affected by the proposed use.
    - f. Concentrations of existing mature trees.
  10. A location map showing the relation of the project to surrounding streets; and approximate lot lines of abutting lots within fifty (50) feet of the project, with identification of abutting land uses.
  11. Zoning district and major applicable requirements.
  12. Name, address and professional seal (if applicable) of the person who prepared the site plan, the applicant and the owner of record of the land.
  13. Such other data or information as the Zoning Officer deems is reasonably necessary to determine compliance with Township ordinances.
- D. Site planning guidelines. The following advisory guidelines are intended to assist applicants and the Township in developing well-planned developments.
1. Natural features. Seek to minimize grading changes and removal of mature trees. Seek to preserve the natural beauty of highly visible areas. Seek to preserve land along creeks and steep hillsides.
  2. Circulation. Seek to separate pedestrian circulation from major routes of vehicle traffic. Minimize the number of access points along major roads. Avoid parking spaces backing into through traffic routes. Ensure adequate capacity of driveways and drive-through lanes to avoid traffic backing onto streets.
  3. Utilities. Seek to place as many utility lines as possible underground.
  4. Signs. Seek to minimize the lighting intensity of signs. Seek to avoid signs with overly bright, less attractive colors. Consider use of ground-mounted or wooden signs.
  5. Compatibility. Seek to locate noisier and less compatible uses (such as loading docks) as far away from homes as possible. Seek to screen out views of less attractive activities from streets and homes.
- E. Improvement requirements. Any use required to submit a site plan under this section shall comply with Article X of the Subdivision and Land Development Ordinance, entitled “Design Standards and

Required Improvements,” regardless of whether the site plan involves a subdivision or a land development.

**§ 190-812. Minimum size of dwellings.**

Each dwelling unit shall include a minimum of one thousand (1,000) square feet of habitable, indoor, heated floor area, except such floor area may be as follows:

- A. Six hundred (600) square feet for an apartment.
- B. Seven hundred (700) square feet for mobile/manufactured homes in an approved mobile home park.
- C. Five hundred (500) square feet for dwelling units within a non-family residential facility, type 1 or other age-restricted residential facility.

**§ 190-813. Traffic impact study.**

- A. Intent: to allow the Township to determine the safety and congestion impacts, and related costs, of proposed major traffic generating uses; to require that applicants respond with proposals to resolve the negative traffic impacts that their proposed uses will cause on the public; and to recognize that sufficient federal, state and municipal funds are not available to resolve traffic problems caused by private development.
- B. Uses requiring traffic study. Any application for any of the following new uses or expansion of existing uses shall be required to complete a traffic study and include the findings in a written report. Such requirement and report shall be based upon the aggregate total development that can reasonably be expected in all phases of a development.
  - 1. Residential: Eighty (80) or more new dwelling units.
  - 2. Commercial: Twenty thousand (20,000) square feet or more of new or additional total floor area.
  - 3. Office: Thirty thousand (30,000) square feet or more of new or additional total floor area.
  - 4. Industrial: Sixty thousand (60,000) square feet or more of new or additional total floor area or any truck terminal.
  - 5. Institutional: Thirty thousand (30,000) square feet or more of new or additional total floor area.
  - 6. Any use or combination of uses that would generally result greater than one thousand (1,000) trips per day.
  - 7. Such uses where the Board of Supervisors determines that a traffic study is needed to address a clearly accident-prone location.
- C. Timing. Any required traffic study shall be submitted at the same time or earlier as any preliminary plan, special exception, conditional use or construction permit application, whichever is submitted earliest.



- D. Costs. The full costs of completing the study and of a review by the Township Engineer or other Township representative shall be borne by the applicant.
- E. Study area. Prior to initiation of the traffic study, the traffic engineer or planner shall meet with the Township Engineer to establish the area to be studied. This area shall be limited to streets and intersections within a maximum of one mile of the proposed project boundaries, except for a use of more than two hundred thousand (200,000) square feet of commercial floor area or any use projected to generate more than three thousand (3,000) trips per day which shall have a maximum study area of one mile from the project boundaries.
- F. Joint studies. Joint traffic studies between different applicants are strongly encouraged.
- G. Fees. In place of individual traffic studies, the Township Supervisors may require that an applicant provide a fee in lieu of a study. This fee shall only be used towards the costs of traffic studies sponsored by the Township. Any such fee shall be established by resolution or ordinance of the Board of Supervisors.
- H. Project description. Any study shall include a description of the proposed development, its proposed access and the surrounding street system. If a development is proposed to occur in stages, each stage shall be described and taken into account in the study. If the applicant owns other lands within the study area, reasonable assumptions shall be made about how that land can be expected to be developed and shall be taken into account.
- I. Existing traffic conditions. The traffic volumes and service levels during the a.m. and p.m. peak hours shall be presented for all streets and intersections in the study area that can reasonably be expected to be significantly impacted. Traffic volumes shall be based upon actual counts that occurred within the prior two (2) years, and not upon state estimates. The locations of all accidents reportable to the State Police within the study area during a recent two-year period shall be noted.
- J. Expected traffic generation. The study shall include an estimate of the number of trips expected to be generated by the use and any future stages during the a.m. and p.m. peak hours. Such estimates shall be based upon the latest published estimates of the Institute of Transportation Engineers, or its successor entity, unless the applicant provides the Township with estimates and supporting documentation based upon actual traffic counts of closely similar developments in Pennsylvania or New Jersey.
- K. Projected effects. The study shall take into account not only the use proposed by the applicant, but also other uses and developments that have received building permits or preliminary subdivision or land development approval from a municipality. The study shall project a.m. and p.m. peak hour traffic volumes and levels of service on impacted intersections and streets. If the traffic generation by the development would be more than fifty percent (50%) greater during any hour other than the a.m. or p.m. peak hour on adjacent streets, the study shall analyze both the peak hours for the development and for adjacent streets. The study shall project what directions the traffic generated will head towards.
- L. Levels of service. The study shall estimate the levels of service (A, B, C, D, E and F), for key traffic movements, including turning movements, following the standards of the U.S. Department of Transportation.
- M. Signal warrants. Heavily traveled intersections at entrances to the development and other major unsignalized intersections in the study area shall be studied to determine whether a traffic signal is

warranted by PennDOT criteria. Existing traffic signals that are significantly impacted shall be studied to determine whether they are in need of upgrading.

- N. Needed improvements. The study may take into account traffic improvements which are clearly funded and will occur within the next four years. The study shall include suggestions for how each congested or hazardous intersection in the study area should be improved to reduce the hazard or congestion and a rough estimate of the cost of that improvement.
- O. Applicant's response. The applicant shall respond to the traffic study with proposals on what traffic improvements, right-of-way dedications or commitments of financing for specific projects the applicant proposes to commit to resolve the negative traffic impacts of the proposed development. Such improvements or financing may be staged in relation to the stages of the development. The applicant may also agree to commit towards the long-term support of a program to reduce peak-hour traffic by private vehicles through programs such as van pooling, support of mass transit or staggered work hours in place of certain structural improvements.
- P. Completion of improvements. Any traffic improvements that are required as a condition of any approval under this ordinance or the Subdivision and Land Development Ordinance shall be in place or sufficient funds committed in escrow acceptable to the Township prior to the issuance of any needed occupancy permit, or within a staged process agreed to at the time of approval.

**§ 190-814. Stormwater management.**

All paved areas, uses and structures shall comply with the Stormwater Management Ordinance and requirements of Article X of the Subdivision and Land Development Ordinance, regardless of whether such paved area, use or structure would be a subdivision or land development.

**§ 190-815. Recreation land, open space and fees requirements.**

See the requirements of the Township Subdivision and Land Development Ordinance. The pre-existing recreation fee regulations of this section shall continue to be in force for any use granted a zoning permit or building permit at the time such regulation was in effect.

**§ 190-816. Industrial and commercial driveways.**

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

**§ 190-817. Outdoor Storage.**

A. Outdoor Storage of Recreational Vehicles and Trailers.

- 1. There may be a maximum of one recreation vehicle or trailer stored outdoors on a lot. Such recreational vehicle or trailer shall be licensed, uninhabited, in transportable condition, and meet the following limitations:

- b. Recreational vehicles shall be parked entirely behind the front face of the principal building.
- c. If such lot is a corner lot, the recreational vehicle or trailer shall not be parked on either side of a principal building abutting a public street.
- d. Such recreational vehicle or trailer shall not be parked on the grass or dirt of a lot without a township approved surface underneath the recreational vehicle or trailer (ex. stone, patio pavers, etc.).
- e. At no time shall such parked or stored vehicles be occupied or used as a dwelling.
- f. The parking and storage of recreational vehicles and trailers shall be prohibited within the right-of-way of any public street.
- g. Recreational vehicles and trailers of any size shall not be parked within eight (8) feet of any property line.

B. Outdoor Storage of Portable Storage Units and Dumpsters.

- 1. See Chapter 181 Dumpster and Portable Storage Container/Devices for additional standards.
- 2. The storage of Portable Storage Units and/or Dumpsters shall be prohibited within the right-of-way of any public street.
- 3. Portable Storage Units and/or Dumpsters shall not be stored within a front yard or within a portion of a driveway located in front of the principal building front facade.
- 4. Portable Storage Units and/or Dumpsters shall not be stored during a period greater than ninety (90) days, except in cases in which a single building permit for the property actively extends beyond this time period.
- 5. Portable Storage Units and/or Dumpsters shall not exceed an coverage area greater than twenty-five (25) percent of the lot's building coverage percentage.

C. Outdoor Storage of Cargo Containers.

- 1. The storage of Cargo Containers shall only be permitted within Industrial Zoning Districts.
- 2. Except with the original and ongoing use for intermodal shipping of goods or commodities, no cargo containers may be stacked upon other containers outdoors.
- 3. The height of stacked cargo containers shall not exceed the maximum height for accessory structures permitted in each Zoning District.
- 4. The storage of cargo containers shall be located behind the principal building's rear façade.

D. Outdoor Storage within Non-Residential Zoning Districts

- 1. No outside industrial storage shall be located:

- a. On land with an average slope in excess of 10%.
  - b. Within any required yard setbacks or buffer yards.
  - c. Within 200 feet of an existing right-of-way of a public street, unless the storage is completely screened from view by buildings, fencing, landscaping or berming.
2. Size: The use shall occupy an area less than 1/2 the existing building coverage.
  3. Outdoor storage within off-street parking areas located between the front yard setback line and the front face of the principal building shall be permitted at the following ratio:
    - a. One (1) parking space (or one hundred sixty-two (162) square feet) used as storage area for every three thousand (3,000) gross square footage of the principal building.
    - b. The perimeter of such storage areas shall be roped-off to clearly delineate parking from storage areas.
    - c. Outdoor storage shall not occur within nine (9) feet of any active parking spaces.
    - d. Outdoor storage shall not block sight lines at intersections of nearby vehicular or pedestrian circulation routes and shall be located in a manner as to minimize potential traffic or pedestrian safety issues.
  4. Tires. No lot shall include more than 5% of the total lot area in the storage of vehicle tires. No pile of tires shall reach a height greater than 20 feet above the average ground level. A pile of tires shall cover a maximum of 5,000 square feet and be separated by 60 feet from any other pile of tires. These restrictions shall also apply to tire storage as a principal use.
- E. Excluding the occasional allowable garage or yard sale as noted in Section 821, the outside storage or sales of any junk, goods or materials not clearly incidental to the residential use in any yard in any residential district is prohibited.
- F. Woodpiles in residential districts. In the LDR, MDR or HDR Districts, outdoor woodpiles shall have a maximum height of seven feet and shall not cover more than 3% of the total lot area.

**§ 190-818. Fences, walls, hedges.**

**A. General Provisions for all Zoning Districts**

1. No fence, wall, or continuous hedge shall be located within the existing right-of-way of a public street nor shall be constructed at a height greater than nine (9) feet.
2. No fence, wall, or continuous hedge shall be erected at such a location as to interfere with minimum sight distance specifications, as established within Section 804 and the adopted subdivision and land development regulations of Palmer Township.

**B. Fences on lots within Residential Districts or of any primarily residential use shall be subject to the following regulations:**

1. Barbed wire or electrified fences shall not be used surrounding a dwelling.
2. Front Yard Fences. Property line fences may be installed along the front lot line and along the

side lot lines between the front lot line and the front building setback line to a height not exceeding four (4) feet, provided that:

- a. Fences shall have a minimum ratio of 1:1 of open to structural areas.
  - b. If the fence is wood cover or 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.
  - c. 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.
  - d. If the fence is of masonry construction, a finished mortar or paint surface must be provided on the exterior side. The maximum height of a fence panel in a front yard shall be four (4) feet.
3. Rear and Side Yard Fences. Property line fences may be installed along the rear lot line and along the side lot lines between the rear lot line and the front building setback line to a height not exceeding six (6) feet, provided that:
- a. If the fence is wood cover or 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.
  - b. 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 side of the mesh.
  - c. If the fence is of masonry construction, a finished mortar or paint surface must be provided on the exterior side.
4. Walls
- a. Any walls should be architecturally compatible with the structure and the landscape.
  - b. Any wall higher than three feet in the required front yard within Residential Districts or of any primarily residential use shall require a special exception and shall be permitted only if compatible with the character of the area.
5. Gates. All fences, walls, or continuous hedges more than three feet in height shall be equipped with gates or other suitable passageways at intervals of not more than 250 feet.

**§ 190-819. Keeping of Animals Other than Pets.**

A. The following provisions apply to the keeping of fowl (Chickens, Ducks, Peafowl, and other similar animal of comparable size and characteristics), but shall not apply to the Raising of Livestock, Crop Farming, or the Urban Keeping of Livestock. *Struthio camelus* (ostrich) and *Dromaius novaehollandiae* (emu) are not permitted under this accessory use.

1. Up to twelve (12) chickens, ducks, or peafowl in total can be raised or kept on a lot. A minimum lot area of one acre is required.
2. No person shall keep or maintain fowl, construct a coop, henhouse, chicken run, or any other type of enclosure for fowl as an accessory use and/or structure to their principal residential use before completing a permit application and securing the applicable zoning permit for the same.

3. No male chickens (roosters) over the age of six months are permitted.
  4. All fowl must be contained within the owner's property boundary within a coop, henhouse, enclosure, or chicken run that is enclosed on all sides. Fowl are forbidden to run at large.
  5. Any coop, henhouse, or enclosure for the fowl must provide a covered, predator-proof house that is thoroughly ventilated, or of sufficient size to admit free movement of the fowl and kept clean. Said enclosure must provide five square feet of space for each animal as well as 10 square feet of open space for each animal to roam.
  6. Any coop, henhouse, chicken run or enclosure for fowl must be located a minimum of 50 feet from any side or rear lot line and located at least 100 feet away from any residential structure.
  7. No coop, henhouse, chicken run, or other enclosure is permitted in the front yard of any parcel.
  8. A coop, henhouse, chicken run, or other enclosure that is not occupied for a period of two years must be removed.
  9. All feed must be kept in a vermin-proof, airtight container.
  10. All fowl shall be provided with sufficient feed throughout the day and fresh water at all times.
  11. All chicken related materials, feed, and waste must be kept in a sanitary way within a secure enclosed structure on the lot so as to prevent any nuisance to surrounding neighbors.
  12. It shall be unlawful and constitute a nuisance if any chicken is kept in unsanitary conditions that produce odors, excessive noise, attract vermin, and are otherwise a concern to public health.
  13. All chicken wastes shall be stored and disposed in a manner consisted with Chapter 91 of the Pennsylvania Code.
  14. This accessory use is only for the noncommercial keeping of fowl as an accessory to a principal residential use. The raising of fowl for commercial use or profit is not permitted. Slaughtering and butchering of fowl is strictly prohibited.
- B. The following provisions apply to the Urban Keeping of Livestock and other similar animals of comparable size and characteristics but shall not apply to the Raising of Livestock or Crop Farming.
1. Descriptions of permitted and nonpermitted animal types:
    - a. Large Animals: All types of horses, ponies, mules, and donkeys and/or other animals with a standard production weight of 600 pounds or greater as identified in the Pennsylvania Act 38 Nutrient Management Technical Manual Supplement 5 Standard Animal Weights.
    - b. Small Animals: All types of swine, sheep, goats, alpacas, and llamas and/or other animals with weights below 600 pounds as identified in the Pennsylvania Act 38 Nutrient Management Technical Manual Supplement 5 Standard Animal Weights.
  2. Site regulations:

- a. A minimum lot area of three acres is required for a homestead animal accessory use.
  - b. Two large animals or two small animals are permitted on the first three acres of land. For each additional acre of land above three acres, one additional large animal or two additional small animals are permitted.
  - c. No more than six small animals, a combination of five large and small animals, or four large animals are permitted on any lot as accessory to a principal residential use.
3. In the event any large animal or small animal gives birth, thereby exceeding the number of animals allowed by the minimum set forth herein, the owner of said animals and/or the occupier of the premises shall conform to the applicable restrictions on the number of animals within one year of the birth of the animal.
4. Animal structures shall be located a minimum of 100 feet from all property lines, or the accessory building setback required by the zoning district in which the use is located, whichever is greater.
5. Animal structures shall not be permitted in the front yard.
6. All animals shall be kept within an enclosure unless under direct control of the owner or other authorized party. Animals are forbidden to roam at large.
7. The height of the fencing shall be sufficient to keep the animal(s) within their enclosure and be constructed to prevent the animal(s) from escaping its confines. Barbed-wire fencing is not permitted for animal enclosures.
8. The keeper of such animal(s) shall show that adequate provisions are being implemented to collect, store and dispose of the manure and other waste and/or litter associated with the keeping of the subject animal(s). The containers to be used in the process shall be kept covered and shall be cleaned on a regular basis to avoid the potential for detectable odors.
9. All animal wastes shall be stored and disposed in a manner consistent with Chapter 91 of the Pennsylvania Code.
10. It shall be unlawful and constitute a nuisance if any homestead animal is kept in unsanitary conditions that produce odors, excessive noise, attract vermin, and are otherwise a concern to public health.
11. An animal housing facility shall be provided as a shelter for the animal(s). The structure shall incorporate no less than three walls and a sufficient roof area to provide a weatherproof shelter. Animal housing facilities shall be of sufficient size to enable the animal to comfortably stand, turn around and lay down.
12. Animal housing facilities shall be ventilated to avoid respiratory disease and infections, control ambient temperature, and prevent accumulation of toxic gases.
13. Animal feed that is not stored in the principal building shall be stored in sealed, rodent-proof containers.
14. This accessory use is only for the noncommercial keeping of animals as an accessory to a

principal residential use. The raising of animals for commercial use or profit is not permitted. The sale of animal products is prohibited. Slaughtering and butchering of livestock animals is strictly prohibited.

15. The disposal of dead animals shall be in accordance with the Domestic Animal Law, 3 Pa.C.S. § 2352. Dead animals shall be disposed of within 48 hours after death.

**§ 190-820. Keeping of Pets.**

- A. This is a permitted by right accessory use in all districts unless otherwise stated.
- B. No use shall involve the keeping of animals or fowl in such a manner that it creates a serious nuisance (including noise or smell) or a health hazard or a safety hazard.
- C. Within Residential Zoning Districts, a maximum of three dogs and/or four cats may be kept, except that a combined maximum of 12 dogs and/or cats shall apply if the nearest dwelling (other than that of the owner of the pets) is at least 300 feet from any area in which the animals are regularly kept. No numerical restriction shall apply to cats and dogs less than five months of age.
- D. Within Residential Zoning Districts, any outside animal shelter or exercise pen shall be suitably enclosed if the dogs are not chained. This area shall not be within the required front or accessory side yards and shall be located whenever possible at least 30 feet from any adjacent dwelling.
- E. Keeping of more than the specified number of cats or dogs or for commercial purposes shall be considered a kennel.

**§ 190-821. Garage and yard sales.**

- A. The use shall include only the occasional noncommercial sale of household goods and furniture and items of a similar character. Such sales shall not include wholesale sales or sales by outside vendors or nonresidents.
- B. The use shall not occur a maximum of more than four days in any one calendar year.
- C. Any item shall be deemed to be stored if it is on the property for more than 48 hours.



**ARTICLE IX — Additional Requirements for Specific Uses**

**§ 190-901. Process for uses permitted by right.**

Each use that is listed in the applicable zoning district as a permitted by right use and that also is listed in this Article IX shall comply with the provisions in this Article in addition to the other requirements of this ordinance. If two (2) requirements specifically differ, the most restrictive requirement shall apply. The determination of compliance shall be made by the Zoning Officer. A site plan submission and review may also be required under § 190-811 (Site Plan Review Procedures for Specific Uses).

**§ 190-902. Process for conditional uses.**

A. Purpose. Before a zoning permit can be issued for any use listed as a conditional use in this ordinance, a site plan shall be submitted and the proposed use shall be reviewed by the Planning Commission and approved by the Township Board of Supervisors. This procedure is provided because of the considerable impact that these uses tend to have on a community.

B. Procedure.

1. The Zoning Officer shall deny a zoning permit for the proposed development until written approval of the Board of Supervisors is obtained.
2. All applicants for a conditional use shall submit four sets of site plans for the proposed use to the Township as part of the application for a zoning permit..
3. All site plans shall contain the information listed in § 190-811 (Site Plan Review Procedures for Specific Uses), unless otherwise stated. The site plan requirements may be waived by the Township for uses not involving new construction or expansion of buildings nor additional off-street parking
4. The Planning Commission and Township Engineer shall be given an opportunity to provide written recommendation to the Board of Supervisors concerning whether to approve, conditionally approve or disapprove the application. Such action may list proposed conditions. If disapproval is recommended, the reasons should be stated. Any recommendation of the Planning Commission shall be provided to the Board of Supervisors and be mailed to the last known address of the applicant or hand delivered to the applicant.
5. The conditional use applications shall be scheduled for a hearing at a regularly scheduled meeting of the Board of Supervisors within sixty (60) days of the date that the applicant filed his application for conditional use with the Township. The Board of Supervisors shall review the submission and the recommendations of the Planning Commission and Township Engineer, along with any other evidence presented at the time of hearing. At the close of the hearing, the Board of Supervisors may decide to either approve the application, disapprove the application, or approve the application with conditions imposed. The hearing shall be stenographically recorded.
6. The decision of the Board of Supervisors shall be in writing and shall be mailed to the applicant by ordinary mail at his or her last known address not later than forty-five (45) days following the decision.

7. The applicant shall pay an application fee, as well as a deposit, in accordance with the official fee schedule, to be held in escrow to cover the costs of a stenographer, advertising costs and other reasonable costs incurred with having the plan reviewed by the Township Planning Commission, the Township Engineer, and Board of Supervisors. In addition, if an applicant appeals from the decision of the Board of Supervisors, the applicant shall be responsible for paying for the costs of having a transcript of that hearing produced and the Township shall pay for the cost of having any copies made. (Fees to be set by resolution of the Board of Supervisors.)

C. Approval of conditional uses.

1. Standards. The Board of Supervisors shall approve a proposed conditional use if the Supervisors find adequate evidence that any proposed use will meet:
  - a. All of the standards listed in Subsections D and E.
  - b. All of the specific standards for the proposed use listed in § 190-905 through § 190-986.
  - c. All other applicable sections of this ordinance.
2. Conditions. In granting a conditional use, the Board of Supervisors may require such conditions and safeguards (in addition to those expressed in this ordinance) as the Supervisors may deem necessary to implement the purposes of this ordinance and to protect the public health and safety and to ensure compatibility between differing land uses.
3. Any additional standards that are needed to protect public health, safety, and welfare or to address unique characteristics of a particular lot defined by the Township shall be complied with by the lot owner and/or developer. Where the evaluation and assessment of how the proposed processes, operations and/or hazardous substances may threaten the public health, safety and environmental requires knowledge of technologies and scientific disciplines beyond the familiarity of the Township then the applicant may be required to provide the Township with an written assessment of the hazards associated with the proposed project. Such report shall review potential public health, safety and environmental hazards from the use and suggest methods to minimize such hazards. The burden of proof shall be upon an applicant to prove that the use will not create hazards to the public health, safety or environment. This report would be included in the documents reviewed by the Township's engineer and/or environmental consultant.

D. General standards. Each conditional use shall comply with all of the following general standards:

1. Conform with the spirit, purposes, intent and all applicable requirements of this ordinance.
2. Conform with all applicable provisions of all other Township ordinances.
3. Conform with all applicable state and federal laws, regulations and requirements as evident by said agencies issued permit and/or letter of approval.
4. Be suitable for the particular location in question.
5. Not be detrimental to the public health, general welfare, safety or morals.

6. Not threaten significant damage to public or private property from inadequate or improper stormwater management. This condition shall not be basis of a decision under the Zoning Ordinance if the use will be required to have a detailed stormwater management plan approved by the Board of Supervisors under the Subdivision and Land Development Ordinance.
  7. Not significantly adversely threaten the desirable character of an existing residential area.
  8. Not threaten a significant fire, explosive, public health or toxic hazard or other hazard to public safety.
- E. The following criteria shall be used as a guide in evaluating a proposed conditional use:
1. The presence of adjoining similar uses.
  2. The presence of an adjoining zoning district in which the use is permitted.
  3. Sufficient area and topography to effectively screen the conditional use from adjacent uses that are not completely compatible.
  4. A lack of negative impacts on existing or potential permitted uses of the district or neighboring areas, especially on abutting or adjacent lots.
  5. The use of sufficient safeguards such as parking, traffic control, screening and setbacks to resolve any potential adverse influences the use may have on adjoining uses.
  6. See also Subsection F, regarding road capacity.
  7. Results and recommendations identified on the completed Environmental Impact Study associated with the lot(s).
- F. Road capacity, as a condition.
1. Intent.
    - a. To ensure that the existing road network is able to handle additional traffic from intensive types of development. This section recognizes that state and federal funds are limited for road improvements. This section is specifically based upon the findings, goals, objectives and recommendations of the Township Comprehensive Plan.
    - b. This section specifically recognizes the threat of traffic hazards that could be created by new left-hand turns onto minor arterial roads at access points without traffic signals. It also recognizes the many existing congested and hazardous intersections as described in the transportation section of the Palmer Township Comprehensive Plan.
  2. A traffic impact study shall be required of a scope approved by the Township Engineer.
  3. A pavement analysis shall be required of a scope approved by the Township Engineer, for any use that proposes traffic and/or parking of trucks with four (4) or more axles.

4. The provisions of § 165-59.M, entitled “Required traffic improvements,” of the Township Subdivision and Land Development Ordinance, shall also apply to any conditional use that involves construction of one or more new principal buildings.
5. The Board of Supervisors shall review any professional traffic studies and pavement analyses that are presented. If these studies provide substantive evidence that the existing road system is unable to handle the projected traffic at an acceptable level or that very serious traffic hazards would be created, the Supervisors, after reviewing any recommendations of the Palmer Township Planning Commission, the Lehigh Valley Planning Commission, and the PA Department of Transportation, may deny a conditional use application.
6. In reviewing the ability of the road system to handle the projected traffic, the Supervisors shall also consider commitments by a development to partially or wholly fund needed roadway and/or pavement improvements or upgrades that would provide the needed road capacity and safety. Such improvements may be funded in stages relating directly to the stages of a development, with adequate provisions for improvement guaranties.

**§ 190-903. Process for special exception uses.**

- A. Purpose. The special exception process is designed to allow careful review of uses that could cause some potential conflicts with adjacent uses or areas.
- B. Procedure.
  1. The Zoning Officer shall deny a zoning permit for the proposed development until written approval of the Zoning Hearing Board is obtained.
  2. All applicants for a special exception use shall submit site plans for the proposed use to the Zoning Hearing Board as part of the application for a zoning permit. All site plans shall contain the information required in § 190-811 (Site Plan Review Procedures for Specific Uses).
  3. The Zoning Officer shall, prior to the next regularly scheduled Zoning Hearing Board meeting, review the plan to determine compliance with this ordinance and submit a written report to the Zoning Hearing Board. The Zoning Officer shall forward the site plan to the Board of Supervisors for a written recommendation to the Zoning Hearing Board concerning whether to approve, conditionally approve or disapprove the application.
  4. The Board shall not decide the case without reviewing any reports received from the Zoning Officer and the Board of Supervisors that may have been received. If such reports are not made, the Board may still hold the hearing and decide the request.
  5. The Board shall hear and decide such request for a special exception use under the procedures of Article X and the PA Municipalities Planning Code, as amended.
  6. The decision of the Board shall be in writing and shall be communicated to the applicant by regular mail or in person within forty-five (45) days of the close of the hearing before the Zoning Hearing Board.

7. The applicant shall pay an application fee, as well as a deposit, in accordance with the official fee schedule to be held in escrow to cover the costs of a stenographer, advertising costs and other reasonable costs incurred by the Township.

C. Approval of special exception uses.

1. The Zoning Hearing Board shall approve any proposed special exception use if it finds adequate evidence that the use will meet:
  - a. All of the standards listed in § 190-902.D (General Standards) and the guidelines in § 190-902.E, which are hereby included by reference.
  - b. The specific standards for the proposed use.
  - c. All other applicable requirements of this ordinance.
2. In granting a special exception, the Board may require such conditions and safeguards (in addition to those expressed in this ordinance) as the Board may deem necessary to implement the purposes of this ordinance and to protect the public health, safety, and welfare to address unique characteristics of a particular lot defined by the Township and to ensure compatibility between differing land uses.

- D. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the building permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this ordinance.

**§ 190-904. Specific regulations for principal and accessory conditional and special exception uses.**

- A. The regulations for specific uses permitted by condition and by special exception, both principal and accessory, are provided in the following sections § 190-905 to § 190-986.
- B. Specific to accessory uses.
  1. In general. An accessory use on the same lot and reasonably customarily incidental to a permitted principal use is permitted by right, except as otherwise provided in this ordinance.
  2. Yard requirements. Every accessory use shall comply with the yard and coverage regulations for the district in which it is located, except as otherwise specifically provided in this ordinance.

**§ 190-905. Reserved.**

**§ 190-906. Adult day care center.**

- A. The use shall be fully licensed by the state, if applicable. For uses serving senior citizens, see State Department of Aging Regulations for Older Adult Daily Living Centers.
- B. The use shall include constant supervision during all hours of operation.
- C. The use shall include fifty (50) square feet of interior floor space for each person cared for.

- D. The use shall not meet the definition of a treatment center.
- E. The density shall not exceed more than one resident per one hundred (100) square feet of the total lot area.
- F. The use shall not be related to rehabilitation of convicted felons, treatment of criminally insane or treatment for serious drug or alcohol addiction.
- G. Hours of operation shall be no earlier than 6:00 a.m. and no later than 12:00 a.m.
- H. A loading area shall be included for safe and convenient drop-off and pickup.

**§ 190-907. Adult-oriented establishment.**

- A. Basic requirements.
  - 1. All storage and displays shall be located within the building.
  - 2. All business transactions on the premises shall be conducted within the building.
- B. No exterior changes, excluding maintenance, to a building proposed to be used for an adult business use shall be made without the approval of the Board of Supervisors.
- C. All new construction shall be in keeping with the scale and architectural styles of the buildings surrounding the site proposed for an adult business use.
- D. Not more than one type of adult business use, as defined herein, may operate on any lot.
- E. Advertisements, displays or other promotional materials of specified sexual activities or specified anatomical areas shall not be shown or exhibited so as to be visible to the public from the exterior of the building.
- F. No openings are permitted through walls that separate private viewing booths.
- G. All applications for an adult business use shall be accompanied by a land development plan, including a site plan. The minimum information required on the land development plan shall include, in addition to the requirements of the Township's Subdivision and Land Development Ordinance:
  - 1. The adult business use intended.
  - 2. The location and elevations of all buildings.
  - 3. Off-street parking areas and traffic circulation patterns.
  - 4. All signs, displays and advertising, including locations.
- H. Signs and other visible messages. In addition to the regulations of the Article VII (Signs) and applicable State laws, the following shall apply to all adult business uses:

- I. Sign messages shall be limited to written descriptions of material or services available on the premises.
- J. Sign messages may not include any graphic or pictorial depiction of material related to specific sexual activities or specified anatomical areas.
- K. Locational requirements.
  - 1. No adult business use shall be located within one thousand (1,000) feet of any other existing adult business use measured from the nearest point of the property on which the use is to be located to the nearest point of the parcel or property from which the use is to be separated.
  - 2. No adult business use shall be located within one thousand (1,000) feet of any lot on which the following uses are located as measured from the nearest point of the property on which the adult business use is to be located to the nearest point of the parcel or property from which said use is to be separated.
    - a. Any stand-alone residential structure (excludes commercial buildings with accessory residential units).
    - b. Churches, monasteries, chapels, synagogues, convents or rectories or any other place of worship.
    - c. Schools, up to and including the twelfth grade, daycare centers, and their adjunct play areas.
    - d. Public or private playgrounds, parks, swimming pools and libraries.
    - e. Premises licensed to sell alcoholic beverages.
  - 3. In addition, no adult business shall be located within one thousand (1,000) feet of lots which are owned by a school, place of worship or public agency, as measured from the nearest point of the property on which the adult business use is to be located to the nearest point of the parcel or property from which the use is to be separated.
- L. A buffer yard complying with the standards of § 190-804 (Special Lot and Yard Requirements, Sight Distance and Buffer Yards) shall be provided. Such buffer yard may be incorporated into any earth berm. In addition, the Township's corridor overlay district requirements shall apply where applicable.
- M. Statement of ownership. Applications for a conditional use permit for an adult business use shall include a statement providing specific information on each individual, partner, limited partner, corporate officer, corporate stockholder owning more than three percent (3%) of the issued and outstanding stock of a corporate applicant, or corporate director comprising the applicant as follows:
  - 1. Name, residence address and Social Security Number.
- N. Termination or modification of conditional use permit.
  - 1. When a conditional use permit for an adult business use is authorized by the Board of Supervisors, the continuation of such use shall be dependent upon the conditions established under the permit and this Chapter. In the event of a change of conditions or noncompliance

with conditions, the Board of Supervisors and the Township Zoning Officer shall have the authority to terminate or revoke the conditional use permit.

2. A conditional use permit may be modified subject to the criteria and procedures established in this Chapter.

**§ 190-908. Airport.**

- A. This use shall include air landing strip, hangars, incidental maintenance and repair, and storage of fuel, provided the other regulations in this section are met.
- B. Minimum lot area: Thirty (30) acres.
- C. The outside limits of the air landing strip shall be located three hundred (300) feet from any property line and from any public road.
- D. Runways shall be oriented to minimize the hazards and disturbances posed by aircraft during takeoff and landing.
- E. The applicant shall show compliance with all regulations of the Federal Aviation Administration (FAA) and the Pennsylvania Department of Transportation (PennDOT), Bureau of Aviation, and shall have the approval of that agency and of any other airstrip licensing agencies of the federal or state government and the provisions of Section 706 of the Airport Area Protection Standards.
- F. The flight paths proposed must be such that a noise hazard will not be created to existing residences or approved residential developments. The determination of what constitutes a noise hazard shall be according to accepted standards in the industry.
- G. No activity shall be permitted which will violate any Township ordinances or any requirements from the FAA or PennDOT addressing noise, dust, dirt, electrical disturbance, hazards or other nuisances.
- H. The end of any runway shall be a minimum of one thousand (1,000) feet from any existing residential lot line.
- I. All buildings associated with the airport, including hangars, landing pads, warmup pads, refueling facilities, lights, etc., shall be placed at least one hundred (100) feet from the property line of the lot.
- J. The applicant must show that the proposed facility will not threaten the character of an existing residential neighborhood.
- K. The Board of Supervisors may place restrictions on the hours of operation, maximum number of operations, and approach/departure paths as are deemed necessary, provided that such restrictions do not conflict with federal or state safety regulations.
- L. The conditional use application shall show the following information:



1. The approximate location, use, and height of all structures within two thousand six hundred (2,600) lineal feet of the ends of landing strips and within one thousand two hundred (1,200) lineal feet of the side of landing strips.
  2. The exact location of landing strips and the use and height of structures on the immediate property.
  3. The anticipated types of aircraft to be accommodated and the number of operations contemplated.
  4. Plans for lighting and fuel handling shall be submitted, along with any associated liability insurance policies.
  5. A map and list of any objects deemed to be hazards to air navigation.
  6. Copies of all required applications to, correspondence with, and approvals from state and federal agencies for the regulation of aircraft and the design, construction, or alteration of airport facilities shall be supplied to the Township, including a copy of the proposed airport's license from PennDOT.
- M. Lighting shall be shielded away from adjacent properties and streets.
- N. The applicant shall submit a report from a reputable acoustic or aviation consultant showing the computer prediction model developed by the FAA referred to in 14 C.F.R., Part 150, § A150.103.
- O. The applicant shall submit proof of liability insurance in an amount not less than \$5,000,000 for any one accident or occurrence.
- P. No takeoffs or landings shall occur between the hours of 9:00 p.m. and 6:00 a.m.

**§ 190-909. Bed-and-breakfast use.**

- A. No more than ten (10) bedrooms may be available or used for such use in any building and each guest room may provide lodging for up to two (2) individuals, unless children under the age of sixteen (16) years are accompanying the guests, and in no instance shall the total number of guests in a Bed and Breakfast use exceed thirty (30).
- B. Not more than one (1) ground sign shall be permitted on the lot. The maximum permitted sign area shall be ten (10) square feet.
- C. Service meals shall be limited to breakfast only to overnight guests of the facility.
- D. All required off-street parking spaces shall be provided on the lot. The number of off-street parking and loading spaces shall be provided as defined by this Ordinance. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.
- E. The owner and/or manager of the facility shall reside therein.
- F. A guest shall not occupy the facility for more than fourteen (14) nights in a thirty (30)-day period.

- G. This use shall only include an event-renting facility for a maximum of seven (7) days in any month to any person(s).

**§ 190-910. Beverage production uses.**

- A. Beverage production uses shall be subject to the following lot size and development scale regulations:

- 1. If a microbrewery use is situated on its own lot, the minimum lot area for the use shall be three thousand (3,000) square feet. If the use occupies a tenant space or series of tenant spaces that are part of a multi-tenant building, the minimum building square footage associated with the use shall be twelve hundred (1,200) square feet.
- 2. If a large brewery, limited winery, cidery, distillery or limited distillery use is on its own lot, the minimum lot area shall be that of the district. If the use occupies tenant space or a series of tenant spaces that are part of a multi-tenant building, the minimum building square footage associated with the use shall be fifteen hundred (1,500) square feet.

- B. Limited wineries and cideries shall be subject to the following provisions:

- 1. Non-agricultural and non-residential zoning districts.
  - a. Wine grapes, apples and other fruit used in the production of wine or cider may be grown and/or purchased.
  - b. The limited winery or cidery may include a tasting room.
- 2. Agricultural zoning districts.
  - a. The limited winery or cidery shall be located on premises used for agriculture purposes.
  - b. The limited winery or cidery shall be operated in connection with the processing of wine grapes or apples grown on the premises. Production of beverage products may be supplemented by purchased grapes, apples or juice.
  - c. For every five thousand (5,000) standard cases or equivalent volume of wine or cider produced, there shall be at minimum one (1) acre of vineyard or orchard planted on the premises.
  - d. The limited winery or cidery may include a tasting room.
  - e. Access to the premises and accessways within the premises shall be designed to the satisfaction of the Township, County and/or Commonwealth as applicable and shall comply with applicable road and driveway standards and requirements. Ingress and egress shall be clearly marked and visible, and turning movements into the premises shall not create congestion or unnecessary slowing at access points. The ingress and egress shall be paved twenty feet (20') inward from the juncture of a state or township road.
  - f. Existing roads shall be utilized to the maximum extent feasible in order to minimize grading, site disturbance, and the loss of agricultural land.

- g. The visibility of parking areas associated with the limited winery or cidery from public roads shall be minimized through the use of landscaping and other devices.
  - h. The required number of parking spaces shall be permanently maintained on the winery or cidery premises. The Township may modify the number of required spaces based on site-specific considerations. Oversized parking spaces to accommodate bus/limousine parking are only required for wineries and cideries that are open for public tours.
- B. Outdoor areas shall be sufficiently screened and isolated so as to provide a buffer to adjacent residences from inappropriate noise, light and other disturbances.
- C. Any conditions imposed upon the establishment related to proximity from any specified land uses shall be set forth by Title 47, the Pennsylvania Liquor Code, as amended, and the Pennsylvania Liquor Control Board.
- D. Retail sales of beverage products shall be limited to those produced by the operator of the brewery, limited winery, cidery, or limited distillery or produced, bottled, or grown on the premises.
- C. All applications for a conditional use permit shall be accompanied by a land development plan submitted for approval.

**§ 190-911. Billboard.**

- A. Billboard signs shall be permitted only within Zoning Districts specified by this Chapter and must be the principal use to which the property is devoted. There shall be no more than one billboard sign on any premises at any one time.
- B. Billboards shall be freestanding, ground-mounted, post-supported displays which have no structural contact with any building or other structure.
- C. The maximum surface area of the sign shall be four hundred (400) square feet per side. Billboards shall have a maximum of one (1) sign face per structure if one-sided or two (2) sign faces per structure if two-sided.
- D. The maximum height of the sign shall be twenty-two (22) feet, measured from the natural ground to the top of the sign. The maximum height and size requirement governing freestanding signs as defined by this ordinance shall not apply to billboard signs.
- E. Billboard that are not located at the grade of the arterial street they are located along shall be located so as to be no higher than forty (40) feet above the curb of the street from which they are intended to be viewed.
- F. No Billboard shall be placed within seven hundred and fifty (750) feet of any property within a Residential District classification or any public or private school property, park, library or place of worship when the display face to the Billboard will be visible therefrom. This required distance shall be measured along the frontage of the street or highway on which the Billboard is located.
- G. No part of any Billboard shall be located closer than fifteen (15) feet to any street right-of-way.

- H. No Billboard shall be erected closer than one thousand (1,000) feet to any other existing or proposed Billboard.
- I. Billboard shall be either non-illuminated or indirectly illuminated, provided that all lighting is shielded and directed in a downward direction from the top of the sign toward the ground.
- J. The location of a Billboard shall not obstruct visibility of any other business sign nor shall it obstruct visibility for traffic entering or leaving any property or traveling on any street.
- K. Landscaping requirements.
  - 1. A decorative landscaped strip shall be located immediately adjoining the supporting structure of the Billboard sign and extending a minimum of five (5) feet from the Billboard in all directions.
  - 2. A hedge or other durable planting of at least two (2) feet in height, shall extend the entire length and breadth of the required landscaped strip.
  - 3. The rear side of a single-faced Billboard sign shall be of one (1) color and screened by existing or natural landscaping material or by an evergreen planting at least six (6) feet tall and extending the length of the Billboard.
  - 4. Two (2) flowering trees a minimum of six (6) feet in height shall be planted within the required landscaping strip.
- L. The following additional requirements apply for digital billboards:
  - 1. An existing billboard sign shall only be permitted to be converted to a digital sign if:
    - a. All of the requirements of § 190-716 (Digital Signs and Electronic Message Signs) are met, and
    - b. The billboard sign would be able to meet all of the current requirements that apply to billboard signs as if the billboard sign would be newly placed on the property.
  - 2. Where applicable, such billboard signs shall be located, constructed and maintained in accordance with all applicable Pennsylvania Department of Transportation regulations, in addition to all Palmer Township regulations. Where there is a conflict between regulations, the more restrictive regulation shall apply.
  - 3. An engineering certificate shall accompany any application for a digital billboard sign. The certification shall indicate under seal of a professional engineer licensed in the Commonwealth of Pennsylvania that the sign has been designed in accordance with acceptable engineering practices.
  - 4. Prior to a permit being issued, the applicant shall provide, in a form acceptable to the Township Solicitor, proof that the property owner and licensee or other person in control of the sign consents to the removal of the billboard sign at their own expense if no advertising is located on it or the sign otherwise ceases to be used for a period of three (3) consecutive months.

5. The applicant shall be required to permit and coordinate message access for local, regional, state and national emergency services during emergency situations.
6. The Board of Supervisors may impose additional conditions as part of any approval of a billboard digital sign.
7. Solar energy systems shall be incorporated as a power source for all digital billboard signs.

**§ 190-912. Boardinghouse or Rooming House.**

- A. Minimum lot area: two (2) acres.
- B. Minimum setback from all lot lines: fifty (50) feet.
- C. Minimum lot width: one hundred fifty (150) feet.
- D. Maximum density: five (5) bedrooms or ten (10) persons per acre, whichever is more restrictive.
- E. Each sleeping room shall be limited to two (2) persons, with a maximum of 3 persons of any age per sleeping room.
- F. Parking: one (1) off-street space per adult resident.
- G. Interior space: a minimum of three hundred (300) square feet of interior floor space per resident.
- H. Maximum number of residents: twenty (20).
- I. Shall comply with all requirements of 28 Pa. Code Chapter 20.

**§ 190-913. Brewery/Brew pub/Tap Room**

- A. The establishment shall be located in accordance with the provisions of the Pennsylvania Liquor Control Board.
- B. Such establishment shall not remain open and/or transact business between the hours of 2:00 a.m. and 8:00 a.m., prevailing time of each day. For a brewery/brew pub/tap room located within five hundred (500) feet of a residence or place of worship, no outdoor events shall take place on Sunday.
- C. No more than one (1) identification sign shall be permitted. The identification sign must conform to Article VII (Signs) of this Ordinance for the Zoning District in which it exists.
- D. Tasting rooms and brew pubs/tap rooms shall be clearly accessory, incidental and subordinate to the primary operation of the beverage production facility.
- E. The primary focus of the tasting room or brew pub/tap room shall be the marketing and sale of beverage products produced in accordance with the provisions of the Pennsylvania Liquor Control Board. Sales of souvenirs and clothing bearing the logo of the business, as well as related items and other products that reflect or enhance the character or theme of the beverage production business may also be offered for sale.

- F. Parking space requirements shall be determined using the parking ratio applicable to Restaurants and Bars, as specified in Article VI (Off-Street Parking and Loading).
- G. Exterior lighting fixtures shall be of a low intensity, low glare design and shall be shielded with full cutoff design and directed downward to ensure that neither the lamp nor the related reflector interior surface is visible from a location off of the premises in order to prevent spill over onto adjacent lots under separate ownership. Exterior lighting shall not be installed or operated in a manner that would throw light, either reflected or directly, in an upward direction. All off-street parking areas shall reduce exterior lights from standard operating power to half-power after 10:00 p.m.
- H. To minimize conflicts and promote public health and safety, the storage of palettes, loading-related equipment and production-related materials shall be contained within an enclosed and covered structure that is connected to the principal building.
- I. Storage and production activities shall be located within the principal building. The combined square footage associated with storage and production shall not exceed fifty (50%) percent of the gross square footage of the principal building.
- J. Based upon the extent of delivery/truck traffic associated with the use, the Township may require a loading space to be provided. The location of such space shall be designated to minimize impact to surrounding land use(s) and circulation of vehicles and pedestrians.
- K. The establishment shall not have a drive-through facility.
- L. Outdoor seating areas.
  - 1. A designated outdoor seating area, designed to be integral with the principal building, is permitted and shall be no larger than ten (10%) percent of the entire lot and shall be only accessible through the inside of the facility.
  - 2. The outdoor seating area shall be fully enclosed by fencing or landscaping and shall comply with all standards as required by the Pennsylvania Liquor Control Board.
  - 3. The outdoor seating area shall only be located within the side or rear yards of the lot.
  - 4. The outdoor seating area shall comply with all setback regulations required for the principal building and zoning district.

**§ 190-914. Bus shelter**

- A. No off-premises signage or advertising shall be permitted on any bus shelter within the Township.
- B. The applicant shall provide a maintenance plan and local contact for upkeep of bus shelters.

**§ 190-915. Campground.**

- A. The minimum lot area shall be two acres and the maximum number of campsites shall be thirty (30) campsites.
- B. Use shall have a maximum impervious coverage of ten percent (10%).

- C. Such use shall provide a minimum area of one thousand two hundred (1,200) square feet per each campsite for tent or recreational vehicle.
- D. Such use shall provide public water and sewer facilities in accordance with all applicable regulations by Palmer Township Sewer Authority.
- E. No loudspeaker or amplifying device shall be permitted which would project perceptible sound in excess of the noise levels of § 190-510 (Noise Control) of this ordinance.
- F. The lighting shall not be perceptible beyond the property lines.
- G. Sleeping quarters or tent sites shall not be within the one-hundred-year floodplain.
- H. Off-street parking: there shall be one parking space for each campsite, plus one parking space for each employee.

**§ 190-916. Cemetery/Cemetery, animal.**

A. Area and bulk regulations.

- 1. The minimum lot size shall be ten (10) acres.
- 2. The side yard for all accessory buildings shall be the same as that required for buildings in the zone in which the cemetery is located.
- 3. A twenty (20) foot buffer strip unoccupied, except for landscaping and walkways, shall be provided between the building or burial site and the cemetery property line.
- 4. All structures and grave sites shall be set back a minimum of fifty (50) feet from a residential lot line, ten (10) feet from any internal driveway and twenty (20) feet from any other lot line.

B. Design standards.

- 1. The maximum height of accessory buildings, including dwelling units where permitted, shall be three (3) stories or thirty-five (35) feet.
- 2. For all entrance features, including gates, fountains, statuary, identification signs and alike:
  - a. There shall be no more than two identification signs at each entrance.
  - b. The main portion of entrance features shall be located at least ten (10) feet from the nearest right-of-way line of any public street.
- 3. Off-street parking.
  - a. For accessory building other than chapels, no less than one space for each two hundred (200) square feet of floor area.
  - b. For chapels, no less than one (1) space for each one hundred (100) square feet of floor area of the auditorium or three (3) fixed seats, whichever is greater.

**§ 190-917. Child day care center (as a principal use).**

- A. All day care centers shall be licensed by the Pennsylvania Department of Public Welfare and must operate in accordance with the requirements of the Department. This requirement is a condition of occupancy.
- B. No day care center shall be located within a twenty-five hundred (2,500') foot radius of another day care center.
- C. Any outdoor recreational areas on the property shall be no closer than thirty (30') feet to an abutting street or ten (10') feet to any other property lines. They shall be fenced with a self-latching gate or otherwise secured.
- D. Vehicular access and off-street areas for discharging and picking up children shall be provided.
- E. Parking shall be provided in accordance with the requirements for schools.
- F. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard. Additionally, outdoor play areas shall be located and designed so as not to disrupt normal activities of adjoining uses permitted within the zone and/or neighborhood. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence and screened from any adjoining residential property or district. All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s).
- G. Enrollment shall be defined as the largest number of persons and/or children under day-care supervision at any one time during a seven (7) day period.
- H. At least one (1) off-street parking space for each person employed plus one (1) off-street space for each six (6) children to be served by the facility shall be provided.

**§ 190-918. Child day care center (as an accessory use).**

- A. All accessory day care centers shall be licensed by the Pennsylvania Department of Public Welfare and must operate in accordance with the requirements of the Department. This requirement is a condition of occupancy.
- B. All educational or day-care uses shall be governed by the location, height, and bulk standards imposed upon principal uses within the underlying zone.
- C. A minimum outdoor play area of sixty-five (65) sq. ft. per child is required.
- D. Outdoor play areas shall be sufficiently enclosed so as to provide for the health and safety of the children.. Outdoor play areas for newly approved church day care centers shall be sufficiently enclosed prior to conducting day care business. A minimum height requirement for fencing is four (4) feet with spacing in any fencing structure not greater than four (4) inches.
- E. Enrollment shall be defined as the largest number of persons and/or children under day care supervision at any one time during a seven-day period.



- F. Passenger “drop-off” areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.

**§ 190-919. Child day care home, family or group.**

- A. All day care homes shall be registered with the Pennsylvania Department of Public Welfare and must operate in accordance with the requirements of the Department. This requirement is a condition of occupancy.
- B. An outdoor play area no less than two hundred sixty (260) square feet in area shall be provided. Such play area shall not be located within the front yard nor any vehicle parking lot. Outdoor play areas shall be set back at least twenty-five (25) feet and screened from any adjoining residential property or district. A minimum four (4) foot high fence shall completely enclose the outdoor play area. All outdoor play areas must include a means of shade, such as a tree(s) or pavilion.
- C. No exterior alterations, additions or other structural changes shall be made to the dwelling unit in order to accommodate or facilitate the operation of a day care home.
- D. A minimum of two (2) off-street parking spaces shall be provided in addition to those otherwise required for the dwelling unit. Such space may be located in a side or rear area.
- E. An area shall be provided for the drop-off and pick-up of children which does not obstruct the free flow of traffic on any public street.
- F. A day care home shall meet all additional requirements as defined by a low-impact home-based business.
- G. There shall be no signs or exterior display of advertising other than a nameplate sign as permitted for a no-impact home-based business.

**§ 190-920. Commercial outdoor recreation use.**

- A. The use shall not generate noise above the maximum noise levels established in § 190-510 (Noise Control) of this ordinance.
- B. Lighting shall be in accordance with § 190-513 (Light and Glare Control).
- C. The minimum site area for stadiums, arenas, amphitheatres, racetracks and similar large facilities which propose maximum occupancy for five thousand (5,000) or more persons shall be twenty-five (25) acres. Other outdoor recreation facilities shall have a minimum site of one (1) acre. Indoor facilities shall meet the minimum lot area required for the zoning district in which the site is located.
- D. The site shall have frontage on and direct vehicular access to an arterial street, as defined by this Ordinance.
- E. Public water and public sewers shall be required on the site.
- F. Adequate sanitary facilities available to the public shall be provided.

- G. Location of buildings and facilities, traffic circulation and parking areas shall be designed to provide adequate access for emergency medical vehicles and fire-fighting equipment.
- H. Any outdoor facility shall be completely enclosed by a fence at least six (6) feet in height with one (1) or more locking gates which shall remain secured when the facility is not in use.
- I. Any outdoor facility located within five hundred (500) feet of an existing dwelling shall cease operations no later than 10:00 p.m.
- J. Adjacent public streets shall have adequate capacity to serve the traffic volumes anticipated to be generated by the proposed use.

**§ 190-921. Community or cultural center.**

- A. This use shall include, but not be limited to, an educational center, recreational facility, or other similar facility operated by an educational, philanthropic, religious institution, or homeowner's association, or a theater for the performing arts or concert hall as an accessory use to a school or place of assembly or worship.
- B. The use shall not be conducted as a private, for-profit business.
- C. No outdoor active recreation area shall be closer than fifty (50) feet to the property line of any other use.
- D. Parking. No less than one off-street parking space for every four seats ( or fraction thereof) provided for patrons' use, plus one additional space for each employee.

**§ 190-922. Comparable uses not specifically listed.**

- A. Uses of the same general character as any of the uses authorized as permitted in the Zoning District shall be allowed along minor arterial streets, if the Township determines that the impact of the proposed use on the environment and adjacent streets and properties is equal to or less than that for any use specifically permitted in the Zoning District. In making such determination, the Township shall consider the following characteristics of the proposed use:
  - 1. The number of employees.
  - 2. The floor area of the building or gross area of the lot devoted to the proposed use.
  - 3. The type of products, materials, equipment and/or processes involved in the proposed use.
  - 4. The magnitude of walk-in trade.
  - 5. The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of Article V (Environmental Preservation) and Article VIII (General Regulations).
- B. The proposed use shall comply with all applicable area and bulk regulations of the Zoning District in which it is located.

- C. The proposed use shall comply with any applicable express standards and criteria specified in this Article for the most nearly comparable use by specifically listed in the Zoning District in which it is proposed.
- D. The proposed use shall be consistent with the Purpose Statement of the Zoning District in which it is proposed and shall be consistent with the Community Development Objectives of this Ordinance.
- E. A buffer yard complying with the standards of § 190-804 (Special Lot and Yard Requirements, Sight Distance and Buffer Yards) shall be provided along all property lines not bordering a right-of-way.
- F. The use shall not generate noise above the maximum noise levels established in § 190-510 (Noise Control) of this ordinance.
- G. The Township may also consider placing additional limitations on signage, access, parking, and lighting, as applicable.

**§ 190-923. Convenience store.**

- A. Loading areas/docks shall be screened with either landscaping or fencing from neighboring uses.
- B. To minimize conflicts between food/beverage items, animals and the natural elements, the storage of palettes and other loading-related equipment/materials shall be contained within an enclosed and covered structure.
- C. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- D. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of zero (0) foot candles.
- E. A traffic impact study shall be required to be submitted where the proposed development, according to the institute of Transportation Engineers (ITE) standards, will generate one hundred (100) new and/or pass-by trips (in any combination) in addition to the adjacent roadways' peak hour volumes.
- F. If a convenience store is to sell alcoholic beverage products, it must be in possession of a retail dispenser license from the Pennsylvania Liquor Control Board (and a Sunday sales permit, if sales are to take place on Sundays) and may only sell alcoholic beverage products during the hours allowed under the license and permit.
- G. The use cannot generate noise, such as noise emitting from loud speakers, above the maximum noise levels established in § 190-510 (Noise Control) of this ordinance.
- H. The applicant shall provide evidence that the proposed use will not threaten the established character of the surrounding area.
- I. If gasoline, fuel, renewable fuel source, parking lots, and/or electric vehicle charging units are provided, they shall be located to the side or rear to the principal structure on the lot. No parking or fuel pumps shall be located in the front of any convenience store.

**§ 190-924. Drive-through facility.**

All businesses which propose drive-through facilities shall meet all of the following requirements:

- A. Drive-through facilities are not permitted as a principal use but shall be an accessory use for quick-service restaurants, banks, and certain types of retail establishments (pharmacies and retail establishments selling groceries). However, a Drive-through facility added to an existing quick-service restaurant, bank, or certain types of retail establishments (pharmacies and retail establishments selling groceries) shall apply for land development approval prior to initiating a Drive-through facility.
- B. The property shall have frontage on and direct vehicular access to a minor arterial or collector street.
- C. In addition to the parking spaces required for the principal use, a minimum of five (5) stacking spaces (ten (10) spaces for quick-service restaurants) in one (1) lane shall be provided for vehicles to wait in line. The stacking spaces shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the property. The stacking spaces shall be designed so that waiting vehicles shall not stand in any right-of-way or overflow onto adjacent properties, streets, or berms.
- D. Entrances, exits and standing spaces shall be adequately indicated with pavements markings and/or directional signs.
- E. Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the property.

**§ 190-925. Essential services.**

- A. An ambient sound level study shall be provided. The ambient sound level at all points along the boundary line of the property upon which the essential service is located shall be no more than fifty-five (55) decibels (dbA).
- B. All items used for essential service shall be stored within the essential service structure or a separate storage building. This restriction does not include items necessary for the outdoor operation of the essential service, including but not limited to emergency generators, fuel tanks, drying beds, sedimentation basins, etc.
- C. Odor control and mitigation shall be implemented for sanitary sewer applications.
- D. A land development plan shall be prepared in accordance with the Township's Subdivision and Land Development Ordinance.
- E. An elevation drawing of any structure to be constructed on the premises shall be provided.
- F. A buffer yard complying with the standards of § 190-804 (Special Lot and Yard Requirements, Sight Distance and Buffer Yards) shall be provided when the essential service is adjacent to a residential property or district. Such buffer yard may be incorporated into any earth berm.
- G. A minimum four hundred (400) foot setback zone from all adjacent property lines shall be provided on the lot where a potable water well is located. The minimum four-hundred-foot setback zone shall be measured from the nearest well head to the adjacent property line. Parkland, state game lands and state

forest may be included within the four hundred (400) foot setback zone as approved by the Township. In the case of state owned property, approval of the appropriate state agency shall be required.

- H. An erosion and sediment control plan shall be prepared and approved by the Northampton County Conservation District.
- I. A plan describing the method to be used to handle the water runoff from well pump testing shall be submitted to the Township for review. The Township may engage the services of a consultant to review the plan and fees charged by said consultant for review shall be paid for by the applicant.
- J. The Township may also consider placing limitations on signage, access, parking, lighting, and structure height.
- K. The applicant shall address any other conditions placed by the township to the satisfaction of the Township
- L. Maximum building coverage: fifty percent (50%).
- M. Maximum impervious coverage: seventy five percent (75%).

**§ 190-926. Extended Stay Hotel**

- A. All extended stay rooms shall provide separate rooms or defined areas for sleeping, private bathroom, relaxation activities containing standard “living room” style furniture (couch, chairs, television, etc.), and kitchen containing a refrigerator, sink, food preparation area and cooking facilities.
- B. All extended stay rooms with less than 300 square feet of floor area are limited to a maximum capacity of two persons per such room. All extended stay rooms with more than 300 square feet of floor may allow an additional person per each additional 75 square feet of floor area.
- C. Guests must enter through a lobby or foyer and access to all rooms shall be from an interior hallway.
- D. All extended stay hotels must comply with all applicable Fire, Safety, Property Maintenance, and Building Code requirements imposed by the Fire Commissioner, Zoning Administrator, Building Official, or other designated Township officials.
- E. Each extended stay room must be protected with a sprinkler system approved by the Township Fire Commissioner.
- F. A hard-wired smoke detector with battery backup shall be provided and installed in each extended stay room. It shall be a violation of this Code for any person to disable, tamper with or modify any type of smoke detector or other safety device installed in each extended stay room.
- G. All extended stay hotels must have in place laundry facilities consisting of washer and dryer machines available to patrons. The equipment shall be maintained and in good repair at all times. Washers and dryers shall be provided at a ratio of one washer and dryer for every 20 rooms or fraction thereof.

**§ 190-927. Farm café.**

- A. Circulation and lot access shall be designed to minimize conflict with typical traffic conditions of adjacent right-of-way.
- B. A minimum area equivalent to three (3) parking spaces with access aisle shall be available for parking on the lot.
- C. The total gross floor area specific to the farm café use shall not exceed two thousand five hundred (2,500) square feet. This provision shall apply to the entirety of the farm café in the case of a freestanding structure or, in the case of an attached structure, the portion of the structure that shall be used for the farm café.
- D. No structure within the facility shall exceed forty (40) feet in height.
- E. Outdoor lighting shall be permitted in accordance with the lighting regulations in Article VIII (General Regulations). No event lighting or loudspeaker system is permitted to be installed or used on the site.
- F. Front, side, and rear setbacks shall be a minimum of fifty (50) feet.
- G. Signage shall be permitted in accordance with the Township's sign regulations Article VII (Signs).
- H. Adequate parking to accommodate the use shall be provided on-site. The farm associated with the farm café must be an active agriculture operation, as the purpose of the farm café is to serve primarily local and regional foods in support of sustaining local agriculture.
- I. All sites with an on-site septic system must be inspected by the Township's Sewage Enforcement Officer to assure compliance with the Pennsylvania Sewage Facilities Act 537, as amended.
- J. All applications for a farm café shall be accompanied by a land development plan prepared in accordance with the provisions of the Township's Subdivision and Land Development Ordinance
- K. The site shall be subject to any other conditions placed by the Township.

**§ 190-928. Farm camp.**

The farm associated with the farm camp must be an active agriculture operation.

**§ 190-929. Farmer's market.**

- A. A minimum of four vendors and a maximum of thirty (30) vendors shall be permitted. Additional vendors may be permitted with written approval from the Township.
- B. The market shall be operational for at least six (6) months of the year.
- C. The market shall be open no more than twelve (12) hours per day.
- D. Up to three (3) food trucks at any one time may be parked in the parking area to serve prepared food to patrons.

- E. Retail sales shall be limited to agricultural products produced in whole or in part in Pennsylvania.

**§ 190-930. Funeral home or mortuary.**

- A. The use shall have a minimum lot area of one acre.
- B. Signs shall be limited to one identification sign for each street frontage and must meet all other requirements of this ordinance.
- C. The parking lot shall be permitted only in the rear of the main building and shall not occupy front or side yard areas.

**§ 190-931. Geothermal energy system.**

- A. No geothermal well shall be put into service without receiving a geothermal well permit from the Township.
- B. Geothermal heating systems shall not be installed within two hundred (200) feet of a designated floodplain area, wetland or body of water.
- C. All geothermal heating systems and wells installed for the purposes of heating and cooling a facility must adhere to the International Ground Source Heat Pump Association's (IGSHPA) Design & Installation Standards and the installer(s) and well driller(s) must be certified by the IGSHPA.

**§ 190-932. Golf course.**

- A. Minimum lot area:
  - 1. Regulation, eighteen-hole: one hundred fifty (150) acres.
  - 2. Executive eighteen-hole: sixty (60) acres.
  - 3. Nine-hole: fifty (50) acres.
  - 4. Par 3, eighteen-hole: forty-five (45) acres.
  - 5. Par 3: nine-hole: twenty-five (25) acres.
- B. No fairway or green shall be located closer than one hundred (100) feet to an existing residential lot or existing street right-of-way.
- C. A clubhouse and/or restaurant may be permitted as an accessory use if located a minimum of three hundred (300) feet from the lot line of an existing dwelling.
- D. A golf course shall not include any exterior lighting for the purposes of nighttime golfing within the LDR, MDR, or HDR Districts.
- E. The maximum building coverage shall be ten percent (10%) and the maximum impervious coverage fifteen percent (15%).

- F. No hole shall require play over a public or private street.
- G. Parking requirements: four (4) spaces per hole, one (1) space for seats in clubhouse restaurant.

**§ 190-933. Governmental and emergency services facility.**

- A. If located within a residential district, all buildings and structures shall be designed (to the extent possible) to have the exterior appearance of a residence.
- B. In any residential district, the storage of vehicles/equipment used for maintenance purposes shall be located in a garage to the extent possible.

**§ 190-934. Group care facility or personal care home.**

- A. The minimum area and bulk regulations for a group-care facility, personal care home shall be the same as those required for a principal use in the zoning district in which the facility is located.
- B. No group-care facility or personal care home shall be located within five hundred (500) feet of another existing or proposed group-care facility, personal care home or transitional dwelling.
- C. Adequate provisions shall be made for access for emergency medical and fire-fighting vehicles.
- D. Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.
- E. Adequate open space opportunities for passive and active recreation shall be provided on the lot for the residents consistent with their needs, at a minimum of 25% of the total lot size, and the area shall be secured by a fence with self-latching gate.
- F. Where applicable, licensing or certification by the Pennsylvania Department of Human Services shall be prerequisite to obtaining a certificate of occupancy, and a copy of the annual report with evidence of continuing certification as issued by the Commonwealth of Pennsylvania shall be submitted to the Zoning Officer in January of each year.
- G. No more than one (1) identification sign, not to exceed two (2) square feet in sign area, shall be permitted. The identification sign must conform to Article VII (Signs) of this Ordinance for the Zoning District in which it exists.



**§ 190-935. Heliport or helistop.**

- A. Heliports of a minimum of five acres may be permitted when approved by the Board of Supervisors, pursuant to the standards set forth in this section and other applicable sections of this chapter and other applicable regulations.
- B. Specific standards.
  - 1. The heliport shall be located a minimum of one thousand (1,000) feet from any dwelling unit.
  - 2. The Board of Supervisors shall find that the heliport will not be detrimental to the use or development of or change the essential character of any area of this or surrounding municipalities.
  - 3. The applicant shall demonstrate that adequate off-street parking and loading and unloading facilities will be provided to meet the needs of the proposed use.
  - 4. The Board of Supervisors shall find that the use would not adversely affect the health or safety of persons in or surrounding the Township.
  - 5. The applicant shall demonstrate that there is a public or private need for such a facility in the Township.
- C. The applicant shall submit evidence confirming that the heliport will be constructed, operated and maintained in accordance with the applicable rules and regulations of the Federal Aviation Administration and the Pennsylvania Department of Transportation relating to the use of heliports. The application shall include, at a minimum, the following information:
  - 1. A copy of the Federal Aviation Administration Form 7480-1, "Notice of Landing Area Proposal."
  - 2. A copy of a letter of "No Objections" from the FAA.
  - 3. A copy of Commonwealth of Pennsylvania Application for Approval of a Landing Site, AV-4, and necessary supplemental information or equivalent and the letter of site approval from the PennDOT, Bureau of Aviation.
  - 4. An aerial photograph or drawing, either of which shall be at a scale no less than one (1) inch equals two hundred (200) feet, indicating the approach and departure routes, the location of all residents, schools, churches, hospitals and areas used for the open assembly of people as well as other noise sensitive areas within a radius of one half (1/2) mile of the proposed heliport site.
  - 5. A description of the facility, outlining its proposed hours of operation and proposed support facilities (hangar, fuel storage, etc.)
  - 6. A site plan and corresponding narrative which shall contain the following information:
    - a. The location, nature and height of proposed security fences, berms, landscaping and other security and noise attenuation structures.
    - b. The location and type of fire-fighting equipment and materials.

- c. The location and type of fuel storage facilities.
  - d. The location of all existing and proposed buildings.
  - e. The location of the helicopter takeoff and landing areas and parking areas.
- D. Helistops for medical purposes only may be permitted as a accessory to a hospital when approved by the Township, pursuant to the standards set forth in this section and other applicable sections of this chapter and other applicable regulations.

**§ 190-936. Hospital.**

- A. The applicant must demonstrate that the proposed use is an establishment, licensed by the American Hospital Association, which provides health services primarily for inpatient medical or surgical care of the sick or injured, including related facilities, such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices as integral parts of the establishment. This does not contemplate a building which is used primarily for the care of mental infirmities. The hospital is subject to the following additional provisions:
- B. The use shall be located on a lot with its main access onto an arterial or collector street as defined by the Official Street Classification Map.
- C. At least two (2) access roads of at least thirty (30) feet in width shall be provided from abutting streets.
- D. The use shall have a minimum lot size of ten (10) acres.
- E. The site shall be served by public water and sewer.

**§ 190-937. Home occupation, low-impact.**

- A. The burden of proof shall be upon the applicant to prove that the standards of this section will be met, especially regarding possible nuisances and truck traffic. Based upon the potential nuisances of a proposed home occupation, the Zoning Hearing Board may determine that a particular type or intensity of use is unsuitable to be a home occupation or that the proposed lot area or setbacks are not sufficient.
- B. The home occupation shall be conducted completely indoors and may be within a principal or accessory residential building. The total amount of floor area of all buildings used for a home occupation shall not be greater than 25% of the total floor area of the principal dwelling unit.
- C. There shall be no outdoor operations or outdoor storage of materials, products or equipment.
- D. Signs and displays. There shall be no use of show windows, business displays or advertising visible from outside the premises, except as is specifically permitted for a general home occupation. There shall be no use of vehicular signs
- E. Truck traffic. The use shall not require the parking of, delivery by or servicing by a commercial vehicle with a PennDOT registration of Class 4 or higher. The parking of trucks on and abutting the lot shall comply with Article VI of this ordinance.
- F. Uses permitted as a home occupation include but are not limited to art studio, office, barbershop, beauty

shop, custom sewing, tax preparation or musical instruction.

- G. The following uses shall not be permitted as a home occupation: veterinarian office, stable, kennel, funeral parlor, retail store, restaurant, auto repair, trucking company terminal or animal grooming.
- H. Nuisances. No machinery or equipment shall be permitted that produces noise, noxious odor, vibration, glare, electrical interference or radio or electromagnetic interference beyond the boundary of the property. Only general types and sizes of machinery that are typically found in dwellings for hobby or domestic purposes shall be permitted. No use shall generate noise or glare in excess of what is typical in a residential neighborhood.
- I. Parking. See Article VI. If additional parking is needed beyond what can be accommodated using appropriate on-street spaces and a residential-style driveway, then when feasible parking may be required in the rear of the home. The Township may reject a low impact home occupation if the use would require substantial amounts of parking that would adversely affect the residential character of a lot.
- J. Building appearance. The exterior of the building and the lot shall not be changed in such a way as to decrease its residential appearance, except for permitted parking spaces and the permitted sign.
- K. Hours. A home occupation shall not be conducted in a way that is perceptible from beyond the lot line between the hours of 9:00 p.m. and 7:30 a.m. This time limit shall also apply to any loading or unloading of vehicles on the property or on a street that causes noise to adjoining residents.
- L. Hazardous substances. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts commonly found in a dwelling. The use shall not involve the use or storage of toxic substances.
- M. Advertising. The address or hours of the home occupation shall not be advertised in such a way that would encourage customers or salespersons to come to the property without an appointment.
- N. Law or medical office. The main office of a medical doctor, chiropractor, dentist or attorney shall only be allowed as a home occupation if the property abuts an arterial street and has a minimum lot area of 10,000 square feet.
- O. Hazardous substances. The applicant shall demonstrate to the satisfaction of the Township that the intended method of handling and disposal of hazardous materials will comply with all federal and state laws and regulations.

**§ 190-938. Hotel/motel.**

- A. The use must have a direct access to a collector or arterial street.
- B. Units in such facilities shall contain a minimum of two hundred (200) square feet of floor space, with a minimum of two (2) rooms, a bedroom and a separate bathroom equipped with a flush water closet, a lavatory basin, and a bathtub or shower, all properly connected to a public water and sewer system.
- C. Recreation facilities primarily directed towards guests of the use and a restaurant may be permitted as accessory uses to a hotel or motel.

- D. A hotel or motel shall serve only temporary guests. A use that is routinely inhabited by any persons for periods longer than thirty (30) days shall be considered a boardinghouse and regulated as such.
- E. Within the Planned Office/Business (PO/B) Zoning District, the minimum lot size shall be 4 acres.

**§ 190-939. Junkyard.**

- A. All junkyard shall be surrounded by a solid wood, chain-link metal with slats, or composite fence or a decorative brick wall. Fencing shall be placed inside of an evergreen screening buffer.
- B. Storage of organic material is prohibited.
- C. All stored materials shall be at least three hundred (300) feet from any adjoining residential lot line or one hundred (100) feet from any other lot line or existing street right-of-way.
- D. The site shall contain one entrance and one exit, each of which shall be twenty-five (25) feet or greater in width.
- E. The site shall be completely enclosed by a forty (40) foot-wide buffer yard, regardless of zoning district, which complies with the standards of Article VIII (General Regulations), but with trees of an initial minimum height of ten (10) feet and caliper of three (3) inches and shrubs of an initial minimum height of five (5) feet.
- F. The burning or incineration of vehicles or stored materials shall be prohibited.
- G. All junkyards shall be surrounded by a solid wood or fiberglass fence or decorative brick wall to prevent uncontrolled access from the street or adjacent properties. Such barrier shall be not less than eight (8) feet in height and maintained in good condition.
- H. No materials stored within a junkyard shall be visible from other uses located within three hundred (300) feet of the property. This shall be accomplished by fencing that is compatible with the character of the area and with the screening and berming within the buffer yard.
- I. No use shall produce noise or dust in violation of Article V (Environmental Preservation).

**§ 190-940. Landfills, waste energy plants, and transfer stations.**

- A. A landfill shall be owned and operated by Palmer Township or an authority designated by Palmer Township to operate it.
- B. The minimum lot area shall be one hundred (100) acres.
- C. The Palmer Township Environmental Steering Committee shall review all plans for proposed facilities.
- D. The construction and operation of a sanitary landfill shall not be permitted unless a permit for such landfill has been issued by the Pennsylvania Department of Environmental Protection and the landfill is constructed and operated in full compliance with the statutes of the Commonwealth of Pennsylvania and the rules and regulations of the Pennsylvania Department of Environmental Protection.

- E. A solid waste landfill operation shall be under the direction at all times of a responsible individual who is qualified by experience or training to operate a landfill.
- F. Special measures shall be taken to prevent fires by means and devices mutually agreeable to the Pennsylvania Department of Environmental Protection and the Township.
- G. Gaseous and particulate emissions from the landfill site shall conform to the prevailing federal, state and local air pollution control codes and regulations.
- H. Direct access shall be taken from an arterial or collector highway. No more than one access road shall be constructed to the landfill entrance. The access road shall be an all-weather paved surface road negotiable by and capable of supporting loaded solid waste collection vehicles. All existing public roads shall be kept mud- and refuse-free.
- I. A vehicle cleaning area shall be provided on site. All vehicles and trucks leaving the landfill shall be cleaned. Runoff from the vehicle cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state and/or Township standards. All water used in the operation shall be recycled.
- J. An equipment cleaning area shall be provided on site. All equipment used to grade and compact solid waste at the landfill shall be cleaned daily. Runoff from the equipment cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state and/or Township standards. All water used in the operation shall be recycled.
- K. Access to the site shall be limited to those posted times when an attendant is on duty. Unloading of waste shall be continuously supervised. In order to protect against indiscriminate and unauthorized dumping, every solid waste plan fill shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations. Such barricade, fence or gate shall be at least six (6) feet high and shall be kept in good repair and neatly painted in a uniform color.
- L. No site activities shall be permitted on Sundays or legal holidays. Dumping shall be permitted only between the hours of 7:30 a.m. and 5:30 p.m. No vehicles shall be staged or parked at the entrance and/or access road of the landfill prior to 6:30 a.m. Overnight parking shall be prohibited.
- M. Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the landfill shall be inspected for debris on a daily basis.
- N. Hazardous, contaminated and/or toxic materials, including but not limited to, highly flammable materials, explosives, corrosives, pathological wastes and radioactive materials, shall not be disposed of in a solid waste landfill.
- O. Disposal of sewage liquids and solids and other liquids shall be specifically prohibited in a solid waste landfill.
- P. Salvaging of materials as permitted by law shall be conducted by the operator only and shall be organized so that it will not interfere with the prompt sanitary disposal of waste or increase unsightly conditions or health hazards. The storage of salvage shall be controlled in a manner that will not permit the inhabitation or reproduction of deleterious vectors.
- Q. The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater

onto the fill, and to prevent the collection of standing water. The operator shall comply with applicable state and federal laws and Township ordinances so that there is no adverse off-site impact from the drainage of surface water. Cracks in, depressions in, and/or erosion of covers shall be repaired daily.

- R. Operation of any solid waste landfill shall at all times be in full compliance with the Pennsylvania Clean Streams Law, Act 157 of 1980, as amended.
- S. An operational permit shall be obtained from the Township on an annual basis on or before June
- T. A final inspection of the entire site shall be made by the Pennsylvania Department of Environmental Protection and the Township and their authorized representatives to determine compliance with the approved plans and specifications before the earthmoving equipment is removed from the site. Any necessary corrective work shall be performed before the solid waste landfill project is accepted as completed. Arrangements shall be made for the repair of all cracks, eroded and uneven areas in the final cover during the first two (2) years following completion of the solid waste landfill. A bond shall be posted to ensure that all corrective work is completed.
- U. Initial application for a solid waste landfill shall be accompanied by impact statements. A plan for the reuse of the land shall be submitted, in writing, to the Palmer Township Board of Supervisors at the time of application for permit. The plan shall be in compliance with the prevailing zoning at the time of the application.
- V. Maximum active dumping areas shall be three acres. Continued operation of the landfill shall be subject to compliance with all state and Township regulations pertaining to landfill.
- W. No operation activity, use or occupation of any type shall be carried on within three hundred (300) feet of any property line of the landfill or within three hundred (300) feet of any street right-of-way. In addition, a landfill should not be located within three hundred (300) feet of any residential zoning district or occupied residential dwelling unit.
- X. The storage of fuel to be used on the landfill site shall be in accordance with all applicable federal, state and township regulations.
- Y. A chain link fence with a minimum height of fifteen (15) feet shall be erected along all boundary lines of the area which is approved for operational use as a sanitary landfill by the Pennsylvania Department of Environmental Protection. The fence shall not contain openings greater than four square inches and shall contain, at all entrances, gates which are locked except during the operation hours.
- Z. A fifty (50) foot wide buffer yard shall surround completely all areas approved for operational use as a sanitary landfill by the Pennsylvania Department of Environmental Protection. The buffer yard shall consist of a dense evergreen screen and is to be located and maintained along all boundary lines of the landfill, except at the entrances. The selected evergreens shall have a minimum height of twelve (12) feet and shall be staggered on twelve (12) foot centers.
- AA. The landfill shall contain an on-site scale, and all solid waste materials delivered to the site shall be weighed and recorded pursuant to the Pennsylvania Solid Waste Management Act, as amended. All weigh receipts shall be submitted to the Township on a quarterly basis.

**§ 190-941. Resource recovery facilities, composting plants, waste energy plants, and transfer stations.**

- A. Resource recovery facilities, composting plants, waste energy plants and transfer stations shall be owned and operated by the Township of Palmer or an authority designated by the Township to operate it.
- B. The minimum lot size shall be ten (10) acres.
- C. Parking area shall be a minimum of one hundred (100) feet from any property line.
- D. The Palmer Township Environmental Steering Committee shall review all plans for proposed facilities.
- E. Operation of the facility shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania and the rules and regulations of the Department of Environmental Protection and the provisions of this ordinance. In the event that any of the provisions of this ordinance are less restrictive than any present or future rules and regulations of the Pennsylvania Department of Environmental Protection, the more restrictive Pennsylvania Department of Environmental Protection regulations shall supersede and control.
- F. Gaseous and particulate emissions from this facility shall conform to the prevailing federal, state, and local air pollution control codes and regulations. All exhaust air from the facility shall be captured and treated in a pollution control device (e.g., carbon absorber, scrubber, etc., of such efficiency that there is no odor detected at the discharge of the control device.)
- G. Direct access shall be taken from an arterial or collector highway. No more than one access road shall be constructed to the entrance of the area. The access road shall be an all-weather paved surface road negotiable by or capable of supporting loaded collection vehicles. All existing public roads shall be kept mud-free.
- H. A vehicle cleaning area shall be provided on site. All vehicles leaving the facility shall be cleaned. Runoff from the tire cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state and/or Township standards. All water shall be recycled.
- I. An equipment cleaning area shall be provided on site. Runoff from the equipment cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state, and/or Township standards.
- J. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, every resource recovery facility and transfer station shall be protected by locked barricades, fences, gates, or other positive means designed to deny access to the area at unauthorized times or locations. Such barricade, fence or gate shall be at least six feet high and shall be kept in good repair and neatly painted in a uniform color.
- K. No site activity shall be permitted on legal holidays. Dumping shall be permitted only between the hours of 7:30 a.m. and 5:30 p.m. No vehicles shall be staged or parked at the entrance and/or access road of the landfill prior to 6:30 a.m. Overnight parking shall be prohibited.
- L. Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the facility shall be inspected for debris on a daily basis.
- M. Hazardous, contaminated and/or toxic materials, including but not limited to, highly flammable materials, explosives, corrosives, pathological wastes and radioactive materials, shall not be disposed of at the facility.

- N. Disposal of sewage liquids and solids and other liquids shall be specifically prohibited.
- O. All parts of the process unloading, handling and storage of municipal solid waste shall occur within the building. There shall be a four-inch curb around the unloading area to capture all liquid (leachate). All liquid within the unloading area must be controlled and disposed of in accordance with all pertinent federal, state and/or Township standards. However, certain separated recyclable materials such as glass, aluminum and other materials may be stored outdoors. The storage of paper shall be within the building. Any materials stored outdoors shall be properly screened so as not to be visible from any adjacent streets or property. No materials shall be placed or deposited to a height greater than the height of the fence or wall herein prescribed.
- P. No municipal solid waste shall be stored at a transfer station for more than seventy-two (72) hours.
- Q. A contingency plan for disposal of municipal solid waste during a facility shutdown must be submitted to the municipality and approved by the Board of Supervisors.
- R. Waste from the resource recovery facility, composting or waste to energy process (such as, but not limited to ash from an incinerator) shall be stored in such a manner as to prevent it from being carried from the site by wind or water. This process waste shall be located at least two hundred (200) feet from any property line and stored in leakproof containers. Such process waste shall be disposed of in a sanitary resource recovery facility approved by the Pennsylvania Department of Environmental Protection or in another manner approved by the Pennsylvania Department of Environmental Protection.
- S. Solid waste landfill operations and open burning of any materials are not permitted under this use.
- T. No use shall emit noise in such quantity as to be audible beyond its lot lines.
- U. An operational permit shall be renewed on an annual basis on or before June 1.
- V. No operation, activity, use, or occupation of any type shall be carried on within two hundred (200) feet of any property line or facility or within two hundred (200) feet of any street right-of-way. In addition, a facility shall not be located within three hundred (300) feet of any residential zoning district or occupied residential dwelling unit.
- W. The facility shall be under the direction at all times of a responsible individual who is qualified by experience or training to operate such a facility.
- X. The storage of fuel to be used at the facility site shall be in accordance with all applicable state and Township regulations.
- Y. A chain link fence with a minimum height of fifteen (15) feet shall be erected along all boundary lines of the area which is approved for the operational use by the Pennsylvania Department of Environmental Protection. The fence shall not contain openings greater than four square inches and shall contain, at all entrances, gates which are locked except during operating hours.
- Z. A fifty (50) foot wide buffer yard shall surround completely all areas approved for operational use as a sanitary landfill by the Pennsylvania Department of Environmental Protection. The buffer yard shall consist of a dense evergreen screen and is to be located and maintained along all boundary lines of the facility, except at the entrances. The selected evergreens shall have a minimum height of six (6) feet and shall be staggered on ten (10) foot centers.



AA. The facility shall include an on-site scale, and all solid waste materials delivered to the site shall be weighed and recorded pursuant to the Pennsylvania Solid Waste Management Act, as amended. All weight receipts shall be submitted to the Township on a quarterly basis.

**§ 190-942. Manufacturing, heavy.**

- A. Per every forty (40) lineal feet of perimeter, a buffer strip shall contain a combination of one (1) deciduous tree having a caliper of not less than three (3) inches and a height of ten (10) feet at the time of planting and two (2) evergreen trees having a height of not less than six (6) feet at time of planting, plus five (5) shrubs, per forty (40) lineal feet of perimeter. The deciduous trees, evergreen trees, and shrubs shall be chosen from the list of plant types for Palmer Township provided in the Subdivision and Land Development Ordinance, § 165-73. Trees and shrubs shall be creatively planted within the buffer strip to include staggered placement and/or clustering.
- B. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced.
- C. As part of all land development or conversion of an existing building, the landowner and/or developer shall provide a plan for photometrics of the lot.
- D. All materials and equipment shall be stored within a completely enclosed building.
- E. Hours of operation and activities, including for truck deliveries, must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- F. An inventory and Material Safety Data Sheets (MSDS) of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.
- G. There shall be no light spillover, glare, or vehicular idling permitted.

**§ 190-943. Manufacturing, light.**

- A. Per every forty (40) lineal feet of perimeter, a buffer strip shall contain a combination of one (1) deciduous tree having a caliper of not less than three (3) inches and a height of ten (10) feet at the time of planting and two (2) evergreen trees having a height of not less than six (6) feet at time of planting, plus five (5) shrubs, per forty (40) lineal feet of perimeter. The deciduous trees, evergreen trees, and shrubs shall be chosen from the list of plant types for Palmer Township provided in the Subdivision and Land Development Ordinance, § 165-73. Trees and shrubs shall be creatively planted within the buffer strip to include staggered placement and/or clustering.
- B. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced.
- C. As part of all land development or conversion of an existing building, the landowner and/or developer shall provide a plan for photometrics of the lot.
- D. All materials and equipment shall be stored within a completely enclosed building.

- E. Hours of operation and activities, including for truck deliveries, must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- F. An inventory and Material Safety Data Sheets (MSDS) of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.
- G. There shall be no light spillover, glare, or vehicular idling permitted.

**§ 190-944. Medical and dental clinics and laboratories.**

Such use shall include a building or buildings with multiple offices for one or more physicians, optometrists or dentists or similar medical professionals for examination or treatment of persons as outpatients (with the exception of medically prescribed studies associated with sleep) and laboratories incidental thereto. Such use shall be carried on wholly indoors and within the principal building.

**§ 190-945. Medical marijuana dispensaries.**

- A. A medical marijuana dispensary must be legally registered in the Commonwealth of Pennsylvania and possess a current valid medical marijuana permit from the Pennsylvania Department of Health.
- B. A medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- C. A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
- D. Medical marijuana dispensaries shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.
- E. Permitted hours of operation of a medical marijuana dispensary shall be between the hours of 8:00 a.m. and 7:00 p.m. of any calendar day.
- F. A medical marijuana dispensary shall be a maximum of three thousand (3,000) gross square feet, of which no more than five hundred (500) square feet shall be used for secure storage of product, and shall have an interior customer waiting area equal to a minimum of twenty-five (25%) percent of the gross floor area.
- G. A medical marijuana dispensary shall:
  - 1. Not have a drive-through service;
  - 2. Not have outdoor seating areas;
  - 3. Not have outdoor vending machines;

4. Prohibit the administering of, or the consumption of medical marijuana on the premises; and
  5. Not offer direct or home delivery service.
- H. A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.
- I. A medical marijuana dispensary may not be located within one thousand (1,000) feet of the property line of a school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.
- J. A medical marijuana dispensary shall be a minimum distance of one thousand (1,000') feet from the next nearest medical marijuana dispensary. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of municipality in which it is located.
- K. All external lighting serving a medical marijuana dispensary must comply with the provisions of § 190-513 (Light and Glare Control) and be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.

**§ 190-946. Medical marijuana growers/processors.**

- A. A medical marijuana grower/processor shall only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- B. The floor area of a medical marijuana grower/processor shall include sufficient space for production, secure storage of marijuana seed, related finished product cultivation, and marijuana related materials and equipment used in production and cultivation or for required laboratory testing.
- C. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing or testing occurs.
- D. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the Pennsylvania Department of Health Policy and shall not be placed within any unsecure exterior refuse containers.
- E. The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.
- F. Grower/processors may not locate within one thousand (1,000') feet of the property line of a school or day-care center.

- G. All external lighting serving a medical marijuana grower/processor must comply with the provisions of § 190-513 (Light and Glare Control) and be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- H. A buffer yard complying with the standards of § 190-804 (Special Lot and Yard Requirements, Sight Distance and Buffer Yards) shall be provided along all property lines not bordering a right-of-way.

**§ 190-947. Mineral extraction/open pit mining.**

- A. The activities and residual effects shall not create conditions hazardous or otherwise adverse to the value and productive use and enjoyment of adjacent properties or to the character of the surrounding area.
- B. When extraction operations cease, the site shall be reclaimed to a nonhazardous state permitting some economically productive future use. The extracting activities and resulting condition of the site shall not result in environmental degradation of the surrounding area. The reclamation plan shall include a phasing plan that ties the timing of initiation of certain excavation activities in certain areas to specific reclamation achievements of other areas.
- C. A buffer yard shall completely enclose the site, regardless of zoning district, complying with the standards of § 190-804 (Special Lot and Yard Requirements, Sight Distance and Buffer Yards), except such buffer yard shall be at least fifty (50) feet in width. Such buffer yard must be incorporated into an earthen berm at least six (6) feet in height. Any extracting activities shall be set back from all exterior lot lines (including existing street rights-of-way) by a minimum of one hundred (100) feet and all dwellings a minimum of two hundred fifty (250) feet (or such greater distance as may be required by site conditions) to protect adjacent properties as determined necessary by the Board of Supervisors.
- D. Unique or environmentally significant natural features and significant historic or architectural structures and sites shall be protected from disruption or adverse effects from quarrying and/or mining activities.
- E. The proposal shall be submitted to the County Conservation District for review. The Township may require additional measures as are necessary to prevent serious soil erosion and sedimentation or groundwater pollution.

The Application shall comply with all federal and state regulations applicable to the site and to the use.

**§ 190-948. Mixed-use building or development.**

When a number of different uses are proposed within a structure, facility or complex and when it can be demonstrated that one or more of such uses require parking needs at times other than normal business or operating hours, the Applicant shall present for review and consideration a written report prepared by a professional traffic engineer or consultant, stating that a maximum combination of all such uses will not require that the total accumulative parking needs must be provided on the site. After review of the plan, if determined that a reduced overall parking requirement can satisfy the off-street parking needs of the combined facilities, the Applicant may be permitted to reduce the parking spaces provided in accordance with the stipulated number of spaces by the Board of Supervisors at its sole discretion.

**§ 190-949. Multifamily dwelling, low-rise (garden apartments).**

- A. Required off-street parking shall be located no more than three hundred (300) feet from associated dwellings.
- B. All dumpsters and/or waste collection areas shall be located, at minimum, fifty (50) feet from the nearest residential unit and shall be enclosed by a solid masonry screen of at least six (6) in height.
- C. To minimize potential nighttime lighting pollution and to encourage minimizing negative impacts from impervious surface run-off, buffer yard width shall be increased by five (5) feet in all yards for a development with multiple buildings. The additional buffer area shall be planted at a minimum with groundcover or/and to minimum of three-foot height of shrubbery unless otherwise defined by the Township.
- D. The following provisions apply to Multifamily dwelling, low rise (garden apartments):
  - 1. Terms. For the purpose of this subsection, the term “apartments” shall refer to low-rise apartment uses.
  - 2. Minimum tract area. Low-rise apartments shall have a minimum tract area of twenty-one thousand (21,000) square feet.
  - 3. Vehicular parking setback. See § 190-603.G (Parking Lot Setbacks). Off-street parking shall not be permitted within the front yard area of a lot and shall be located to the rear or side of the principal structure. No off-street parking areas shall be permitted between the principal structure and the public street. Bicycle parking and storage facilities shall be provided for the use of residents and visitors.
  - 4. Principal building separation. All principal buildings shall be separated from any other principal building by a minimum of 30 feet and a minimum average of 40 feet. A building may include multiple dwelling units.
  - 5. Maximum density.
    - a. Site capacity calculation. The maximum total density of a townhouse or a low-rise (garden) apartment development shall be determined as follows. If an area of land would have more than one characteristic stated in Subsection 5(a)(1) through (7) below, it shall only be deleted once. All land areas shall be stated in hundredths of an acre.
      - i. The total lot area of all lots within the tract, not including existing rights-of-way of existing public streets.  

= \_\_\_\_\_ acres
      - ii. Delete future rights-of-way abutting existing public streets that are required to be dedicated.  

- \_\_\_\_\_ acres

Areas voluntarily dedicated for an improvement to a public street that are not required by PennDOT or the Township but that the Board of Supervisors determines will serve

a substantial public need are not required to be deleted from the buildable area of the tract.

Rights-of-way of proposed streets are not required to be deleted from the buildable area of the tract, except as specified above.

iii. Delete areas of more than one thousand (1,000) square feet with existing natural slopes of fifteen percent (15%) or greater.

- \_\_\_\_\_ acres

iv. Delete areas within the one-hundred (100) year floodplain, according to official FEMA/FIA maps or a detailed study using accepted hydraulic modeling techniques which meets all requirements as listed in § 190-506.

- \_\_\_\_\_ acres

v. Delete areas proposed to be used for any principal uses other than low-rise (garden) apartments or common open space.

- \_\_\_\_\_ acres

vi. Delete areas to be dedicated to the Township as public open space.

- \_\_\_\_\_ acres

vii. Delete areas within existing surface utility or stormwater rights-of-way or casements, such as overhead electric transmission rights-of-way, existing stormwater management facilities and/or drainage swales. Existing underground utility and drainage easements are not required to be deleted from the buildable area of the tract.

- \_\_\_\_\_ acres

viii. Equals the “buildable area of the tract.”

= \_\_\_\_\_ acres

ix. To determine the maximum total permitted number of new and existing low-rise (garden) apartment dwelling units permitted within the tract, multiply the buildable area of the tract by the following:

x. Low-rise (garden) apartment density: nine dwelling units per acre of buildable area of the tract.

= \_\_\_\_\_

permitted dwelling units

b. Flexibility in placement. The total number of dwelling units allowed on the tract may be placed at any appropriate locations within the buildable area of the tract within the setback and other provisions of this ordinance. However, no single acre of land shall

- include more than twelve (12) dwelling units, once streets and dedicated common open space are deleted from the lot area.
- c. In calculating the allowable overall density, land which is capable of further development or subdivision for additional dwellings shall not be counted unless the possibility of such development or subdivision is precluded by one of the following methods:
    - xi. Deed restriction or agreement in form acceptable to the Township Solicitor and duly recorded in the Office of the Recorder of Deeds of Northampton County.
    - xii. Transfer of development rights to the Township.
    - xiii. Dedication for public purposes or permanent open space to serve the development.
  - d. Condominiums and lots. The division of land into individual lots is not required. This allows the development of condominium low-rise apartments. However, any condominium development or conversion to condominium ownership shall follow the requirements and processes of the Township Subdivision and Land Development Ordinance.
  - e. Condominiums and streets. In any development of or conversion to condominiums, the Township shall reserve the right to require all roads and major driveways to be constructed or improved to Township standards and dedicated to the Township. The responsibility of maintaining interior roads and major driveways should not be given to a homeowner association, unless there are adequate safeguards.
6. Maximum height. Maximum building height shall be thirty-five (35) feet or 2.5 stories, whichever is more restrictive. Pitched roofs with a slope of five (5) inches vertical for every twelve (12) inches horizontal or greater and variations in rooflines of structures are strongly encouraged for the purpose of variety.
  7. Buffer yard. A buffer yard with screening shall be required, as described in § 190-804.D (Buffer Yards), between any low-rise apartment principal building and any abutting existing single-family detached dwelling that would be within 120 feet of a low-rise apartment. The buffer yard shall be the responsibility of the developer of the low-rise apartments.
  8. Accessory uses and structures.
    - a. The accessory use provisions of § 190-402 (Accessory uses permitted by right, by condition, or by special exception) and § 190-904 (Specific regulations for principal and accessory conditional and special exception uses) shall apply.
    - b. The intent is to carefully avoid incompatible structures in a high density environment.
    - c. Garages or carports for the storage of private automobiles are a permitted by right accessory use, provided that such structures are architecturally compatible with the principal buildings.

- d. The developer shall state whether any deed restrictions or similar restrictions will be established to control the design of any detached accessory buildings and fences. Such controls are strongly encouraged.
  - e. Accessory structures may be placed a minimum of one foot from the lot line along which dwellings are attached. Fences may be located on a lot line.
9. Homeowners' and/or condominium agreements. If any dwelling units are to be sold under homeowners' and/or condominium agreements, such agreements or documents shall be reviewed by the Township Solicitor and approved by the Board of Supervisors prior to recording and filed with the subdivision or land development plan. It is strongly recommended that any such agreements include restrictions requiring any fencing or garages to be compatible with the overall design.
10. Maximum impervious coverage shall be seventy percent (70%), based upon the entire tract. For the purpose of this section, active recreational facilities such as tennis or basketball courts shall not be limited by the maximum impervious coverage regulation. However, such areas shall still be considered impervious for the purposes of managing stormwater runoff.
11. Maximum length of building. The maximum length of a low-rise apartment building shall be one hundred sixty (160) feet. As used in this section, "building length" means the horizontal measurement of any building length from any one end to any other end, without regard to offsets but without including diagonal measurements. Upon review by the Planning Commission and approval by the Board of Supervisors, the maximum length of the building may be extended to accommodate up to eight units attached, provided the applicant demonstrates excellence in design. At a minimum, factors to be incorporated into design include articulation in roofline and pitch, the use of dormers or other similar features, and alternating I materials (e.g., stone, brick, and wood). Also, a minimum of fifty percent (50%) of all dwellings shall have a front entrance articulated with a covered porch entry. The size of the front porch shall be a minimum of five (5) feet deep from the front wall of the dwelling to the enclosing porch rail and ten feet long. The applicant may provide an alternative design as part of the application that meets the intent of this standard.
12. External property line building setback. Low-rise apartment buildings and their permitted accessory structures shall be setback from all exterior lot lines of a tract a minimum distance of thirty (30) feet, except a minimum distance of eighty (80) feet shall be required from the lot line of an existing single-family detached dwelling.
13. Building setback from public or private streets. All principal and accessory buildings and carports of low-rise apartment buildings shall have a minimum of ten (10) feet setback from the street right-of-way line of proposed and existing streets where parking is located to the rear or side of the principal structure. Where parking is proposed to be located to the front of the principal building, the front yard setback shall be a minimum of thirty (30) feet from the street right-of-way line of proposed and existing streets. If right-of-way is not established for a street, then setbacks shall be measured from the edge of the cartway.
14. Minimum private area. Design measures shall be used to seek an appropriate level of privacy in any rear yards. Such measures might include landscaped screening, compatible fencing and earth berming. The intent is to avoid the placement of incompatible fencing by individual lot



- owners in the future. Apartments shall provide a terrace, recessed inside the exterior building wall of the dwelling, for units above the first level.
15. Minimum recreation and open space land. See Article X of the Subdivision and Land Development Ordinance.
  16. Open space maintenance. See Article X of the Subdivision and Land Development Ordinance.
  17. Private streets. All interior streets and accessways serving more than five dwelling units but not including parking courts shall be built to Township construction standards for public streets, regardless of whether the streets or accessways will be dedicated to the Township. However, the Board of Supervisors may allow widths of a cartway and a right-of-way of any private street or accessway to be narrower than is required for a public street, provided that a private street providing direct or indirect access to twenty (20) or more dwellings shall have a minimum width of twenty-four (24) feet and garages, carports or parking areas are located to the side or rear of the principal structure.
  18. Architectural renderings required. Preliminary architectural renderings shall be required of the front facades of any low-rise apartments.
  19. Preservation of natural buffers. I § 190-804.D(3)(c) (Special lot and yard requirements, sight distance and buffer yards).
  20. Architectural variety. A variety of complimentary designs are encouraged among clusters of buildings within larger developments. Extreme changes of facades among buildings are discouraged.
  21. Garages. If garages are provided, they should be located to the rear of the structures, with a common driveway system, provided that adequate provision is made for maintenance through a homeowners' association if applicable.
  22. Mailboxes. Due to the density and compact design of apartment developments, mailboxes should be either on the facade of the dwelling unit (where permitted by the United States Postal Service) or within a common kiosk or enclosed structure. Individual freestanding mailboxes at the curbside are discouraged.
  23. Trash bins. Common trash receptacles shall be provided in locations that are convenient for residents and for collection. Trash dumpsters and similar facilities shall be completely enclosed within a decorative masonry or wood fence, at least six (6) feet in height, on three (3) sides, maintaining one hundred percent (100%) visual blockage on three sides and a self-closing gate on the fourth side. These areas shall be screened from view of streets and dwellings.
  24. Access. Vehicular access points onto all minor arterial and collector streets shall be minimized to the lowest number possible.
  25. Visitor/overflow parking areas.
    - a. Design. Off-street parking area(s) shall be provided at a rate of 0.25 space per dwelling unit. The off-street parking area(s) shall be provided in addition to the minimum off-street parking spaces required for each individual dwelling unit. The visitor/overflow parking areas shall be located not greater than three hundred (300) feet from any given

dwelling. Off-street parking areas shall not be located between the public street and the principal building. Such parking areas shall be located to the side or rear of the principal structure and in pods of not more than twenty (20) spaces. Each parking area shall be screened from view from the public right-of-way with a four (4) foot decorative masonry fence or evergreen hedgerow, or a combination of both. The parking areas shall contain internal landscaping. At a minimum, terminal islands shall be installed at both ends of a single unbroken row of parking. Terminal islands shall be a minimum of fifteen (15) feet in length and minimum of ten (10) feet in width. Each terminal island shall be landscaped with a minimum of one shade tree, and grass or a vegetative ground cover. In addition, a landscaped divider strip shall be provided to connect the terminal islands. The divider strip shall be a minimum of seven feet in width and be planted with a minimum of one shade tree every thirty (30) feet on center and grass or a vegetative ground cover. These areas shall not be used to meet the standard parking requirements.

- b. Use. Boats, campers, trailers and other recreational vehicles shall be prohibited from said parking areas.

26. Setback from industrial zoning districts. All buildings including one or more dwelling units shall have a minimum setback of one hundred (100) feet from the boundary of any HI, LI, PIC or PO/IP District boundary. If a public street is the zoning boundary, such setback shall be measured from the center line of the street.

27. Front yard landscaping. Front yards of low-rise apartments may be unified into one common yard treated as a single yard for the entire building.

**§ 190-950. Multifamily dwelling, mid-rise.**

- A. Parking spaces shall be located no more than three hundred (300) feet from the apartment's primary entrance. Bicycle parking and storage facilities shall be provided for the use of residents and visitors.
- B. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.
- C. A twelve (12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
- D. All dumpsters and/or waste collection areas shall be located at least fifty (50) feet from nearest residential unit. Dumpsters shall not be located in a front yard and shall be screened with a wall with a minimum height of eight (8) feet and a minimum opacity of eighty (80) percent.
- E. Maximum height of lighting for outdoor parking areas and roadways shall be twenty-five (25) feet.
- F. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.
- G. Buffer yards between an apartment development and any other adjacent residential lot shall be increased by ten (10) feet in addition to the required buffer yard width. Landscaping, within this

additional width, shall be provided according to spacing, quantity and type of plants specified by the Township.

- H. Slopes shall be graded at a maximum of a three (3) foot horizontal to one (1) foot vertical (3:1) ratio.
- I. A traffic study shall be required and prepared by the Applicant at the Applicant's expense.
- J. If the parking area for a development is adjacent to a single-family residential lot and accommodates more than ten (10) automobiles in total, an additional ten (10) foot buffer yard with one (1) of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential lots:
  - 1. One and one-half (1½) times the required number of plants for screening and buffering off-street parking and loading areas; or
  - 2. A mound, a minimum of three and one-half (3½) feet in height at its peak, shall be constructed whereas the sides do not exceed a four (4) foot horizontal to one (1) foot vertical (4:1) change in elevation. The mound shall be landscaped in its entirety with plants that provide four (4) seasons of interest but shall not include turf grass. The landowner and/or developer shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent lots.
- K. The following area and bulk regulations shall apply to multifamily, mid-rise apartment buildings.
  - 1. Height in HDR: maximum of six (6) stories or seventy-two (72) feet, whichever is more restrictive. Height in Other Districts: a maximum of five (5) stories or fifty-five (55) feet, whichever is more restrictive.
  - 2. Minimum tract area: ten (10) acres.
  - 3. Building setback. The minimum principal building setback shall be:
    - a. Three hundred (300) feet from all lot lines of existing single-family detached dwellings or single-family semidetached dwellings or lot lines of less than one acre approved for such dwellings.
    - b. One hundred (100) feet from any future right-of-way of an existing street.
    - c. Seventy-five (75) feet from any other lot lines.
  - 4. Maximum density: a maximum density of nine dwelling units per acre.
- L. The following additional standards apply to Multifamily dwelling, mid-rise apartment building..
  - 1. Buffer yard. A buffer yard with screening shall be required, as described in § 190-804.D (Buffer Yards), between any mid-rise apartment building and any abutting existing single-family detached dwelling that would be within one hundred twenty (120) feet of a mid-rise apartment building. The buffer yard shall be the responsibility of the developer of the mid-rise apartment building.

2. Homeowners' and/or condominium agreements. If any dwelling units are to be sold under homeowners' and/or condominium agreements, such agreements or documents shall be reviewed by the Township Solicitor and approved by the Board of Supervisors prior to recording and filed with the subdivision or land development plan. It is strongly recommended that any such agreements include restrictions requiring any fencing or garages to be compatible with the overall design.
3. Maximum impervious coverage shall be seventy percent (70%), based upon the entire tract. For the purpose of this section, active recreational facilities such as tennis or basketball courts shall not be limited by the maximum impervious coverage regulation. However, such areas shall still be considered impervious for the purposes of managing stormwater runoff.
4. Minimum recreation and open space land. See Article X of the Subdivision and Land Development Ordinance.
5. Open space maintenance. See Article X of the Subdivision and Land Development Ordinance.
6. Private streets. All interior streets and accessways serving more than five dwelling units but not including parking courts shall be built to Township construction standards for public streets, regardless of whether the streets or accessways will be dedicated to the Township. However, the Board of Supervisors may allow widths of a cartway and a right-of-way of any private street or accessway to be narrower than is required for a public street, provided that a private street providing direct or indirect access to twenty (20) or more dwellings shall have a minimum width of twenty-four (24) feet and garages, carports or parking areas are located to the side or rear of the principal structure.
7. Architectural renderings required. Preliminary architectural renderings shall be required of the front facades of any mid-rise apartment building development.
8. Preservation of natural buffers. See § 190-804D(3)(c) (Preservation of existing vegetation or slopes).
9. Trash bins. Common trash receptacles shall be provided in locations that are convenient for residents and for collection. Trash dumpsters and similar facilities shall be completely enclosed within a decorative masonry or wood fence, at least six (6) feet in height, on three (3) sides, maintaining one hundred percent (100%) visual blockage on three (3) sides and a self-closing gate on the fourth (4) side. These areas shall be screened from view of streets and dwellings.
10. Access. Vehicular access points onto all minor arterial and collector streets shall be minimized to the lowest number possible.
11. Visitor/overflow parking areas.
  - a. Design. Off-street parking area(s) shall be provided at a rate of 0.25 space per dwelling unit. The off-street parking area(s) shall be provided in addition to the minimum off-street parking spaces required for each individual dwelling unit. The visitor/overflow parking areas shall be located not greater than 300 feet from any given dwelling. Off-street parking areas shall not be located between the public street and the principal building. Such parking areas shall be located to the side or rear of the principal structure and in pods of not more than 20 spaces. Each parking area shall be screened from view

from the public right-of-way with a four-foot decorative masonry fence or evergreen hedgerow, or a combination of both. The parking areas shall contain internal landscaping. At a minimum, terminal islands shall be installed at both ends of a single unbroken row of parking. Terminal islands shall be a minimum of 15 feet in length and minimum of 10 feet in width. Each terminal island shall be landscaped with a minimum of one shade tree, and grass or a vegetative ground cover. In addition, a landscaped divider strip shall be provided to connect the terminal islands. The divider strip shall be a minimum of seven feet in width and be planted with a minimum of one shade tree every 30 feet on center and grass or a vegetative ground cover. These areas shall not be used to meet the standard parking requirements.

- b. Use. Boats, campers, trailers and other recreational vehicles shall be prohibited from said parking areas.

12. Setback from industrial zoning districts. All buildings including one or more dwelling units shall have a minimum setback of 100 feet from the boundary of any LI/MU, or IOC District boundary. If a public street is the zoning boundary, such setback shall be measured from the center line of the street.

**§ 190-951. Nightclub.**

- A. A nightclub serving alcohol shall be located in accordance with the provisions of the Pennsylvania Liquor Control Board.
- B. A nightclub's hours of operation and activities must be appropriately scheduled to protect all surrounding residential development from detrimental noise, disturbance, or interruption.
- C. The owner(s) and operator(s) of a nightclub shall be responsible for the conduct and safety of the patrons. The owner/operator of the nightclub shall provide private security, licensed under the laws of the Commonwealth of Pennsylvania, if the maximum permitted occupancy allowed for the nightclub exceeds 100 persons.
- D. No more than one (1) identification sign shall be permitted; said sign shall be a ground or a wall sign. The graphic area of the sign shall not exceed forty (40) square feet.
- E. If adjacent to a residential district or property, an additional ten (10) foot buffer yard, above and beyond any other required buffer, with one and one-half (1½) times the base required number of plants for screening and buffering off-street parking and loading areas shall be provided along the parking/loading area's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential uses.

**§ 190-952. Non-family residential facility, type 1.**

- A. A minimum of twenty-five percent (25%) of the site shall be suitable for and developed as passive recreation, including outdoor seating areas, paved trails, landscaping, and pedestrian walks.

- B. The use shall not exceed the density (dwelling units per acre of lot area) of the base Zoning District in which it is proposed. Every four (4) bedrooms within a non-family residential facility shall be considered equivalent to one (1) dwelling unit for the purposes of density calculations.
- C. Delivery and service areas shall be obscured from the view of all residential properties by fencing, decorative walls or planted screening, as approved by the Board of Supervisors.
- D. Building height and setbacks shall be consistent with surrounding development.
- E. All rooms shall be located within the lot's principal building.
- F. Dumpsters shall not be located in a front yard and shall be screened with a fence or wall with a minimum height of eight (8) feet and a minimum opacity of eighty (80) percent.
- G. The lot shall front on a public street and be served by public sanitary sewers and public water.
- H. The facility shall have its principal traffic access to a public street with sufficient capacity to handle the traffic generated by the proposed use or shall provide improvements to meet such capacity.
- I. The facility shall be accessible for firefighting and evacuation purposes at all levels and on all sides. Otherwise, the facility shall be no more than two (2) stories.
- J. Vehicular circulation on the site shall provide adequate areas for the safe and convenient pick-up and drop-off of guests.
- K. The facility shall meet all Commonwealth requirements for life care or nursing/convalescent care facilities in addition to those defined in this Subsection.
- L. Off-street parking shall be screened with an earth berm, landscaped buffer yard, fence or wall with a minimum height of four (4') feet and a minimum opacity of eighty (80%) percent.
- M. The location, orientation and lot circulation shall be coordinated with the Township to minimize disturbance of surrounding land uses.

**§ 190-953. Non-family residential facility, type 2.**

- A. A minimum of twenty-five percent (25%) of the site shall be suitable for and developed as passive recreation, including outdoor seating areas, paved trails, landscaping and pedestrian walks.
- B. The lot shall front on a public street and be served by public sanitary sewers and public water.
- C. The facility shall have its principal traffic access to a public street with sufficient capacity to handle the traffic generated by the proposed use or shall provide improvements to meet such capacity.
- D. Vehicular circulation on the site shall provide adequate areas for the safe and convenient pick-up and drop-off of guests.
- E. The use shall not exceed the density (dwelling units per acre of lot area) of the base Zoning District in which it is proposed. Every four (4) bedrooms within a non-family residential facility shall be considered equivalent to one (1) dwelling unit for the purposes of density calculations.

- F. Delivery and service areas shall be obscured from the view of adjacent residential properties by fencing, decorative walls or planted screening, as approved by the Board of Supervisors.
- G. Adequate fire lanes shall be provided between structures and approved by the Fire Commissioner. Building construction shall comply with all applicable health and safety codes of the county, state and federal governments.
- H. Exterior lighting for parking areas shall be reduced to fifty (50%) percent luminosity after 10:00 p.m.
- I. Off-street parking shall be screened with an earth berm, landscaped buffer yard, fence or wall with a minimum height of four (4') feet and a minimum opacity of eighty (80%) percent.
- J. Building height and setbacks shall be consistent with surrounding development.
- K. All rooms shall be located within the lot's principal building.
- L. Dumpsters shall not be located in a front yard and shall be screened with a fence or wall with a minimum height of eight (8) feet and a minimum opacity of eighty (80) percent.

**§ 190-954. Nursing home.**

- A. Nursing homes shall follow the same provisions for group-care facilities and transitional dwellings, in addition to the following subsections.
- B. The facility must comply with all state and federal regulations.
- C. A minimum lot area of two (2) acres shall be required.
- D. The facility shall have its principal traffic access to a public street with sufficient capacity to handle the traffic generated by the proposed use or shall provide improvements to meet such capacity.
- E. Adequate fire lanes shall be provided between structures and approved by the Fire Commissioner.
- F. Ambulance, delivery and service areas shall be obscured from the view of all residential properties by fencing, decorative walls or planted screening, as approved by the Board of Supervisors.

**§ 190-955. Outdoor industrial storage or supply yard.**

- A. Service areas shall be screened from the public right-of-way by both an 8-foot-high fence and a 6-foot-high evergreen planting, with the evergreen planting surrounding the fence, and not conflict with off-street parking associated with the use. No service areas shall be located between the lot line and the front facade of the principal structure.

**§ 190-956. Personal care home.**

Personal care homes shall follow the same provisions for group-care facilities and transitional dwellings.

**§ 190-957. Personal services establishment.**

- A. All personal services establishments involving professions requiring state licensure shall be appropriately licensed prior to operation.
- B. Outdoor storage of materials shall not be permitted.
- C. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. Dumpsters and/or service areas shall not be located between front lot line and the front facade of the principal structure.

**§ 190-958. Pick-your-own operation.**

- A. Permits for seasonal sales activities may be issued at the discretion of the Zoning Officer as long as the requirements set forth herein for parking, buffer yards, and setbacks are met. Permit fees shall be determined by the Board of Supervisors.
- B. Retail activities shall not create undue traffic congestion to adjacent roadways.

**§ 190-959. Place of assembly or worship.**

- A. When permitted within the Medium-Density Residential (MDR) Zoning District, the minimum lot area shall be two (2) acres.
- B. The landowner and/or developer shall demonstrate that the primary visitor drop-off and pick-up area is located in a manner that does not cause undue traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- C. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Township Engineer.
- D. If the parking area is adjacent to a residential use, an additional ten (10) foot setback for the respective lot line shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential use. In addition, either of the following shall be provided:
  - 1. One and one-half (1.5) times the base required number of plants for screening and buffering off street parking and loading areas; or
- E. The landowner and/or developer shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent properties. The landowner and/or developer shall provide a signed and sealed engineer's stormwater management plan compliant with the stormwater ordinance, for review by the Township Engineer.

**§ 190-960. Planned development.**

- A. Purpose. In addition to the general objectives of Article I, the provisions of this article are intended to serve the purposes of a Planned Development stated in the Pennsylvania Municipalities Planning Code, as amended.



B. Applicability.

1. All provisions of this section and Chapter 165, Subdivision and Land Development, shall apply to a Planned Development, except where specific provisions of this article clearly differ from specific provisions of other sections of this chapter or the SALDO or where this article authorizes a modification.
2. A Planned Development shall be considered a "subdivision" under the SALDO except that when specific procedural provisions for a Planned Development under the Pennsylvania Municipalities Planning Code differ from the SALDO provisions, then provisions of such state law shall apply in place of the Chapter 165, Subdivision and Land Development, provisions.

C. Eligibility. An application for tentative approval of a proposed Planned Development shall only be eligible for tentative approval if the following initial requirements are met:

1. The proposed Planned Development shall consist of one or more contiguous parcels of land under single ownership and control or under active agreement of sale with the parcels clearly intended to be owned and developed by a single legal entity.
2. Public water and public sanitary sewer systems shall serve all principal uses of the Planned Development.
3. No building in a Planned Development shall include more than four stories.

D. Land uses.

1. Residential uses permitted. A Planned Development shall include a mix of at least two of the following dwelling types:
  - a. Single-family detached dwellings (maximum of 2 1/2 stories).
  - b. Single-family semidetached dwellings (twins) (maximum of 2 1/2 stories).
  - c. Single-family attached dwellings (townhouses) (maximum of 3 1/2 stories).
  - d. Multifamily dwellings, low-rise (garden apartments) (maximum of four stories).
2. Minimum mix of housing types. A minimum of 20% of the dwelling units in a Planned Development shall be detached single-family dwellings, and a maximum of 40% of the dwelling units in a Planned Development shall be multifamily, low-rise apartments.
3. The following nonresidential uses may be permitted in any Planned Development to the extent that these nonresidential uses are designed and intended primarily to serve residents of the Planned Development and are compatible and harmoniously incorporated into the unitary design of the Planned Development:
  - a. Retail stores, personal services and restaurants without drive-through service. Such uses shall clearly be intended to serve the Planned Development and the immediate neighborhood. Each establishment shall include a maximum of 5,000 square feet of floor area.

- b. Offices and financial institutions (no drive thrus).
- c. Primary and secondary schools, nursery schools, day-care centers, places of worship, community centers, nursing homes and personal-care homes.

E. Density requirements.

1. Land use density within a Planned Development shall be regulated by the following general standards:
  - a. Maximum average residential density for the residential and common open space portions of the Planned Development site shall not exceed the following densities. In determining such densities, areas to be occupied by proposed streets need not be deleted from the acreage.
    - i. In RA District: two dwelling units per acre.
    - ii. In LDR District: four dwelling units per acre.
    - iii. In MDR District: five dwelling units per acre.
    - iv. In HDR District: seven dwelling units per acre.
    - v. In All Other Districts: five dwelling units per acre.
  - b. The total area covered by all impervious surfaces shall not exceed 30% of the total tract area of the Planned Development.
  - c. The percentage of the Planned Development site devoted to permanent common open space, excluding areas within 25 feet of all non-recreation buildings, shall be no less than 25% of the total site area.
  - d. The percentage of the Planned Development site to be devoted to nonresidential uses including required parking shall not exceed 5% of the total site area.
  - e. No one net acre of land, after deleting street rights-of-way, shall exceed 12 dwelling units per acre.
2. The maximum density set forth in Subsection **1(a)** may be reduced by the Board of Supervisors where it is the opinion that the findings of the site analysis justify a modification.
3. Site planning standards. The development plan for the development shall establish appropriate dimensional standards for all development within the Planned Development. The applicant shall prove to the satisfaction of the Board of Supervisors that such dimensional standards will result in highly functional and attractive development and will be compatible around the perimeter with adjacent development.
4. The specific dimensional and lot requirements of the applicable district shall not apply to an approved Planned Development.
5. Within a Planned Development, the Board of Supervisors may also modify other lot, off-street

parking and dimensional requirements of other provisions of this chapter, not including this article, where the applicant proves such modification is needed to meet the purposes and standards of this article.

6. The Board of Supervisors shall not have authority to reduce specific requirements of this article (other than submission and administrative requirements) or to grant a use variance. Such actions shall require a variance by the Zoning Hearing Board.

F. Site analysis.

1. Natural features analysis. In order to determine which specific areas of the total Planned Development site are best suited for higher-density development, which areas are best suited for lower-density development and which areas should be preserved in their natural state as open space areas, a thorough analysis of the natural features of the site is required. The following subject categories must be included in this analysis:
  - a. Hydrology. Analysis of natural drainage patterns and water resources including an analysis of streams, natural drainage swales, ponds or lakes, wetlands, floodplain areas, permanent and seasonal high water table areas.
  - b. Geological. Analysis of characteristics of rock formations underlying the site including defining aquifers (particularly those locally subject to pollution) and shallow bedrock areas.
  - c. Soils. Analysis of types of soils present in the site area, based upon the County Soil Survey or a more detailed professional study.
  - d. Topography. Analysis of slopes of site including mapping of areas over 25%, between 15% and 25% and between 12% and 15% slope.
  - e. Vegetation. Analysis of tree and plant cover of the site, emphasizing mature woodlands.
  - f. Micro-climate. Analysis of angles of strong sunlight and seasonal prevailing winds in specific areas of the Planned Development site.
2. Community impact analysis. In order to determine the impact of the proposed Planned Development upon the Township, an analysis of the potential affects of the Planned Development upon public facilities, utilities, roadway systems and public schools is required. A comparison of the projected costs to the Township and school district versus the revenues to the Township and school district produced by the Planned Development shall be included in the analysis.

G. Site design requirements.

1. Residential uses.
  - a. The results of the natural features analysis shall be considered in the siting of all dwelling unit structures.
  - b. Conventional siting practices such as building setbacks from streets and minimum

distances between buildings may be varied in order to produce attractive and interesting arrangement of buildings.

- c. Dwelling unit structures shall be located and sited so as to promote pedestrian and visual access to common open space wherever possible. No parking or parking structures shall be permitted on the front side of the building. Bicycle parking and storage facilities shall be provided for the use of residents and visitors.
- d. Dwelling unit structures shall be located and arranged so as to promote privacy for residents within the Planned Development and maintain privacy for residents adjacent to the Planned Development.
- e. Buildings other than single-family detached dwellings and their accessory structures shall be set back a minimum of 100 feet from the lot line of an existing single-family detached dwelling. All principal buildings shall be set back a minimum of 50 feet from all exterior lot lines of the Planned Development.
- f. No structure shall be located within 20 feet of the right-of-way of a street within the Planned Development.

2. Commercial uses.

- a. Any commercial uses shall be located in a single area of the Planned Development site, and this area including parking areas shall not exceed 5% of the total area of the Planned Development.
- b. The applicant shall prove to the clear satisfaction of the Board of Supervisors, considering review by the Planning Commission, that any principal nonresidential uses will:
  - i. Be located to minimize traffic congestion and safety conflicts on public roads;
  - ii. Be compatible with existing and proposed residential uses; and
  - iii. Be served by a well-coordinated system for traffic access.
- c. Signs for commercial uses are permitted, subject to the following restrictions:
  - i. A single sign for the commercial center is permitted. Such signs shall be limited to a height of six feet with a total area of 30 square feet.
  - ii. Signs for individual uses shall be permitted on the building, which shall be not more than 30 square feet in area, and shall be mounted flush on the building. Freestanding signs for individual uses are prohibited.
  - iii. Signs may be illuminated by shielded floodlights, provided such lighting is designed and located so as to direct light upon the sign and not an adjacent residence. Lights of signs shall be illuminated only during times when nonresidential uses are open to the public.
  - iv. No sign shall be permitted that is prohibited by this Ordinance.

- d. Bicycle parking and storage facilities shall be provided for the use of customers and visitors.

3. Common open space.

- a. The location, shape, size and character of the common open space shall be provided in a manner consistent with the objectives of the Planned Development provisions of the Pennsylvania Municipalities Planning Code and in full consideration of the natural features analysis.
- b. Uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering its natural features, size, land use intensity, potential population and the number and types of dwelling units to be developed.
- c. Whenever possible, common open space shall be designed as a contiguous area interspersed with residential areas with pedestrian and visual access available to most residents of the Planned Development.
- d. Significant natural features such as woodland areas, large trees, natural watercourses and bodies of water, rock outcroppings and scenic views shall be incorporated into common open space areas whenever possible. Provided, however, that no less than 25% of the total common open space area shall be suitable for intensive use as an active recreation area.
- e. Development of the Planned Development must be planned so as to coordinate the establishment of common open space areas and the construction of dwelling units.

4. Parking.

- a. Except as otherwise approved by the Board of Supervisors, after review by the Planning Commission, the Planned Development shall meet the parking requirements of this chapter. In the case of a Planned Development where the conversion of garage areas to other uses is strictly prohibited by deed restriction, each garage space may be counted as one off-street parking space in addition to each driveway space, regardless of the type of residential unit served. All parking shall be in the rear or side.
- b. Parking areas of three or more spaces shall:
  - i. Be screened from streets exterior to the Planned Development by hedges, dense planting, earth berms or changes in grade or walls;
  - ii. Shall be a minimum of 15 feet from all dwellings and collector, connector and arterial street rights-of-way;
  - iii. Except as otherwise approved by the Board of Supervisors, after review by the Planning Commission, no more than 60 parking spaces shall be accommodated in any single parking area.

5. Lighting.

- a. All streets, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted after dark. All such lighting shall be designed and located so as to direct light away from adjacent residences.
  - b. Appropriate lighting fixtures shall be provided for outdoor walkways, steps and handicapped ramps. Such lighting shall be designed and located so as to direct light away from adjacent residences.
6. Soil erosion and storm drainage.
  - a. The Planned Development shall be designed and constructed so as to minimize site clearance and earthmoving. The results of the natural features analysis be taken into account in determining areas suitable for site clearance and earthmoving.
  - b. The erosion control requirements of PA DEP and Chapter 165, Subdivision and Land Development, shall be complied with.
  - c. Stormwater management shall comply with Township Stormwater Management Ordinances.
7. Tree preservation and landscaping.
  - a. Except as otherwise approved by the Board of Supervisors, considering review by the Planning Commission and the Shade Tree Commission, tree preservation and landscaping provisions of this chapter and Chapter 165, Subdivision and Land Development, shall apply. Where extensive natural tree cover and vegetation does not exist and cannot be preserved on the Planned Development site, appropriate landscaping shall be planted to enhance the appearance of the Planned Development, aid in erosion control, provide protection from wind and sun, screen streets and parking areas and enhance the privacy of dwelling units.
  - b. Existing trees shall be preserved wherever possible. The protection of trees six inches or more in diameter (measured at a height 3.5 feet above the original grade) shall be a factor in determining the location of open spaces, structures, underground utilities, walks and paved areas. Areas in which trees are preserved shall remain at original grade level and undisturbed wherever possible.
8. Streets.
  - a. The street system of the Planned Development shall be designed so as to relate harmoniously with land uses within and adjacent to the Planned Development through the establishment of a hierarchy of roadway functions, to create a separation of automobile, bicycle, and pedestrian traffic through the coordinated design of streets, dwelling units, common open space areas, bike lanes, bike paths, and pedestrian walkways, to create efficient and safe connections with the existing street system of the Township in order to insure proper ingress and egress to and from the Planned Development and to minimize through traffic in residential areas.
  - b. In order to separate automobile, bicycle, and pedestrian circulation and to increase accessibility to common open space areas, bike lanes, bike paths, and pedestrian

walkways shall be provided. Curbs and sidewalks shall be required adjacent to streets in a Planned Development.

- c. Streets shall meet all standards of Chapter 165, Subdivision and Land Development, except that the Board of Supervisors may allow modifications in such requirements after receiving a written request from the applicant and after the applicant proves to the satisfaction of the Board of Supervisors that such modification is reasonable. The Planning Commission shall be given an opportunity to review such requests.
- d. A private common driveway may access multiple single-family attached dwelling units on a common lot. The private common driveway shall be designed with adequate provisions for sight distance, a minimum twenty-four-foot cartway width, center line radii, intersection curb return radii, all based on accepted guidelines as published by AASHTO, the Institute of Transportation Engineers, or other industry-recognized agencies. The private common driveway shall be posted with a speed limit of 20 miles per hour and shall have at least two points of access to another private common driveway or street. Where a private common driveway intersects a public street, the provisions of Chapter 165, Subdivision and Land Development, for clear sight triangles and intersection separation between local public streets shall apply.

H. Utilities. Underground provisions shall be made for telephone, internet, electric service, cable TV lines, and all other utilities.

I. Ownership/maintenance of common open space.

- 1. Organization. The developer shall make provisions which ensure that the common open space land shall continue as such and be properly maintained. The developer shall provide for and establish a homeowners' association or similar organization for the ownership, maintenance and preservation of open space which shall conform to the following standards and procedures:
  - a. The organization shall be established by the developer before the sale or rent of dwelling units in the Planned Development.
  - b. The form, financial capability, rules of membership and methods of cost assessment of the organization shall be in a form acceptable to the Township so as to adequately provide for the maintenance, preservation and improvement responsibilities of the organization.
  - c. The organization responsible for maintenance, preservation and improvement of common open space areas shall be the sole owner of the common open space lands.
  - d. The organization shall hire adequate staff or contractors to administer and maintain common facilities and open space.
  - e. Such organization shall meet all applicable state law.
- 2. Failure of organization to perform properly Section 705(f) of the Pennsylvania Municipalities Planning Code, as amended, or its successor section, is hereby included by reference.
- 3. Payment of maintenance costs of Township. Section 705(f) of the Pennsylvania Municipalities Planning Code, as amended, or its successor section, is hereby included by reference.

4. Public dedication of common open space. In place of establishing a homeowner association, the Board of Supervisors may approve other methods of owning and maintaining the common open space, such as dedication to the Township, Northampton County or the Easton Area School District as public recreation land. However, such method shall not be approved unless such entity agrees in writing to own and maintain such land in perpetuity as public recreation land. Such actual dedication shall not occur until such entity takes formal action to accept the dedication.
- J. Development in phases. A Planned Development may be developed in phases if the applicant proves that the following standards are met:
1. The location and order of each phase is clearly marked on the development plan.
  2. At least 10% of the dwelling units in the development plan are included in the first phase.
  3. At least 50% of the dwelling units in the Planned Development shall be rented or sold before any commercial development is completed.
  4. All phases shall be completed consistent with the development plan and shall be of such size and location that they constitute economically sound units of development.
  5. Each proposed phase (including but not limited to its utilities, open space, density and transportation system) shall be able to properly function if other phases of the Planned Development are not completed.
- K. Procedures. Preliminary and final plans for a Planned Development shall each be reviewed by the Township Planning Commission and be subject to approval, conditional approval or denial by the Board of Supervisors.
1. Preapplication consultation. Prior to the preparation and submission of an application for Tentative Approval, a preapplication consultation meeting should be held with the Township Planning Commission by the prospective applicant for tentative approval. The purpose of the informal meeting is to discuss the general intent of the landowner, to consider relationships with adjacent neighborhoods and streets, and to discuss possible modifications of Township requirements. No comment or statement concerning a review at this time shall be binding on the Township. The applicant should submit a conceptual sketch plan that follows the standards listed in Chapter 165, Subdivision and Land Development, for a sketch plan.
  2. Application for tentative approval.
    - a. An application for tentative approval on a form prescribed by the Township shall be executed by or on behalf of the landowner and filed with the Township. A tentative Planned Development approval shall take the place of a "preliminary plan approval" under Chapter 165, Subdivision and Land Development. Unless stated otherwise in a Township fee resolution, the same amounts and procedures for payment of fees and costs shall apply for a Planned Development as would apply to a subdivision including the same amount of development.
    - b. The application for tentative approval shall be accompanied by and include plans, documents and studies which contain or illustrate the following information:



- i. The location, size and topography of the Planned Development site and the proposed name of the Planned Development.
- ii. The nature of the landowner's and developer's interest in the Planned Development, with addresses of such persons.
- iii. The proposed land use areas within the Planned Development distinguishing between types of residential, nonresidential and open space uses.
- iv. The land use density of each land use within the Planned Development and the average gross residential density for the entire Planned Development.
- v. The use and approximate height, bulk and location of existing and proposed buildings and other structures.
- vi. The location, function, size, ownership, proposed facilities and entity to be responsible for maintenance of the common open space.
- vii. The location, rights-of-way and cartway widths of existing and proposed streets and the location and capacity of areas for the parking of vehicles.
- viii. The feasibility of proposals for water supply and sanitary sewage and stormwater disposition systems.
- ix. The proposed location of all utility lines, bike lanes, and pedestrian walkways.
- x. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of land, buildings and structures, including proposed grants and/or easements for common open space areas and public utilities and the legal form of provision thereof.
- xi. In the case of plans which call for development in phases, a schedule showing the approximate time within which applications for final approval of each phase of the Planned Development are intended to be filed and the approximate number of dwelling units, types of dwelling units and gross residential density for each type of dwelling unit planned for each phase. The schedule shall be updated annually on the anniversary of submission for tentative approval.
- xii. A site map or maps at one inch equals 100 feet (or such other scale as may be preapproved by the Township Engineer) delineating the hydrology, geology, soils, topography and vegetation of the site. The combined impact of the natural features upon the development potential of each specific area of the site shall be clearly illustrated on the map or maps at the same scale as the required site plan.
- xiii. The community impact analysis.
- xiv. A site plan of one inch equals 50 feet (or at such other scale as may be preapproved by the Township Engineer) showing contour lines at vertical intervals preapproved by the Township Engineer.

- xv. Approximate location, size and material of all sanitary sewer, water supply and storm drainage system lines and proposed connections to existing public facilities.
  - xvi. A plan at one inch equals 800 feet, or at such other scale as may be preapproved by the Township Engineer, illustrating the relation of the proposed Planned Development to the surrounding area and all existing developments within 1,000 feet of the Planned Development.
  - xvii. In the case of plans which call for development in phases, a plan at one inch equals 100 feet or at such other scale as may be preapproved by the Township Engineer, delineating each phase or section of the Planned Development consecutively numbered so as to illustrate phasing of development.
  - xviii. A written statement by the developer setting forth the reasons why, in his/her opinion, the Planned Development would be more in the public interest than conventional development of the tract.
  - xix. Such other plans, maps, studies and documentation which may be required to comply with the terms of this section or which the Township may reasonably request at any phase in the proceedings to determine compliance with Township ordinances.
  - xx. North arrow, graphic scale, date of submission and date and description of revisions.
- c. Planning Commission review. One copy of every application for tentative approval received by the Township shall be promptly forwarded to the Township Planning Commission and to the Lehigh Valley Planning Commission (LVPC) for study and recommendation. Any report and recommendation received from the Township Planning Commission or the LVPC shall forthwith be made available to the landowner. Any recommendation of the Township Planning Commission or LVPC shall be advisory and the failure of either of said Commissions to furnish a recommendation shall not give rise to any resummptions or inferences.
  - d. Public hearing. Section 708 of the Pennsylvania Municipalities Planning Code, as amended, or its successor section, is hereby included by reference.
  - e. Tentative decision and findings. Section 709 of the Pennsylvania Municipalities Planning Code, as amended, or its successor section, is hereby included by reference. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, for the denial and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest including but not limited to findings of fact and conclusions on the following:
    - i. In those respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the Township.

- ii. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property including, but not limited to, density, bulk and use and the reasons why departures are or are not deemed to be in the public interest.
  - iii. The purpose, location and amount of the common open space in the Planned Development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
  - iv. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic and further the amenities of light and air, recreation and visual enjoyment.
  - v. The relationship, beneficial or adverse, of the proposed Planned Development to the neighborhood in which it is proposed to be established.
  - vi. The sufficiency of terms and conditions to protect the interests of the public and the residents of the Planned Development in the integrity of the development plan and to make sure that portions of the development will properly function, with appropriate amenities, even if later portions are not completed.
- f. Timetable for filing final approval. Section 709(c) of the Pennsylvania Municipalities Planning Code, as amended, or its successor section is hereby included by reference. Tentative approval shall not by itself authorize the construction of streets, utilities or buildings.
- g. Status of plan after tentative approval. Section 710 of the Pennsylvania Municipalities Planning Code, as amended, or its successor section is hereby included by reference.
- h. Application for final approval.
- i. Section 711 of the Pennsylvania Municipalities Planning Code, as amended, or its successor section, is hereby included by reference.
  - ii. The application for final Planned Development approval shall include a final plan at a scale of 50 feet to the inch or other scale preapproved by the Township Engineer. If the final plan is drawn in two or more sections, a key map showing the location of the several sections shall be placed on each sheet. The final plan shall meet all requirements of a final major subdivision plan, as stated in Chapter 165, Subdivision and Land Development, and shall also include all plan information required for the tentative Planned Development plan. In addition, the final Planned Development plan shall include the following:
    - i. Source of title to the land of the development as shown by the records in the Recorder of Deed's office.

- ii. Total acreage of development, land uses in each area, total number of buildings and dwelling units, number of each type of dwelling unit, average residential density in total and in each section.
  - iii. Building coverage lines accurately locating all types of dwelling units and nonresidential buildings and structures, giving dimensions of the buildings and structures, distances between buildings and structures, distances to street right-of-way lines and parking areas, with distances accurate to the nearest hundredth of a foot.
  - iv. Accurate dimensions of common open space areas specifically indicating those areas to be preserved in their natural state and those areas to be developed for active recreation. Where common open space areas are to be developed, the exact location of structures in common open space areas shall be illustrated.
  - v. Tentative architectural sketches of the front facades of all proposed types of buildings. If variations are proposed of a single style, a typical design may be presented. Such sketches shall not be the basis of a denial of a Planned Development.
- iii. In the case of a Planned Development proposed to be developed in phases, a final plan may be submitted for the section for which final approval is being sought.
- iv. The final plan shall be accompanied by the following materials:
- i. Final drawings for the installation of all improvements.
  - ii. All covenants running with the land governing the reservation and maintenance of dedicated or undedicated open space land. These matters shall be subject to legal review and acceptance by the Township Solicitor.
  - iii. Restrictions of all types which will run with the land and become covenants in the deeds of lots shown on the final plan.
  - iv. Such certificate of approval by authorities as have been required in this chapter, including certificates approving the water supply system and the sanitary sewer system.
- v. A Planned Development shall meet all of the same financial security requirements as any other subdivision, as provided in Chapter 165, Subdivision and Land Development.
- i. Procedure after application for final approval. Section 711 of the Pennsylvania Municipalities Planning Code, as amended, or its successor section is hereby included by reference.

L. Enforcement and modifications.

Section 712.2 of the Pennsylvania Municipalities Planning Code, as amended, or its successor section, is hereby included by reference.

1. Enforcement. To further the mutual interest of the residents of the Planned Development and of the public in the preservation of the integrity of the approved development plan and to ensure that any modifications in the development plan shall not impair the reasonable reliance of the said residents upon the provisions of the development plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the development plan as finally approved, whether those are recorded by plat, covenant, easement or otherwise, shall be subject to the following provisions:
  - a. The provisions of the development plan relating to:
    - i. The use, bulk and location of buildings and structures,
    - ii. The quantity and location of common open space, except as otherwise provided in this chapter; and
    - iii. The intensity of use or the density of residential units shall run in favor of the Township and shall be enforceable in law or in equity by the Township, without limitation on any powers of regulation otherwise granted the Township by law.
  - b. All provisions of the development plan shall run in favor of the residents of the Planned Development but only to the extent expressly provided in the development plan and in accordance with the terms of the development plan and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced by law or equity by said residents acting individually, jointly or through an organization designated in the development plan to act on their behalf; provided, however, that no provisions of the development plan shall be implied to exist in favor of residents of the Planned Development except as to those portions of the development plan which have received final approval and been recorded.
2. Modifications. All those provisions of the development plan authorized to be enforced by the Township under this section may be modified, removed or released by the Township, except grants or easements relating to the service or equipment of a public utility, subject to the following conditions:
3. No such modification, removal or release of the provisions of the development plan by the Township shall affect the rights of the residents of the Planned Development to maintain and enforce those provisions, at law or in equity, as provided in this section.
4. No modification, removal or release of the provisions of the development plan by the Township shall be permitted except upon a finding by the Board of Supervisors, following a public hearing thereon pursuant to public notice called and held in accordance with the provisions of this article, that the same is consistent with the efficient development and preservation of the entire Planned Development, does not adversely affect either the enjoyment of land abutting upon or across the street from the Planned Development or the public interest and is not granted solely to confer a special benefit upon any person.

5. Residents of the Planned Development may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove or release their rights to enforce the provisions of the development plan, but no such action shall by itself affect the right of the Township to enforce the provisions of the development plan in accordance with the provisions of this section.

**§ 190-961. Recycling collection center.**

- A. Materials to be collected shall be of the same general character as the following materials: paper, cardboard, aluminum, fabric and glass, yard waste, and scrap metal.
- B. All materials shall be kept in Township-approved containers, with sanitary measures to prevent the attraction of insects or rodents and to avoid any fire hazards.
- C. Such facility shall have adequate provision for servicing by trucks and off-street parking.
- D. A twenty (20) foot-wide buffer yard with screening as described in § 190-804 (Special Lot and Yard Requirements, Sight Distance and Buffer Yards) shall be provided between this use and any directly abutting residence or LDR, MDR or HDR District.
- E. This use may be an accessory use to a commercial use, a municipal use, or a place of worship, subject to the limitations of this section.

**§ 190-962. Research, development, engineering or testing laboratory.**

- A. No use shall be permitted that:
  1. Creates dangerous, injurious or noxious conditions or fire, explosive or toxic hazards.
  2. Does not comply with federal or state regulations regarding storage or disposal of hazardous materials or wastes, as defined by the United States Environmental Protection Agency.
- B. All storage of explosive or hazardous substances or gases shall comply fully with the standards of the National Fire Protection Association.
- C. The Board of Supervisors shall require the applicant to provide evidence of compliance with all current regulatory requirements.

**§ 190-963. Residential accessory structure or use.**

The following, and closely related uses, are permitted residential accessory structures or uses in all districts, provided that all of the requirements of this section are "complied with." See also the definition of "accessory use."

- A. Accessory Structure (including private vehicle garage).
  1. No accessory structure shall be located within a required front yard or within a required side or rear yard for an accessory use.

2. Accessory structures may be located as follows, within the other requirements of this ordinance:
  - a. An accessory structure to a principally residential use on a lot of less than two acres shall:
    - i. Have a maximum height of 15 feet.
    - ii. Have a total maximum floor area equal to 10% of the total lot area of the lot or 800 square feet, whichever is more restrictive.
  - b. On any lot of less than 30,000 square feet within an LDR, MDR or HDR District, no more than two accessory structures shall be permitted.
- B. Garage sale.
- C. Non-household swimming pools.
- D. Keeping of pets.
- E. Fences, walls and hedges.
- F. Day care, child as an accessory use.
- G. Home gardening or greenhouse.
- H. Storage of a recreational vehicle.
- I. Windmill.
- J. Farm pond.
- K. Tennis court.
- L. Satellite antenna.
- M. Amateur radio antennas. These shall be limited to federally licensed operators and shall be set back one foot from lot lines for each foot of total height above ground level over 40 feet, up to a maximum height of 75 feet in a residential district.
- N. Patios. See § 190-804.
- O. Unit for care of relative.
- P. Decks. See § 190-804 for projections into yard setbacks.
- Q. Skateboard ramps, bicycle ramps and similar ramps for sports or athletics.
  1. Any such ramp that is on a residential lot shall meet the following requirements:
    - a. Shall be set back a minimum of 10 feet from any residential lot line (see definition in Article II).
    - b. Shall have a maximum height of five feet.
    - c. Shall have a maximum length of 15 feet.
    - d. Shall not require a zoning permit.
    - e. Shall not be used in a way that a nuisance is created to neighboring residents.

- f. Shall not be located within the required front yard, unless the ramp is clearly portable and regularly moved indoors when not in use.
- 2. The owner of the property shall be responsible to ensure that standard safety measures are used. The Township does not assume responsibility to review the safety of the ramp to users of the ramp or spectators.

**§ 190-964. Restaurant, quick-service.**

- A. Required off-street parking for the restaurant shall be clearly designated and shall be located within three hundred (300) feet of the entrance to the restaurant.
- B. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. Dumpsters and/or service areas shall not be located in the front lot line and the front facade of the principal structure.
- C. Outdoor storage of materials shall not be permitted.
- D. The use must have direct access to a collector or arterial street.
- E. A pedestrian walkway shall be provided between the existing sidewalk and the entrance of the restaurant.
- F. Accessory drive-through facilities shall comply with § 190-924 Drive-through Facility.
- G. A minimum of ten (10) stacking spaces shall be provided for each drive-through lane.
- H. Stacking shall not interfere with the normal traffic flow within the lot, nor shall it cause the stopping of vehicles on any public right-of way.
- I. A maximum of two outdoor menu boards are permitted, beyond the signs normally permitted. The total of each outdoor menu board (digital or non-digital) shall not exceed a maximum sign area of 40 square feet.

**§ 190-965. Restaurant, sit-down.**

- A. Required off-street parking for the restaurant shall be clearly designated and shall be located within three hundred (300) feet of the entrance to the restaurant.
- B. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. Dumpsters and/or service areas shall not be between the front lot line and the front facade of the principal structure.
- C. Outdoor storage of materials shall not be permitted.
- D. The use must have direct access to a collector or arterial street.
- E. A pedestrian walkway shall be provided between the existing sidewalk and the entrance of the restaurant.



**§ 190-966. School, commercial.**

- A. No structure shall be located nearer than one hundred (100) feet from any residential property line.
- B. The minimum lot area shall be ten (10) acres, plus one acre for each one hundred (100) students of projected maximum enrollment of the school.
- C. Parking areas shall be adequately screened when situated next to lands zoned for or in residential use.
- D. Commercial schools involving the operation of machinery and/or vehicles as part of the curriculum shall meet the following provisions:
  - 1. All repair and paint work shall be performed within an enclosed building.
  - 2. All provisions shall be made to prevent noise, odor, vibration, light or electrical interference to adjacent lots.
  - 3. Outdoor storage of vehicle/machine parts and junk shall be prohibited.
  - 4. Service bay doors shall not face abutting existing primarily residential uses, unless an earthen planting berm of a minimum of three and one-half (3.5) feet in height is provided in between the service bay(s) and the residential uses. The berm shall be landscaped with plants providing four (4) seasons of tree and shrub cover.
  - 5. The facility shall have its principal traffic access to a public street with sufficient capacity to handle the traffic generated by the proposed use or shall provide improvements to meet such capacity.
  - 6. A traffic study shall be required and prepared for the proposed use.

**§ 190-967. School, public or private.**

- A. The minimum tract area shall be ten (10) acres. In the event that the tract area of a site falls below the minimum tract requirement, then a land development approval must be obtained from the Board of Supervisors. The tract area shall comply with all applicable school building standards within 22 Pa. Code, Chapter 349, as amended.
- B. Access to and from the proposed site shall be onto an arterial or collector road as defined by the Official Street Classification Map or via a route to an arterial or collector road as approved by the Township.
- C. An outdoor play area shall be provided at a rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five feet (25') from all property lines. Outdoor play areas shall be completely enclosed by a six (6) foot high fence and screened from adjoining residentially zoned properties. Any vegetative materials located within the outdoor play areas shall not be of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilion(s). Accessory uses and/or structures may be located on separate lots within the primary tract.

- D. The tract shall provide for off-street bus management and vehicular drop-off areas to accommodate the delivery and pick-up of students at the site as set forth on a plan reviewed by the Township Engineer and ultimately approved by the Township.
- E. Adequate provisions for pedestrian and bicycle access to the site shall be provided to the satisfaction of the Township.
- F. Any vehicle maintenance area shall meet the following requirements:
  - 1. All repair and paint work shall be performed within an enclosed building.
  - 2. All provisions shall be made to prevent noise, odor, vibration, light or electrical interference to adjacent lots.
  - 3. Outdoor storage of autos and other vehicles shall only be in back of the front yard line and shall be no closer than twenty (20) feet to side and rear lot lines.
  - 4. Outdoor storage of auto parts and junk shall be prohibited.
  - 5. Service bay doors shall not face abutting existing primarily residential uses, unless an earthen planting berm of a minimum of three and one-half (3.5) feet in height is provided in between the service bay(s) and the residential uses. The berm shall be landscaped with plants providing four (4) seasons of tree and shrub cover.
- G. To the extent the applicant proposes any storage of materials as an accessory use, the applicant must comply with the off- street loading requirements set forth in § 190-605 (Off-Street Loading) of this ordinance.

**§ 190-968. Self-storage development.**

- A. Outdoor storage shall be limited to recreational vehicles, campers and boats on trailers parked on paved areas. All such items stored out of doors must be licensed and inspected (if applicable).
- B. Trash, garbage, refuse, explosive or flammable materials, hazardous substances, animal, animal carcasses or skins, or similar items shall not be stored, except for garbage that is generated on-site.
- C. No items or vehicles shall be stored in interior traffic aisles, off-street parking areas, loading areas or driveway areas.
- D. Commercial repairing of boats, vehicles, trailers, lawn mowers or any similar equipment shall not be permitted, unless such use is also permitted.
- E. Adequate lighting shall be provided to illuminate the area but directed away or shielded to direct light away from adjacent uses. Such lighting shall meet the provisions of § 190-513 (Light and Glare Control) and any other applicable provisions in the Township Code.
- F. All outdoor storage areas shall be adequately screened from view from arterial streets, collector streets and residential lot lines. Such lighting shall meet the provisions of § 190-804 (Special Lot and Yard Requirements, Sight Distance and Buffer Yards) and any other applicable provisions in the Township Code

**§ 190-969. Shopping center.**

- A. The use shall front on an arterial street.
- B. Additional area and bulk regulations shall be as follows:
  - 1. Lot area: five (5) acres minimum.
  - 2. Side yard setback: one hundred (100) feet minimum from the lot line of an existing residential use.
- C. The site shall utilize interior access drives to the greatest extent possible to minimize the number of driveways entering onto an arterial street. The applicant shall prove that all proposed driveways are placed in the most logical and reasonable locations, considering impacts upon abutting streets and on nearby residential uses. The Board of Supervisors may require that no new traffic access that would involve left-hand turns onto and off an arterial street shall be permitted if reasonable access could be provided using another street deemed adequate by the Board of Supervisors, except at an intersection where a traffic signal exists or will be provided as part of the shopping center use.
- D. Pedestrian walkways shall be provided in the exterior most sidewalk on the lot and the facade of the principal structure, as well as between parking aisles.
- E. Accessible, covered pedestrian walkways shall be provided linking buildings in a shopping center. Pedestrian oriented projecting signs shall be provided for patrons to identify businesses from within the walkway, in accordance with Article VII Signs.
- F. No loading areas or dumpsters shall be provided within the required front yard area. Trash dumpsters shall be well screened from view of streets or dwellings by appropriate evergreen planting, fencing or walls.
- G. Buffer yards shall be provided in accordance with § 190-804 (Special Lot and Yard Requirements, Sight Distance and Buffer Yards).

**§ 190-970. Short-term rental.**

- A. The household must be the permanent address of the owner or lessee and the owner or lessee must occupy the household for at least six (6) months of the calendar year. The owner or lessee shall register as a short-term rental with the Township.
- B. An owner or lessee of the household may provide short-term rentals up to six (6) times in one calendar year, whereas the maximum total number of days short-term rental activity shall be permitted to occur per dwelling unit shall not exceed of thirty (30) calendar days in one calendar year.
- C. The short-term rental shall not permit more than two (2) persons to occupy one (1) bedroom.
- D. If the short-term rental pertains specifically to couches, the short-term rental shall not permit more than one (1) house guest to occupy one (1) couch. Additionally, if the short-term rental does not offer private sleeping quarters, then the house guest shall be limited to one (1) per household at a time.

- E. All activity at the short-term rental shall be subject to enforcement of the Township’s noise-, nuisance- and property maintenance-related ordinances. Any noise caused by the house guests that disturbs the neighboring households shall not be permitted, and if the house or house guest is convicted by the police for any disturbance(s) of the peace, the owner or lessee shall not be permitted to continue to offer short-term rentals.
- F. Within the context of short-term rentals, a meeting room shall refer to the location within the dwelling unit where a house guest(s) gathers for personal and/or professional purposes.
- G. The short-term rental shall provide one (1) off-street parking space per bedroom available for rental.

**§ 190-971. Single-family attached dwelling (townhouse)**

- A. The following provisions apply to Single-family attached dwelling (townhouse) within Zoning Districts where permitted:
  - 1. Terms. For the purpose of this subsection, the term "townhouse" shall refer to single-family attached dwelling uses.
  - 2. Minimum tract area. Townhouses shall have a minimum tract area of 21,000 square feet.
  - 3. Vehicular parking setback. See § 190-603.G (Parking Lot Setbacks). Off-street parking shall not be permitted within the front yard area of a lot and shall be located to the rear or side of the principal structure. No off-street parking areas shall be permitted between the principal structure and the public street. Bicycle parking and storage facilities shall be provided for the use of residents and visitors.
  - 4. Principal building separation. All principal buildings shall be separated from any other principal building by a minimum of thirty (30) feet and a minimum average of forty (40) feet. A building may include multiple dwelling units.
  - 5. Maximum density.
    - a. Site capacity calculation. The maximum total density of a townhouse development shall be determined as follows. If an area of land would have more than one characteristic stated in Subsection 5(a)(1) through (7) below, it shall only be deleted once. All land areas shall be stated in hundredths of an acre.
      - i. The total lot area of all lots within the tract, not including existing rights-of-way of existing public streets.  

= \_\_\_\_\_ acres
      - ii. Delete future rights-of-way abutting existing public streets that are required to be dedicated.  

- \_\_\_\_\_ acres

Areas voluntarily dedicated for an improvement to a public street that are not required by PennDOT or the Township but that the Board of Supervisors determines will serve a substantial public need are not required to be deleted from the buildable area of the tract.

Rights-of-way of proposed streets are not required to be deleted from the buildable area of the tract, except as specified above.

- iii. Delete areas of more than one thousand (1,000) square feet with existing natural slopes of fifteen percent (15%) or greater.

- \_\_\_\_\_ acres

- iv. Delete areas within the one-hundred-year floodplain, according to official FEMA/FIA maps or a detailed study using accepted hydraulic modeling techniques which meets all requirements listed in § 190-506.

- \_\_\_\_\_ acres

- v. Delete areas proposed to be used for any principal uses other than townhouses or common open space.

- \_\_\_\_\_ acres

- vi. Delete areas to be dedicated to the Township as public open space.

- \_\_\_\_\_ acres

- vii. Delete areas within existing surface utility or stormwater rights-of-way or easements, such as overhead electric transmission rights-of-way, existing stormwater management facilities and/or drainage swales. Existing underground utility and drainage easements are not required to be deleted from the buildable area of the tract.

- \_\_\_\_\_ acres

- viii. Equals the "buildable area of the tract."

= \_\_\_\_\_ acres

- ix. To determine the maximum total permitted number of new and existing townhouse dwelling units permitted within the tract, multiply the buildable area of the tract by the following:

- x. Townhouse density: six dwelling units per acre of buildable area of the tract

= \_\_\_\_\_

permitted dwelling units

- b. Flexibility in placement. The total number of dwelling units allowed on the tract may be placed at any appropriate locations within the buildable area of the tract within the setback and other provisions of this ordinance. However, no single acre of land shall include more than twelve (12) dwelling units, once streets and dedicated common open space are deleted from the lot area.
  - c. In calculating the allowable overall density, land which is capable of further development or subdivision for additional dwellings shall not be counted unless the possibility of such development or subdivision is precluded by one of the following methods:
    - i. Deed restriction or agreement in form acceptable to the Township Solicitor and duly recorded in the Office of the Recorder of Deeds of Northampton County.
    - ii. Transfer of development rights to the Township.
    - iii. Dedication for public purposes or permanent open space to serve the development.
  - d. Condominiums and lots. The division of land into individual lots is not required. This allows the development of condominium and townhouses. However, any condominium development or conversion to condominium ownership shall follow the requirements and processes of the Township Subdivision and Land Development Ordinance.
  - e. Condominiums and streets. In any development of or conversion to condominiums, the Township shall reserve the right to require all roads and major driveways to be constructed or improved to Township standards and dedicated to the Township. The responsibility of maintaining interior roads and major driveways should not be given to a homeowner association, unless there are adequate safeguards.
6. Maximum height. Maximum building height shall be thirty-five (35) feet or 2.5 stories, whichever is more restrictive. Pitched roofs with a slope of five (5) inches vertical for every twelve (12) inches horizontal or greater and variations in rooflines of structures are strongly encouraged for the purpose of variety.
7. Buffer yard. A buffer yard with screening shall be required, as described in § 190-804.D (Buffer Yards), between any townhouse principal building and any abutting existing single-family detached dwelling that would be within one hundred twenty (120) feet of a townhouse building. The buffer yard shall be the responsibility of the developer of the townhouses.
8. Accessory uses and structures.
- a. The accessory use provisions of § 190-402 (Accessory uses permitted by right, by condition, or by special exception) and § 190-904 (Specific regulations for principal and accessory conditional and special exception uses) shall apply.
  - b. The intent is to carefully avoid incompatible structures in a high-density environment.

- c. Garages or carports for the storage of private automobiles are a permitted by right accessory use, provided that such structures are architecturally compatible with the principal buildings.
  - d. The developer shall state whether any deed restrictions or similar restrictions will be established to control the design of any detached accessory buildings and fences. Such controls are strongly encouraged.
  - e. Accessory structures may be placed a minimum of one foot from the lot line along which dwellings are attached. Fences may be located on a lot line.
9. Homeowners' and/or condominium agreements. If any dwelling units are to be sold under homeowners' and/or condominium agreements, such agreements or documents shall be reviewed by the Township Solicitor and approved by the Board of Supervisors prior to recording and filed with the subdivision or land development plan. It is strongly recommended that any such agreements include restrictions requiring any fencing or garages to be compatible with the overall design.
10. Maximum impervious coverage shall be seventy percent (70%), based upon the entire tract. For the purpose of this section, active recreational facilities such as tennis or basketball courts shall not be limited by the maximum impervious coverage regulation. However, such areas shall still be considered impervious for the purposes of managing stormwater runoff.
11. Maximum length of building. The maximum length of a townhouse building shall be one hundred sixty (160) feet, with no more than four (4) dwelling units attached. As used in this section, "building length" means the horizontal measurement of any building length from any one end to any other end, without regard to offsets but without including diagonal measurements. At a minimum, factors to be incorporated into design include articulation in roofline and pitch, dormers or other similar features, and alternating facade materials (e.g., stone, brick, and wood). Also, a minimum of fifty percent (50%) of all dwellings shall have a front entrance articulated with a covered porch entry. The size of the front porch shall be a minimum of five (5) feet deep from the front wall of the dwelling to the enclosing porch rail and ten (10) feet long. The applicant may provide an alternative design as part of the application that meets the intent of this standard.
12. Changes in facade. No more than two (2) adjacent townhouses in any townhouse building shall have the same front wall plane. The minimum variation or offset of the front wall plane shall be two (2) feet. A visual structural break in the roofline or front facade shall be provided between every two townhouse units.
13. External property line building setback. Townhouse buildings and their permitted accessory structures shall be setback from all exterior lot lines of a tract a minimum distance of thirty (30) feet, except a minimum distance of eighty (80) feet shall be required from the lot line of an existing single-family detached dwelling.
14. Building setback from public or private streets. All principal and accessory buildings and carports of townhouse buildings shall have a minimum of ten (10) feet setback from the street right-of-way line of proposed and existing streets where parking is located to the rear or side of the principal structure. Where parking is proposed to be located to the front of the principal building, the front yard setback shall be a minimum of thirty (30) feet from the street right-of-

way line of proposed and existing streets. If right-of-way is not established for a street, then setbacks shall be measured from the edge of the cartway.

15. Minimum width of townhouses. Each townhouse dwelling unit shall have a minimum width of twenty-eight (28) feet.
16. Minimum private area. For each townhouse, there shall be a yard immediately adjacent to the front and back of the unit and including the side for end units. Each dwelling shall be provided an area of not less than two hundred (200) square feet for the exclusive use of the occupants of that dwelling. Within the yard area described above, a balcony, patio, porch, deck or other similar outdoor area shall be provided for each dwelling. If a development is subdivided into lots, the same private area requirement shall apply in determining the minimum size of the lot; however, the minimum lot area shall not be less than three thousand (3,000) square feet. Design measures shall be used to seek an appropriate level of privacy in any rear yards. Such measures might include landscaped screening, compatible fencing and earth berming. The intent is to avoid the placement of incompatible fencing by individual lot owners in the future. If a townhouse includes an individual fee-simple lot of over one thousand two hundred (1,200) square feet, then such private area is not required to be specifically designated on plans.
17. Minimum recreation and open space land. See Subdivision and Land Development Ordinance.
18. Open space maintenance. See Subdivision and Land Development Ordinance.
19. Private streets. All interior streets and accessways serving more than five (5) dwelling units but not including parking courts shall be built to Township construction standards for public streets, regardless of whether the streets or accessways will be dedicated to the Township. However, the Board of Supervisors may allow widths of a cartway and a right-of-way of any private street or accessway to be narrower than is required for a public street, provided that a private street providing direct or indirect access to twenty (20) or more dwellings shall have a minimum width of twenty-four (24) feet and garages, carports or parking areas are located to the side or rear of the principal structure.
20. Architectural renderings required. Preliminary architectural renderings shall be required of the front facades of any townhouse development.
21. Preservation of natural buffers. See § 190-804.D(3)(c) (Preservation of existing vegetation or slopes).
22. Architectural variety. A variety of complimentary designs are encouraged among clusters of buildings within larger developments. Extreme changes of facades among attached townhouse units are discouraged.
23. Mailboxes. Due to the density and compact design of townhouse developments, mailboxes should be located either on the facade of the dwelling unit (where permitted by the United States Postal Service) or within a common kiosk or enclosed structure. Individual freestanding mailboxes at the curbside are discouraged.
24. Access. Vehicular access points onto all minor arterial and collector streets shall be minimized to the lowest number possible.



25. Visitor/overflow parking areas.

- a. Design. The off-street parking area(s) shall be provided in addition to the minimum off-street parking spaces required for each individual dwelling unit. The visitor/overflow parking areas shall be located not greater than three hundred (300) feet from any given dwelling. Off-street parking areas shall not be located between the public street and the principal building. Such parking areas shall be located to the side or rear of the principal structure and in pods of not more than twenty (20) spaces. Each parking area shall be screened from view from the public right-of-way with a four-foot decorative masonry fence or evergreen hedgerow, or a combination of both. The parking areas shall contain internal landscaping. At a minimum, terminal islands shall be installed at both ends of a single unbroken row of parking. Terminal islands shall be a minimum of fifteen (15) feet in length and minimum of ten (10) feet in width. Each terminal island shall be landscaped with a minimum of one shade tree, and grass or a vegetative ground cover. In addition, a landscaped divider strip shall be provided to connect the terminal islands. The divider strip shall be a minimum of seven feet in width and be planted with a minimum of one shade tree every thirty (30) feet on center and grass or a vegetative ground cover. These areas shall not be used to meet the standard parking requirements.
- b. Use. Boats, campers, trailers and other recreational vehicles shall be prohibited from said parking areas.

26. Setback from industrial zoning districts. All buildings including one or more dwelling units shall have a minimum setback of 100 feet from the boundary of any LI/MU, IOC, PO/B, NEB District boundary. If a public street is the zoning boundary, such setback shall be measured from the center line of the street.

27. Front yard landscaping wall. All townhouse dwelling units shall have a clearly defined front yard using landscaping wall, hedging, fencing or a brick or stone wall, none of which shall exceed three (3) feet in height. Front yards may be unified into one common yard treated as a single yard for the entire building.

**§ 190-972. Solar energy system, principal/community-scale.**

- A. The layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL) or other similar certifying organizations, and shall comply with Township's Building Code, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
- B. Solar energy system installers must demonstrate they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:
  1. Is certified by the North American Board of Certified Energy Practitioners (NABCEP).

2. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (IS PQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.
- C. All on-site utility transmission lines and plumbing shall be placed underground to the greatest extent feasible.
  - D. The owner of a solar energy system shall provide the Township written confirmation that the public utility company to which the solar energy system will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. The owner shall provide a copy of the final inspection report or other final approval from the utility company to the Township prior to the issuance of a certificate of use and occupancy for the solar energy system.
  - E. If a solar energy system is being used as an accessory use for commercial/industrial activity on another property, then the Township shall be informed of the intent of the solar energy system.
  - F. Signage shall comply with the prevailing sign regulations.
  - G. All solar energy systems shall be situated to eliminate concentrated glare onto nearby structures or roadways.
  - H. All solar energy systems should be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.
  - I. Minimum lot size. The solar energy systems shall meet the lot size requirements of the applicable zoning district.
  - J. Setbacks.
    1. The solar energy system shall comply with the setbacks of the applicable zoning districts.
    2. For any portion of lot lines which adjoin a residential district, a setback of one hundred (100) linear feet shall be required.
    3. Solar energy systems shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system, or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.
  - K. Height. Ground mounted solar energy systems shall comply with the building height restrictions of the applicable zoning district.
  - L. Impervious coverage. The following components of a solar energy system shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the underlying zoning district:
    1. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
    2. All mechanical equipment of the solar energy system including any structure for batteries or storage cells.

3. Gravel of paved access roads servicing the solar energy system.
4. Crushed aggregate if under installed solar panels.

M. Stormwater.

1. The Applicant shall submit a storm water management plan that demonstrates stormwater from the solar energy system will infiltrate into the ground beneath the solar energy system at a rate equal to that of the infiltration rate prior to the placement of the system.
2. Solar energy system owners are encouraged to use low maintenance, shade-tolerant vegetative surfaces under the system as a best management practice for stormwater management.

N. Screening. Ground mounted solar energy systems shall be visually screened with vegetation when adjacent to residential properties. In lieu of a planting screen, a fence that provides visual screening and meets requirements of the controlling ordinance may be used.

O. Security.

1. All ground mounted solar energy systems shall be completely enclosed by fencing that consists of a minimum eight (8) foot high fence with a locking gate, or as designated by the Township.
2. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the PSES informing individuals of potential voltage hazards.

P. Access drives. Access drives are required to allow for maintenance and emergency management vehicles and shall have a cartway with a minimum width of twelve (12) feet.

Q. Inspection, Safety and Removal.

1. The Township reserves the right to inspect a solar energy system for building or fire code compliance and safety.
2. If upon inspection the Township determines that a fire code or building code violation exists, or that the system otherwise poses a safety hazard to persons or property, the Township may order the property owner to repair or remove the system within a determined time period. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found and shall notify the property owner of his or her right to appeal such determination.
3. If a property owner fails to repair or remove a solar energy system as ordered, and any appeal rights have been exhausted, the Township may enter the lot, remove the system and charge the property owner for all costs and expenses of removal, including attorney's fees or pursue other legal action to have the system removed at the property owner's expense.
4. In addition to any other available remedies, any unpaid costs resulting from the Township's removal of a vacated abandoned or de-commissioned solar energy system shall constitute a lien upon the lot against which the costs were charged. Legal counsel of the Township shall institute appropriate action for the recovery of such cost, plus attorney's fees, including, but not limited to filing of municipal claims pursuant to 53 P.S. § 7107, et seq., for the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorney's fees and costs incurred by the Township in connection with the removal work and the filing of the Township's claim.

5. If a ground mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system must be graded and re-seeded. In addition, any underground utilities shall be removed.

R. Decommissioning.

1. The solar energy system owner is required to notify the Township immediately upon cessation or abandonment of the operation. The solar energy system shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
2. The solar energy system owner shall then have twelve (12) months in which to dismantle and remove the solar energy system including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations, and other associated facilities from the property. If the owner fails to dismantle and/or remove the solar energy system within the established timeframes, the Township may complete the decommissioning at the owner's expense.
3. At the time of issuance of the permit for the construction of the solar energy system, the owner shall provide evidence that financial security will be in place at the start of commercial operation in the form and amount of a bond, irrevocable letter of credit, or other financial security acceptable to the Township to secure the expense of dismantling and removing said solar energy system and restoration of the land to its original condition, in the amount of 110% of the estimated decommission cost minus the salvageable value. Every 5 years a new engineer's estimate of probable cost of decommissioning shall be submitted for approval in the same manner as the initial submission, and the bond, letter of credit, or other financial security acceptable to the Township shall be adjusted upward or downward as necessary. The property owner shall maintain said security at all times.
4. The solar energy system owner shall, at the request of the Township, provide information concerning the amount of energy generated by the solar energy system in the last 12 months.

**§ 190-973. Solar Energy System, Small.**

A. Location within Lot

1. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.
2. Ground-mounted systems are permitted based on the requirements for accessory uses or structures in the property's zoning district.

B. Design and Installation Standards.

1. The solar energy system must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Pennsylvania Department of Labor and Industry under its regulatory authority.
2. All wiring must comply with the National Electrical Code, most recent edition, as amended and adopted by the Commonwealth of Pennsylvania.

3. The solar energy system must be constructed to comply with the most recent fire code as amended and adopted by the Commonwealth of Pennsylvania.

C. Height Restrictions

1. Notwithstanding the height limitations of the zoning district:
  - a. For a building-mounted system installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and highest edge or surface of the system.
  - b. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
2. Notwithstanding the height limitations of the zoning district:
  - a. For a building-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.
3. Ground-mounted systems may not exceed the permitted height of accessory structures in the zoning district where the solar PV system is to be installed.

D. Impervious Lot Coverage.

1. The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered impervious surface and shall be calculated as part of the lot coverage limitations for the zoning district. If the ground-mounted system is mounted above existing impervious surface, it shall not be calculated as part of the lot coverage limitations for the zoning district.

E. Signage and/or Graphic Content.

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

F. Inspection, Safety and Removal.

1. The Township reserves the right to inspect a solar energy system for building or fire code compliance and safety.
2. If upon inspection the Township determines that a fire code or building code violation exists, or that the system otherwise poses a safety hazard to persons or property, the Township may order the property owner to repair or remove the system within a determined time period. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found and shall notify the property owner of his or her right to appeal such determination.
3. If a property owner fails to repair or remove a solar energy system as ordered, and any appeal rights have been exhausted, the Township may enter the lot, remove the system and charge the property owner for all costs and expenses of removal, including attorney's fees or pursue other legal action to have the system removed at the property owner's expense.
4. In addition to any other available remedies, any unpaid costs resulting from the Township's removal of a vacated abandoned or de-commissioned solar energy system shall constitute a lien upon the lot against which the costs were charged. Legal counsel of the Township shall institute

appropriate action for the recovery of such cost, plus attorney's fees, including, but not limited to filing of municipal claims pursuant to 53 P.S. § 7107, et seq., for the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorney's fees and costs incurred by the Township in connection with the removal work and the filing of the Township's claim.

**§ 190-974. Tank farm.**

- A. All tank farms must be registered and in compliance with the Storage Tank and Spill Prevention Act, 35 P. S. § § 6021.101—6021.2104.
- B. No underground or subsurface storage of chemicals, either gas, liquid or solids, shall be permitted in any district, except for underground storage of petroleum products as regulated by the State Police and/or other state or federal regulatory agency.
- C. All storage of explosive or hazardous substances or gases shall comply fully with the standards of the National Fire Protection Association.
- D. All bulk outdoor non-residential storage facilities for fuel, chemicals, or hazardous materials, other than at construction sites, shall be enclosed by a secure fence with a minimum height of six (6) feet.
- E. Depositing of wastes.
  - 1. No materials or wastes shall be deposited upon a lot in such a form or manner that they may be transported off by natural causes or forces.
  - 2. No substance shall be allowed to enter any groundwater or surface water if such substance can:
    - a. Contaminate groundwater or surface water.
    - b. Render groundwater or surface water undesirable as a source of water supply or recreation.
    - c. Destroy aquatic life.

**§ 190-975. Tattoo Parlor.**

A tattoo parlor's hours of operation and activities must be appropriately scheduled to protect all surrounding residential development from detrimental noise, disturbance or interruption.

**§ 190-976. Taxi, bus or passenger train terminal.**

- A. The minimum site area shall be five (5) acres.
- B. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- C. All areas used for storage and movement of vehicles or equipment shall be improved with a paved bituminous, concrete, or other surface material approved by the Township.

- D. No repair of vehicles or equipment shall be permitted outside a completely enclosed structure.
- E. Engines shall not be started or kept running before 5:00 a.m. or after 10:00 p.m. if the site is located within five hundred (500) feet of an existing dwelling.
- F. All lighting shall be shielded and reflected away from streets and any adjoining residential areas.
- G. A stormwater management plan to control runoff of surface water shall be submitted for review and approval by the Township Engineer.

**§ 190-977. Theater.**

The landowner and/or developer shall demonstrate that the primary visitor drop-off and pick-up area is located in a manner that does not cause undue traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.

**§ 190-978. Transitional dwelling.**

Transitional dwellings shall follow the same provisions for group-care facilities and personal care homes.

**§ 190-979. Truck stop.**

- A. The minimum site area shall be ten (10) acres.
- B. The site shall have frontage on and direct vehicular access to an arterial street, as defined by this chapter. Access to a collector or local street, as defined by this chapter, shall not be permitted.
- C. No point on the site boundary shall be located within one thousand (1000) feet of any point on a site boundary of a property containing a residential dwelling.
- D. Ingress, egress and internal traffic circulation shall be designed to ensure safety and minimize congestion.
- E. Site lighting shall be designed with cutoff luminaries that have a maximum cutoff angle of sixty (60°). The maximum illumination at any property line shall be 0.1 footcandle.
- F. All property lines adjoining, abutting or adjacent to a residential use or zoning classification shall be screened by opaque evergreen vegetation.
- G. All materials and equipment shall be stored within a completely enclosed building.
- H. No repair of vehicles shall be permitted outside a completely enclosed building.
- I. The use shall include a system to contain, separate and properly dispose of any fuel, oils, or similar pollutants that may spill or leak where such substances are stored or where vehicles are fueled, repaired, or maintained. This system shall be in compliance with all applicable codes and regulations, including but not limited to International Plumbing Code, NPDES, PA DEP, NFPA, etc.
- J. The use shall not generate noise, such as noise emitting from loud speakers or alarms, above the maximum noise levels established in § 190-510 (Noise Control) of this ordinance.

- K. Directional signage, in compliance with the requirements of Article VII (Signs) of this Ordinance, shall be provided throughout the site and at entrances and exits to ensure safe and convenient vehicular traffic circulation and access to public streets.
- L. All sites having entry or exit of 20 trucks or more per day shall include facilities to remove ice or snow accumulations from trucks either upon entry or prior to exit from the site.

**§ 190-980. Truck, rail or freight terminal.**

A. Use permitted by conditional use. Where permitted by conditional use, a Truck, Rail, or Freight Terminal shall comply with the provisions of § 190-902. The applicant shall demonstrate to the satisfaction of the Board of Supervisors that the use shall satisfy all requirements of this section prior to conditional use approval, as well as where permitted by right or special exception.

B. Dimensional Requirements

- 1. The minimum lot area for a Truck, Rail, or Freight Terminal shall be 10 acres.
- 2. The maximum height for a Truck, Rail, or Freight Terminal shall be 35 feet.

C. Additional requirements

- 1. All Truck, Rail, or Freight Terminals shall satisfy the requirements applicable to all Warehouses/Logistics Uses in § 190-983.
- 2. A Truck, Rail, or Freight Terminal that exceeds 25,000 square feet of total floor area per lot shall satisfy the requirements for a Large Warehouse/Logistics Use in § 190-983.
- 3. A Truck, Rail, or Freight Terminals shall have its main access point(s) within one half-mile of an entrance to and an exit from an expressway, defined as a divided arterial highway for through traffic with partial control of access and generally with grade separations at major intersections.
- 4. All entrances for trucks, loading/unloading areas, outdoor storage and truck parking areas shall be a minimum of five hundred (500) feet from any dwelling and from the boundary of any residential zoning district.
- 5. Traffic Impact Study.
  - a. Prior to Township review, the applicant shall provide a Traffic Impact Study (TIS).
  - b. In place of an individual TIS, the Board of Supervisors may require that an applicant provide a fee in lieu of a study. This fee shall only be used towards the costs of traffic studies sponsored by the Township. Any such fee shall be established by resolution or ordinance of the Board of Supervisors.
  - c. The TIS shall be prepared by a registered professional traffic engineer or transportation planner with verifiable experience in preparing such studies.
  - d. The TIS shall be in accord with the Institute of Transportation Engineers' recommended methodology and Pennsylvania Department of Transportation



guidelines.

- e. The basic calculation and analytical methods and assumptions used in the TIS shall be clearly stated in the TIS.
- f. Prior to initiation of the TIS, the applicant's traffic engineer or planner shall meet with the Township Engineer to establish:
  - i. The area to be studied. The study area for the traffic study shall be based on engineering criteria and an understanding of existing traffic conditions at the site. It shall represent that area likely to be affected by the development, where roadway users are likely to experience a change in the existing level of service. The study area shall be limited to streets and intersections within a maximum of two miles of the proposed project boundaries, except for a use projected to generate more than 3,000 trips per day, which shall have a maximum study area of three miles from the project boundaries.
  - ii. The times of day and times of year to conduct traffic counts. To the greatest extent possible, traffic counts should be performed at times of day and times of year during which the highest traffic volume is anticipated.
- g. Study Contents. The TIS shall contain the following elements:
  - i. The study area boundary and identification of the roadways included within the study area.
  - ii. Existing land uses, approved and recorded subdivision and land developments, and subdivisions and land developments proposed but not yet approved and recorded in the study area that are agreed upon by the developer, his traffic engineer, and the Township Engineer as having bearing on the development's likely impact.
  - iii. A description of the proposed development and its proposed access and the surrounding street system. If a development is proposed to occur in stages, each stage shall be described and considered in the study. If the applicant owns other lands within the study area, reasonable assumptions shall be made about how that land can be expected to be developed and shall be considered.
  - iv. Daily and peak hour(s) traffic volumes. Schematic diagrams depicting daily and peak hour(s) traffic volumes shall be presented for roadways within the study area. Turning movement and main-line volumes shall be presented for the three peak-hour conditions (a.m., p.m. and site generated). However, only main-line volumes are required to reflect daily traffic volumes. The source and/or method of computation for all traffic volumes shall be included.
  - v. The locations of all accidents reportable to the State Police within the study area during a recent two-year period shall be noted.
  - vi. Expected Traffic Generation. The study shall include an estimate of the number of tractor trailer trips and an estimate of the number of other vehicle

trips expected to be generated by the use and any future stages during the A.M. and P.M. peak hours. Such estimates shall be based upon the latest published estimates of the Institute of Transportation Engineers, or its successor entity, unless the applicant provides the Township with estimates and supporting documentation based upon actual traffic counts of closely similar developments in Pennsylvania. Schematic diagrams depicting projected future daily and peak-hour(s) traffic volumes shall be presented for the roadways within the study area. Projected turning movement and main-line volumes shall be presented for the three peak-hour conditions (a.m., p.m. and site generated). The source and/or method of computation for all projected traffic volumes shall be included.

- vii. Projected Effects. The study shall take into account not only the use proposed by the applicant, but also other uses and developments that have received building permits or preliminary subdivision or land development approval from the Township, or are currently proposed. The study shall project A.M. and P.M. peak hour traffic volumes and levels of service on impacted intersections and streets. If the traffic generation by the development would be more than 50% greater during any hour other than the A.M. or P.M. peak hour on adjacent streets, the study shall analyze both the peak hours for the development and for adjacent streets.
- viii. Levels of Service. The TIS shall include the existing and anticipated levels of service (A, B, C, D, E, or F), for key traffic movements, including turning movements, along with a description of typical operating conditions at each level of service, following the standards of the Pennsylvania Department of Transportation.
- ix. The direction of approach for site-generated traffic for the appropriate time periods.
- x. Analysis of any heavily traveled intersections at entrances to the development and other major unsignalized intersections in the study area to determine whether a traffic signal is warranted by Pennsylvania Department of Transportation criteria. Existing traffic signals that are significantly impacted shall be studied to determine whether they are in need of upgrading.
- xi. Recommended improvements. If the analysis indicates that unsatisfactory levels of service (levels of service D, E or F) as described in Highway Capacity Manual (Transportation Research Board Special Report 209, 1985 or latest edition) will occur on study-area roadways, a description of the location, nature and extent of proposed improvements to remedy deficiencies shall be included. The applicant may also agree to commit towards the long-term support of a program to reduce peak-hour traffic by private vehicles, through programs such as van-pooling, support of mass transit or staggered work hours, in place of certain structural improvements.
- xii. The study may take into account traffic improvements which are clearly funded and will occur within the next two years. The study shall include suggestions for how each congested or hazardous intersection in the study area

should be improved to reduce the hazard or congestion, and a rough estimate of the cost of that improvement.

- h. Completion of Improvements. Any traffic improvements that are required as a condition of any approval under this section or the Subdivision and Land Development Ordinance shall be incorporated into the subdivision plan and/or land development plan and be in place or sufficient funds committed in escrow acceptable to the Township prior to the issuance of any needed building permit agreed to at the time of approval.

6. Signage and Traffic Patterns

- a. Any entry gates into the loading dock/truck court area shall be positioned after a minimum of 140 feet of total available stacking depth inside the property line. The stacking distance shall be increased by 70 feet for every 20 loading docks beyond 50 docks. Queuing and circling of vehicles on public streets immediately pre- or post-entry to a Truck, Rail, or Freight Terminal is strictly prohibited unless queuing occurs in a deceleration lane or right turn lane exclusively serving the facility.
- b. Applicants shall submit to the Township, and obtain approval of, all turning templates to verify truck turning movements at entrance and exit driveways and street intersections adjacent to Truck, Rail, or Freight Terminals prior to approval.
- c. Anti-idling signs indicating a three-minute diesel truck engine idling restriction shall be posted at Truck, Rail, or Freight Terminals along entrances to the site and in the dock areas and shall be strictly enforced by the facility operator.
- d. Prior to approval, the applicant shall establish and submit for approval to the Board of Supervisors a truck routing plan to and from the state highway system. The plan shall describe proposed truck routing to and from the facility to designated truck routes that avoids passing sensitive receptors to the greatest extent possible. The plan shall include measures, such as signage and pavement markings, queuing analysis and enforcement, for preventing truck queuing, circling, stopping, and parking on public streets. The facility operator shall be responsible for enforcement of the plan. The Board of Supervisors shall have discretion to determine if changes to the plan are necessary including any additional measures to alleviate truck routing and parking issues that may arise during the life of the facility.
- e. Signs shall be installed at all truck exit driveways directing truck drivers to the truck route as indicated in the truck routing plan and state highway system.
- f. Signs and drive aisle pavement markings shall clearly identify the on-site circulation pattern to minimize unnecessary on-site vehicular travel.
- g. Facility operators shall post signs in prominent locations inside and outside of the building indicating that off-site parking for any employee, truck, or other operation related vehicle is strictly prohibited. The Township may require the facility operator to post signs on surface or residential streets indicating that off-site truck parking is prohibited by township ordinance and/or the truck routing plan.

- h. Signs shall be installed in public view with contact information for a local designated representative who works for the facility operator and who is designated to receive complaints about excessive dust, fumes, or odors, and truck and parking complaints for the site. Any complaints made to the facility operator's designee shall be answered within 72 hours of receipt.
- i. All signs under this section shall be legible, durable, and weather-proof.

7. Parking and amenities for truck drivers

- a. A Truck, Rail, or Freight Terminal shall provide one (1) tractor-trailer parking space measuring twelve (12) feet by eighty (80) feet for every two (2) tractor-trailer loading docks. These spaces shall be in addition to those spaces provided for the loading and unloading of tractor-trailers.
- b. A minimum of 5% of the required total tractor-trailer parking spaces shall be reserved for outbound trucks which are required to layover or rest due to federal hours of service regulations. Such spaces must be made available to tractor-trailers during and/or after the facility's operating hours as necessary.
- c. All trucks awaiting access to a loading/unloading dock/doorway shall park in the designated tractor trailer parking spaces unless all such spaces are already occupied.
- d. Parked trucks shall not leave engines idling unless required for safety or weather-related reasons. Electrical outlets shall be included in parking areas for trucks to utilize.
- e. Each and every building containing a Truck, Rail, or Freight Terminal shall have amenities for the truck drivers/operators of the vehicles using the facility in addition to any similar amenities provided to on-site employees.
- f. Each amenity shall include, at a minimum, a suitable lounge for drivers/operators containing not less than five (5) seats, a four-seat table, restroom facilities, including at least three sinks, stalls, etc., per restroom, and dispensing machines or other facilities to provide food and beverages.
- g. At least one amenity shall be provided for every thirty (30) truck loading/unloading docks of the use.
- h. All sites having entry or exit of 20 trucks or more per day shall include facilities to remove ice or snow accumulations from trucks either upon entry or prior to exit from the site.

**§ 190-981. Unit, Accessory Dwelling (Relative Care).**

- A. The use may be restricted to occupancy by a relative of a permanent resident of the principal dwelling unit on the property.
- B. All accessory dwelling units shall be designed and installed in compliance with all local building

codes.

- C. The occupants of the principal dwelling unit shall report any change in the adult occupants of the unit to the Township. See also the Township ordinance that requires the annual reporting of the names of tenants for tax purposes.
- D. Such apartment shall not decrease the single-family residential exterior appearance of a dwelling, if attached to the principle dwelling unit.
- E. Such apartment shall not have its own exterior separate entrances, if attached to the principle dwelling unit.
- F. Addition of an accessory dwelling unit onto an existing single-family detached shall comply with the following requirements:
  - 1. One of the dwelling units shall be owner-occupied or occupied by a relative of the owner for a minimum period of 36 months following the conversion.
  - 2. The dwelling as it preexists shall have a total minimum enclosed habitable heated floor area of 1,500 square feet. After conversion, each dwelling unit shall include a minimum of 600 square feet of such floor area.
- G. The applicant shall enter into a Declaration of Covenant in favor of the Township in a manner acceptable to the Township Solicitor to ensure enforcement of this section.
- H. In addition to off-street parking requirements for the principal use, each accessory dwelling unit will require 1 off-street parking space.

**§ 190-982. Walk-up window.**

Any walk-up windows shall be located to avoid pedestrian traffic conflicts and hazards within the site and along abutting streets.

**§ 190-983. Warehouse/Logistics Use.**

- A. Warehouse/Logistics Use as Truck, Rail, or Freight Terminal. Any Warehouse/Logistics Use that that incorporates ten (10) or more tractor trailer loading/unloading docks, whether on a single building or between multiple buildings, or would generate more than fifty (50) tractor-trailer trips or 100 non-tractor trailer truck trips in any 24-hour period based on the latest edition of the Institute of Transportation Engineers' Trip Generation Handbook shall satisfy the requirements for a Truck, Rail, or Freight Terminal in § 190-980 in addition to the requirements of this section. A "trip" shall be defined as one arrival at or one departure from the property on which the use is located.
- B. Use permitted by conditional use. Where permitted by conditional use, a Warehouse/Logistics Use shall comply with the provisions of § 190-902. The applicant shall demonstrate to the satisfaction of the Board of Supervisors prior to conditional use approval that the use shall satisfy all requirements of this section, as well as where permitted by right or special exception. Under no circumstances may an applicant commence construction of Warehouse/Logistics Use before demonstrating to satisfaction of the Board of Supervisors that the requirements of this section will be met.

C. Dimensional Requirements.

1. The maximum height for a Warehouse/Logistics Use shall be 35 feet.
2. The minimum lot area for a Small Warehouse/Logistics Use having a total gross floor area less than 25,000 square feet shall be five (5) acres.
3. The minimum lot area for a Large Warehouse/Logistics Use or Truck Terminal having a total gross floor area between 25,000 square feet and 100,000 square feet per lot shall be ten (10) acres.
4. The minimum lot area for a Large Warehouse/Logistics Use or Truck Terminal having a gross floor area in excess of 100,000 square feet shall be twenty (20) acres.

D. Requirements for All Warehouse. The following shall apply to all Warehouse/Logistics Use, regardless of size:

1. Woodland Disturbance. Woodland disturbance, including alteration or removal of any hedgerows shall be minimized. No portions of tree masses, tree line, hedgerow, or individual freestanding trees measuring six-inches diameter at breast height (DBH) shall be removed unless clearly necessary to effectuate the proposed development. In no case, shall more than 50% of any existing tree masses, tree lines, hedgerows, or individual freestanding trees with six (6) inch or greater DBH be removed. For purposes of this subsection, a woodland is defined as a tree mass or plant community in which tree species are dominant or codominant and the branches of the trees form a complete, or nearly complete, aerial canopy. Any area, grove, or stand of mature or largely mature trees (i.e., larger than six inches DBH) covering an area of 0.25 of an acre or more, or consisting of more than 50 individual trees larger than six inches DBH, shall be considered a woodland.
2. Threatened and Endangered Species.
  - a. A Pennsylvania Natural Heritage Program study (PNDI Receipt) dated within two (2) years of the submission of an application for conditional use or subdivision and land development, whichever is first, as well as any state agency clearance letters required thereby, shall be provided to the Township
  - b. The applicant shall comply with all measures directed by the clearance letters to avoid, minimize or mitigate impacts to endangered, threatened and special concern species and their habitat.
3. Riparian Forest Buffer Area.
  - a. For purposes of this section, a riparian buffer is an area of permanent vegetation along a waterway that is left undisturbed to allow for natural succession of native vegetation. A riparian forest buffer is a riparian buffer that consists predominantly of native trees, shrubs and forbs that provide at least 60% uniform canopy cover.
  - b. Persons proposing a Warehouse/Logistics Use or Truck, Rail, or Freight Terminal subject to the requirements of this Section use must satisfy the stricter of the requirements of this Subsection (C) or of 25 Pa. Code §102.14, Riparian Buffer Requirements.

- c. Where the project site contains, is along, or is within 150 feet of a perennial or intermittent river, stream, or creek, lake, pond or reservoir, whether natural or artificial, the person proposing a Warehouse/Logistics Use or Truck, Rail, or Freight Terminal subject to the requirements of this Section shall, in accordance with the requirements of this subsection, do one of the following:
  - i. Protect an existing riparian forest buffer.
  - ii. Convert an existing riparian buffer to a riparian forest buffer.
  - iii. Establish a new riparian forest buffer.
- d. Protecting existing riparian forest buffers. Where a riparian forest buffer exists, it shall be left intact to meet the width requirements in paragraphs (g) and (h). An existing riparian forest buffer need not be altered to establish individual Zones 1 and 2 under paragraph (j).
- e. Converting an existing forest riparian buffer. Riparian buffers that consist predominantly of native woody vegetation that do not satisfy the composition requirements for a riparian forest buffer in paragraph (a) or the width requirements in paragraph (g) and (h) shall be enhanced or widened, or both, by additional plantings in open spaces around existing native trees and shrubs to provide at least 60% uniform canopy cover for the required width and shall be composed of zones in accordance with paragraph (j).
- f. Establishing new riparian forest buffer. On sites without native woody vegetation, a riparian forest buffer providing at least 60% uniform canopy cover shall be established to meet the width requirements in paragraphs (g) and (h) and be composed of zones in accordance with paragraph (j).
- g. The width of the riparian forest buffer shall be a minimum of 100 feet on each side of the water body as measured from the top of the bank. The riparian buffer area must be measured horizontally and perpendicularly to the bank with no more than a 10% variation below the minimum width from the normal pool elevation for lake, pond or reservoir and from top of streambank. The boundary of the buffer shall follow the natural streambank or shoreline.
- h. The following additional distances shall be added to the minimum width in paragraph (g) based on the following formula:
  - i. ten (10) feet if slope is 10–15%;
  - ii. twenty (20) feet if slope 16–17%;
  - iii. thirty (30) feet if slope is 18–20%;
  - iv. fifty (50) feet if slope is 21–23%;
  - v. sixty (60) feet if slope is 24–25%;
  - vi. seventy (70) feet if slope exceeds 25%;

- i. In the case of the presence of a nontidal wetland or vernal pond wholly or partially within the riparian buffer area, an additional twenty-five (25) feet shall be added to the width of the riparian forest buffer area for that portion of the buffer area along the wetland or pond.
  - j. A new riparian forest buffer or a converted riparian forest buffer shall be composed of zones as follows:
    - i. Zone 1 shall begin at the top of the streambank or normal pool elevation of a lake, pond or reservoir and occupy a strip of land fifty (50) feet in width, measured horizontally on a line perpendicular from the top of streambank or normal pool elevation of a lake, pond or reservoir. Predominant vegetation must be composed of a variety of native riparian tree species identified in Appendix C.1 of PA Department of Environmental Protection Guidance Document 394-5600-001, entitled Riparian Forest Buffer Guidance.
    - ii. Zone 2 shall begin at the landward edge of Zone 2 and occupy an additional strip of land a minimum of fifty (50) feet in width, measured horizontally on a line perpendicular from the top of streambank or normal pool elevation of a lake, pond or reservoir. Predominant vegetation must be composed of a variety of native riparian tree and small tree/shrub species identified in Appendix C.1 of PA Department of Environmental Protection Guidance Document, 394-5600-001, entitled Riparian Forest Buffer Guidance.
  - k. No earth disturbance, land development or storing of stockpiling of materials shall occur within the riparian forest buffer area.
  - l. Management of riparian buffers.
    - i. Stormwater and accelerated erosion and sedimentation shall be managed in accordance with 25 Pa. Code §§ 102.4(b)-(e) and 102.8 (relating to erosion and sediment control requirements; and PCSM requirements) to ensure that stormwater enters the area upgrade and along the riparian buffer as sheet flow or shallow concentrated flow during storm events up to and including the 2 year/24 hour storm.
    - ii. Noxious weeds and invasive species shall be removed or controlled to the extent possible. Refer to 7 Pa. Code §110.1 for a current list of noxious weeds.
  - m. Existing, converted and newly established riparian buffers, including access easements, must be protected in perpetuity through deed restriction, conservation easement, permit conditions or any other mechanisms that ensure the long-term functioning and integrity of the riparian buffer.
  - n. The riparian buffer shall be designated on the final subdivision and/or land development plan.
4. Access and Parking
- a. The use shall have direct access to an arterial road, defined as a street with an existing



or proposed right of way width of 50 feet or more and a minimum average annual daily traffic rate of 5,000 vehicles per day.

- b. Where gates, guard shacks or checkpoints are proposed at the entrance(s) to the facility, adequate queuing space shall be provided within the property boundaries to prevent stacking of vehicles on or along public streets. No vehicle shall park or load within a public street.
- c. In addition to off-street loading facilities, each use shall provide off-street parking for passenger vehicles in accordance with Table 3 – Off-Street Parking Requirements.
- d. Bicycle racks shall be provided at a rate of one bicycle space for each 30,000 square feet of gross floor area. The racks shall be located as close as possible to employee entrance(s). Nothing in this section shall preclude the facility operator from satisfying this requirement by utilizing bicycle parking amenities considered to be superior such as locating bicycle parking facilities indoors or providing bicycle lockers.
- e. In addition to off-street parking requirements, at least ten percent of all passenger vehicle parking spaces shall be electric vehicle (EV) ready, with all necessary conduit and related appurtenances installed to be converted into EV parking spaces. These EV parking spaces shall be in addition to off-street parking requirements and will not count toward required parking provisions in Article VI. At least five percent of all EV ready parking spaces shall be equipped with working Level 2 Quick charge EV charging stations installed and operational, prior to building occupancy. Signage shall be installed indicating EV charging stations and specifying that spaces are reserved for clean air/EV vehicles. Unless superior technology is developed that would replace the EV charging units, facility operator and any successors in interest shall be responsible for maintaining the EV charging stations in working order for the life of the facility.

#### 5. Off Street Loading

- a. Each Warehouse/Logistics Use shall provide off-street loading facilities which meet the minimum requirements of this Section and are sufficient to accommodate the maximum demand generated by the use. No vehicle shall park or load within a median, travel lane, bike lane, turn lane, or shoulder of a public street for any length of time.
- b. A minimum of one off-street loading space per loading dock must be provided. Spaces for tractor trailers must measure at least twelve (12) feet by eighty (80) feet.
- c. Each loading space and the needed maneuvering room shall be located entirely on the lot being served and be located outside of required buffer areas and street rights-of-way.
- d. Each loading space shall have sufficient maneuvering room to avoid conflicts with parking and traffic movements within and outside of the lot. No facility shall be designed or used in such a manner that it creates a safety hazard, public nuisance or an impediment to traffic off the lot.
- e. Fire Lanes. Fire lanes shall be provided where required by state or federal regulations or other local ordinances. The specific locations of these lanes are subject to review by

the Township Fire Commissioner (or other duly designated emergency services official serving the Township).

## 6. Lighting

- a. For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, roadways, vehicular and pedestrian passage areas, loading docks, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, luminaires shall be aimed straight down, have no uplight, and shall meet Illuminating Engineering Society of North America (IESNA) full-cutoff/fully shielded criteria.
- b. For the lighting of predominantly non-horizontal tasks or surfaces such as, but not limited to, facades, landscaping, and signs, luminaires shall be shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway.
- c. The illumination projected onto a residential use shall at no time exceed 0.1 footcandle, measured line-of-sight and from any point on the receiving residential property.
- d. The illumination projected onto a non-residential use shall at no time exceed 0.1 footcandle, measured line-of-sight from any point on the receiving property.
- e. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle and luminaire placement.
- f. LED light sources shall have a correlated color temperature that does not exceed 3000K.
- g. Luminaires shall not be mounted in excess of twenty (20) feet above finished grade of the surface being illuminated.
- h. Lighting for parking areas and vehicular traffic ways shall be automatically extinguished nightly within 1/2 hour of the close of the facility. On/off control shall be by astronomic programmable controller with battery or capacitor power-outage reset. When after-hours site safety/security lighting is proposed, such lighting shall not be in excess of twenty-five (25) percent of the number of fixtures required or permitted for illumination during regular business hours. Where there is reduced but continued onsite activity throughout the night that requires site-wide even illumination, the use of dimming circuitry to lower illumination levels by at least 50% after 11:00 p.m. or after normal business hours, or the use of motion sensor control, shall be permitted.
- i. All provisions of § 190-513. Light and glare control shall be followed in addition.

## 7. Sensitive Receptors

- a. For purposes of this section, sensitive receptors shall be defined as schools, preschools,

daycare centers, in-home daycares, health facilities such as hospitals, long term care facilities, retirement and nursing homes, community centers, places of worship, parks (excluding trails), campgrounds, prisons, dormitories, retirement/senior communities and any residence where such residence is not located on a parcel with an existing industrial, commercial, or unpermitted use as determined by the Township.

- b. Unless physically impossible, loading docks truck entries, and truck drive aisles shall be oriented away from abutting sensitive receptors.
- c. To the greatest extent feasible, loading docks, truck entries, and truck drive aisles shall be located away from nearby sensitive receptors. In making feasibility decisions, the Township must consider existing laws and regulations and balance public safety and the site development's potential impacts to nearby sensitive receptors. Loading docks, truck entries, and drive aisles may be located near sensitive receptors at the discretion of the Board of Supervisors, but any such site design shall include measures designed to minimize overall impacts to nearby sensitive receptors.
- d. For any Warehouse/Logistics Use larger than 100,000 square feet in size, the building's loading docks shall be located a minimum of one thousand (1000) feet away, measured from the property line of the sensitive receptor to the nearest dock door using a direct straight-line method.

8. Sound

- a. For purposes of this section, the Community Noise Equivalent Level (CNEL) is defined as the 24-hour A-weighted average sound level from midnight to midnight, obtained after the addition of 5 dB to sound levels occurring in the evening from 7:00 p.m. to 10:00 p.m. and after the addition of 10 dB to sound levels occurring in the night between 10:00 p.m. and 7:00 a.m.
- b. The Community Noise Equivalent Level (CNEL) at the boundary of any property containing a sensitive receptor, as defined in paragraph (7)(a) above, shall not exceed 60 dBA.
- c. The Community Noise Equivalent Level (CNEL) at the boundary of any developed property not containing a sensitive receptor shall not exceed 70 dBA.
- d. Sound that is produced for not more than a cumulative period of 1 minute in any hour may exceed the standards above by up to 10 dBA.
- e. The maximum sound levels listed above do not apply to emergency alerts, emergency work to provide electricity, water, or other public utilities when public health or safety is involved, snow removal or road repair.

9. No outdoor storage of trash, garbage, refuse, explosive or flammable materials, hazardous substances, animals, animal carcasses or skins or similar items shall be permitted.

10. Vibration perceptible beyond the lot line shall not be permitted except vibration as a result of construction activities.

11. The use shall include an appropriate system to contain and properly dispose of any fuel, grease,

oils or similar pollutants that may spill or leak where such substances are stored or where vehicles are fueled, repaired or maintained.

E. Requirements for Large Warehouse/Logistics Use. In addition to the requirements applicable to all Warehouse/Logistics Use, Large Warehouse/Logistics Use shall be subject to the following:

1. Buffer Yard

- a. Any Large Warehouse/Logistics Use where vehicle parking, outdoor storage and/or loading/unloading areas are visible from beyond the exterior lot lines of the use shall be screened by a buffer yard in accordance with this section.
- b. Where the combined footprint of the principal structure or structures is 25,000 square feet to 99,999 square feet:
  - i. A minimum 100-foot buffer yard shall be provided along the entire length of any street frontage of any property upon which the facility is located and along any property line which abuts or is within 500 feet of an existing residential property line or zone, school, daycare center, hospital, place of worship, designated park or public open space.
  - ii. A minimum 50-foot buffer yard shall be provided along any property line adjacent to a non-residential use or zone.
- c. Where the combined footprint of the principal structure or structures is between 100,000 square feet and 250,000 square feet:
  - i. A minimum 150-foot buffer yard shall be provided along the entire length of any street frontage of any property upon which the facility is located and along any property line which abuts or is within 500 feet of an existing residential property line or zone, school, daycare center, hospital, place of worship, designated park or public open space.
  - ii. A minimum 50-foot buffer yard shall be provided along all other property lines.
- d. Where the combined footprint of the principal structure or structures exceeds 250,000 square feet:
  - i. A minimum 300-foot buffer yard shall be provided along the entire length of any street frontage of any property upon which the facility is located and along any property line which abuts or is within 500 feet of an existing residential property line or zone, school, daycare center, hospital, place of worship, designated park or public open space.
  - ii. A minimum 50-foot buffer yard shall be provided along all other property lines.
- e. Buffer yards along roadways shall be measured from the street right-of-way line.
- f. Where a lot line drainage or utility easement is required, the buffer yard shall be

measured from the inside edge of the easement.

- g. Buffer yards shall exclude environmental encumbrances such as, but not limited to, wetlands, wetland transition areas, riparian buffers, and flood hazard areas as may be imposed by outside agencies such as the Pennsylvania Department of Environmental Protection.
- h. The buffer yard shall include a dense landscape buffer consisting of the following:
  - i. One (1) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting. Narrow/upright evergreen species may also be used within buffers at a ratio of 3:1 (narrow species: large evergreen). No more than 25% of total required large evergreen species can be substituted with narrow/upright species.
  - ii. One canopy (shade) tree per 75 linear feet of buffer. Size of canopy (shade) trees shall be a minimum of 2½ inch caliper at the time of planting.
  - iii. One ornamental/flowering tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi-stemmed varieties, or 2½ inch caliper at the time of planting for single-stemmed varieties.
  - iv. Five (5) shrubs per 25 linear feet of buffer. Size of shrubs shall be fully branched and minimum of three feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% being evergreen.
- i. The landscape buffer shall be located along the outer edge of the buffer yard.
- j. Plant material within buffer plantings shall meet the following requirements:
  - i. Be resistant to diesel exhaust;
  - ii. Not be identified on the most current DCNR invasive species or watch lists.
  - iii. Be hardy within USDA hardiness Zone 6b.
  - iv. Shall be planted on the top and the exterior of any berm in order to provide effective screening.
  - v. Shall be arranged in groupings to allow for ease of maintenance and to provide a naturalized appearance.
  - vi. Shall provide a diversity in plant species, such that no one species accounts for more than 25% of each plant type.
  - vii. The plantings shall be arranged to provide a complete visual screen of the property at least twelve (12) feet in height, measured in addition to the height of any required berm, within three (3) years.

viii. Proposed plantings shall be reviewed and approved by the Shade Tree Commission

2. Berm

- a. Any vehicle or tractor-trailer truck parking, outdoor storage and/or loading/unloading areas that are visible from and are within 250 feet of the exterior lot lines of the use shall be separated from such lot lines by an earthen berm in accordance with this section.
- b. The berm shall average a minimum of fifteen (15) feet in height above the adjacent average ground level (disregarding any drainage channel) on the outside of the berm.
- c. The berm shall not have one completely continuous height, but instead shall vary in height by one foot or two feet in places.
- d. The berm shall have a maximum side slope of three horizontal to one vertical.
- e. The berm shall be covered by a well-maintained all season natural ground cover, such as grass.
- f. Required screening plantings shall be arranged on the outside and top of the berm.
- g. The berm, along with any landscape buffer plantings, shall fully screen the Warehouse/Logistics Use, as viewed from any point along the edge of the lot line.

3. Environmental and Community Impact Analysis. Prior to Township review, the applicant shall provide an environmental and community impact analysis. The environmental and community impact analysis shall include:

- a. A narrative description of the nature of the on-site activities and operations, including the market area served by the facility, the hours of operation of the facility, the total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of materials stored and the duration period of storage of materials.
- b. A site plan of the property indicating the location of proposed improvements, floodplains, wetlands, waters of the Commonwealth, and cultural and historic resources on the property and within 500 feet of the boundaries of the property.
- c. Evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.
- d. An evaluation of the potential impacts of the proposed use, both positive and negative, upon:
  - i. Emergency services and fire protection;
  - ii. Water supply;
  - iii. Sewage disposal;

- iv. Solid waste disposal;
  - v. School facilities and school district budget;
  - vi. Municipal revenues and expenses
- e. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.
4. Solar Energy System
- a. All buildings shall be solar-ready, which includes designing and constructing buildings in a manner that facilitates and optimizes the installation of rooftop and or non-rooftop solar photovoltaic (PV) system at some point after the building has been constructed.
  - b. On buildings over 200,000 square feet, prior to issuance of a certificate of occupancy, the Township shall ensure solar panels are installed and operated in such a manner that they will supply a minimum of ten (10) percent of the power needed to operate all non-refrigerated portions of the facility, including the parking areas.

**§ 190-984. Wholesale establishment.**

- A. Includes sales, storage and/or wholesaling of the following:
- 1. Home and auto-related fuels;
  - 2. Nursery and garden materials, and feed stock;
  - 3. Contractor supplies; and
  - 4. Plumbing, heating, air conditioning, electrical, and other structural components of buildings.
- B. All exterior storage areas (exclusive of nursery and garden stock) shall be screened from adjoining residentially zoned properties;
- C. The applicant shall furnish evidence in the form of a site plan and report to the Township that the proposed use will comply with all provisions of this ordinance, specifically buffer yard and landscaping screening, noise, light, litter, dust, and pollution, and shall not be detrimental to the use of adjoining residentially zoned properties.
- D. This use shall not apply to the sale of combustible fuels.

**§ 190-985. Wind energy system, principal/community-scale.**

- A. No said systems or equipment shall be erected in a front yard or within the area between a front lot line and the front building façade of the principal building on the lot.

- B. The structure supporting the wind rotor unit, including any necessary guideposts and supporting cables, shall be independent of any occupied structure and shall not be more than forty-five (45) feet in height.
- C. The minimum distance between grade and the lowest point of the rotor blade shall be twenty (20) feet.
- D. All electric lines/utility wires shall be buried underground.
- E. Any mechanical equipment associated and necessary for operation, including a building for batteries and storage cells, shall be enclosed by a six (6) foot fence with screening planting in accordance with this Chapter. The supporting structure shall also be enclosed by a six (6) foot fence, unless the base of the tower is not climbable for a height of twelve (12) feet.
- F. When a building is necessary for storage cells or related mechanical equipment, the building shall not exceed one hundred forty (140) square feet.
- G. One (1) windmill or windwheel shall be permitted per lot. The minimum lot size shall be one (1) acre.
- H. The supporting structure and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the supporting structure and related structures shall be dismantled and removed from the property within sixty (60) days.
- I. The applicant shall demonstrate that any noise from the wind generating unit shall not exceed the permitted maximum decibel levels found in § 190-510 (Noise Control).
- J. Inspection, Safety and Removal.
  - 1. The Township reserves the right to inspect a wind energy system for building or fire code compliance and safety.
  - 2. If upon inspection the Township determines that a fire code or building code violation exists, or that the system otherwise poses a safety hazard to persons or property, the Township may order the property owner to repair or remove the system within a determined time period. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found and shall notify the property owner of his or her right to appeal such determination.
  - 3. If a property owner fails to repair or remove a wind energy system as ordered, and any appeal rights have been exhausted, the Township may enter the lot, remove the system and charge the property owner for all costs and expenses of removal, including attorney's fees or pursue other legal action to have the system removed at the property owner's expense.
  - 4. In addition to any other available remedies, any unpaid costs resulting from the Township's removal of a vacated abandoned or de-commissioned wind energy system shall constitute a lien upon the lot against which the costs were charged. Legal counsel of the Township shall institute appropriate action for the recovery of such cost, plus attorney's fees, including, but not limited to filing of municipal claims pursuant to 53 P.S. § 7107, et seq., for the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorney's fees and costs incurred by the Township in connection with the removal work and the filing of the Township's claim.



5. If a ground mounted wind energy system is removed, any earth disturbance as a result of the removal of the ground mounted wind energy system must be graded and re-seeded. In addition, any underground utilities shall be removed.

K. Decommissioning.

1. The wind energy system owner is required to notify the Township immediately upon cessation or abandonment of the operation. The wind energy system shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
2. The wind energy system owner shall then have twelve (12) months in which to dismantle and remove the solar energy system including all wind related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations, and other associated facilities from the property. If the owner fails to dismantle and/or remove the wind energy system within the established timeframes, the Township may complete the decommissioning at the owner's expense.
3. At the time of issuance of the permit for the construction of the wind energy system, the owner shall provide evidence that financial security will be in place at the start of commercial operation in the form and amount of a bond, irrevocable letter of credit, or other financial security acceptable to the Township to secure the expense of dismantling and removing said wind energy system and restoration of the land to its original condition, in the amount of 110% of the estimated decommission cost minus the salvageable value. Every 5 years a new engineer's estimate of probable cost of decommissioning shall be submitted for approval in the same manner as the initial submission, and the bond, letter of credit, or other financial security acceptable to the Township shall be adjusted upward or downward as necessary. The property owner shall maintain said security at all times.
4. The wind energy system owner shall, at the request of the Township, provide information concerning the amount of energy generated by the wind energy system in the last 12 months.

**§ 190-986. Wireless communications facility.**

A. The purpose of this section is to establish uniform standards for the siting, design, permitting, maintenance, and use of wireless communications facilities in Palmer Township. While the Township recognizes the importance of wireless communications facilities (WCFs) in providing high-quality communications service to its residents and businesses, the Township also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.

B. By enacting this section, the Township intends to:

1. Promote the health, safety and welfare of Township residents and businesses with respect to wireless communications facilities;
2. Provide for the managed development of wireless communications facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both

Township residents and wireless carriers in accordance with federal and state laws and regulations;

3. Establish procedures for the design, siting, construction, installation, maintenance and removal of both tower-based and non-tower-based (supplemental) wireless communications facilities in the Township, including wireless communications facilities both inside and outside the public rights-of-way;
4. Address new wireless technologies, including but not limited to, distributed antenna systems, small-cell antennas, data collection units, cable Wi-Fi, and other wireless communications facilities;
5. Encourage the colocation of wireless communications facilities on existing structures rather than the construction of new tower-based structures;
6. Protect Township residents from potential adverse impacts of wireless communications facilities, and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape; and
7. Update the Township's wireless facilities regulations to incorporate changes in federal and state laws and regulations.

C. The following regulations shall apply to all tower-based wireless communications facilities:

1. Any tower-based wireless communication facility shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based wireless communication facility shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property.
2. Any tower-based wireless communication facility shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222-E Code, as amended).
3. Any tower-based wireless communication facility shall be designed at the minimum functional height and shall not exceed a maximum total height of one hundred fifty (150) feet, which height shall include all subsequent additions or alterations. All tower-based WCF applicants must submit documentation to the Township noting the total height of the structure.
4. No tower-based wireless communications facility shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
5. The following maintenance requirements shall apply to all tower-based wireless communications facilities:

- a. Any tower-based wireless communication facility shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
  - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
  - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
6. No tower-based wireless communications facility may, by itself or in conjunction with other wireless communications facilities, generate radio-frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65, entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields," as amended.
7. No tower-based wireless communications facility may be located on a building or structure that is listed on either the National or Pennsylvania Register of Historic Places or is identified as an historic structure.
8. All tower-based wireless communications facilities shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the Township.
9. Tower-based wireless communications facilities shall not be artificially lighted, except as required by law and as may be approved by the Township. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
10. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings.
11. Tower-based wireless communications facilities shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
12. Tower-based wireless communications facilities shall comply with all federal and state laws and regulations concerning aviation safety.
13. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the tower-based wireless communication facility and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this section. The applicant and/or owner of the wireless communications facility shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
14. Within thirty (30) calendar days of the date that an application for a tower-based wireless communication facility is filed with the Township, the Township shall notify the applicant in

writing of any information that may be required to complete such application. All applications for tower-based wireless communications facilities shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such tower-based wireless communication facility, and the Township shall advise the applicant in writing of its decision. If additional information is requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the one-hundred-fifty-day review period.

15. Nonconforming tower-based wireless communications facilities which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this section.
  16. In the event that use of a tower-based wireless communications facility is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned wireless communications facilities or portions of such shall be removed as follows:
    - a. All unused or abandoned tower-based wireless communications facilities and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Township.
    - b. If the wireless communication facility and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the Township, the wireless communication facility and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the wireless communications facility.
    - c. Any unused portions of tower-based wireless communications facilities, including antennas, shall be removed within six months of the time of cessation of operations. The Township must approve all replacements of portions of a tower-based wireless communication facility previously removed.
  17. The Township may assess appropriate permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a tower-based wireless communication facility, as well as related inspection, monitoring and related costs.
- D. The following regulations shall apply to tower-based wireless communications facilities located outside a Township right-of-way:
1. No tower-based wireless communication facility shall be located in residential zones or within five hundred (500) feet of residential use or a residential zone boundary.
  2. An applicant for a tower-based wireless communications facility must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of wireless communication facility being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of tower-based wireless communications facilities.

3. A tower-based wireless communication facility is permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zone.
4. A tower-based wireless communication facility may be permitted on a property with an existing use or on a vacant parcel in combination with another industrial, commercial, institutional, or municipal use, subject to the following conditions:
  - a. The existing use on the property may be any permitted, conditional, special exception or non-conforming use in the applicable zone other than a residential use and need not be affiliated with the utility facility.
  - b. The minimum lot shall comply with the requirements for the applicable zone and shall be the area needed to accommodate the tower-based wireless communication facility and guy wires, the equipment building, security fence, and buffer planting.
  - c. The tower-based wireless communication facility and accompanying equipment building shall comply with the requirements for the applicable zone, provided that no tower-based wireless communication facility shall be located within five hundred (500) feet of a residential use lot line or a residential zone boundary.
5. Upon receipt of an application for a tower-based wireless communication facility, the Township shall mail notice thereof to the owner or owners of every property within five hundred (500) feet of the parcel or property of the proposed facility.
6. An application for a new tower-based wireless communication facility shall not be approved unless the Township finds that the wireless communications equipment planned for the proposed tower-based wireless communication facility cannot be accommodated on an existing or approved structure or building. Any application for approval of a tower-based wireless communication facility shall include a comprehensive inventory of all existing towers and other suitable structures within a two (2) -mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
7. The following design guidelines shall apply to tower-based wireless communications facilities located outside the Township right-of-way:
  - a. The wireless communication facility shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the applicant shall be subject to the approval of the Township.
  - b. Any height extensions to an existing tower-based wireless communication facility shall require prior approval of the Township. The Township reserves the right to deny such requests based upon any lawful considerations related to the character of the Township.
  - c. Any proposed tower-based wireless communication facility shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for future users.

- d. A security fence having a minimum height of six (6) feet shall completely surround any tower-based wireless communication facility, guy wires, or any building housing wireless equipment.
  - e. An evergreen screen that consists of a hedge or a row of evergreen trees shall be located along the perimeter of the security fence.
  - f. The applicant shall submit a landscape plan for review and approval by the Township for all proposed screening.
8. The applicant shall submit a soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI EIA/TIA-222-G, as amended, to document and verify the design specifications of the foundation of the tower-based wireless communication facility, and anchors for guy wires, if used.
9. The following regulations apply to accessory equipment to tower-based wireless communications facilities located outside the rights-of-way:
  - a. Ground-mounted equipment associated with, or connected to, a tower-based wireless communications facility shall be underground. In the event that an applicant can demonstrate that the equipment cannot be located underground to the satisfaction of the Township, then the ground-mounted equipment shall be screened from public view using stealth technologies, as described above.
  - b. All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zone.
10. As a condition of approval for all tower-based wireless communications facilities, the applicant shall provide the Township with a written commitment that it will allow other service providers to collocate antennas on tower-based wireless communications facilities where technically and economically feasible and that the applicant shall not unreasonably withhold such permission. The owner of a tower-based wireless communications facility shall not install any additional antennas without obtaining the prior written approval of the Township.
11. An access road, turn-around space, and parking shall be provided to ensure adequate emergency and service access to a tower-based wireless communication facility. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the wireless owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.
12. Prior to the issuance of a permit, the owner of a tower-based wireless communication facility outside the ROW shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain financial security acceptable to the Township Solicitor, in an amount of \$100,000, to assure the faithful performance of the terms and conditions of this section. The financial security shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this

section, after notice and opportunity to cure. The owner shall file the financial security with the Township.

13. The Township reserves the right to deny an application for the construction or placement of any tower-based wireless communication facility based upon visual and/or land use impact, to the extent permitted by law.
  14. The Township reserves the right to inspect any tower-based wireless communication facility to ensure compliance with the provisions of this section and any other provisions found within the Township Code or Commonwealth or federal law. The Township and/or its agents shall have the authority to enter the property upon which a wireless communication facility is located at any time, upon notice to the operator, to ensure such compliance.
- E. The following regulations shall apply to tower-based wireless communications facilities located in a Township right-of-way:
1. No tower-based wireless communication facility shall be located in residential zones or within five hundred (500) feet of a lot in residential use or a residential zone boundary.
  2. An applicant for a tower-based wireless communications facility must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of wireless communication facility being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of tower-based wireless communications facilities.
  3. Concurrent with the application that is submitted to the Township for a tower-based wireless communication facility, the applicant shall mail notice thereof to the owner or owners of every property within five hundred (500) feet of the parcel or property of the proposed facility **AND PROVIDE PROOF TO THE TOWNSHIP.**
  4. An application for a new tower-based wireless communication facility in the ROW shall not be approved unless the Township finds that the wireless communications equipment planned for the proposed tower-based wireless communication facility cannot be accommodated on an existing or approved structure or building, such as a utility pole or traffic light pole. Any application for approval of a tower-based wireless communication facility shall include a comprehensive inventory of all existing towers and other suitable structures within a one (1) - mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
  5. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all tower-based wireless communications facilities in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
  6. Tower-based wireless communications facilities and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to

- otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
- a. In no case shall ground-mounted equipment, walls, or landscaping be located within two (2) feet of the face of the curb, or in the absence of a curb, the edge of the pavement;
  - b. Ground-mounted equipment that cannot be underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
  - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
  - d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the tower owner within ten (10) business days of notice of the existence of the graffiti.
  - e. Any underground vaults related to tower-based wireless communications facilities shall be reviewed and approved by the Township.
7. The following design guidelines shall apply to tower-based wireless communications facilities located in the rights-of-way:
- a. The wireless communication facility shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the applicant shall be subject to the approval of the Township.
  - b. Any height extensions to an existing tower-based wireless communication facility shall require prior approval of the Township. The Township reserves the right to deny such requests based upon any lawful considerations related to the character of the Township.
  - c. Any proposed tower-based wireless communication facility shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for future users.
8. The Township reserves the right to deny an application for the construction or placement of any tower-based wireless communication facility based upon visual and/or land use impact, to the extent permitted by law.
9. As a condition of approval for all tower-based wireless communications facilities in the ROW, the applicant shall provide the Township with a written commitment that it will allow other service providers to collocate antennas on tower-based wireless communications facilities where technically and economically feasible and that the applicant shall not unreasonably withhold such permission. The owner of a tower-based wireless communication facility shall not install any additional antennas without obtaining the prior written approval of the Township.
10. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of tower-based wireless communications facilities in the ROW shall, at



its own expense, temporarily or permanently remove, relocate, change or alter the position of any wireless communication facility when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- a. The construction, repair, maintenance, or installation of any Township or other public improvement in the right-of-way;
  - b. The operations of the Township or other governmental entity in the right-of-way;
  - c. Vacation of a street or road or the release of a utility easement; or
  - d. An emergency as determined by the Township.
11. In addition to permit fees as described herein, every tower-based wireless communications facility in the ROW is subject to the Township's right to annually fix a fair compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other ROW management activities by the Township. The owner of each tower-based wireless communications facility shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. The annual ROW management fee for tower-based wireless communications facilities shall be determined by the Township and authorized by resolution of the Township Board of Supervisors and shall be based on the Township's actual ROW management costs as applied to such tower-based wireless communications facilities.
12. Prior to the issuance of a permit, the owner of a tower-based wireless communications facility in the ROW shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain financial security acceptable to the Township Solicitor, in an amount of \$100,000, to assure the faithful performance of the terms and conditions of this section. The financial security shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this section, after notice and opportunity to cure. The owner shall file the financial security with the Township.
- F. The following regulations shall apply to all supplemental wireless communications facilities, including "non-tower" wireless communications facilities:
1. Supplemental wireless communications facilities are permitted in all zones subject to the restrictions and conditions prescribed below and subject to prior written approval of the Township.
  2. Concurrent with the application that is submitted to the Township for a tower-based wireless communication facility, the applicant shall mail notice thereof to the owner or owners of every property within five hundred (500) feet of the parcel or property of the proposed facility **AND PROVIDE PROOF TO THE TOWNSHIP.**
  3. Any supplemental wireless communication facility shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable

- technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any supplemental wireless communication facility shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property.
4. Any supplemental wireless communications facilities shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI EIA/TIA-222-G, as amended).
  5. No supplemental wireless communications facilities shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
  6. Supplemental wireless communications facilities shall comply with all federal and Commonwealth laws and regulations concerning aviation safety.
  7. No supplemental wireless communications facility may, by itself or in conjunction with other communications facilities, generate radio-frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65, entitled “Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields,” as amended.
  8. In the event that use of a supplemental wireless communication facility is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned wireless communications facilities or portions of wireless communications facilities shall be removed as follows:
    - a. All unused or abandoned supplemental wireless communications facilities and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the Township.
    - b. If the supplemental wireless communication facility and/or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the Township, the supplemental wireless communication facility and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the supplemental wireless communications facility.
  9. Within thirty (30) calendar days of the date that an application for a supplemental wireless communication facility is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township’s ninety (90) day review period.

10. The Township may assess appropriate permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a supplemental wireless communication facility or \$1,000, whichever is less.
- G. The following regulations shall apply to all non-tower wireless communications facilities that substantially change the wireless support structure to which they are attached:
1. Supplemental wireless communications facilities are permitted in all zones subject to the restrictions and conditions prescribed below and subject to prior written approval of the Township.
  2. Concurrent with the application that is submitted to the Township for a tower-based wireless communication facility, the applicant shall mail notice thereof to the owner or owners of every property within five hundred (500) feet of the parcel or property of the proposed facility **AND PROVIDE PROOF TO THE TOWNSHIP.**
  3. Any supplemental wireless communication facility shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any supplemental wireless communication facility shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property.
  4. Any supplemental wireless communications facilities shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI EIA/TIA-222-G, as amended).
  5. No supplemental wireless communication facility shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
  6. No supplemental wireless communication facility may be located on a building or structure that is listed on either the National or Pennsylvania Register of Historic Places or is identified as an historic structure.
  7. Supplemental wireless communications facilities shall comply with all federal and Commonwealth laws and regulations concerning aviation safety.
  8. The following maintenance requirements shall apply to all supplemental wireless communications facilities:
    - a. Any supplemental wireless communication facility shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
    - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.

- c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
9. No supplemental wireless communication facility may, by itself or in conjunction with other wireless communications facilities, generate radio-frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65, entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields," as amended.
10. In the event that use of a supplemental wireless communication facility is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned supplemental wireless communications facilities or portions of such shall be removed as follows:
  - a. All unused or abandoned supplemental wireless communications facilities and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the Township.
  - b. If the supplemental wireless communication facility and/or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the Township, the supplemental wireless communication facility and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the supplemental wireless communications facility.
11. Within thirty (30) calendar days of the date that an application for a supplemental wireless communication facility is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's ninety (90) day review period.
12. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the supplemental wireless communication facility and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this section. The applicant and/or owner of the supplemental wireless communications facility shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities
13. Prior to the issuance of a permit, the owner of a supplemental wireless communication facility shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the Township Solicitor, in all amount not less than \$25,000, for each individual supplemental wireless communication facility, to assure the faithful performance of the terms and conditions of this section. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this section, after notice and opportunity to cure. The owner shall file a copy of the bond with the Township.

14. The Township may assess appropriate permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a supplemental wireless communication facility, as well as related inspection, monitoring, and related costs.

H. The following regulations shall apply to non-tower wireless communications facilities located outside a Township right-of-way:

1. Supplemental wireless communications facilities shall be collocated on existing structures such as existing buildings or tower-based wireless communications facilities subject to the following conditions:
  - a. Such wireless communication facility does not exceed a maximum height of one hundred fifty (150) feet.
  - b. If the applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zone.
  - c. A six (6) foot-high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
2. The following design guidelines shall apply to supplemental wireless communications facilities located outside a Township right-of-way:
  - a. Supplemental wireless communications facilities shall employ stealth technology to match the supporting structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the supplemental applicant shall be subject to the approval of the Township.
  - b. Supplemental wireless communications facilities, which are mounted to a building or similar structure, may not exceed a height of fifteen (15) feet above the roof or parapet, whichever is higher, unless the supplemental applicant obtains a conditional use approval.
  - c. All supplemental applicants must submit documentation to the Township justifying the total height of the supplemental wireless communication facility. Such documentation shall be analyzed in the context of such justification on an individual basis.
  - d. Antennas, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension that is reasonably necessary for their proper functioning.
  - e. The design guidelines above shall not apply to direct-broadcast satellite dishes installed for the purpose of receiving video and related communications services at residential dwellings.
3. The removal and replacement of supplemental wireless communications facilities and/or accessory equipment for the purpose of upgrading or repairing the supplemental wireless communication facility is permitted, so long as such repair or upgrade does not increase the overall size of the supplemental wireless communication facility or the number of antennas.

4. Any material modification to a supplemental wireless communication facility shall require a prior amendment to the original permit or authorization.
  5. The Township reserves the right to deny an application for the construction or placement of any supplemental wireless communication facility based upon visual and/or land use impact, to the extent permitted by law.
  6. The Township reserves the right to inspect any supplemental wireless communication facility to ensure compliance with the provisions of this section and any other provisions found within the Township Code or Commonwealth or federal law. The Township and/or its agents shall have the authority to enter the property upon which a wireless communication facility is located at any time, upon notice to the operator, to ensure such compliance.
- I. The following regulations shall apply to supplemental wireless communications facilities located in a Township right-of-way:
1. Supplemental wireless communications facilities in the ROW shall be collocated on existing poles, such as existing utility poles or light poles.
  2. The following design guidelines shall apply to supplemental wireless communications facilities located in a Township rights-of-way:
    - a. Wireless communications facility installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
    - b. Supplemental wireless communications facilities and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
  3. In addition to permit fees as described herein, every supplemental wireless communication facility in the ROW is subject to the Township's right to annually fix a fair compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other ROW management activities by the Township. The owner of each supplemental wireless communications facility shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. The annual ROW management fee for supplemental wireless communications facilities shall be determined by the Township and authorized by resolution of the Township Board of Supervisors and shall be based on the Township's actual ROW management costs as applied to such supplemental wireless communication facility.
  4. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all supplemental wireless communications facilities in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations.

For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

5. Supplemental wireless communications facilities and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
    - a. In no case shall ground-mounted equipment, walls, or landscaping be located within two (2) feet of the face of the curb, or in the absence of a curb, the edge of the pavement;
    - b. Ground-mounted equipment shall be located underground. In the event that an applicant can demonstrate, to the satisfaction of the Township, that ground-mounted equipment cannot be underground, then all such equipment shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
    - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
    - d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the tower owner within ten (10) business days of notice of the existence of the graffiti.
    - e. Any underground vaults related to supplemental wireless communications facilities shall be reviewed and approved by the Township.
  6. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of supplemental wireless communications facilities in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any supplemental wireless communication facility when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
    - a. The construction, repair, maintenance, or installation of any Township or other public improvement in the right-of-way;
    - b. The operations of the Township or other governmental entity in the right-of-way;
    - c. Vacation of a street or road or the release of a utility easement; or
    - d. An emergency as determined by the Township.
  7. The Township reserves the right to deny an application for the construction or placement of any supplemental wireless communication facility based upon visual and/or land use impact, to the extent permitted by law.
- J. Any person violating any provision of this article shall be subject, upon finding by a Magisterial District Judge, to a penalty not exceeding \$500 for each and every offense, together with attorneys' fees and

costs. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur. In addition to an action to enforce any penalty imposed by this section and any other remedy at law or in equity, the Township may apply to a Federal District Court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this section.

- K. In the event a determination is made that a person has violated any provision of this article, such person shall be provided written notice of the determination and the reasons therefor. Except in the case of an emergency, the person shall have thirty (30) days to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the Township may, in its judgment, extend the time period to cure, provided that the person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the Township may take any and all actions authorized by this article and/or federal and/or Pennsylvania law and regulations.
- L. The Township, by granting any permit or taking any other action pursuant to this article, does not waive, reduce, lessen or impair the lawful police powers vested in the Township under applicable federal, Commonwealth, and local laws and regulations.
- M. If any section, subsection, sentence, clause, phrase or word of this article is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not render the remainder of this article invalid.



# RA RURAL AGRICULTURE

This district is intended to encourage the preservation of agricultural activities and conservation of areas of unique natural beauty or low-impact recreation.

## DIMENSIONAL TABLE

MIN. LOT SIZE	3 acres
MIN LOT WIDTH	
at Building Setback Line	125 ft
MIN LOT DEPTH	150 ft
MAX. BUILDING HEIGHT	
Principal Structure	35 ft
Accessory Structure	15 ft
MAX COVERAGE	
Building	20%
Agricultural Building	40%
Impervious Surface	40%
MIN YARD SETBACK*	
Front Yard (Mnr Arterial)	50 ft
Front Yard (Collector)	40 ft
Front Yard (Local)	30 ft
Side Yard (principal)	40 ft**
Side Yard (accessory)	12 ft
Rear Yard (principal)	40 ft
Rear Yard (accessory)	12 ft

\*Corner lots have two front yards and two side yards.  
See § 190-804

\*\*Aggregate; smaller side no less than 15 ft.

## PERMITTED USES

### PRINCIPAL USES

#### PERMITTED BY RIGHT

Campground, limited to tent sites  
Cemetery  
Cemetery, animal  
Commercial outdoor recreation  
Commercial stable or riding academy  
Community garden  
Crop farming  
Essential services  
Forestry  
Golf course  
Governmental and emergency services facility  
Group home  
Kennel  
Membership club, lodge or fraternal organization  
Nature reserve  
Place of assembly or worship  
Plant nursery  
Public park/recreation  
Raising of livestock  
Single-family detached dwelling  
Veterinarian office or animal hospital

### CONDITIONAL USES

Adult-oriented establishment  
Airport  
Geothermal energy system  
Heliport  
Junkyard  
Landfill, waste energy plant, or transfer station  
Mineral extraction/open pit mining  
Planned development  
Recycling collection center  
Solar energy system, principal/community-scale  
Wind energy system, principal/community-scale

### SPECIAL EXCEPTIONS

Bed-and-breakfast use  
Beverage production – limited winery, meadery or cidery  
Beverage production - limited distillery  
Commercial indoor recreation  
Transitional dwelling  
Wireless communications facility, tower-based

### ACCESSORY USES

#### PERMITTED BY RIGHT

Accessory use and structure which are clearly customary and incidental to a permitted principal use  
Brew pub or tap/tasting room  
Bus shelter  
Community-supported agriculture delivery station  
Crop storage  
Farm cafe  
Farm camp  
Farm pond  
Farm stand  
Farmer's market  
Food truck  
Home-based business, no impact

Home occupation, low-impact  
Keeping of pets  
Noncommercial recreational facility for household use or for residents of a development (including tennis courts and swimming pools)  
'Pick-your-own' operation  
Residential accessory building, structure or use  
Satellite dish antenna or satellite antenna  
Short-term rental  
Solar energy system, small  
Temporary structure or use  
Urban keeping of livestock  
Wind energy system, small

# LDR LOW-DENSITY RESIDENTIAL

The purpose of the LDR District is to provide for the orderly expansion of low-density residential development where public services are available and to exclude uses that are incompatible with such low-density residential development.

## DIMENSIONAL TABLE

MIN. LOT SIZE	20,000 sf
No public sewer	1 acre
MIN LOT WIDTH	
at Building Setback Line	100 ft
at Street Line (Local)	40 ft
at Street Line (Mnr Arterial)	200 ft
at Street Line (Collector)	130 ft
MIN LOT DEPTH	120 ft
MAX. BUILDING HEIGHT	
Principal Structure	35 ft
Accessory Structure	15 ft
MAX COVERAGE	
Building	20%
Impervious Surface	35%
MIN YARD SETBACK*	
Front Yard (Mnr Arterial)	50 ft
Front Yard (Collector)	40 ft
Front Yard (Local)	30 ft
Side Yard (principal)	30 ft**
Side Yard (accessory)	5 ft
Rear Yard (principal)	35 ft
Rear Yard (accessory)	5 ft

\*Corner lots have two front yards and two side yards.  
See § 190-804; \*\*Aggregate; smaller side no less than 12 ft.

## PERMITTED USES

### PRINCIPAL USES

#### PERMITTED BY RIGHT

Community garden  
Crop farming  
Essential services  
Forestry  
Governmental and emergency services facility  
Nature reserve  
Place of assembly or worship  
Public park/recreation  
School, public or private  
Single-family detached dwelling

#### CONDITIONAL USES

Geothermal energy system

#### SPECIAL EXCEPTIONS

Bed-and-breakfast use  
Comparable residential uses not specifically listed

### ACCESSORY USES

#### PERMITTED BY RIGHT

Accessory use and structure which are clearly customary and incidental to a permitted principal use  
Accessory dwelling unit  
Bus shelter  
Farm stand  
Home-based business, no impact  
Home occupation, low impact  
Keeping of pets  
Noncommercial recreational facility for household use or for residents of a development (including tennis courts and swimming pools)  
Residential accessory building, structure or use  
Satellite dish antenna or satellite antenna  
Solar energy system, small  
Temporary structure or use  
Wind energy system, small  
Urban keeping of livestock

# MDR MEDIUM-DENSITY RESIDENTIAL

The purpose of the MDR District is to provide for the orderly development of existing and proposed medium density residential areas where adequate public services, streets and transportation improvements are or will be available, and to exclude those uses not compatible with such development.

## DIMENSIONAL TABLE

<b>MIN. LOT SIZE</b>	15,000 sf
No public sewer	1 acre
<b>MIN LOT WIDTH</b>	
at Building Setback Line	75 ft
at Street Line (Local)	40 ft
at Street Line (Mnr Arterial)	200 ft
at Street Line (Collector)	100 ft
<b>MIN LOT DEPTH</b>	120 ft
<b>MAX. BUILDING HEIGHT</b>	
Principal Structure	35 ft
Accessory Structure	15 ft
<b>MAX COVERAGE</b>	
Building	25%
Impervious Surface	50%
<b>MIN YARD SETBACK*</b>	
Front Yard (Mnr Arterial)	50 ft
Front Yard (Collector)	40 ft
Front Yard (Local)	30 ft
Side Yard (principal)	25 ft**
Side Yard (accessory)	5 ft
Rear Yard (principal)	30 ft
Rear Yard (accessory)	5 ft

\*Corner lots have two front yards and two side yards. See § 190-804 \*\*Aggregate; smaller side no less than 10 ft.

## PERMITTED USES

### PRINCIPAL USES

#### PERMITTED BY RIGHT

Community garden  
 Crop farming  
 Essential services  
 Forestry  
 Governmental and emergency services facility  
 Nature reserve  
 Place of assembly or worship  
 Public park/recreation  
 School, public or private  
 Single-family detached dwelling

#### CONDITIONAL USES

Geothermal energy system  
 Planned development

#### SPECIAL EXCEPTIONS

Bed-and-breakfast use  
 Comparable residential uses not specifically listed

### ACCESSORY USES

#### PERMITTED BY RIGHT

Accessory use and structure which are clearly customary and incidental to a permitted principal use  
 Accessory dwelling unit  
 Bus shelter  
 Day care home, family  
 Home occupation, low-impact  
 Home-based business, no impact  
 Keeping of pets  
 Noncommercial recreational facility for household use or for residents of a development (including tennis courts and swimming pools)  
 Residential accessory building, structure or use  
 Satellite dish antenna or satellite antenna  
 Solar energy system, small  
 Temporary structure or use  
 Wind energy system, small  
 Urban keeping of livestock

#### SPECIAL EXCEPTIONS

Wireless communications facility, non-tower

# HDR HIGH-DENSITY RESIDENTIAL

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The purpose of the HDR District is to prevent the overcrowding of land and yet encourage well-planned and well-designed higher-density residential uses in those areas where central water and sewerage services are most available, and to provide for the public convenience and avoid congestion of the streets. This district is intended to promote development that is compatible with adjacent development and that incorporates natural features and open space into overall site design.

Dimensional Tables on Next Page.

## PERMITTED USES

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### **PRINCIPAL USES**

#### PERMITTED BY RIGHT

Community garden  
Crop farming  
Essential services  
Forestry  
Governmental and emergency services facility  
Group home  
Nature reserve  
Place of assembly or worship  
Public park/recreation  
School, public or private  
Single-family attached dwelling (townhouse)  
Single-family detached dwelling  
Single-family semidetached dwelling (twin)  
Two-family dwelling (duplex)

#### CONDITIONAL USES

Geothermal energy system  
Multifamily dwelling, low-rise (garden apartments)  
Multifamily dwelling, mid-rise  
Non-family residential facility, type 1  
Non-family residential facility, type 2  
Planned development

#### SPECIAL EXCEPTIONS

Bed-and-breakfast use  
Boardinghouse or rooming house  
Comparable residential uses not specifically listed  
Day care center, child  
Transitional dwelling

### **ACCESSORY USES**

#### PERMITTED BY RIGHT

Accessory use and structure which are clearly customary and incidental to a permitted principal use  
Accessory dwelling unit  
Auditorium  
Bus shelter  
Community-supported agriculture delivery station  
Day care home, family  
Day care home, group  
Home occupation, low-impact  
Home-based business, no-impact  
Keeping of pets  
Noncommercial recreational facility for household use or for residents of a development (including tennis courts and swimming pools)Á  
Residential accessory building, structure or use  
Satellite dish antenna or satellite antenna  
Solar energy system, small  
Temporary structure or use  
Wind energy system, small  
Urban keeping of livestock

#### SPECIAL EXCEPTIONS

Wireless communications facility, non-tower

# HDR HIGH-DENSITY RESIDENTIAL

## DIMENSIONAL TABLE

### MIN LOT WIDTH

at Street Line (Local)	40 ft
at Street Line (Mnr Arterial)	200 ft
at Street Line (Collector)	130 ft

### MAX. BUILDING HEIGHT

Principal Structure	40 ft
Accessory Structure	25 ft

### MAX COVERAGE

Building	30%
Impervious Surface	70%

### MIN COVERAGE

Landscaped	30%
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### MIN YARD SETBACK\*

Front Yard (Mnr Arterial)	45 ft
Front Yard (Collector)	35 ft
Front Yard (Local)	25 ft
Side Yard (principal)	16 ft**
Side Yard (accessory)	5 ft
Rear Yard (principal)	30 ft
Rear Yard (accessory)	5 ft

\*Corner lots have two front yards and two side yards. See § 190-804; \*\*Aggregate; smaller side no less than 8 ft.

*Per dwelling unit.	Min. Lot Area (sq. ft.)	Min. Tract Size per Building	Min. Lot Width At Setback Line (feet)	Min. Lot Width At Street Line - Local (feet)	Min. Lot Depth (feet)
Single-family detached and mobile homes	12,000	12,000	60*	40*	100
Single-family detached and mobile homes (no public sewer)	43,560*	43,560*	100*	40*	200
Single-family semidetached dwelling; two-family detached dwelling; two-family semidetached dwelling	6,000*	12,000	45*	40*	100
All other principal uses (unless larger lot requirements stated elsewhere)	15,000	15,000	60	40	100

# NC NEIGHBORHOOD COMMERCIAL

The purpose of the NC District is to provide for a carefully controlled mix of pedestrian-oriented residential and commercial land uses that are primarily designed to serve nearby neighborhoods, ensure that commercial uses are compatible with nearby residences, and encourage redevelopment to mixed-use buildings with retail uses on the ground floor and apartments on upper floors.

## PERMITTED USES

### PRINCIPAL USES

#### PERMITTED BY RIGHT

Artisan, craft, exercise, or performing art studio  
Bank or financial institution  
Bar or tavern  
Beverage production - microbrewery  
Business service establishment  
Community center or cultural center  
Community garden  
Crop farming  
Day care center, adult  
Day care center, child  
Essential services  
Forestry  
Funeral home or mortuary  
Governmental and emergency services facility  
Group home  
Membership club, lodge or fraternal organization  
Medical or dental clinics and laboratories  
Medical marijuana dispensary  
Mixed-use building  
Office, Professional  
Personal services establishment  
Place of assembly or worship  
Public park/recreation  
Restaurant, sit-down  
Retail establishment  
School, public or private  
Single-family attached dwelling (townhouse)  
Single-family detached dwelling  
Single-family semidetached dwelling (twin)  
Tattoo parlor  
Theater  
Transitional dwelling

## DIMENSIONAL TABLE

MIN. LOT SIZE	10,000 sf
LOT WIDTH	
at Street Line	75 ft
MAX. BUILDING HEIGHT	
Principal Structure	35 ft
COVERAGE	
Building	40%
Impervious Surface	85%
YARD SETBACK*	
Front Yard	25 ft
Side Yard	10 ft
Rear Yard	15 ft

### CONDITIONAL USES

Geothermal energy system  
Planned development

### SPECIAL EXCEPTIONS

Boardinghouse or rooming house  
Comparable residential uses not specifically listed  
Comparable commercial uses not specifically listed

### ACCESSORY USES

#### PERMITTED BY RIGHT

Accessory use and structure which are clearly customary and incidental to a permitted principal use  
Auditorium  
Brew pub or tap/tasting room  
Bus shelter  
Community-supported agriculture delivery station  
Farmer's market  
Home occupation, low-impact  
Home-based business, no-impact  
Keeping of pets  
Noncommercial recreational facility for household use or for residents of a development (including tennis courts and swimming pools)  
Outdoor dining area  
Residential accessory building, structure or use  
Satellite dish antenna or satellite antenna  
Short-term rental  
Solar energy system, small  
Temporary structure or use  
Wind energy system, small

# GC GENERAL COMMERCIAL

The purpose of the GC District is to provide for the orderly, integrated development of those uses necessary to meet the community and regional needs for general goods and services, as well as those of a social, cultural and civic nature; and to exclude uses not compatible with such activities. This district is intended to ensure well-planned and well-designed uses while ensuring adequate circulation, access control, and open space and unified and organized arrangement of buildings, service and parking areas.

## DIMENSIONAL TABLE

MIN. LOT SIZE	30,000 sf
Lots est. prior to 1987	10,000 sf
MIN LOT WIDTH	
at Street Line	120 ft
MAX. BUILDING HEIGHT	
Principal Structure	35 ft
MAX COVERAGE	
Building	40%
Impervious Surface	85%
MIN COVERAGE	
Landscaped	20%
MIN YARD SETBACK*	
Front Yard	25 ft
Side Yard	10 ft
Rear Yard	15 ft

\*Corner lots have two front yards and two side yards.  
See § 190-804

## PERMITTED USES

### PRINCIPAL USES

#### PERMITTED BY RIGHT

Artisan, craft, exercise or performing arts studio	Medical or dental clinics and laboratories
Auto repair garage	Medical marijuana dispensary
Auto, boat and/or mobile/manufactured home sales	Membership club, lodge or fraternal organization
Bank or financial institution	Mixed-use building
Bar or tavern	Nursing home
Beverage production – micro-brewery	Office, Professional
Beverage production – limited distillery	Parking lot or structure, off-street
Business services establishment	Personal care home or center
Car wash	Personal services establishment
Commercial indoor recreation use	Place of assembly or worship
Community center or cultural center	Plant nursery
Convenience store	Public park/recreation
Crop farming	Restaurant, quick-service
Day care center, adult	Restaurant, sit-down
Day care center, child	Retail establishment
Essential services	Shopping center
Forestry	Tattoo parlor
Funeral home or mortuary	Theater
Gasoline service station	Veterinarian office or animal hospital
Governmental and emergency services facility	

#### CONDITIONAL USES

Geothermal energy system  
Planned development

#### SPECIAL EXCEPTIONS

Comparable commercial uses not specifically listed  
Nightclub  
Wireless communications facility, tower-based

#### ACCESSORY USES

##### PERMITTED BY RIGHT

Accessory use and structure which are clearly customary and incidental to a permitted principal use  
Auditorium  
Brew pub or tap/tasting room  
Bus shelter  
Commercial/industrial outdoor storage or display  
Community-supported agriculture delivery station  
Day care center as an accessory use  
Farmer's market  
Food truck  
Keeping of pets  
Outdoor dining area  
Satellite dish antenna or satellite antenna  
Solar energy system, small  
Temporary structure or use  
Wind energy system, small

##### SPECIAL EXCEPTIONS

Drive-through facility  
Walk-up window  
Wireless communications facility, non-tower

# PO/B PLANNED OFFICE/BUSINESS

The purpose of the PO/B District is to provide highly visible and appropriate locations for major business developments, including offices and limited commercial uses. To balance these areas typically affected by traffic patterns, special requirements are included for coordinated circulation improvements to support the permitted development.

## PERMITTED USES

### PRINCIPAL USES

#### PERMITTED BY RIGHT

Artisan, craft, exercise or performing arts studio  
 Bank or financial institution  
 Bar or tavern  
 Beverage production – microbrewery  
 Business services establishment  
 Commercial indoor recreation use  
 Community center or cultural center  
 Community garden  
 Convenience store  
 Convention, conference, banquet or training center  
 Crop farming  
 Day care center, adult  
 Day care center, child  
 Essential services  
 Forestry  
 Group care facility  
 Governmental and emergency services facility  
 Medical or dental clinics and laboratories  
 Mixed-use building  
 Nursing home  
 Office, Professional  
 Personal care home or center  
 Personal services establishment  
 Public park/recreation  
 Research, development, engineering or testing laboratory  
 Restaurant, sit-down  
 Retail establishment

### CONDITIONAL USES

Geothermal energy system  
 Hospital  
 Planned development  
 School, commercial

### SPECIAL EXCEPTIONS

Comparable commercial uses not specifically listed  
 Restaurant, quick-service  
 Theater  
 Wireless communications facility, tower-based

### ACCESSORY USES

#### PERMITTED BY RIGHT

Accessory use and structure which are clearly customary and incidental to a permitted principal use  
 Auditorium  
 Brew pub or tap/tasting room  
 Bus shelter  
 Community-supported agriculture delivery station  
 Day care center as an accessory use  
 Farmer's market  
 Food truck  
 Home occupation, low-impact  
 Home-based business, no-impact  
 Keeping of pets

## DIMENSIONAL TABLE

MIN. TRACT SIZE	6 acres
MIN. LOT SIZE	30,000 sf
MIN TRACT WIDTH	225 sf
MIN LOT WIDTH	
at Street Line	100 ft
at Street Line (Mnr Arterial)	250 ft
at Street Line (PA Route 248)	350 ft

### MAX. BUILDING HEIGHT\*\*

Principal Structure	65 ft
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### MAX COVERAGE

Building	40%
Impervious Surface	70%

### MIN YARD SETBACK\*

Front Yard	35 ft
Side Yard	35 ft
Rear Yard	35 ft
Side Yard (within same tract)	20 ft

\*Corner lots have two front yards and two side yards. See § 190-804

\*\* See § 190-405 for additional height standards.

Noncommercial recreational facility for household use or for residents of a development (including tennis courts and swimming pools)  
 Outdoor dining area  
 Residential accessory building, structure or use  
 Satellite dish antenna or satellite antenna  
 Solar energy system, small  
 Temporary structure or use  
 Urban keeping of livestock  
 Wind energy system, small

### SPECIAL EXCEPTIONS

Drive-through facility  
 Helistop  
 Walk-up window  
 Wireless communications facility, non-tower



# MSC MAIN STREET COMMERCIAL

The purpose of the MSC District is to allow for the creation of a planned commercial center featuring qualities of a traditional Main Street neighborhood that will benefit the Township and the region, both economically and aesthetically; to provide a mechanism that will allow areas planned for commercial uses to be developed in in the northern end of the Township near the Route 33/Main Street interchange; and to allow for prudent business decision making by future property owners and encourage investments in land and infrastructure to be made with the knowledge that the Township will permit such commercial development to be occupied and to operate.

## DIMENSIONAL TABLE

MIN. LOT SIZE	2 acres
MIN LOT WIDTH	
at Building Setback Line	150 ft
MAX. BUILDING HEIGHT	
Principal Structure	35 ft
Accessory Structure	20 ft
MAX COVERAGE	
Building	35%
Impervious Surface	80%
MIN COVERAGE	
Landscaped	20%
MIN YARD SETBACK*	
Front Yard	5 ft
Side Yard (not adjacent to MSC)	25 ft
Rear Yard (not adjacent to MSC)	25 ft
Side yard (adjacent to MSC)	15 ft
Rear Yard (adjacent to MSC)	15 ft
Parking (setback from Main Street)	50 ft

\*Corner lots have two front yards and two side yards.  
See § 190-804

## PERMITTED USES

### PRINCIPAL USES

#### PERMITTED BY RIGHT

Artisan, craft, exercise or performing arts studio  
 Bank or financial institution  
 Bar or tavern  
 Business services establishment  
 Car wash  
 Commercial indoor recreation use  
 Community center or cultural center  
 Convenience store  
 Convention, conference, banquet or training center  
 Crop farming  
 Essential services  
 Forestry  
 Gasoline service station  
 Government and emergency services building  
 Hotel or motel  
 Medical or dental clinics and laboratories  
 Mixed-use building  
 Office, Professional  
 Personal services establishment  
 Public park/recreation  
 Restaurant, quick-service  
 Restaurant, sit-down  
 Retail establishment  
 Shopping center  
 Wireless communications facility, tower-based

### CONDITIONAL USES

Geothermal energy system  
 Planned Development

### ACCESSORY USES

#### PERMITTED BY RIGHT

Accessory use and structure which are clearly customary and incidental to a permitted principal use  
 Bus shelter  
 Drive-thru facility  
 Farmer's market  
 Food truck  
 Keeping of pets  
 Outdoor dining area  
 Satellite dish antenna or satellite antenna  
 Solar energy system, small  
 Temporary structure or use  
 Wind energy system, small

#### SPECIAL EXCEPTION

Wireless communications facility, non-tower

# LI/MU LIGHT INDUSTRIAL / MIXED USE

The purpose of the LI/MU District is to provide sufficient space, in appropriate locations, for small-scale, low-impact light industrial uses, general commercial development, and mixed-uses to coexist with surrounding residential areas.

## PERMITTED USES

### PRINCIPAL USES

#### PERMITTED BY RIGHT

Artisan, craft, exercise or performing arts studio  
 Auto repair garage  
 Beverage production – limited distillery  
 Beverage production – limited winery, meadery or cidery  
 Business service establishment  
 Commercial indoor recreation use  
 Convenience store  
 Crop farming  
 Essential Services  
 Forestry  
 Funeral home or mortuary  
 Gasoline service station  
 Governmental and emergency services facility  
 Golf course  
 Kennel  
 Manufacturing, light  
 Medical or dental clinics and laboratories  
 Medical marijuana dispensary  
 Medical marijuana grower/processor  
 Mixed-use building  
 Office, Professional  
 Plant nursery  
 Public park/recreation  
 Recycling collection center  
 Research, development, engineering or testing laboratory  
 Retail establishment  
 Self-storage development

#### CONDITIONAL USES

Geothermal energy system  
 Hospital  
 Planned development

## DIMENSIONAL TABLE

MIN. LOT SIZE	1 acre
MIN LOT WIDTH	
at Building Setback Line	100 ft
at Street Line (Mnr Arterial)	200 ft
MAX. BUILDING HEIGHT	
Principal Structure	40 ft
MAX COVERAGE	
Building	40%
Impervious Surface	65%
MIN YARD SETBACK*	
Front Yard	40 ft
Front Yard (Abuts or across ROW from residential lot line)	75 ft
Side Yard	30 ft
Rear Yard	30 ft
Side/Rear Yard (Abuts or across ROW from residential lot line)	120 ft

\*Corner lots have two front yards and two side yards. See § 190-804

#### SPECIAL EXCEPTION

Comparable industrial uses not specifically listed  
 Solar energy system, principal/community-scale  
 Wind energy system, principal/community-scale  
 Wireless communications facility, tower-based

#### ACCESSORY USES

##### PERMITTED BY RIGHT

Accessory use and structure which are clearly customary and incidental to a permitted principal use  
 Brew pub or tap/tasting room  
 Bus shelter  
 Commercial/industrial outdoor storage or display  
 Food truck  
 Keeping of pets  
 Satellite dish antenna or satellite antenna  
 Solar energy system, small  
 Temporary structure or use  
 Wind energy system, small  
 Wireless communications facility, non-tower

# IOC INDUSTRIAL/OFFICE/COMMERCIAL

The purpose of the IOC District is to provide sufficient space in appropriate locations to meet current and anticipated future regional needs for industrial and large-site commercial development appropriate to the community; to encourage industrial and commercial development that will benefit the community and the region, both economically and aesthetically; and to permit investment in a development that will provide for the location of several plants and/or planned commercial establishments to ensure safe and efficient access to public streets.

## DIMENSIONAL TABLE

MIN. TRACT SIZE	15 acre
MIN. LOT SIZE	5 acre
MIN LOT WIDTH	
at Building Setback Line	100 ft
at Street Line	250 ft
MAX. BUILDING HEIGHT	45 ft
MAX COVERAGE	
Building	40%
Impervious Surface	65%
MIN COVERAGE	
Landscaped	20%
MIN YARD SETBACK	
Front Yard	40 ft
Front Yard (Abuts or across ROW from residential lot line)	75 ft
Side Yard	15 ft
Side Yard (Abuts or across ROW from residential lot line)	150 ft
Rear Yard	15 ft
Rear Yard (Abuts or across ROW from residential lot line)	150 ft

## PERMITTED USES

### PRINCIPAL USES

Mixed-use building  
Office, Professional  
Outdoor industrial storage/  
supply yard  
Plant nursery  
Public park/recreation  
Research, development,  
engineering or testing  
laboratory  
Restaurant, sit-down  
Retail establishment  
Self-storage development  
Taxi, bus, or train terminal  
Truck stop  
Truck, rail or freight terminal  
Warehouse/logistics use  
Wholesale establishment

### PERMITTED BY RIGHT

Auto repair garage  
Bank or financial institution  
Beverage production – limited  
distillery  
Beverage production – limited  
winery, meadery or cidery  
Beverage production – large brewery  
Beverage production – microbrewery  
Billboard (on its own lot)  
Business services establishment  
Commercial indoor recreation use  
Convenience store  
Crop farming  
Day care center, adult  
Essential services  
Forestry  
Gasoline service station  
Governmental and emergency  
services facility  
Hotel or motel  
Manufacturing, light  
Medical or dental clinics and  
laboratories  
Medical marijuana dispensary  
Membership club, lodge or fraternal  
organization

### CONDITIONAL USES

Geothermal energy system  
Hospital  
Planned development  
School, commercial

### SPECIAL EXCEPTIONS

Comparable commercial  
uses not specifically listed  
Comparable industrial uses  
not specifically listed  
Wireless communications  
facility, tower-based

### ACCESSORY USES

#### PERMITTED BY RIGHT

Accessory use and structure  
which are clearly customary and  
incidental to a permitted principal  
use  
Bus shelter  
Commercial/industrial outdoor  
storage or display  
Crematorium  
Food truck  
Keeping of pets  
Satellite dish antenna or satellite  
antenna  
Solar energy system, small  
Temporary structure or use  
Wind energy system, small

#### SPECIAL EXCEPTION

Heliport  
Wireless communications facility,  
non-tower

# NEB NORTH END BUSINESS

The purpose of the NEB District is to provide sufficient space to meet current and anticipated future regional needs for industrial, office and commercial development that will benefit the Township and the region, both economically and aesthetically; to provide a mechanism that will allow areas planned for industrial, office and commercial uses to be developed in the northern end of the Township along the Route 33 corridor; and to allow for prudent business decision making by future property owners and encourage investments in land and infrastructure to be made with the knowledge that the Township will permit such industrial, office and commercial development to be occupied and to operate.

## DIMENSIONAL TABLE

MIN. LOT SIZE	10 acres
MIN LOT WIDTH	
at Building Setback Line	350 ft
MAX. BUILDING HEIGHT	
Principal Structure	60 ft
MAX COVERAGE	
Building	45%
Impervious Surface	75%
MIN YARD SETBACK*	
Front Yard	15 ft
Side Yard (not adjacent to NEB)	25 ft
Rear Yard (not adjacent to NEB)	25 ft
Side yard (adjacent to NEB)	15 ft
Rear Yard (adjacent to NEB)	15 ft

\*Corner lots have two front yards and two side yards.  
See § 190-804

## PERMITTED USES

### PRINCIPAL USES

#### PERMITTED BY RIGHT

Beverage production – large brewery  
 Beverage production – limited distillery  
 Beverage production – limited winery, meadery or cidery  
 Beverage production – micro-brewery  
 Billboard (on its own lot)  
 Business services establishment  
 Crop farming  
 Essential services  
 Forestry  
 Governmental and emergency services facility  
 Manufacturing, light  
 Manufacturing, heavy  
 Medical or dental clinics and laboratories  
 Medical marijuana grower/processor  
 Mixed-use building  
 Office, Professional  
 Outdoor industrial storage/supply yard  
 Public park/recreation  
 Research, development, engineering or testing laboratory  
 School, commercial  
 Truck stop  
 Truck, rail, freight terminal  
 Warehouse/logistics use  
 Wholesale establishment  
 Wireless communications facility, tower-based

### CONDITIONAL USES

Adult-oriented establishment  
 Airport  
 Geothermal energy system  
 Heliport  
 Junkyard  
 Landfill, waste energy plant, or transfer station  
 Mineral extraction/open pit mining  
 Planned development

### SPECIAL EXCEPTION

Comparable industrial uses not specifically listed  
 Solar energy system, principal/community-scale  
 Tank farm  
 Wind energy system, principal/community-scale

### ACCESSORY USES

#### PERMITTED BY RIGHT

Accessory use and structure which are clearly customary and incidental to a permitted principal use  
 Bus shelter  
 Commercial/industrial outdoor storage or display  
 Crematorium  
 Keeping of pets  
 Satellite dish antenna or satellite antenna  
 Solar energy system, small  
 Temporary structure or use  
 Wind energy system, small  
 Wireless communications facility, non-tower

# R-248 ROUTE 248 OVERLAY DISTRICT

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The purpose of the R-248 Overlay District is to manage growth and development along Route 248 and create a safe and visually unified streetscape. The overlay district is intended to improve the design standards of the corridor, while maintaining the base district use standards and respecting the landowners in and around the Route 248 corridor. It aims to facilitate the development of a safe and viable corridor that links a variety of uses through streetscape amenities, design standards, and coordinated signage.

## DIMENSIONAL STANDARDS

Uses permitted within the Overlay District shall follow and be in addition to respective base zoning district regulations.

## PERMITTED USES

### **PRINCIPAL USES**

#### PERMITTED BY RIGHT

Uses permitted by right within respective base zoning districts unless specifically prohibited.  
Business services establishment  
Medical or dental clinics and laboratories  
Mixed-use building  
Office, Professional

### **ACCESSORY USES**

#### PERMITTED BY RIGHT

Uses permitted by right within respective base zoning districts unless specifically prohibited.

# WPH WILLIAM PENN HIGHWAY OVERLAY DISTRICT

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The purpose of the WPH Overlay District is to manage growth and development along William Penn Highway and create a safe and visually unified streetscape. The overlay district aims to facilitate the development of a safe and viable corridor that links a variety of uses through streetscape amenities, design standards, and coordinated signage.

## DIMENSIONAL STANDARDS

Uses permitted within the Overlay District shall follow and be in addition to respective base zoning district regulations.

## PERMITTED USES

---

### **PRINCIPAL USES**

#### PERMITTED BY RIGHT

Uses permitted by right within respective base zoning districts unless specifically prohibited.

- Artisan, craft, exercise or performing arts studio
- Bar or tavern
- Bank or financial institution
- Bed-and-breakfast use
- Business services establishment
- Day care center, adult
- Day care center, child
- Funeral home or mortuary
- Group home
- Membership club, lodge or fraternal organization
- Mixed-use building
- Medical or dental clinics and laboratories
- Office, Professional
- Personal care home or center
- Personal services establishment
- School, public or private
- Single-family semidetached dwelling (twin)
- Two-family dwelling (duplex)
- Veterinarian office or animal hospital

#### SPECIAL EXCEPTIONS

Taxi, bus or passenger train terminal

### **ACCESSORY USES**

#### PERMITTED BY RIGHT

Uses permitted by right within respective base zoning districts unless specifically prohibited.

# FAO FREEMANSBURG AVENUE OVERLAY DISTRICT

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The purpose of the FAO District is to integrate additional nonresidential and infill development into the Freemansburg Avenue corridor and to compliment established residential development

## DIMENSIONAL STANDARDS

Uses permitted within the Overlay District shall follow and be in addition to respective base zoning district regulations.

## PERMITTED USES

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### **PRINCIPAL USES**

#### PERMITTED BY RIGHT

Uses permitted by right within respective base zoning districts unless specifically prohibited.

- Artisan, craft, exercise or performing arts studio
- Bank or financial institution
- Bed-and-breakfast use
- Business services establishment
- Day care center, adult
- Day care center, child
- Funeral home or mortuary
- Group home
- Medical or dental clinics and laboratories
- Membership club, lodge or fraternal organization
- Mixed-use building
- Office, Professional
- Personal care home or center
- Personal services establishment
- Restaurant, sit-down
- School, public or private
- Single-family semidetached dwelling (twin)
- Two-family dwelling (duplex)
- Veterinarian office or animal hospital

### **ACCESSORY USES**

#### PERMITTED BY RIGHT

Uses permitted by right within respective base zoning districts unless specifically prohibited.

# EGO EASTERN GATEWAY OVERLAY DISTRICT

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The purpose of the EGO Overlay District is to establish a coordinated approach for redevelopment and reinvestment within the Township's eastern gateway that encourages efficient land use and promote accessibility to the Palmer Township trail network. Through unified mixed-use development and application of design standards, the Overlay District will serve to balance the nonresidential residential needs and interests of the eastern gateway of the Township.

## DIMENSIONAL STANDARDS

Uses permitted within the Overlay District shall follow and be in addition to respective base zoning district regulations.

## PERMITTED USES

### **PRINCIPAL USES**

#### PERMITTED BY RIGHT

Uses permitted by right within respective base zoning districts unless specifically prohibited.

Artisan, craft, exercise or performing arts studio  
Bank or financial institution  
Bar or tavern  
Beverage production – microbrewery  
Beverage production – limited winery, meadery or cidery  
Beverage production – limited distillery  
Business services establishment  
Hotel or motel  
Medical or dental clinics and laboratories  
Mixed-use building  
Multifamily dwelling, low-rise (garden apartments)  
Multifamily dwelling, mid-rise  
Office, Professional  
Personal services establishment  
Planned development  
Restaurant, sit-down  
School, public or private  
Single-family attached dwelling (townhouse)  
Retail establishment  
Theater  
Veterinarian office or animal hospital

### **ACCESSORY USES**

#### PERMITTED BY RIGHT

Uses permitted by right within respective base zoning districts unless specifically prohibited.



# RBO RIPARIAN BUFFER OVERLAY DISTRICT

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## DIMENSIONAL STANDARDS

The purpose of the RBO Overlay District is to

- To promote the general health, welfare and safety of the community;
- To encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future;
- To minimize danger to public health by protecting water supply and natural drainage;
- To reduce financial burdens imposed on the community, governments and residents by preventing excessive development in areas subject to flooding;
- To protect individuals from buying lands which are unsuitable for building sites or certain uses because of flooding by prohibiting the subdivision and/or development of unprotected flood-prone lands; and
- To regulate development in flood hazard areas in accordance with the National Flood Insurance Act of 1968 (42 U.S.C. § 4001 et seq .) and the Pennsylvania Flood Plain Management Act 166 of 1978 (32 P.S . § 679.101 et seq.).

Uses permitted within the Overlay District shall follow respective base zoning district regulations, except where additional restrictions on use or dimensions are noted.

## PERMITTED USES

### **PRINCIPAL USES**

#### PERMITTED BY RIGHT

Campground, limited to tent sites  
Commercial outdoor recreation use  
Community garden  
Crop farming  
Forestry  
Golf course  
Nature reserve  
Plant nursery  
Public park/recreation

### **ACCESSORY USES**

#### PERMITTED BY RIGHT

Accessory use and structure which are clearly customary and incidental to a permitted principal use  
Bus shelter  
Noncommercial recreational facility for household use or for residents of a development (including tennis courts and swimming pools)  
Satellite dish antenna or satellite antenna  
Solar energy system, small  
Temporary structure or use  
Wind energy system, small

# PRO PARKS, RECREATION, OPEN SPACE OVERLAY DISTRICT

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The purpose of the PRO District is to preserve certain recreational, natural, and scenic areas of the Township for the benefits they provide to residents, visitors, and wildlife.

## DIMENSIONAL STANDARDS

Uses permitted within the Overlay District shall follow respective base zoning district regulations, except where additional restrictions on use or dimensions are noted.

## PERMITTED USES

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### **PRINCIPAL USES**

#### PERMITTED BY RIGHT

Campground, limited to tent sites  
Cemetery  
Cemetery, animal  
Community garden  
Crop farming  
Golf course  
Nature reserve  
Plant nursery  
Public park/recreation

### **ACCESSORY USES**

#### PERMITTED BY RIGHT

Uses permitted by right within respective base zoning districts unless specifically prohibited.

# GIO GOVERNMENT/INSTITUTIONAL OVERLAY DISTRICT

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The purpose of the GIO District is to provide for the needs of regionally-oriented institutional uses; to preserve the open character of large areas of the Township which are now dominated by or suited to institutional and quasi-public uses; and to encourage a harmonious pattern of institutional development which can mutually benefit the Township and the institutions themselves.

## DIMENSIONAL STANDARDS

Uses permitted within the Overlay District shall follow respective base zoning district regulations, except where additional restrictions on use or dimensions are noted.

## PERMITTED USES

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### **PRINCIPAL USES**

#### PERMITTED BY RIGHT

Community center or cultural center  
Convention, conference, banquet or training center  
Governmental and emergency services facility  
Membership club, lodge or fraternal organization  
Place of assembly or worship  
Public park/recreation  
School, public or private

#### CONDITIONAL USE

Hospital

### **ACCESSORY USES**

#### PERMITTED BY RIGHT

Uses permitted by right within respective base zoning districts unless specifically prohibited.

# AHO AIRPORT HAZARD OVERLAY DISTRICT

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The purpose of the Airport Hazard Overlay is to designate an area that considers safety issues around Braden Airpark and to address requirements of the Pennsylvania State Aviation Code and Federal Aviation Regulation No. 77 limiting building and structural height in “airport hazard areas.”

## DIMENSIONAL STANDARDS

Uses permitted within the Overlay District shall follow respective base zoning district regulations, except where additional restrictions on use or dimensions are noted.

## PERMITTED USES

### **PRINCIPAL USES**

#### PERMITTED BY RIGHT

Uses permitted by right within respective base zoning districts unless specifically prohibited.

### **ACCESSORY USES**

#### PERMITTED BY RIGHT

Uses permitted by right within respective base zoning districts unless specifically prohibited.

**TABLE 1: Principal Land Use Table  
Palmer Township**

		Zoning Districts											Overlay Zoning District									
		RA	LDR	MDR	HDR	NC	GC	PO/B	MSC	LI/MU	IOC	NEB	R248	WPH	FAO	EGO	RBO	GIO	PRO			
Residential Uses	1	Bed-and-breakfast use	SE	SE	SE	SE																
	2	Boardinghouse or rooming house				SE	SE															
	3	Multifamily dwelling, low-rise (garden apartments)				C																
	4	Multifamily dwelling, mid-rise				C																
	5	Non-family residential facility, type 1				C																
	6	Non-family residential facility, type 2				C																
	7	Single-family detached dwelling	P	P	P	P	P															
	8	Single-family semidetached dwelling (twin)				P	P															
	9	Single-family attached dwelling (townhouse)				P	P															
	10	Two-family dwelling (duplex)				P																
	11	Comparable residential uses not specifically listed		SE	SE	SE	SE															
Care-Related Uses	12	Day care center, adult					P	P	P													
	13	Day care center, child				SE	P	P	P													
	14	Group care facility							P													
	15	Group home	P			P	P															
	16	Nursing home							P	P												
	17	Personal care home or center							P	P												
18	Transitional dwelling	SE			SE	P																
Conservation and Recreational Uses	19	Campground, limited to tent sites	P																			
	20	Cemetery	P																			
	21	Cemetery, animal	P																			
	22	Commercial indoor recreation use	SE						P	P	P	P	P									
	23	Commercial outdoor recreation use	P																			
	24	Golf course	P										P									
	25	Nature reserve	P	P	P	P																
26	Public park/recreation	P	P	P	P	P	P	P	P	P	P	P	P									
Agricultural Uses	27	Commercial stable or riding academy	P																			
	28	Community garden	P	P	P	P	P			P												
	29	Crop farming	P	P	P	P	P	P	P	P	P	P	P	P								
	30	Forestry	P	P	P	P	P	P	P	P	P	P	P	P								
	31	Kennel	P										P									
	32	Plant nursery	P						P				P	P								
	33	Raising of livestock	P																			
Institutional Uses	34	Community center or cultural center					P	P	P	P												
	35	Convention, conference, banquet or training center							P	P												
	36	Governmental and emergency services building	P	P	P	P	P	P	P	P	P	P	P	P								
	37	Hospital								C			C	C								
	38	Membership club, lodge or fraternal organization	P				P	P						P								
	39	Place of assembly or worship	P	P	P	P	P	P														
	40	School, public or private		P	P	P	P															

P = Use Permitted by Right  
C = Conditional Use  
SE = Use Permitted by Special Exception

**TABLE 1: Principal Land Use Table  
Palmer Township**

Commercial Uses	41 Adult-oriented establishment	C										C							
	42 Artisan, craft, exercise or performing arts studio					P	P	P	P	P					P	P	P		
	43 Auto repair garage						P								P	P			
	44 Auto, boat and/or mobile/manufactured home sales						P												
	45 Bank or financial institution					P	P	P	P						P				
	46 Bar or tavern					P	P	P	P										
	47 Beverage production – large brewery														P	P			
	48 Beverage production – microbrewery					P	P	P							P	P	P		
	49 Beverage production – limited winery, meadery or cidery	SE													P	P	P		
	50 Beverage production – limited distillery	SE													P	P	P		
	51 Billboard (on its own lot)														P	P			
	52 Business services establishment					P	P	P	P	P	P	P	P	P	P	P	P		
	53 Car wash						P			P									
	54 Convenience store						P	P	P	P	P	P							
	55 Funeral home or mortuary					P	P				P				P	P			
	56 Gasoline service station						P			P	P	P							
	57 Hotel or motel									P					P				
	58 Medical or dental clinics and laboratories					P	P	P	P	P	P	P	P	P	P	P	P		
	59 Medical marijuana dispensary					P	P				P	P							
	60 Nightclub							SE											
	61 Office, Professional					P	P	P	P	P	P	P	P	P	P	P	P		
62 Personal services establishment					P	P	P	P						P					
63 Restaurant, quick-service						P	SE	P											
64 Restaurant, sit-down					P	P	P	P						P	P				
65 Retail establishment					P	P	P	P	P	P	P								
66 School, commercial								C				C	P						
67 Self-storage development										P	P								
68 Tattoo parlor					P	P													
69 Theater					P	P	SE												
70 Veterinarian office or animal hospital	P						P												
71 Comparable commercial uses not specifically listed					SE	SE	SE					SE							
Industrial Uses	72 Junkyard	C																	
	73 Manufacturing, heavy																		
	74 Manufacturing, light									P	P	P							
	75 Medical marijuana grower/processor									P		P							
	76 Mineral extraction/open pit mining	C																	
	77 Outdoor industrial storage/supply yard											P	P						
	78 Research, development, engineering or testing laboratory							P		P	P	P	P						
	79 Tank farm																SE		
	80 Truck stop											P	P						
	81 Truck, rail or freight terminal											P	P						
	82 Warehouse/logistics use											P	P						
	83 Wholesale establishment											P	P						
	84 Comparable industrial uses not specifically listed											SE	SE	SE					

P = Use Permitted by Right  
C = Conditional Use  
SE = Use Permitted by Special Exception

**TABLE 1: Principal Land Use Table  
Palmer Township**

Mixed Uses	85	Mixed-use building					P	P	P	P	P	P	P	P	P	P	P			
	86	Planned development	C		C	C	C	C	C	C	C	C	C				P			
	87	Shopping center						P		P										
Utilities, Transportation and Infrastructure	88	Airport	C																	C
	89	Essential services	P	P	P	P	P	P	P	P	P	P	P							
	90	Geothermal energy system	C	C	C	C	C	C	C	C	C	C	C							
	91	Heliport	C																	C
	92	Parking lot or structure, off-street							P											
	93	Recycling collection center	C									P								
	94	Landfill, waste energy plant, or transfer station	C																	C
	95	Solar energy system, principal/community-scale	C									SE								SE
	96	Taxi, bus or passenger train terminal											P		SE					
	97	Wind energy system, principal/community-scale	C									SE								SE
98	Wireless communications facility, tower-based	SE						SE	SE	P	SE	SE	P							

P = Use Permitted by Right  
C = Conditional Use  
SE = Use Permitted by Special Exception

**TABLE 2: Accessory Land Use Table  
Palmer Township**

		Zoning Districts										
		RA	LDR	MDR	HDR	NC	GC	PO/B	MSC	LI/MU	IOC	NEB
Accessory Uses	1	Accessory use and structure which are clearly										
	1		P	P	P							
			P	P	P							
	2				P	P	P	P				
	3	P				P	P	P		P		
	4	P	P	P	P	P	P	P	P	P	P	P
	5						P			P	P	P
	6	P			P	P	P	P				
	7										P	P
	8	P										
	9						P	P				
	10			P	P							
	11				P							
	12						SE	SE	P			
	13	P										
	14	P										
	15	P										
	16	P	P									
	17	P				P	P	P	P			
	18	P					P	P	P	P	P	
	19							SE			SE	
	20	P	P	P	P	P		P				
	21	P	P	P	P	P		P				
	22	P	P	P	P	P	P	P	P	P	P	P
	23	P	P	P	P	P		P				
	24					P	P	P	P			
	25	P										
	26	P	P	P	P	P		P				
	27	P	P	P	P	P	P	P	P	P	P	P
	28	P				P						
	29	P	P	P	P	P	P	P	P	P	P	P
	30	P	P	P	P	P	P	P	P	P	P	P
	31	P	P	P	P			P				
	33						SE	SE				
	34	P	P	P	P	P	P	P	P	P	P	P
35			SE	SE		SE	SE	SE	P	SE	P	

P = Use Permitted by Right  
C = Conditional Use  
SE = Use Permitted by Special Exception



Palmer Township Zoning Ordinance Attachment:  
TABLE 3 - OFF-STREET PARKING REQUIREMENTS

RESIDENTIAL USES	
Use	Required Off-Street Parking Spaces
Single-family detached dwelling	2 spaces per dwelling unit + 0.5 spaces for each additional bedroom over 5 bedrooms
Single-family semidetached dwelling (twin)	2 spaces per dwelling unit
Single-family attached dwelling (townhouse)	2 spaces per dwelling unit + 0.5 spaces for each bedroom over 1 within a unit
Two-family dwelling (duplex)	2 spaces per dwelling unit
Multifamily dwelling, low-rise	1.5 space per 1-bedroom dwelling unit + 0.5 spaces for each additional bedroom
Multifamily dwelling, mid-rise	1.5 space per 1-bedroom dwelling unit + 0.5 spaces for each additional bedroom
Bed-and-breakfast use	1 space per guest room + 2 spaces for the owner-occupier
Boardinghouse	1 space per bedroom + 1 space per full-time equivalent employee
Non-family residential facility, type 1	0.75 spaces per bedroom + 1 space per employee
Non-family residential facility, type 2	0.75 spaces per bedroom + 1 space per employee
Comparable residential uses not specifically listed	Shall be determined through a parking study provided by the applicant and as per recommendation by Planning Commission.

CARE-RELATED USES	
Use	Required Off-Street Parking Spaces
Day care center, adult	1 space per employee + 1 space per 10 patients (at full capacity scenario)
Day care center, child	1 space per teacher and/or employee + 1 space per 10 children (at full capacity scenario)
Group care facility	1 space per 4 beds + 1 space per employee
Group home	1 space per 4 beds + 1 space per nonresident employee
Nursing home	1 space per 6 beds + 1 space per full-time equivalent employee

Palmer Township Zoning Ordinance Attachment:  
TABLE 3 - OFF-STREET PARKING REQUIREMENTS

CARE-RELATED USES	
Use	Required Off-Street Parking Spaces
Personal care home or center	1 space per 4 beds + 1 space per nonresident employee
Transitional dwelling	1 space per 4 beds + 1 space per nonresident employee

CONSERVATION AND RECREATIONAL USES	
Use	Required Off-Street Parking Spaces
Campground, limited to tent sites	1 space per campsite + 1 space per full-time equivalent employee
Cemetery	1 space per acre + 1 space per full-time equivalent employee
Commercial indoor recreation use	Bowling alleys: 2 spaces per bowling lane + 1 space per full-time equivalent employee
	Other commercial indoor recreation uses: 1 space per 250 square feet of total floor area + 1 space per full-time equivalent employee
Commercial outdoor recreation use	Miniature golf: 2 spaces per hole + 1 space per full-time equivalent employee
	Other commercial outdoor recreation uses: 1 space per 1,000 square feet of outdoor field or court/rink area + 1 space per full-time equivalent employee
Golf course	3 spaces per hole + 1 space per 100 square feet of total floor area for accessory clubhouses and restaurants
Nature reserve	1 space per full-time equivalent employee
Public park/recreation	Indoor: 1 space per 300 square feet of total floor area of indoor recreational or community space + 1 space per 3 spectator seats
	Outdoor: 1 space per 1,000 square feet of outdoor field or 500 square feet of court/rink area + 1 space per 3 spectator seats

AGRICULTURAL USES
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**Palmer Township Zoning Ordinance Attachment:  
TABLE 3 - OFF-STREET PARKING REQUIREMENTS**

Use	Required Off-Street Parking Spaces
Commercial stable or riding academy	1 space per 8 animals (at full capacity scenario) + 1 space per employee
Community garden	none required
Crop farming	1 space per full-time equivalent employee
Forestry	1 space per full-time equivalent employee
Kennel	1 space per 15 animals (at full capacity scenario) + 1 space per employee
Plant nursery	1 space per 250 square feet of indoor sales area + 1 space per 10,000 square feet of outdoor sales area + 1 space per full-time equivalent employee
Raising of livestock	1 space per full-time equivalent employee

INSTITUTIONAL USES	
Use	Required Off-Street Parking Spaces
Community or cultural center	1 space per 4 seats or 1 space per 250 square feet of total floor area, whichever is greater + 1 space per full-time equivalent employee
Convention, conference, banquet or training center	1 space per 4 seats or 1 space per 50 square feet of assembly area, whichever is greater + 1 space per full-time equivalent employee
Governmental and emergency services building	1 space per employee and/or volunteer staff member
Hospital	1 space per 2 beds or 1 space per 600 square feet of total floor area (not including storage and mechanical spaces), whichever is greater + 1 space per employee
Membership club, lodge or fraternal organization	1 space per 100 square feet of total floor area
Place of assembly or worship	1 space per 4 seats or 1 space per 25 square feet of assembly area, whichever is greater + 1 space per full-time equivalent employee
School, public or private	1 space per faculty member and/or employee + 1 space per 4 students, aged 16 or older

Palmer Township Zoning Ordinance Attachment:  
TABLE 3 - OFF-STREET PARKING REQUIREMENTS

COMMERCIAL USES	
Use	Required Off-Street Parking Spaces
Adult-oriented establishment	1 space per 50 square feet of total floor area + 1 space per full-time equivalent employee
Artisan, craft, exercise or performing arts studio	1 space per 250 square feet of total floor area
Auto repair garage	2 spaces per repair/service bay + 1 space per employee
Auto, boat and/or manufactured home sales	5 spaces per employee
Bank or financial institution	1 space per 200 square feet of total floor area + 1 space per employee
Bar or tavern	1 space per 50 square feet of total floor area + 1 space per full-time equivalent employee
Beverage production – large brewery	1 space per employee + 1 space per 50 square feet of brew pub or tap/tasting room
Beverage production – microbrewery	1 space per employee + 1 space per 50 square feet of brew pub or tap/tasting room
Beverage production – limited winery, meadery or cidery	1 space per employee + 1 space per 50 square feet of tasting room
Beverage production – limited distillery	1 space per employee + 1 space per 50 square feet of tasting room
Billboard (on its own lot)	none required
Business services establishment	1 space per 200 square feet of total floor area + 1 space per full-time equivalent employee
Car wash	1 space per washing lane or stall + 1 space per full-time equivalent employee
Convenience store	1 space per 100 square feet of total floor area + 1 space per full-time equivalent employee
Funeral home or mortuary	1 space per 5 seats or 1 space per 50 square feet of floor area for viewing rooms, whichever is greater
Gasoline service station	1 space per 100 square feet of total floor area + 1 space per full-time equivalent employee
Hotel or motel	1 space per guest room + 1 space per full-time equivalent employee
Medical and dental clinics and laboratories	1.5 spaces per exam room + 1 space per full-time equivalent employee

**Palmer Township Zoning Ordinance Attachment:  
TABLE 3 - OFF-STREET PARKING REQUIREMENTS**

<b>COMMERCIAL USES</b>	
<b>Use</b>	<b>Required Off-Street Parking Spaces</b>
Medical marijuana dispensary	6 spaces per pharmacist or physician + 1 space per employee
Nightclub	1 space per 30 square feet of total floor area + 1 space per full-time equivalent employee
Office, professional	1 space per 300 square feet of total floor area + 1 space per employee
Personal services establishment	1 space per 200 square feet of total floor area + 1 space per full-time equivalent employee
Restaurant, quick-service	1 space per 2.5 seats (minimum of 20 spaces) + 1 space per full-time equivalent employee
Restaurant, sit-down	1 space per 3 seats + 1 space per full-time equivalent employee
Retail establishment	1 space per 150 square feet of total floor area + 1 space per full-time equivalent employee
School, commercial	1 space per faculty member and/or employee + 1 space per 3 students
Self-storage development	1 space per 1,000 square feet of total floor area
Tattoo parlor	1 space per 200 square feet of total floor area + 1 space per full-time equivalent employee
Theater	1 space per 3 seats + 1 space per full-time equivalent employee
Veterinarian office or animal hospital	1 space per animal exam room + 1 space per full-time equivalent employee
Comparable commercial uses not specifically listed	Shall be determined through a parking study provided by the applicant and as per recommendation by Planning Commission

<b>INDUSTRIAL USES</b>	
<b>Use</b>	<b>Required Off-Street Parking Spaces</b>
Distribution center, type 1	1 space per 1,500 square feet of total floor area or 1 space per full-time equivalent employee, whichever is greater
Distribution center, type 2	1 space per 1,500 square feet of total floor area or 1 space per full-time equivalent employee, whichever is greater
Industry, heavy	1 space per 1,500 square feet of total floor area or 1 space per full-time equivalent employee, whichever is greater
Industry, light	1 space per 500 square feet of total floor area or 1 space per full-time equivalent employee, whichever is greater

**Palmer Township Zoning Ordinance Attachment:  
TABLE 3 - OFF-STREET PARKING REQUIREMENTS**

<b>INDUSTRIAL USES</b>	
<b>Use</b>	<b>Required Off-Street Parking Spaces</b>
Junkyard	1 space per full-time equivalent employee
Medical marijuana grower/ processor	1 space per full-time equivalent employee
Mineral extraction/open pit mining	1 space per full-time equivalent employee
Outdoor industrial storage or supply yard	1 space per 1,000 square feet of storage area (1 space per 200 square feet storage area if retail sales allowed) or 1 space per full-time equivalent employee, whichever is greater
Research, development, engineering or testing laboratory	1 space per 300 square feet of total floor area or 1 space per full-time equivalent employee, whichever is greater
Tank farm	1 space per full-time equivalent employee
Truck stop	100% of the requirements for the combination of uses (convenience store, car wash, quick-service restaurant, sit-down restaurant, auto repair garage, etc.)
Truck, rail or freight terminal	1 space per 1,500 square feet of total floor area or 1 space per full-time equivalent employee, whichever is greater + 2 spaces per loading bay
Warehouse	1 space per 1,500 square feet of total floor area or 1 space per full-time equivalent employee, whichever is greater
Wholesale establishment	1 space per 1,500 square feet of total floor area or 1 space per full-time equivalent employee, whichever is greater
Comparable industrial uses not specifically listed	Shall be determined through a parking study provided by the applicant and as per recommendation by Planning Commission

<b>MIXED USES</b>	
<b>Use</b>	<b>Required Off-Street Parking Spaces</b>
Mixed-use building	75% of the required spaces for the combination of uses
Planned development	80% of the required spaces for the combination of uses
Shopping center	80% of the required spaces for the combination of uses

<b>UTILITIES, TRANSPORTATION AND INFRASTRUCTURE</b>	
<b>Use</b>	<b>Required Off-Street Parking Spaces</b>
Airport	1 space per 10 passengers (at full capacity scenario) + 1 space per full-time equivalent employee
Essential services	none required
Geothermal energy system	none required

Palmer Township Zoning Ordinance Attachment:  
TABLE 3 - OFF-STREET PARKING REQUIREMENTS

UTILITIES, TRANSPORTATION AND INFRASTRUCTURE	
Use	Required Off-Street Parking Spaces
Heliport	1 space per 10 passengers (at full capacity scenario) + 1 space per full-time equivalent employee
Parking lot or structure, off-street	not applicable
Sanitary landfill, waste to energy plant or solid waste transfer facility	1 space per full-time equivalent employee
Solar energy system, principal/community-scale	none required
Taxi, bus or passenger train terminal	1 space per 10 passengers (at full capacity scenario) + 1 space per full-time equivalent employee
Wind energy system, principal/community-scale	none required
Wireless communications facility, tower-based	none required

ACCESSORY USES	
Use	Required Off-Street Parking Spaces
Accessory use and structure clearly customary and incidental to a permitted principal use	none required
Auditorium	1 space per 4 seats
Brew pub or tap/tasting room	1 space per 50 square feet of total floor area + 1 space per full-time equivalent employee
Bus shelter	none required
Child day care center as an accessory use	1 space per employee
Child day care home, family	2 spaces per dwelling unit + 1 space for loading and unloading
Child day care home, group	2 spaces per dwelling unit + 1 space for loading and unloading
Commercial or industrial outdoor storage or display	none required
Community-supported agriculture delivery station	none required
Crematorium	1 space per 4 guests (at full capacity scenario)
Crop storage	none required

Palmer Township Zoning Ordinance Attachment:  
TABLE 3 - OFF-STREET PARKING REQUIREMENTS

ACCESSORY USES	
Use	Required Off-Street Parking Spaces
Drive-through facility	see § 190-923
Farm café	1 space per 3 seats + 1 space per full-time equivalent employee
Farm camp	1 space per 15 students (at full capacity scenario)
Farm pond	none required
Farm stand	minimum of 5
Farmer's market	1 space per 200 square feet of sales area (indoor or outdoor)
Food truck	none required
Helistop	none required
Home occupation, low-impact	base requirement for the dwelling + 1 space per full-time equivalent employee
Home occupation, no-impact	Base requirement for the dwelling; See also Article IX Additional Requirements for Specific Uses
Keeping of pets	none required
Noncommercial recreational facility for household use or for residents of a development (including tennis courts and swimming pools)	none required
Outdoor dining area	1 space per 3 seats
Pick-your-own operation	1 space per 200 square feet of sales area (indoor or outdoor)
Recycling collection center	no additional spaces required if located on existing parking lot of a principal use; otherwise, 4 spaces
Residential accessory building, structure or use	none required
Satellite antenna	none required
Short-term rental	1 space per bedroom available for rental
Solar energy system	none required
Temporary structure or use	none required
Unit for Relative Care	Base requirement for the dwelling; See also Article IX Additional Requirements for Specific Uses
Urban keeping of livestock	none required
Walk-up window	none required
Wind energy system, small	none required



Palmer Township Zoning Ordinance Attachment:  
TABLE 3 - OFF-STREET PARKING REQUIREMENTS

ACCESSORY USES	
Use	Required Off-Street Parking Spaces
Wireless communications facility, non-tower	none required

# TOWNSHIP OF PALMER

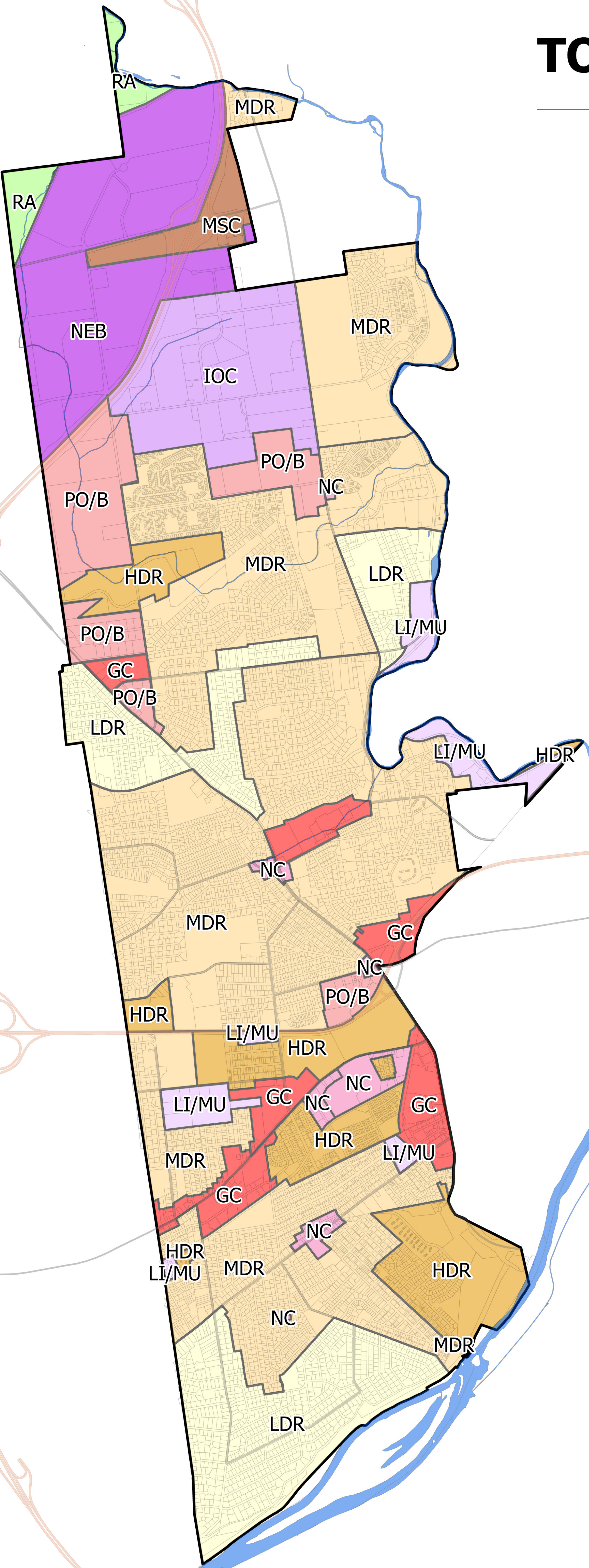
## Official Zoning Map Sheet 1 of 2

Adopted December 27, 2023  
Ordinance No. 2023-484  
Map Dated January 02, 2024

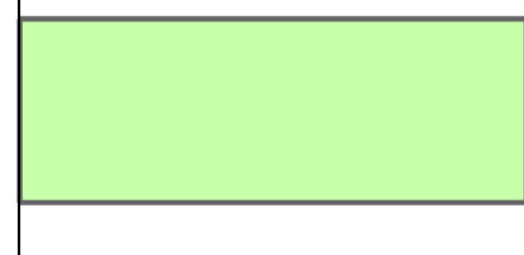
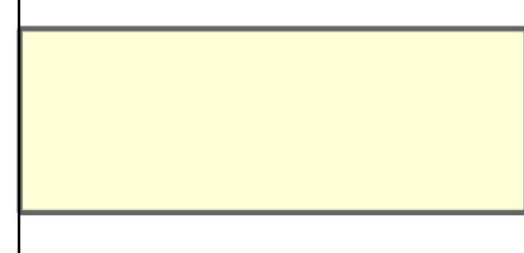









This is to certify that this is the Official Zoning Map adopted December 27, 2023 as part of the Palmer Township Zoning Ordinance of 2023.

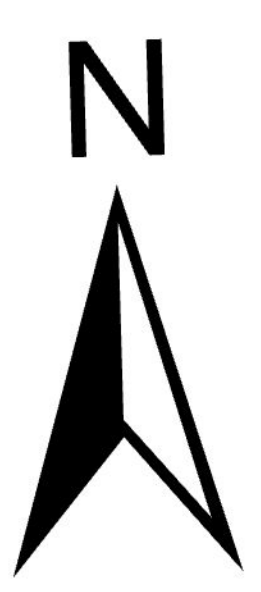
Signed: \_\_\_\_\_  
Michael Brett, Chair  
Palmer Township Board of Supervisors

Attested: \_\_\_\_\_  
Robert A. Williams  
Palmer Township Manager



### Zoning Base Districts

-  RA - Rural Agriculture
-  LDR - Low Density Residential
-  MDR - Medium Density Residential
-  HDR - High Density Residential
-  NC - Neighborhood Commercial
-  GC - General Commercial
-  PO/B - Planned Office/Business
-  MSC - Main Street Commercial
-  LI/MU - Light Industrial/Mixed Use
-  IOC - Industrial/Office Commercial
-  NEB - North End Business



# TOWNSHIP OF PALMER

## Official Zoning Map Sheet 2 of 2

Adopted December 27, 2023  
Ordinance No. 2023-484  
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This is to certify that this is the Official Zoning Map adopted December 27, 2023 as part of the Palmer Township Zoning Ordinance of 2023.

Signed: \_\_\_\_\_  
Michael Brett, Chair  
Palmer Township Board of Supervisors

Attested: \_\_\_\_\_  
Robert A. Williams  
Palmer Township Manager

### Zoning Overlay Districts

-  248 - Route 248 Overlay
-  WPH - William Penn Highway Overlay
-  FAOA - Freemansburg Avenue Overlay Subdistrict "A"
-  FAOB - Freemansburg Avenue Overlay Subdistrict "B"
-  EGO - Eastern Gateway Overlay
-  RBO - Riparian Buffer Overlay\*
-  PRO - Parks, Recreation, and Open Space Overlay
-  AHO - Airport Hazard Overlay
-  GIO - Government/Institutional Overlay

\* The Riparian Buffer Overlay is applicable to parcels immediately adjacent to the designated water body and mirrors the NFIP Special Flood Hazard Areas.

