

**ZONING ORDINANCE**

**OF**

**LOWHILL TOWNSHIP**

**LEHIGH COUNTY**

**Ordinance # 2018 -1**  
**(Adopted – April 12, 2018)**

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## INTRODUCTION

The Lowhill Township Zoning Ordinance is a legal document which places restrictions on the use and development of land in the Township for the purpose of achieving an orderly land use pattern and for the protection of the public health, safety, and general welfare. The Ordinance divides the Township into districts having different regulations relating to the use of buildings and land, the height of buildings, setbacks from the road, area of lots, parking and loading requirements, and sign regulations.

The original Ordinance was developed by the Lowhill Township Planning Commission with the technical assistance of the Joint Planning Commission, Lehigh and Northampton Counties after two years of intensive study of the existing development patterns and future potential of the Township. Documentation of these studies is contained in the Tri-Township Comprehensive Plan.

The regulations in this Ordinance are not retroactive. They apply only to new development or changes proposed for old development. Existing businesses and industry can continue to operate and ownership can be transferred regardless of the zoning district in which it is located. In addition, owners of lots which are smaller than the minimum requirements specified in the Ordinance can build on them as specifically provided for in the Ordinance. In addition, lots which are smaller than the minimum requirements specified in the Ordinance can be used for building purposes as specifically provided for in the Ordinance. Lots subdivided after the adoption of the Ordinance, however, must be in conformity with its requirements.

It is recognized that the Zoning Ordinance cannot satisfy the needs and individual interests of every citizen in the Township. This is not its intent. The Zoning Ordinance is designed for the public welfare based upon a set of facts, objectives, and analyses described in the Tri-Township Comprehensive Plan. As circumstances change, certain of these facts and analyses may require reconsideration. The Ordinance can be amended in the future to reflect such changes. This Zoning Ordinance was adopted by the Board of Supervisors February 2, 1972, amended May 3, 1978. It has been amended by Ordinance #84-1 on January 4, 1984, Ordinance #87-6 on September 2, 1987, Ordinance #88-2 on September 7, 1988, Ordinance #90-5 on November 7, 1990, Ordinance #92-1 on August 5, 1992, Ordinance #94-1 on March 2, 1994, Ordinance #95-1 on April 5, 1995, Ordinance #95-2 on June 7, 1995, Ordinance #98-3 on October 7, 1998, Ordinance

#2006-1 on February 2, 2006, Ordinance #2007-3 on July 5, 2007, Ordinance #2007-4 on October 4, 2007, Ordinance #2008-1 on May 1, 2008 and Ordinance #2017-2 on May 4, 2017.

The Township Planning Commission is the official body designated to monitor future change and to make recommendations to the Township Supervisors accordingly. It is hoped that individual citizens will work with the Planning Commission in bringing new development possibilities in the Township to light and in suggesting improvements to this Ordinance and the overall Comprehensive Plan.

**ZONING ORDINANCE**

**LOWHILL TOWNSHIP  
Lehigh County, Pennsylvania**

BE IT ORDAINED by the Board of Supervisors, Lowhill Township, Lehigh County, Pennsylvania, pursuant to the authority conferred by the Pennsylvania Municipal Planning Code, Act 247 of January, 1969, Articles VI, IX, and the amendments thereof and supplements thereto, as follows:

**ARTICLE 100**

**TITLE AND SHORT TITLE**

**DECLARATION OF PURPOSE AND STATEMENT OF OBJECTIVES**

110 TITLE

“An ordinance to limit and restrict to specified districts or zones, and to regulate therein, buildings and structures according to their construction and nature of land and the extent of their use, and the nature and extent of the uses of land, in Lowhill Township, Lehigh County, Pennsylvania hereinafter referred to as the Township, and providing for the administration and enforcement of the provisions herein contained and fixing penalties for the violation thereof.”

120 SHORT TITLE

This ordinance shall be known and may be cited as “The Lowhill Township

Zoning Ordinance.”

130 DECLARATION OF PURPOSE

The provisions of this zoning ordinance are designed for the following purposes:

131 To promote and protect the health, safety, and general welfare of the community, while encouraging sound and coordinated development that provides for proper density of population, ample and safe transportation systems, community amenities, sanitation provisions and harmony with the natural surroundings.

132 To prevent unfavorable conditions such as blight, overcrowding, pollution, health hazards, obnoxious odors, noises and sights; floods, fires and other hazards. This Zoning Ordinance has been formulated with consideration for all aspects of the Township including existing development, natural restrictions and the suitability of various parts for particular uses and structures.

140 STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

This Zoning Ordinance is based upon the objectives, analyses and recommendations that appear in the Township Comprehensive Plan as developed by the Township Planning Commission with technical assistance from the Joint Planning Commission of Lehigh and Northampton Counties, 1970-1971.

150 A Zoning Permit is Required Prior to Land Use or Building Construction when the Building Area Exceeds 144 Square Feet.

Hereafter, there shall be no use of land for construction, erection, alteration or addition of any building or part of a building, or construction or erection of any stationary sign unless a zoning permit has been approved by and acquired from the Township Zoning Officer. Failure to obtain a zoning permit shall constitute a violation of this Ordinance.

## **ARTICLE 200**

### **APPLICATION OF REGULATIONS**

#### **210 CONFORMITY WITH USE REGULATIONS**

Except as hereinafter provided, no building or structure or part thereof and no lot or land or part thereof shall hereafter be used, except in conformity with the Use Regulations herein prescribed. Any lawful use that does not conform to the Use Regulations of this ordinance shall be deemed a non-conforming use, except that uses, granted as Special Exception Uses by the Zoning Hearing Board pursuant to Article 1080 shall be deemed conforming uses. Variances granted by the Zoning Hearing Board pursuant to Article 1090 shall be deemed non-conforming.

#### **220 CONFORMITY WITH BUILDING REGULATIONS**

Except as hereinafter provided, no building or structure or part thereof shall hereafter be erected, structurally altered, enlarged or rebuilt except in conformity with the Lot Dimension, Yard, Court, Coverage, Height, and Density Regulations herein prescribed. Any building or structure that does not conform to such regulations, hereinafter referred to as the Building Regulations of this Ordinance, shall be deemed a non-conforming structure, irrespective of the use to which it is put. Building variances granted by the Zoning Hearing Board pursuant to Article 1090 on grounds of practical difficulties or unnecessary hardship, not self-imposed, shall be deemed non-conforming structures.

#### **230 CONTINUATION OF EXISTING USES**

Any legally established existing use of a building or structure, lot or land, or part



thereof, which use constitutes a conforming use under the provisions of this Ordinance, may be continued.

## **ARTICLE 300**

### **DEFINITIONS**

Certain words and terms are used in this Zoning Ordinance for the purposes thereof and are defined as follows:

301 Unless the context clearly indicates the contrary; words used in the present tense include the future; the singular numbers include the plural, and the plural the singular.

302 The word "PERSON" includes a profit or non-profit corporation, company, institution, partnership, or individual.

303 The word "SHALL" is mandatory, and the word "MAY" is permissive.

304 The word "LOT" includes the word "PLOT" or parcel.

305 The word "STRUCTURE" includes the word "BUILDING".

306 The word "USE" and the word "USED" refer to any purpose for which a lot or land or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use; and to any purpose for which a building or structure or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use, or erected, reconstructed, altered, enlarged, moved or rebuilt with the intention or design of using the same.

307 The word “TOWNSHIP” means Lowhill Township, Lehigh County, Pennsylvania; the term “BOARD OF SUPERVISORS” means the Board of Supervisors of said Township.

#### Definition of Terms

308 ACCESSORY USE OR BUILDING. A subordinate use or building customarily incidental to, and located on the same lot occupied by the main use or building. The term ACCESSORY BUILDING includes but is not limited to a private garage, garden shed or barn, a private playhouse, a private greenhouse, and a private swimming pool.

309 AGRICULTURE. The cultivation of soil, the raising and harvesting of products of the soil as included in nursery, horticulture and forestry. For purposes of this Ordinance the term AGRICULTURE does not include animal husbandry.

309A Agri-tourism. The act of bringing visitors to the site of a working farm for tourism or entertainment purposes. Activities may include harvesting crops for purchase, participation in farm work, farming education & instruction and special events such as picnics or weddings. Special events such as picnics or weddings are limited to 1 per month. Sites for Agri-tourism activities must be a minimum of 10 acres in size and receive land development approval. Structures used for Agri-tourism must comply with all applicable building codes and Township Ordinances.

310 ANIMAL HUSBANDRY. The raising and keeping of any member of the animal kingdom as a business enterprise, not including household and farm pets.

310A AUTHORITY. A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipality Authorities Act of 1945”.

310 B Base Station A structure, other than a tower, that currently supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station at the time the application is filed, even if the structure was not built for the sole or primary purpose of providing such support. It does NOT include structures that do not, at the time of application, support or house base station components.

311 BASEMENT. A floor level partly or completely below grade. A basement shall be considered a story if more than 33-1/3% of the perimeter walls are above the finished grade level of the ground immediately adjacent to the walls. A basement when

deemed to be a story, shall be included in computing the heights of a building or determining square footage. A basement standing alone shall not be used as a dwelling unit except as provided in Article 1092.10.

312 BLOCK. A tract of land or a lot or group of lots, bounded by streets, public parks, or parkways, railroad rights-of-way, watercourse or body of water, subdivided land, or a boundary line or lines of the Township.

313 BLOCK FRONTAGE. That portion of a block which abuts a single street.

314 BOARD. The Zoning Hearing Board of Lowhill Township unless otherwise stipulated or indicated by reference.

315 BOARDING, LODGING OR ROOMING HOUSE. A private dwelling in which at least two rooms are offered for rent, payable in money or other consideration, whether or not table board is furnished to lodgers, and in which no transients are accommodated and no public restaurant is maintained, such as school or college dormitory, fraternity or sorority house, membership club with residents, and other similar uses.

316 BUILDING. A structure or object constructed on, erected on, placed on, located on, or affixed to the ground, with a roof supported by columns or walls.  
Structures divided by unpierced masonry division walls or a State-conforming fire wall extending from the ground through the roof shall be deemed to be separate buildings. A structure meeting the definition of building shall be construed to be a building whether or not it has been affixed to the ground by heretofore existing conventional methods; specifically, the fact that an object or structure is located on or placed on the ground by the use of skids or similar means shall not exempt or exclude the structure or object from being considered a building.

317 BUILDING, AREA OF. The horizontal area measured around the outside of the foundation walls and of the floors or roofed porches and roofed terraces inclusive, and including the area of accessory buildings, if any. In the case of split-level dwellings, the "first floor area" shall be deemed to include floor areas on two non-overlapping levels, separated by a half-story, or less, of height.

Net Floor Space. The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any.

318 BUSINESS CENTER DEVELOPMENT. A tract of land, buildings or structures planned as a whole and intended for one or more establishments for a commercial purpose on a site, whether built at one time as a unit, or in two or more construction stages.

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

319 COMPREHENSIVE PLAN. The Comprehensive Development Plan for Lowhill Township as adopted by the Township Supervisors.

319A CONDITIONAL USE. A use permitted in a particular zoning district pursuant to the provisions in Article VI of the Pennsylvania Municipalities Planning Code.

320 COURT. A space either on the ground or above, excepting a main roof, situated on the lot with a building and which is unoccupied and open to the sky, and not a front yard, or rear yard.

*DAS or Distributed Antennae System* — a network of spatially or geographically separated antenna nodes that are connected to a common source (hub) through a transport or communication medium in order to provide wireless communication service in a specific locality.

320A DECISION. Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Lehigh County.

320B DETERMINATION. Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- 1) the governing body;
- 2) the zoning hearing board; or
- 3) the planning agency, only if and to the extent the planning agency is charged with final decision of preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

321 DENSITY. The term density shall in all instances mean gross density determined by dividing the total number of dwelling units by the lot area (lot area shall be as defined

in Article 342).

322 DWELLING. A building arranged, intended or designed to be occupied as a residence by one or more families living independently of each other upon the premises.

323 DWELLING UNIT. One or more rooms with provision for cooking, living, sanitary and sleeping facilities arranged for the use of one family. For the purpose of calculating the equivalent number of dwelling units for a commercial or industrial use when an on-lot sewage disposal system is utilized, a factor of 500 gallons of sewage per day per dwelling unit shall be applied. See also MULTIPLE DWELLING - 359, SINGLE FAMILY ATTACHED DWELLING - 378, SINGLE FAMILY DETACHED DWELLING - 379, and TWO FAMILY DETACHED DWELLING - 390.

*Eligible Facilities Request* — Any request for modification of an existing wireless support structure that involves:

- A. The collocation of new transmission equipment or non-tower CCF;
- B. Removal of transmission equipment or non-tower CCF; or
- C. Replacement of transmission equipment or non-tower CCF. This does not include the replacement of the tower or base station.

*Emergency* — a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of services provided.

*FCC* — Federal Communications Commission

*Floodplain soils (alluvial soils)* — soil types found in the latest version of the *Soil Survey of Lehigh County, Pennsylvania*, prepared by the U.S. Department of Agriculture (Natural Resources Conservation Service), dated November 1963, including all updates and revisions as being "on the floodplain" or "subject to flooding." Floodplain Soils include, but are not limited to: Alluvial Land; Alton gravelly loam, flooded; Bowmansville silt loam; Hatboro silt loam; Marsh; Pope loam; Rowland silt loam.

324 FAMILY. One or more individuals living independently as a single housekeeping unit and using cooking facilities and certain rooms in common. A FAMILY shall not be deemed to include the occupants of a college dormitory, residential club, motel, hotel,

or boarding or rooming house.

325 FILLING STATION. A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks. A FILLING STATION may include accessory facilities for rendering services such as lubrication, washing, and minor repairs.

326 GARAGE. A building or part thereof used for the storage or parking of one or more vehicles.

327 GARAGE, PARKING. A garage for the convenience of the general public in which no servicing, repairs, washing, or reconditioning of motor vehicles is carried on.

328 GARAGE, PRIVATE. An accessory garage maintained primarily for the convenience of the occupant or occupants of the main building and in which no business or other use is carried on and no service is rendered to the general public.

329 GARAGE, PUBLIC. Any garage other than a private garage or parking garage. A PUBLIC GARAGE may include servicing, repairs, washing, or reconditioning of motor vehicles, and filling station facilities.

329A HEARING. An administrative proceeding conducted by a board pursuant to Section 909.1 of the Pennsylvania Municipalities Planning Code.

330 HEIGHT OF A STRUCTURE. The vertical distance derived from the average finished grade at the foundation corners of the building or structure, to the highest point of the building or structure excluding a chimney or other similar structure listed in Article 914.01.

331 HOMEOWNERS ASSOCIATION. Any incorporated non-profit organization operating under recorded land agreements through which (1) each lot and/or home owner in a planned unit or other described land area is automatically a member and (2) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (3) the charge if unpaid becomes a lien against the property.

332 HOME PROFESSIONAL OFFICE, HOME OCCUPATION. A business or office conducted in the home by members of the resident family provided; that not more than two persons are employed who are not members of the family and that such persons shall be employed in the main building only; that not more than one-half of the area of one floor, or an entire basement shall be used for such purposes; that signs indicating products made or services rendered shall be in accord with this

ordinance; that adequate space for parking and loading shall be provided; that there shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than a sign; and that no machinery or equipment that would produce noise, odor, vibration, light or electrical interference beyond the bounds of the immediate property shall be permitted.

332.A Home Occupation Providing Offsite Service. A business that is based on a residential site where services are offered strictly offsite such as carpentry, electrical, plumbing, Home Heating & Cooling, Landscaping, etc. Sites housing these businesses must be upon lots in excess of 1.5 acres. A maximum of 2 non-family member employees are permitted and a maximum of 2 commercial vehicles under 26,000 lb GVW or 1 single commercial vehicle over 26,000 lb GVW may be parked onsite on a paved or gravel surface. Commercial vehicles with an excess weight of 26,000 lb GVW are not permitted to park in the front yard or side yard abutting a street and must be located behind the home or inside an enclosed accessory building. Building materials and/or equipment must be stored inside an enclosed building.

333 HOSPITAL. A building used for the diagnosis, treatment or other care of human ailments, unless otherwise specified. A hospital shall be deemed to include a sanitarium, sanatorium, clinic, convalescent home, nursing home, rest home, or other building with an equivalent appellation.

334 HOTEL. A building or part thereof which has a common entrance, common heating system, and general dining room, and which contains seven (7) or more living and sleeping rooms designed to be occupied by individuals or groups of individuals for compensation; any building or part thereof in which rooms are to be occupied by individuals or groups of individuals which is not a motel, rooming or boarding house according to the definitions of this article.

335 INDUSTRY, NON-NUISANCE. Any industry which is not detrimental to the environment in which it is located by reason of the emission of smoke, noise, odor, dust, vibration or excessive light, beyond the limits of its lot, or by reason of generating excessive traffic with attendant hazards.

336 INDUSTRIAL PARK. A group of non-nuisance industrial plants on a single parcel of land, or on separate parcels contiguously arranged, so as to form a planned development of industrial sites, building or buildings.

337 INFORMATION PLAZA. A building and its appropriate access and parking areas devoted exclusively to informing motorists of public and semi-public facilities and private establishments through the use of advertising and public

information signs located entirely within the building.

338 JUNK. Any and all used materials or articles, regardless of value, including but not limited to metal, motor vehicles and trailers of all types not bearing a current Pennsylvania State inspection sticker and/or registration and not fit for immediate use upon highways, roads, streets and alleys of this Commonwealth, or any parts thereof, glass, industrial waste/ hazardous waste, used building materials, including used plumbing supplies and fixtures, rags, bottles, paper and all other material and articles of any composition whatsoever not intended to be repaired for reuse. All lawn equipment and parts not being used for intended purpose. All farm equipment, regardless of its condition, if situate upon a working farm shall be specifically excluded from being classified as junk. Refuse or garbage kept in a proper container for the purpose of prompt disposal shall be excluded from being classified as junk.

339 JUNKYARD. Shall mean any place where any junk as hereinbefore defined, is stored, disposed of, or accumulated. Any premises as herein defined having two or more motor vehicles not bearing a current Pennsylvania State inspection sticker and not fit for immediate use upon the highways, roads, streets and alleys of this Commonwealth shall be deemed a junkyard and said term shall also include garbage dumps and sanitary fills.

340 KENNEL. An establishment equipped with pens, yards, runways, or other appurtenances specifically designed or intended for the breeding or boarding of dogs or similar animals with the intent of producing gain or profit. Any property harboring six or more adult dogs (over six months of age) or similar animals.

340A LAND USE ORDINANCE. Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII of the Pennsylvania Municipalities Planning Code.

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

342 LOT AREA. The total horizontal area included within the perimeter of the lot lines.

343 LOT, CORNER. A lot at the junction of and fronting on two or more intersecting streets.

344 LOT COVERAGE. The percentage of the Lot Area that is occupied by the Area of Building.



- 345 LOT, DEPTH OF. The distance between the mid-point of a straight line connecting the foremost points of the side lot lines in the front and the mid-point of a straight line connecting the rearmost points of the side lot lines in the rear.
- 346 LOT, INTERIOR. Any lot other than a corner lot.
- 347 LOT LINE. Any boundary of a lot.
- 348 LOT LINE, FRONT. The street line at the front of a lot. (See definition of street line, Article 383.) On a lot bounded on more than one side by a street, the owner may specify the front lot line on the plot plan.
- 349 LOT LINE, REAR. The lot line, or lines opposite to the front lot line.
- 350 LOT LINE, SIDE. Any lot line not a rear lot line or a front lot line.
- 351 LOT, THROUGH. A lot extending from one street to another.
- 352 LOT, WIDTH. The straight line distance between the side lot lines, measured at the rear of the required front yard provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 50 percent of the required lot width.
- 353 MAIN BUILDING OR BUILDINGS. The principal building or buildings on a lot.
- 354 MEDICAL OFFICE BUILDING. A building used exclusively by physicians and dentists for treatment and examination of patients, provided that no overnight patients shall be kept on the premises.
- 355 MEMBERSHIP CLUB. A building, structure, lot or land area used as a private club, fraternal or social organization. The membership club shall serve a purely social, athletic or community service purpose. It shall be operated on a membership basis and not conducted as a business.
- 356 MOBILE HOME. A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

356A MOBILE HOME LOT. A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

357 MOBILE HOME PARK. A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

*Modification* — the collocation, improvement, upgrade, expansion, removal, or replacement of an antenna or any other transmission equipment associated-with the supporting structure.

358 MOTEL. A building, or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed primarily for transient automobile travelers, and provided with accessory off-street parking facilities. The term MOTEL includes buildings designed as tourist courts, motor lodges, auto courts, and other similar appellations, but shall not be construed to include mobile home parks and trailer camps.

359 MULTIPLE DWELLING. A single building or group of attached dwelling units intended and designed to be occupied by three or more families living independently of each other as separate housekeeping units.

359Aa NEWSPAPER RECEPTACLE. A receptacle designed to accept newspaper deliveries, mounted on a support post made of wood, metal, plastic, PVC or like material. Stone, concrete, brick or block structures are not considered a newspaper receptacle, or permitted as a support for said receptacle.

359A NON-CONFORMING LOT. A lot the area or dimension of which was lawful prior to the adoption of amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

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

361 NON-CONFORMING STRUCTURE. A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to

the application of such ordinance or amendment to its location by reason of annexation. Such non-conforming structures include, but are not limited to, non-conforming signs.

*Non-Tower Commercial Communications Facility (Non-tower CCF)* — Any equipment that facilitates the transmission for any FCC licensed or authorized wireless commercial communications service, including but not limited to antennae, transmitters, receivers, cabling, power supplies, and accessory equipment associated with and necessary for their operation. This shall not include support structures, such as monopoles, poles, towers, etc.

361A OFFICIAL MAP. A map adopted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Planning Code.

362 PARKING AREA. A lot or part thereof used for the storage or parking of motor vehicles, with or without the payment of rent or charges in money or other consideration.

363 PARKING SPACE. A stall or berth which is arranged and intended for parking of one motor vehicle in a garage or parking area.

364 PLANNED RESIDENTIAL DEVELOPMENT. An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

365 PLANNING COMMISSION. The Planning and Zoning Commission of Lowhill Township, Lehigh County, Pennsylvania.

365A PUBLIC HEARING. A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Act.

365B PUBLIC MEETING. A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the “Sunshine Act”.

366 PUBLIC NOTICE. Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the

second publication shall not be less than seven (7) days from the date of the hearing.

367 QUARRY. A lot or land or part thereof used for the purpose of extracting stone, sand, gravel, or top soil.

*Replacement* — The replacement of non-tower commercial communications facilities or transmission equipment on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight, and height as the commercial communications facility initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

367A REPORT. Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

*Right of Way* – Land set aside or designated for public or private streets, roadways, sidewalks, curbs and the installation of public utilities. The term "Right of Way" shall include the ultimate or future Right of Way.

368 ROADSIDE STAND. An open or enclosed stand situated along the roadway for the purpose of selling agricultural or horticultural products produced on the premises.

369 SAND OR GRAVEL PIT. A lot or land, or part thereof, used for the purpose of extracting sand, gravel, soil or sod and exclusive of the process of legitimate excavation of a lot preparatory to the construction of a building.

370 SANITARY LANDFILL. A lot or land or part thereof, licensed and regulated by the Township and in conformance with the Pennsylvania Department of Environmental

Resources requirements, that is used for the disposal and treatment of solid waste.

371 SEASONAL HOUSE. A single family dwelling designed and intended to be used on a seasonal basis for not more than six (6) months of any year by non-transient residents.

372 SECTIONAL HOUSE. A dwelling unit manufactured in two or more sections designed for permanent occupancy, and transported to a building site in sections which are fastened together and mounted on a permanent foundation ready for occupancy except for minor and incidental unpacking and assembly operations. For purposes of this Ordinance, sectional houses include pre-fabricated and other similar types, but single mobile homes and travel trailers are not considered as sectional houses.

373 SEWAGE DISPOSAL SYSTEM, CENTRALIZED. A public utility system or other centralized sewage disposal treatment system designed to collect, centrally treat and dispose of sewage from users in compliance with Pennsylvania Department of Environmental Resources regulations or regulations of the Township, whichever may be more stringent. Any system not deemed a centralized sewage disposal system shall be deemed an on-lot system.

374 SIGN. Any device designed to inform or attract attention of persons not on the premises on which the sign is located. For purposes of this Ordinance, sign does not include mail boxes, names of occupants, or other identifications not having commercial connotations; flags and insignias of governments; legal notices, signs giving direction or information required by governmental bodies, or signs directing or guiding traffic and parking without the use of advertising matter.

374 A Digital Display: The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

374 B Monument Sign: A monument sign is a sign which is attached to a wall or structure that forms a structural framework for the sign display. A monument sign is sometimes also classified as a type of freestanding sign.

374 C Temporary Signs: Temporary signs advertise municipal or civic projects, construction projects, real estate, a commercial grand opening, political candidates, or other special events on a temporary basis. Political signs and portable signs (e.g. sandwich board signs) are examples of temporary signs.

375 SIGN, ADVERTISING. A sign which directs attention to products, accommodations, services, or activities offered at locations other than the property upon which the sign is erected or displayed.

376 SIGN, BUSINESS. A sign relating in its subject matter to the premises on which

it is located, or to products, accommodations, services, or activities on the premises.

377 SIGNS, NUMBER AND SURFACE AREA. For the purpose of determining number of signs, a sign shall be considered as a single display surface or device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship or elements, each element shall be considered as a single sign. The surface area of a sign shall be computed to include the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Structural members not bearing advertising matter shall not be included in computation of surface area.

378 SINGLE FAMILY ATTACHED DWELLING. A building, on a lot, designed and occupied exclusively as a residence for one family, which has independent outside access and a portion of one of two walls in common with adjoining dwellings.

379 SINGLE FAMILY DETACHED DWELLING. A building, on a lot, designed and occupied exclusively as a residence for one family, and which has no part of wall in common with an adjacent building.

380 SPECIAL EXCEPTION. A use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code.

381 STORY. A portion of a building included between the upper surface of any floor and the upper surface of the floor or roof above. (See BASEMENT, Article 311)

382 STREET. Includes any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

383 STREET LINE. The dividing line between a lot and the outside boundary of a public street or street right-of-way, or between a lot and a private street which serves two or more separately owned homes or buildings.

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

*Substantial Change or Substantially Changed* — The modifications or proposed modifications to the physical dimensions of a tower, tower-based CCF, or base station that meet any of the following criteria:

D. Towers outside rights-of-way:

- (1) It increases the height by more than 10% or by the height of one antenna array with the separation from the nearest existing antenna not to exceed twenty (20) feet or, whichever is greater.
- (2) It protrudes from the edge of the tower more than (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.

E. Towers inside rights-of-way:

- (1) It increases the height of the tower by more than ten (10) feet or 10%, whichever is greater
- (2) It protrudes from the edge of the tower more than six (6) feet
- (3) The installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinet
- (4) The installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets.

F. Base stations (regardless of location):

- (1) It increases the height of the structure by more than ten (10) feet or 10%, whichever is greater
- (2) It protrudes from the edge of the structure more than six (6) feet
- (3) The installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets
- (4) The installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets

G. It involves the installation of more than the standard number of new equipment cabinets for technology involved, but not to exceed four cabinets;

H. It entails the excavation or deployment outside the current site of the tower, wireless support structure, or base station;

- I. It would defeat the existing concealment elements of the tower, wireless support structure, or base station.
- J. It does not comply with the conditions associated with the prior approval of the tower, wireless support structure, or base station unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds.

385 SWIMMING POOL, PRIVATE. Any receptacle or artificially constructed container for water, having a wall depth of two (2) feet or more at any point within its perimeter, intended or adapted for the purposes of immersion or partial immersion of human beings therein used or intended to be used in connection with residences, available only to the family of the householder and his private guests, not open to the public or publicly owned, not owned and/or operated by any organization, partnership or corporation, and not otherwise regulated by any statutes or by rules and regulations other than those of the Township.

386 SWIMMING POOL, PUBLIC OR SEMI-PUBLIC. Any swimming pool other than a private swimming pool, including publicly and privately owned pools open to the general public and pools owned and operated in conjunction with membership organizations, motels, hotels, and other similar uses.

*Tower-Based Commercial Communications Facility (Tower-Based CCF)* — any structure that is built and used for the sole or primary purpose of supporting one or more FCC-licensed or authorized antennae, and their associated facilities. DAS hub facilities are considered to be tower-based CCFs.

*Tower* — See *Tower-Based Commercial Communications Facility*

*Township* — Lowhill Township, Lehigh County, PA

*Transmission Equipment* — See *Non-Tower Commercial Communications Facility*

387 TRAVEL TRAILER CAMP. A lot or part thereof occupied or designed for occupancy by one (1) or more travel trailers or travel units.

388 TRAVEL TRAILER. A vehicular portable structure built on a chassis, designed as a temporary dwelling for travel, recreation, vacation, and other short-term uses having a body width not exceeding eight feet and a body length not exceeding 32 feet.

389 TRAVEL UNIT. A truck-mounted camper; an auto, truck, or bus adapted for



vacation living; a folding tent camper, a tent; and other similar devices used for temporary portable housing.

390 TWO FAMILY DETACHED DWELLING. A single building intended and designed to be occupied by two families living independently of each other as separate housekeeping units.

390A U.S. MAILBOX. A container approved by the U.S.P.S. designed to accept postal deliveries, mounted on a support post made of wood, metal, plastic, PVC or like material. Stone, concrete, brick or block structures are not considered a mailbox, or permitted as a mailbox support.

390B U.S. MAILBOX OR NEWSPAPER RECEPTACLE SUPPORT POST. A post or column made of wood, metal, plastic, PVC or like material. Support Posts shall be no larger than 4" x 4" or 4 1/2" in diameter if wood, plastic, or PVC and no more than 2" in diameter if metal. Posts must be placed no less than 2' away from the edge of the paved cartway/roadway to allow for road maintenance.

391 VACATION RESORT. A building, group of buildings, or parcel of land, under single ownership or agreement which provides combined facilities for the lodging, dining, entertainment, outdoor and indoor recreation and leisure-time enjoyment of the vacationing public. Accessory uses conducted mainly for the convenience of resort clientele such as barber shops, beauty parlors, cigarette and drug counters and other convenience establishments may be integral parts of a total vacation resort.

392 VARIANCE. Relief granted pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code.

393 WATER SUPPLY SYSTEM, CENTRALIZED. A public utility system or other centralized water supply system designed to transmit water from a common source to users, in compliance with Pennsylvania Department of Environmental Resources regulations or regulations of the Township, whichever may be more stringent. Any system not deemed a centralized water supply system shall be deemed an on-lot system.

*Wireless* — transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

*Wireless Commercial Communications Services* — wireless telecommunications services, such as, but not limited to, paging, cellular phones, internet, and other satellite telecommunication, which are generally operated by a service provider for commercial use. This excludes cable television services utilizing satellite delivery.

*Wireless Support Structure* — a freestanding structure, such as a Tower-Based CCF, monopole, tower, base station or any other support structure that could support the placement or installation of a Commercial Communications Facility if approved by the Township.

394 YARD, FRONT. An open unoccupied space on the same lot with a building, situated between the nearest roofed portion of the building and the front lot line of the lot and extending from side lot line to side lot line.

395 YARD, REAR. A space on the same lot with a building situated between the nearest roofed portion of the building and the rear lot line of the lot and extending from side lot line to side lot line.

396 YARD, SIDE. A space on the same lot with a building situated between the nearest roofed portion of the building and the side lot line of the lot, and extending through from the front yard or from the front lot line where no front yard exists, to the rear yard, or to the rear lot line where no rear yard exists.

397 ZONING OFFICER. The duly constituted municipal official designated to administer and enforce the Zoning Ordinance of the Township.

## **ARTICLE 400**

### **DISTRICTS AND BOUNDARIES**

410 CLASSES OF DISTRICTS

For the purpose of this Ordinance, the Township is hereby divided into the following classes of Districts:

- RV Rural Village
- R Rural
- RC Rural Conservation
- EP Environmental Protection

420 DISTRICT BOUNDARIES

421 Zoning Map

The boundaries of each District or zone are established as shown on the Zoning Map of the Township which accompanies this Ordinance and is declared to be part of this Ordinance. The Official Zoning Map is on file in the office of the Township Supervisors. Said map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance, and shall be as much a part of this Ordinance as if all were fully described herein.

422 Delineation of District Boundaries

The District Boundary Lines are intended generally to follow the boundary lines of streets and similar rights-of-way or lot lines, or straight line projections of such lines, or Township boundary lines, all as shown on the Zoning Map; but where a District boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a line or another boundary line as indicated and determined by the scale of the Map.

423 Interpretation of District Boundaries

In case of uncertainty as to the true location of a District boundary line in a particular instance, the determination thereof shall be made by the Zoning Officer. An appeal may be taken to the Zoning Hearing Board, as

provided in Article 1030.

430 STATEMENT OF INTENT

431 Rural Village and Rural Districts

Rural Village and Rural Districts are those which have been determined as most logical and suitable for intensive and orderly physical development of a Rural Village or Rural District as documented in the Township Comprehensive Plan.

432 Rural Conservation and Environmental Protection Districts

1. Rural Conservation areas are those areas where intensive physical development is not desirable or logical at this time, but may be at some future date; and areas of high agricultural productivity. The preservation of these areas as primarily non-residential is in accordance with the Township developmental policies as stated in the Township Comprehensive Plan.

432.02 Environmental Protection areas are those areas where there are natural limitations upon development of any kind; such limitations include but are not limited to slope greater than fifteen (15) percent, flood plains, and high water table conditions. Regulations in these districts have been established to prohibit all but extremely low density development in conformance with the Township Comprehensive Plan.

432.03 Flood Plain areas which are part of the Environmental Protection District are those which the U.S. Soil Conservation Service have certified as subject to periodic flooding. For the reasons of health and safety permanent structures are not suitable in these areas.

**ARTICLE 500**

**RV - RURAL VILLAGE DISTRICT**

510 PERMITTED, ACCESSORY AND SPECIAL EXCEPTION USES

Within any Rural Village District listed in this Article, no building, structure, lot or land shall be used for other than one or more of the Permitted, Accessory or Special Exception Uses listed for said District, except as provided for non-conforming uses and non-conforming buildings in Article 950.

520 HEIGHT

No building or structure shall be erected to a height in excess of the maximum allowable height in said district, except as provided in Supplemental Use and Building Regulations in Article 914.

530 SITE PLAN REVIEW FOR PERMITTED USES

Where land development review is required for a permitted use in the Rural Village District, said plan shall be submitted to the Planning Commission for review in accordance with the Township's Subdivision and Land Development Ordinance (SALDO).

531 In addition to any other requirements set forth in the SALDO, the Planning Commission shall determine that the site makes adequate provision, where applicable, for the following:

531.01 Access facilities adequate for the estimated traffic to and from the site so as to assure the public safety and to avoid traffic congestion. Vehicular entrances and exits shall be clearly visible from the street and conform to minimum distances as required in Section 4.306 of the SALDO.

531.02 Adequate collection and disposal of storm water run-off from the site shall be provided in conformance with Section 4.205 of the SALDO.

531.03 A minimum distance of thirty-five feet (35') between buildings on all non-residential lots in an RV District.

531.04 Lighting facilities adequate for the safety of pedestrian and vehicular traffic; however, no lighting or spotlighting shall be permitted which will shine directly beyond the boundaries of the property or the lot where such building is located. Sign lighting shall be in conformance with the standards set forth in Section 942.11.

531.05 Adequate inclusion of plant material to provide effective planting screens where deemed advisable by the Planning Commission. A planting plan specifying type, size and location of existing and proposed plant material may be required.

531.06 Adequate parking and truck loading requirements pursuant to the provisions of Article 930.

540 RV – RURAL VILLAGE DISTRICT

541 Permitted Uses

541.01 Single family detached dwelling or sectional house (Limited to 1 dwelling unit per lot).

541.02 Single family attached dwelling.

541.03 Two family detached dwelling.

541.04 Multiple dwellings (on a site not less than one acre).

541.05 Mobile homes as regulated by the Township Mobile Home Ordinance.

541.06 Mobile home park as regulated by the Township Mobile Home Ordinance.

541.07 Planned Residential Development pursuant to the Township's Planned Residential Development Ordinance.

541.08 Church, Sunday School, or other place of worship; parish house.

541.09 Public outdoor recreation areas, such as parks, playgrounds, swimming pools.

541.10 Retail store or shop.

541.11 Business or professional office, medical or dental clinic.

541.12 Bank or other financial institutions.

541.13 Barber shop, beauty shop, self-service laundry or dry cleaning

establishment or pick-up agency, tailor or dressmaking shop, or other personal service store or shop.

541.14 General servicing or repair shop; such as watch, clock, radio, television or other home appliance repair.

541.15 Restaurant, cafe, tavern or other place serving food and beverage, excluding mobile food trucks or temporary structures serving food.

541.16 Automobile and other machinery sales with accessory service facilities including filling stations.

541.17 (Reserved).

541.18 Hotel, motel, when served by centralized water supply and centralized sewage disposal systems.

541.19 Business Center Development.

541.20 Industrial park as defined in Article 336, containing uses permitted in this District.

541.21 Funeral homes.

541.22 Cultural facilities, historic facilities.

541.23 Private outdoor recreation areas such as parks, playgrounds, swimming pools.

541.24 Research institute, laboratory.

25. Wholesale establishment, distribution station, storage building except that no such facility shall house, store or distribute a flammable gas division 2.1, flammable liquid, combustible liquid, flammable solid, corrosive material, explosive, poisonous material, miscellaneous hazardous material, or spontaneously combustible material as any of those terms are defined by Federal Regulation, currently found at Code of Federal Regulation Title 49 and as may be amended by future federal regulation.

541.26 Building material sales, storage yards and construction related businesses pursuant to the provisions of Article 930.

27. Agriculture

542 Accessory Uses

542.01 Private garage or private parking area, pursuant to Article 900.

542.03 Accessory use or building.

542.03 Sign, pursuant to Article 940.

542.04 Private non-commercial swimming pool, pursuant to Article 925.

542.05 Home professional office, home occupation as defined in Article 332.

542.06 Accessory uses and structures incidental to a permitted outdoor recreation use such as parking areas, refreshment stands, concessions, fire places, pavilions, and picnic tables, provided that such accessory uses are operated only when the main use is open and are being used in conjunction with the main use.

542.07 Home Occupation Providing Offsite Service

543 Special Exception Uses

The following uses are permissible subject to Zoning Hearing Board approval pursuant to Articles 960 and 1080.

543.01 Public or private school approved by the Pennsylvania Department of Education and day-care facility approved by the Pennsylvania Department of Public Welfare.

543.02 Community center building, public library, municipal buildings, fire or police station.

543.03 Hospital, convalescent home or other similar use.

543.04 Public utility building, structure or facility.

543.05 Membership club, excluding club for hunting, gunning, trapping, motor vehicle racing, motorcycle competition or other similar purposes.





residential uses All permitted commercial uses except hotel, motel or business center development	35,000 sq.ft. 15,000 sq.ft.	120' 100'	20% 40%	35' 35'	As Article 918 As Article 918	25' 20'	40' 30'	50' 50'
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Minimum Lot Area (per unit)	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Building Height	Front* Yard	Each Side Yard	Side Abutting Street	Rear Yard
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With Centralized Water and On-Lot Sewage

Single family detached	20,000 sq.ft.	100'	25%	35'	As Article 918	20'	25'	40'
Single family attached, two family detached	15,000 sq.ft.	100'	25%	35'	As Article 918	20'	25'	30'
All other permitted residential uses	25,000 sq.ft.	120'	20%	35'	As Article 918	25'	40'	50'
All permitted commercial uses except hotel, motel or business center development	18,000 sq.ft.	120'	40%	35'	As Article 918	20'	30'	50'

With Both On-Lot Water and Sewage Systems

All permitted uses	43,560 sq.ft.	150'	20%	35'	As Article 918	25'	40'	50'
All permitted commercial uses except hotel, motel or business center development	43,560 sq.ft.	150'	40%	35'	As Article 918	20'	30'	50'

\*Use whichever front yard requirement is highest

## **ARTICLE 600**

### **R - RURAL DISTRICT**

#### **610 PERMITTED, ACCESSORY, AND SPECIAL EXCEPTION USES**

Within any Rural District listed in this Article, no building, structure, lot or land shall be used for other than one or more of the Permitted, Accessory or Special Exception Uses listed for said District, except as provided for non-conforming uses and non-conforming buildings in Article 950.

#### **620 HEIGHT**

No building or structure shall be erected to a height in excess of the maximum allowable height in said District, except as provided in Supplemental Use and Building Regulations in Article 914.

#### **630 SITE PLAN REVIEW FOR PERMITTED USES**

Where site plan review is required for a permitted use in Rural District said site plan shall be submitted to the Planning Commission for review and report prior to issuing a building permit.

631 The Planning Commission shall determine that the site makes adequate provision, where applicable, for the following:

631.01 Access facilities adequate for the estimated traffic to and from the site so as to assure the public safety and to avoid traffic congestion. Vehicular entrances and exits shall be clearly visible from the street and not within 75 feet of a street intersection.

631.02 Adequate collection and disposal of storm water run-off from the site shall be provided.

631.03 Adequate provision of space between buildings on the lot and of setbacks from private drives, roads, streets or driveways, if any, so as to assure ample light, air and useable open space in the interest of public

health, safety and general welfare.

631.04 Lighting facilities adequate for the safety of pedestrian and vehicular traffic, however, no additional permanent exterior building illumination, other than specified for Signs in Article 940 shall be permitted.

631.05 Adequate inclusion of plant material to provide effective planting screens where deemed advisable by the Planning Commission. A planting plan specifying type, size and location of existing and proposed plant material may be required and approved by the Planning Commission prior to issuing a building permit.

631.06 Adequate parking and truck loading requirements pursuant to the provisions of Article 930.

## 640 R - RURAL DISTRICT

### 641 Permitted Uses

641.01 Single family and two family detached dwelling, single family attached dwelling (Limited to 1 dwelling unit per lot).

641.02 Agricultural land uses, buildings and activities relating to the growing of field, truck, tree crops, including animal husbandry, and provided that all barns shall not be located closer than 300 feet from any dwelling except the dwelling of the owner or lessee.

641.03 Public outdoor recreation areas such as parks, playgrounds, picnic grounds, swimming pools.

641.04 Church, Sunday School, or other place of worship, parish house.

641.05 Cultural facilities, historical facilities.

641.06 Seasonal house.

641.07 Mobile home park as regulated by the Township Mobile Home Ordinance.

641.08 Planned Residential Development as regulated by the Township PRD Ordinance.

641.09 Sectional Ranch Home.

641.10 Mobile homes as regulated by the Township Mobile Home Ordinance.

641.11 Commercial stables or Riding Academy.

641.12 Nurseries and greenhouses.

641.13 Roadside stands.

641.14 Wildlife sanctuary, nature center, outdoor education laboratory, woodland preserve, or arboretum.

641.15 Game farm, fish hatchery, hunting and fishing reserves, or similar uses designed for the protection or propagation of wildlife.

641.16 Forestry, lumbering, and reforestation.

642 Accessory Uses

642.01 Private garage or private parking area, pursuant to Article 900.

642.02 Customary accessory structure and use.

642.03 Sign, pursuant to Article 940.

642.04 Private non-commercial swimming pool, pursuant to Article 925.

642.05 Home professional office, home occupation as defined in Article 332.

642.06 Accessory uses and structures customarily incidental to a permitted outdoor recreation use such as parking areas, refreshment stands, concessions, fire places, pavilions, and picnic tables, provided that such accessory uses are operated only when the main use is open and are being used in conjunction with the main use.

642.07 Agri-tourism

642.08 Home Occupation Providing Offsite Service

643 Special Exception Uses



uses	35,000 sq.ft.	150'	20%	35'	As Article 918	25'	40'	50'
<u>With Centralized Water and On-Lot Sewage Systems</u>								
Single family detached, mobile home	30,000 sq.ft.	150'	25%	35'	As Article 918	30'	50'	50'
Single family attached, two family detached	20,000 sq.ft.	120'	25%	35'	As Article 918	25'	40'	50'
All other permitted uses	35,000 sq.ft.	150'	20%	35'	As Article 918	25'	40'	50'

With Both On-Lot Water and Sewage Systems

All permitted uses	43,560 sq.ft.	150'	20%	35'	As Article 918	30'	50'	50'
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\*Use whichever front yard requirement is highest and in the event Article 918 is deemed inapplicable, then the setback shall be sixty (60) feet from the applicable lot line.

645 Site Plan Review

645.01 Required for Special Exception Uses pursuant to the provisions of Articles 960 and 1080.

645.02 Required for churches or other places of worship, Sunday Schools, parish houses, pursuant to Article 960.

645.03 Required for outdoor recreation areas such as parks, playgrounds, picnic grounds, swimming clubs, and their accessory uses.

645.04 Required for mobile home parks in accordance with the Township Mobile Home Ordinance.

645.05 Required for Planned Residential Development in accordance with the Township PRD Ordinance.

645.06 Required for single family attached dwellings.

## **ARTICLE 700**

### **RC - RURAL CONSERVATION DISTRICT**

#### **710 PERMITTED AND ACCESSORY USES**

Within any Rural Conservation District listed in Article 700 no building, structure, lot or land shall be used for other than one or more of the Permitted or Accessory Uses listed in said District except for non-conforming uses and non-conforming buildings in Article 950.

#### **720 HEIGHT**

No building or structure shall be erected to a height in excess of the maximum allowable height in said District, except as provided in Supplemental Use and Building Regulations in Article 914.

#### **730 SITE PLAN APPROVAL FOR PERMITTED USES**

Where site plan review is required for a permitted use in a Rural Conservation District, said site plan shall be submitted to the Planning Commission for review and report prior to issuing a building permit.

#### **731 All Permitted Uses**

731.01 Access facilities adequate for the estimated traffic to and from the site so as to assure the public safety and to avoid traffic congestion.



Vehicular entrances and exits shall be clearly visible from the street and not within 75 feet of a street intersection.

731.02 Adequate collection and disposal of storm runoff from the site.

731.03 Adequate provision of space between buildings on the lot and of setbacks from private drives, roads, streets or driveways, if any, so as to assure ample light, air and useable open space in the interest of public health, safety and general welfare.

731.04 Lighting facilities adequate for the safety of pedestrian and vehicular traffic; however, no additional permanent exterior building illumination, other than specified for Signs in Article 940 shall be permitted.

731.05 Adequate inclusion of plant material to provide effective planting screens where deemed advisable by the Planning Commission. A planting plan specifying type, size and location of existing and proposed plant material may be required and approved by the Planning Commission prior to issuing a building permit.

731.06 Adequate parking and truck loading requirements pursuant to the provisions of Article 930.

#### 740 RC - RURAL CONSERVATION DISTRICT

##### 741 Permitted Uses

741.01 Single family detached dwelling or sectional house (Limited to 1 dwelling unit per lot).

741.02 Agricultural land uses, buildings, and activities relating to the growing of field, truck and tree crops.

741.03 Animal husbandry, provided that permanent new barns, animal shelters, and feed yards shall not be located closer than 300 feet from any dwelling except the dwelling of the owner or lessee.

741.04 Nurseries and greenhouses.

741.05 Roadside stand.

741.06 Outdoor recreation areas such as parks, playgrounds, picnic

grounds, swimming clubs, golf courses, or country clubs.

741.07 Membership club, excluding club for gunning, trap shooting, trapping, motor vehicle racing, motorcycle competition or other similar purposes.

741.08 Church, Sunday School or other place of worship, parish house.

741.09 Seasonal house.

741.10 Cemetery or mausoleum.

741.11 Agricultural industries required by local agricultural production.

741.12 Wildlife sanctuary, nature center, outdoor education laboratory, woodland preserve, or arboretum.

741.13 Game farm, fish hatchery, hunting and fishing reserves, or similar uses designed for the protection or propagation of wildlife.

741.14 Forestry, lumbering, and reforestation.

741.15 Commercial stables or riding academy.

742 Accessory Uses

742.01 Private garage or private parking area, pursuant to Article 900.

742.02 Customary accessory structure and use.

742.03 Sign, pursuant to Article 940.

742.04 Home professional office, home occupation as defined in Article 332.

742.05 Private non-commercial swimming pool pursuant to Article 925.

742.06 Accessory uses and structures customarily incidental to a permitted outdoor recreation use such as parking areas, refreshment stands, concessions, fireplaces, pavilions, and picnic tables, provided that such accessory uses are operated only when the main use is open and are being used in conjunction with the main use.

742.07 Agri-tourism

742.08 Home Occupation Providing Offsite Service

743 Special Exception Uses

The following uses are permitted subject to Zoning Hearing Board approval pursuant to Articles 960 and 1080.

743.01 Public or private school approved by the Pennsylvania Department of Education.

743.02 Community center building, public library, municipal buildings, fire or police station.

743.03 Hospital or convalescent home.

743.04 Public utility building, structure or facility.

743.05 Kennels and animal hospitals provided that outdoor pens and feed yards shall not be located closer than 300 feet from any dwelling except the dwelling of the owner or lessee.

743.06 Extraction of mineral resources.

743.07 Sanitary landfill, sewage disposal plant or incinerator.

743.08 Single family detached dwellings, and/or multiple family dwellings for temporary quarters for farm laborers, incident and necessary to the gathering of crops grown on the premises that conform to Pennsylvania Department of Environmental Resources regulations for such structures.

743.09 Filling station.

743.10 Car washing station, public garages, parking garage.

743.11 Automobile and other machinery sales shops.

743.12 Automobile and machinery repair shops.

744 Lot Area, Width, Building Coverage and Height Regulations

		Maximum	
		Building	Maximum
Minimum	Minimum	Coverage	Building

	Lot Area	Lot Width	of Lot	Height
All permitted uses	1 acre	150 ft.	10%	35 ft.

745 Minimum Yard Requirements

	Front Yard	Each Side Yard	Side Yard with Abutting Street	Rear Yard
All permitted uses	50'	30'	50'	50'

746 Site Plan Review

746.01 Required for special exception uses pursuant to the provisions of Articles 730, 960 and 1080.

746.02 Required for all permitted uses, except for single family detached dwelling or sectional house and agricultural land uses, buildings, and activities relating to the growing of field, truck, and tree crops.

**ARTICLE 800**

**EP - ENVIRONMENTAL PROTECTION**

810 PERMITTED AND ACCESSORY USES

Within any Environmental Protection District listed in Article 800, no building, structure, lot, or land shall be used for other than one or more of the Permitted or Accessory Uses listed for said District, except when provided for as non-conforming buildings in Article 950.

820 HEIGHT

No building or structure shall be erected to a height in excess of the maximum allowable height in said District, except as provided for in Supplemental Use and Building Regulations, Article 914.

830 LOCATION OF ENVIRONMENTAL PROTECTION AREAS

831 The slope portions of areas designated as “Environmental Protection” on

the Official Zoning Map are based on the topographic contours prepared by the United States Geological Survey. The flood plains and high water table areas are based on the Lehigh County Soil Survey. Environmental Protection on the Official Zoning Map shall be used only to determine where the provisions of Articles 840 and 850 shall apply. It shall not be considered an exact delineation for purposes of applying specific regulations of Article 850.

#### 840 APPROVAL PROCEDURE

Plans for all uses which will be located in or within a distance of one hundred (100) feet from areas designated as Environmental Protection on the Official Zoning Map shall be subject to the following procedure:

- 841 To determine the exact extent and nature of areas susceptible to potential problems of land slippage, flooding, erosion, or water pollution in such areas the Zoning Officer shall require that a detailed on-site survey be made in conjunction with a review of the Lehigh County Soil Survey to determine those soils that are in one of the above areas. Such on-site survey shall be made by a qualified engineer, or by a soil scientist in accordance with accepted on-site survey techniques, and shall show existing and proposed contours at two (2) foot intervals, delineation and classification of the soils with engineering properties of each soil type including on-site percolation data.

#### 850 SITE PLAN APPROVAL FOR PERMITTED USES

Where site plan review is required for a permitted use in an Environmental Protection District, said site plan shall be submitted to the Planning Commission for review and report prior to the issuance of a building permit.

##### 851 All Permitted Uses

851.01 Access facilities adequate for the estimated traffic to and from the site so as to assure the public safety and to avoid traffic congestion. Vehicular entrances and exits shall be clearly visible from the street and not within 75 feet of a street intersection.

851.02 Adequate collection and disposal of storm runoff from the site

shall be provided.

851.03 Adequate provision of space between buildings on the lot, and of setbacks from private drives, roads, streets, or driveways, if any, so as to assure ample light, air, and usable open space in the interest of public health, safety, and general welfare.

851.04 Lighting facilities adequate for the safety of pedestrian and vehicular traffic are required; however, no additional permanent exterior building illumination, other than as specified for signs in Article 940, shall be permitted.

851.05 Adequate inclusion of plant material to provide effective planting screens is necessary where deemed advisable by the Planning Commission. A landscape plan, specifying type, size, and location of existing and proposed plant material, may be required and approved by the Planning Commission prior to the issuance of a building permit.

851.06 Adequate parking and truck loading requirements pursuant to the provisions of Article 930.

## 860 FLOOD PLAIN PORTION OF THE ENVIRONMENTAL PROTECTION DISTRICT

### 861 Permitted Uses

861.01 Recreational uses, including private or commercial as well as public, such as parks, camps, picnic areas, golf courses, fishing, sport or boating clubs; not to include enclosed structures but permitting piers, docks, floats, or shelters usually found in developed outdoor recreational areas. Any toilet facilities provided shall be connected to public water and sewerage systems.

861.02 Cultivation and harvesting of crops in accordance with recognized soil conservation practices.

861.03 Pasture and grazing in accordance with recognized soil conservation practices.

861.04 Outdoor plant nursery or orchard in accordance with recognized

soil conservation practices.

861.05 Wildlife sanctuary, nature center, outdoor education laboratory, woodland preserve, or arboretum.

861.06 Game farm, fish hatchery, hunting and fishing reserves, or similar uses designed for the protection or propagation of wildlife.

861.07 Forestry, lumbering, and reforestation in accordance with recognized natural resources conservation practices.

861.08 Front, side, and rear yards and required lot area in any district, provided such yards are not to be used for on-lot sewage disposal systems or for outdoor storage or dumping of any nature.

861.09 Overhead utility transmission lines.

862 Accessory Uses

862.01 Signs, pursuant to Article 940.

862.02 Previous roads, driveways, or parking areas.

862.03 Accessory uses and structures customarily incidental to a permitted outdoor recreation use, such as refreshment stands, concessions, fireplaces, pavilions, and picnic tables, provided that such accessory uses are operated only when the main use is open and are being used in conjunction with the main use, and further provided that such accessory uses do not seriously impede, constrict or otherwise restrict flood flows.

863 Special Exception Uses

The following uses are permitted subject to Zoning Hearing Board approval, pursuant to Articles 960 and 1080.

863.01 Impervious roads, driveways, or parking areas.

863.02 Outlet installations for sewage treatment plants or sewage pumping stations, with the approval of the Township engineer and appropriate sewer authority, if any.

863.03 Sealed public water supply wells, with the approval of the Township engineer and the Pennsylvania Department of Environmental Resources.

863.04 Dams, culverts, and bridges, with the approval of the Pennsylvania Department of Environmental Resources.

863.05 Sanitary or storm sewers, or impoundment basins, with the approval of the Township engineer.

863.06 Grading or regrading of lands, including the deposit of fills and the grading thereof, and the construction of retaining walls. The application for special permission shall be accompanied by the following:

863.061 Detailed engineering studies indicating the effects on drainage and streams on all adjacent properties as well as on the property in question.

863.062 An application for amending the boundaries of the Flood Plain District.

863.07 Utility transmission lines located at or below grade.

863.08 Uses similar to the above which are in compliance with the intent of this Ordinance.

#### 864 Approval for Special Exception Uses

The Zoning Hearing Board shall exercise discretion by permitting only those uses which are substantially in accord with the intent of this Ordinance. In considering a use for approval by special permission, the Board shall consider the following:

864.01 The effect of the use shall not substantially alter the cross-sectional profile of the streams and flood plains at the location of the proposed use.

864.02 Adjacent stream neighbors shall not be unreasonably affected by the use.

864.03 The general welfare or public interest, either of Township residents



or of residents of other municipalities in the same watershed, shall not be adversely affected.

865 Site Plan Review

Site plan review is required for all uses, pursuant to the provisions of Articles 960 and 1080.

870 STEEP SLOPE PORTION OF THE ENVIRONMENTAL PROTECTION DISTRICT

871 Permitted Uses

Any use permitted in the RC-Rural Conservation District.

872 Accessory Uses

Any accessory use permitted in the RC-Rural Conservation District.

873 Special Exception Uses

The following uses are permitted subject to Zoning Hearing Board approval, pursuant to Articles 960 and 1080.

873.01 Public utility buildings, structures, or facilities.

873.02 Other uses that are in compliance with the intent of this Ordinance.

874 Lot Area, Width, Building Coverage, and Height Regulations

	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Building Height
All permitted uses	3 acres	200 ft.	10%	35 ft.

875 Minimum Yard Requirements

Front Yard	Each Side Yard	Side Yard With Abutting Street	Rear Yard
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All permitted uses      60 ft.                      40 ft.                      60 ft.                      60 ft.

876    Site Plan Review

Site plan review is required for all uses, pursuant to the provisions of Articles 960 and 1080.

877    Excessive Slopes

No development should be permitted on slopes of 25 percent or greater. Open space, forestry and wildlife protection uses are appropriate in these areas.

880    HIGH-WATER TABLE PORTION OF THE ENVIRONMENTAL PROTECTION DISTRICT

881    Permitted Uses

881.01 Any use permitted in the Flood Plain Portion of the Environmental Protection District.

881.02 Any use permitted in the RC-Rural Conservation District, but not including agricultural industries.

882    Accessory Uses

Any accessory use permitted in the RC-Rural Conservation District, but not including impervious parking lots.

883    Special Exception Uses

The following uses are permitted subject to Zoning Hearing Board approval, pursuant to Articles 960 and 1080.

883.01 Impervious parking lots.

883.02 Sealed public water supply wells, with the approval of the Township engineer and the Pennsylvania Department of Environmental Resources.

883.03 Sanitary or storm sewers, with the approval of the Pennsylvania

Department of Environmental Resources.

883.04 Utility transmission lines located at or below grade.

883.05 Uses similar to the above which are in compliance with the intent of this Ordinance.

884 Lot Area, Width, Building Coverage, and Height Regulations

	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Building Height
All permitted uses	5 acres	300 ft.	5%	35 ft.

885 Minimum Yard Requirements

	Front Yard	Each Side Yard	Side Yard with Abutting Street	Rear Yard
All permitted uses	60 ft.	50 ft.	75 ft .	75 ft.

886 Site Plan Review

Site plan review is required for all uses, pursuant to the provisions of Articles 960 and 1080.

**ARTICLE 900**

**SUPPLEMENTARY REGULATIONS**

910 GENERAL REGULATIONS APPLYING TO ALL DISTRICTS AND USES

911 Prohibited Uses

Any trade, industry or use which the Township can show to be noxious or offensive by reason of the emission of smoke, noise, gas, odor, dust, vibration or excessive light beyond the limits of its lot or to be dangerous or prejudicial to the public health, safety or general welfare. Any and all lighting must be pointed in the downward position.

912 Placement of Accessory Uses and Structures

The placement of a private garage, accessory parking area or other accessory building or use, shall be subject to the following requirements:

912.01 No accessory building shall be constructed within five (5) feet of any rear lot line or side lot line.

912.02 Nothing contained herein shall prevent the construction of a private garage as a structural part of a main dwelling, provided that when so constructed, the exterior garage walls shall be regarded as the walls of the main dwelling in applying the front, rear, and side yard regulations of this Ordinance.

912.03 No private garage or other accessory building shall be within a required front yard in any District. Unroofed parking areas are permissible in required front yards and in portions of side yards not otherwise required for a planting screen in commercial and industrial districts provided that the parking area is of sufficient size for vehicle storage and maneuvering, and provided that ingress and egress points are clearly established for the safe channelization of traffic to and from the adjacent streets.

912.04 Any access driveway may be located within a required side yard and required front yard.

912.05 Accessory buildings and uses shall be on the same lot with the main building or buildings or on an immediately adjacent lot in the same ownership, or within the site limits of a site plan of development approved

by the Planning Commission or Zoning Hearing Board as prescribed in this Ordinance.

912.06 Required accessory parking areas and truck loading spaces shall have safe and adequate access to a public street either by a driveway on the same lot or by means of a permanent easement across an adjoining lot.

912.07 No required accessory parking area or off-street truck loading space shall be encroached upon by buildings, open storage, or any other use.

912.08 Accessory private garages may be constructed within or under any portion of a main building.

913 Small Lots of Record

Notwithstanding the Lot Area, Lot Width and Lot Coverage requirements of any District listed in Articles 500, 600 and 700, a building or structure containing a permitted, accessory, or special exception use, may be erected on any lot with less than the required lot width or lot area if separately owned at the effective date of this Ordinance: provided, that building areas shall not exceed 30 percent of the lot area, that the lot is not less than 4,000 square feet, has a minimum width of 30 feet, that the aggregate width of the side yards be not less than 30 percent of the lot width, and that the narrower side yard be not less than five (5) feet in width.

914 Height

914.01 Nothing herein contained shall restrict the height of a church spire, cupola, dome, mast, belfry, clock tower, radio or transmission line, tower, flagpole, chimney flue, water tank, elevator or stair bulkhead, stage tower, scenery loft, smoke stack, silo, Barn or similar structure. No such structure shall:

914.011 Have a lot coverage at the base in excess of 10 percent of the lot area.

914.012 Be used for residency or tenancy purposes.

914.013 Have any advertising sign or device inscribed upon or attached to such structure.

914.02 No private garage or similar accessory building shall be constructed to a height which would exceed the lesser of twenty feet or one and a half times the height of the principal residence or structure on

lots smaller than 5 acres. Accessory buildings on lots 5 acres or larger may not exceed one and a half times the height of the principal residence or structure not to exceed 30'. Any accessory building with a height between 20' & 30' shall meet the minimum yard requirements for permitted uses in that district.

914.03 Barn is defined as a building for the storage of farm products or feed and / or for the housing of farm animals or working farm equipment. Any Barn constructed as an accessory use shall meet the minimum yard requirements for permitted uses in that district and shall be placed or erected only on a tract of land that is 5 or more acres in size.

## 915 Yards

915.01 Front Yard. The space in a required front yard shall be open and unobstructed except for an unroofed balcony or terrace projecting not more than eight (8) feet, or steps giving access to a porch or first floor entry door.

915.02 All Yards. Every part of a required yard shall be open to the sky unobstructed by structures except for retaining walls and for accessory buildings in a rear yard, and except for the ordinary projections of sills, belt courses, and for ornamental features projecting not to exceed six (6) inches.

915.03 Open or lattice enclosed fireproof fire escapes or stairways. Required by law, projecting into a yard not more than four (4) feet, and the ordinary projections of chimneys and pilasters shall be permitted when placed so as not to obstruct light and ventilation.

## 916 Through Lots

Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages.

## 917 Corner Clearance

On a corner lot, within the triangular area (shown in the following figure)

determined as provided in this Section, no wall or fence or other structure shall be erected to a height in excess of two (2) feet; and no vehicle, object or any other obstruction of a height in excess of two (2) feet shall be parked or placed; and no hedge, shrub or other growth, shall be maintained at a height in excess of two (2) feet, except for the erection of traffic control and road marking signs and trees whose branches are trimmed away to a height of at least ten (10) feet above the curb. Such triangular area shall be determined by the intersecting street centerlines and a diagonal connecting two points, one at each street centerline, each of which points is 75 feet from the intersection of such street centerlines.

918 Setbacks from Roads

918.01 Minimum setbacks are required from all public and private roads, streets and highways as determined by the functional classification of the road, street or highway, as shown on the Official Map of Lowhill Township. Except as provided in other sections of this Ordinance, no buildings or structures shall be placed between the setback line and right-of-way line. In the case of a proposed street, the setback line and street classification shall be shown on the site plan prior to construction.

918.02 On roads classified as major arterials on the Official Map, the required setback shall be 100 feet from the centerline of the existing or proposed road, or 50 feet from the edge of the existing or proposed right-of-way, whichever is greater.

918.03 On roads classified as minor arterials on the Official Map, the required setback shall be 80 feet from the centerline of the existing or proposed road, or 40 feet from the edge of the existing or proposed right-of-way, whichever is greater.

918.04 On roads classified as collectors on the Official Map the required setback shall be 60 feet from the centerline of the existing or proposed road, or 30 feet from the edge of the existing or proposed right-of-way, whichever is greater.

918.05 On roads classified as local roads the required setback shall be 60 feet from the centerline of the existing or proposed road, or 30 feet from the edge of the existing or proposed right-of-way, whichever is greater. All private and public roads not specified in Articles 918.02, 918.03, and 918.04 are considered local roads.

918.06 In the vicinity of a highway, not including at grade highway intersections, no building, or structure shall be located less than 100 feet from the interchange right-of-way line and shall not be located less than 75 feet from the right-of-way line of a highway extending a distance of 500 feet or less from the end of an entrance or exit ramp.

918.07 Where other setback and front yard requirements have been established in this Ordinance, those requirements will apply only if they are greater than those established in Articles 918.02-918.06.

919 Special Setbacks from Quarries

No structure shall be erected closer to the near edge of a quarry than 200 feet plus one (1) foot for every foot that the maximum depth of the quarry exceeds 100 feet. The depth of the quarry shall be determined by measuring from the absolute highest to absolute lowest point of the quarry.

920 REGULATIONS APPLYING TO CERTAIN USES AND DISTRICTS

921 Waiver of Yard and Lot Requirements for an Industrial Park and a Business Center Development

921.01 The interior lot and yard requirements for individual sites located in an Industrial Park may be waived when the overall development is based on an overall site plan. However, main buildings shall generally not be placed closer together than the height of the higher building; front yard requirements along public streets and rights-of-way shall be observed. Minimum lot and yard requirements may be waived for individual sites, provided the average area of all sites in the industrial park is not less than the minimum area requirements of the District in which it is located, and no single lot shall be less than 1/2 the minimum requirement. Average areas shall be computed and based on the complete original plan.

921.02 Where the side lot lines of two structures in a Business Center Development or two Business Center Developments abut each other, side yard requirements for said abutting side yards may be waived so that the resulting space may be utilized to create a continuous and compatible design and use of site area for buildings, parking, pedestrian and vehicular access and circulation.



922 Garages, Filling Stations, and Car Washing Stations - Special Provisions

922.01 No public or private garage accommodating more than five (5) vehicles and no filling station shall be located or shall have any entrance or exit within 200 feet of the entrance or exit to a public or parochial school, private school, public library, theater, assembly hall, church, hospital, semi-public institution, public park, playground or fire station.

922.02 All public garage and filling stations shall be so arranged and all gasoline pumps shall be so placed, as to permit all services to be rendered entirely within the lot lines. No gasoline or oil pump shall be placed within fifteen (15) feet of any street line, or side lot line, nor within twenty (20) feet of any Rural District boundary line.

923 Private Garages or Private Parking Area in Residential, Rural and Environmental Protection Districts

923.01 A private garage or private parking area may be utilized only as an accessory to the main use, except that no more than two (2) parking spaces in a private garage accessory to a one family or two family dwelling may be rented to a person who is not a resident of the main building.

923.02 Not more than one commercial vehicle, with a gross weight limited to two and one-half (2-1/2) tons, may be housed on any lot and then only in a private garage.

923.03 For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in any District except in a carport or enclosed building or behind the nearest portion of a building to a street, provided however, that such equipment may be parked anywhere on residential premises for not to exceed twenty-four (24) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

924 Private Garages Accessory to Multiple Dwellings

924.01 In private garages accessory to multiple dwellings, no commercial repairing of cars shall be done, but washing of tenants' cars shall be permitted.

924.02 Private garages accessory to multiple dwellings shall conform in exterior architectural style and treatment to the architecture of the main building or buildings, and shall be of similar materials.

925 Private Swimming Pool (Non-Commercial)

1. A private swimming pool shall not be located, constructed or maintained on any lot or land area, except in conformity with the requirements of these regulations.
2. A permit shall be required to locate, construct, or maintain a private swimming pool.
3. Such pool shall not be less than twenty (20) feet from side and rear lot lines.

925.031 Every private swimming pool located on a lot of two acres or more shall not be located closer than forty (40) feet from side or rear lot lines.

4. Such pool shall be located at least fifty (50) feet from any street right-of-way line.
5. Such pool shall not occupy more than twenty-five percent (25%) of the rear and side yard areas including all accessory structures.
6. No more than one thousand five hundred (1500) gallons of water per calendar year can be drawn from private wells to fill a swimming pool.
7. No lighting or spot lighting shall be permitted which will shine directly beyond the bounds of the property or lot where such pool is located.
8. Any dam, pond, or water reservoir constructed for agricultural uses on a working farm, provided it is within all yard requirements, is not subject to the private swimming pool regulations.

926 Mailboxes and Newspaper Receptacles

1. All U.S. Mailboxes, Newspaper Receptacles, and U.S. Mailbox or Newspaper Receptacle Support Posts, installed or replaced on any property, residence, or business located in the Township of Lowhill shall comply with the definitions for said Mailboxes, Newspaper Receptacles, and/or support post from the effective date of this Ordinance.

926.02 Any and all Mailboxes, Newspaper Receptacles, and Support Posts which have been installed, constructed, or existed prior to the enactment of this Ordinance need not comply with the requirements of this Ordinance unless they are replaced, removed, or abandoned.

## 930 PARKING AND TRUCK LOADING SPACE REQUIREMENTS

### 931 Off-Street Parking

Off-street parking spaces for the storage or parking of passenger vehicles shall be provided pursuant to the provisions of this Article.

931.01 Individual Parking Spaces. Parking areas shall be marked off into parking spaces, each with a minimum width of ten feet, and a minimum area of 200 square feet, exclusive of driveways and turning areas.

931.02 Minimum Requirements for Accessory Garages for Parking Areas. As indicated in the following schedule:

<b>Building Type</b>	<b>Minimum Parking Spaces Required</b>	<b>For Each</b>
Boarding, Lodging, or Rooming House, Tourist Home	1	guest bedroom and resident family
Single and Two Family Residential Dwelling	2*	dwelling unit
Multiple Family and Single Family Attached Dwelling	1.5	dwelling unit

Hotel, Motel	1	guest bedroom plus 1 space for each 3 employees
Church	1	4 members
Membership Club	1	4 members
Professional Office and Home Occupation in a Residential Building	1	Non-family employee plus 1 for each 300 feet net floor space used by such office or home occupation
Auditorium, Stadium, Theater, Convention Hall or Similar Place of Public Use	1	4 seats (Note: Bench capacity computed at 1 seat for each 20 inches)
Elementary and Junior High School	1	1/2 classroom (in addition to parking space required for auditorium)
Senior High School	1	1/4 classroom (in addition to parking space required for auditorium)
Bowling Lane	3	Lane
Business Center Development	1	150 sq.ft. net floor space
Drive-in Restaurant or Stand	10	1 for each 100 sq.ft. of net floor area in excess of 1,000 sq.ft.
Funeral Home	1	75 sq.ft. of assembly room space
Hospital	1	3 beds plus 1 for each 3 employees
Industrial Wholesale, Distribution	1	1 employee
Medical Office Building	1	100 sq.ft. of net floor space

Offices and Office Building	1	200 sq.ft. of net floor space
Research Institute or Laboratory	1	1 employee
Retail Store, Shop, Bank	1	150 sq.ft. of net floor space

\*Do not need to be marked off and may include driveway area

931.03 Other Uses Not Specifically Listed. The same requirements as for the most similar use listed in Article 931.02.

931.04 Mixed Uses. Total requirements shall be the sum of the requirements of the component uses computed separately.

931.05 Fractional Space. In all Districts when required parking spaces result in the requirements of a fractional space, any fraction shall be construed as requiring a full space.

931.06 Non-applicability of Existing Buildings and Uses. The provisions of Articles 931.01 through 931.05 shall not apply to any building structure or use lawfully in existence at the effective date of this Ordinance, whether continued as a permitted or a non-conforming use, or thereafter converted or changed without enlargement to a different lawful use.

932 Required Off-Street Truck Loading Spaces

932.01 Every building or structure, lot or land hereafter put into use for business or industrial purposes or for a hospital and which has an aggregate net floor area of 5,000 square feet or more in any District where such uses are permitted, shall be provided with off-street truck loading spaces in accordance with the following schedule:

<b>Square feet of aggregate net floor area devoted to such use</b>	<b>Required number of off-street truck loading spaces</b>
5,000 to 25,000 sq.ft. in all Districts	1
25,001 to 40,000 sq.ft. in all Districts	2

40,001 to 100,000 sq.ft. in all Districts 3

Each additional 60,000 sq.ft. in all Districts 1 additional

932.02 Size of Individual Truck Loading Space. An off-street truck loading space shall have a minimum width of ten (10) feet, a minimum length of fifty (50) feet, and minimum clear height of fourteen (14) feet including its access from the street.

933 Access Driveways

933.01 All access driveways for a public garage, public parking area, filling station, service station or car washing station may be used for separate or combined entrance or exit. Every separate entrance or exit access driveway shall have a minimum unobstructed width of ten (10) feet. Every combined entrance and exit access driveway shall have a minimum total unobstructed width of twenty (20) feet. No more than sixty (60) feet of total access driveways will be permitted.

933.02 There may be no more than one access entrance and one exit; or one combined exit or entrance per lot with the exception of Business Center Developments and as pursuant with Article 933.01.

933.03 Where a lot does not abut on a public or private road, alley, or easement access, an access driveway not less than ten (10) feet in width shall be provided.

933.04 Any access driveway may be located within a required side yard, required front yard, or required rear yard.

940 SIGNS

941 Maximum Permitted Sizes

In all Districts, maximum permitted sizes of signs of each type shall be in accordance with the regulations contained in the following schedule:

**BUSINESS SIGN**

<b>District</b>	<b>Professional or Announcement Sign on Residence Building</b>	<b>Identification of Business or Industrial Building or Use</b>	<b>Real Estate “For Sale” or “For Rent” Sign or Construction Sign</b>	<b>Advertising Sign</b>
R	3 sq.ft.	16 sq.ft.	6 sq.ft.	Prohibited
RC	3 sq ft	16 sq ft	6 sq ft	Prohibited
EP	3 sq ft	16 sq ft	6 sq ft	Prohibited
RV	3 sq.ft.	For each building wall or facade: 2 sq.ft. aggregate area for each one (1) foot horizontal length of facade, but not to exceed an aggregate area of 120 sq.ft. on any one	6 sq.ft.	Prohibited

facade, except as provided in Article 942.12. Free standing signs for identification of business or industrial use shall be limited to 16 sq.ft.

941.01 Exception: Name of farm or owner or decorative designs may be part of any structure on a working farm describing that part of their agriculture business.

942 Supplemental Sign Regulations

942.01 A professional or announcement sign of a home professional office or home occupation on a residence building shall be fixed flat on the main wall of such building, and shall not project more than six (6) inches, or may be erected in the front yard, but not within ten (10) feet of a street line. Such sign may be interior lighted in the cases of the office of a physician or dentist only.

942.02 A name or announcement sign or signs, not over six (6) square feet in area, fixed to the main wall of a church, parish house, club, school, or public or semi-public building shall be permitted, or may be erected in the front yard, but not within ten (10) feet of a street line. Such sign may be interior lighted. Not more than two (2) such signs shall be permitted on a lot.

942.03 A real estate “for sale” or “for rent” sign, or a construction sign, shall apply only to the property upon which it is placed. Not more than two (2) such signs shall be permitted on any one property or premise.

942.04 No business sign, other than a professional or announcement sign, shall be erected, hung, attached or displayed until a written application has been made to the Zoning Officer and a permit therefore has been duly issued by him upon payment of the established fee.

942.05 Projection. No sign shall project more than twelve (12) inches from the building facade to which it is attached.

942.06 Height. No sign that is a part of or is supported by a building shall be erected upon the roof of such building, nor shall such sign extend above the height of the building. No sign structure that is not a part of or supported by a building shall be more than eighteen (18) feet in height



above the average ground level at the base of such sign.

942.07 Clearance. Except for Monument Signs placed outside of the Right of Way.No sign structure erected directly upon the ground shall have less than three (3) feet of clear space between such sign and the ground, provided that necessary supports may extend through such open space.

942.08 Length. No sign structure erected directly upon the ground shall have an unbroken length of more than ten (10) feet.

942.09 Spacing. No sign structure erected directly upon the ground shall be within five (5) feet of any other sign structure.

942.10 Relationship to Street Intersection. No sign shall be erected, attached, or displayed within twenty-five (25) feet of the point of intersection of the street lines at a street corner.

942.11 Illumination. Signs may be interior lighted with non-glaring lights, or may be illuminated by shielded flood lights; provided, however, that no red, green or amber lights shall be permitted within seventy-five (75) feet of the point of intersection of the street lines at a street corner. No illuminated signs shall have a flashing, moving, rotating, oscillating, shuttered, or similar device. All lights shall be shielded in such a manner that no detrimental light or glare will be created in the neighborhood.

942.12 Open Lettered Signs. In a Rural Village District, when a business sign or signs consist of open lettering through which at least two-thirds of the circumscribing plane surface of building facade remains directly visible, such sign or signs, on each building facade, may have an aggregate area of six square feet for each one foot horizontal length of such facade, but shall not exceed an aggregate area of 150 square feet, a height of 15 feet or a width of 20 feet on any one facade.

942.13 Road Marking Signs. Signs marking street names, road or intersection conditions, or other similar uses shall not be subject to the preceding provisions of Article 940, but are required to have site plan approval before installation.

942.14 Temporary Sign. When date of specified public event, such as sale, show, or contest is part of sign, two signs not exceeding 16 sq.ft. may be erected 30 days prior to event, in the front or side yard of property where event will take place. Signs shall not conflict with

Article 917 and must be removed within 24 hours after the event.

942.15 Digital Display: Digital Display signs are only permitted on commercial property in the RV Zoning District as a Conditional Use.

942.16 Vehicular Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage. Prohibited is any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle is to advertise a product, service business, or other activity. This regulation shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.

**Section 943: Removal of Unsafe, Unlawful, or Abandoned Signs**

- A. Unsafe or Unlawful Signs: Upon written notice by Lowhill Township, the owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, or it becomes so deteriorated that it no longer serves a useful purpose of communication, or it is determined by Lowhill Township to be a nuisance, or it is deemed unsafe by Lowhill Township, or it is unlawfully erected in violation of any of the provisions of this Article.
- B. Abandoned Signs. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within 180 days of the sign becoming abandoned as defined in this section. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, and structural trim.

950 NON-CONFORMING USES AND NON-CONFORMING BUILDINGS OR STRUCTURES

951 Unlawful Uses Not To Be Construed as Non-Conforming

An unlawful building or structure, or unlawful use of a building, structure, lot or land existing at the effective date of the Ordinance shall not be deemed to be a non-conforming building, structure or use.

952 Continuation of Non-conforming Uses

Any lawful use which occupies any building or structure, lot or land at the effective date of this Ordinance or any amendment thereto, but does not

comply with the permitted, accessory or special exception use regulations of the District in which it is situated after the effective date of this Ordinance or any amendment thereto, may be continued as a non-conforming use in the building or structure or upon the lot or land so occupied. All other uses are conforming uses.

953 Restoration

953.01 The Zoning Officer may require the Planning Commission to approve the site plan before issuing a permit if a building or structure used as a non-conforming use is damaged wholly or partially by fire, explosion, flood or phenomenon, or legally condemned as not habitable the building or structure may be reconstructed and used the same as before, provided that the floor area of such use and the building or structure area of lot area shall not exceed that which existed prior to the damage or condemnation and that reconstruction starts within six months and is completed within one year of damage or condemnation.

953.02 The Zoning Officer may require the Planning Commission to approve the site plan before issuing a permit to reconstruct, restore, repair, or structurally alter a non-conforming use, if partially or completely damaged or condemned providing construction starts within six months and is completed within one year of damage or condemnation or the building area is not located within the street right-of-way.

954 Extension

954.01 A non-conforming use shall not be enlarged or extended in any way except as provided in Article 1092.01.

954.02 For the purpose of this Ordinance a non-conforming use or structure exists only upon the lot on which it is actively engaged, constructed or affixed, and is not part of adjacent lots even if the adjacent lots are in the same ownership.

954.03 A non-conforming structure may be enlarged provided the floor area and height of addition is not greater than the existing structure and the front and side distance to the lot line is not less than the existing structure and has a conforming use.

955 Change of Use

955.01 A non-conforming use may be changed to a conforming use, or to another non-conforming use pursuant to Article 1092.02.

955.02 A non-conforming use of a building or land that has been changed to a more restricted classification shall not thereafter be changed to a use of a less restricted classification.

955.03 A non-conforming use shall not be extended to displace a conforming use.

956 Termination

A non-conforming use shall be deemed to have been terminated and shall not thereafter be reinstated:

956.01 When it is changed to a conforming use.

956.02 When it has been voluntarily discontinued for a period of twelve (12) consecutive months where such non-conforming use is in a building or structure designed for such use.

956.03 When it has been voluntarily discontinued for a period of six (6) consecutive months where such non-conforming use is in a building or structure not designed for such use, or is on a lot of land whereon there is no consequential building or structure devoted to such use.

957 Repairs and Maintenance

Normal maintenance and repairs of a building or other structure containing a non-conforming use is permitted, provided it does not extend the floor area occupied by the non-conforming use.

958 The Zoning Officer may identify and register non-conforming uses, structures and lots in the Township of Lowhill, as an aid to the enforcement of this Ordinance. Upon identifying a non-conformity, the Zoning Officer shall send notice to the owner of record that a non-conformity exists on this property and with which provisions of this Ordinance it does not conform. Failure by the Zoning Officer to identify and register a non-conforming use or structure is not to be construed as a recognition that a use, structure or lot is in conformance with this

Ordinance.

960 REQUIREMENTS FOR SPECIAL USES

961 Standards for Site Plan Review

The following standards have been established to guide the Zoning Hearing Board in its review of site plans and hearing of special exception requests. The standards are not absolute requirements, but any site plan should generally conform to their provisions. The Zoning Hearing Board may require any of the appropriate conditions to be met prior to approval.

961.01 The size of a church shall be one acre per 100 members, with a minimum of an additional 3 acres if a school or recreation facilities is to be located on the same site.

961.02 Any public or private school shall conform to the regulations established by the Pennsylvania Department of Education.

961.03 In industrial areas there shall be a minimum of one acre of land for every twenty-two (22) employees.

961.04 No hospital shall be permitted unless it has been approved by the Pennsylvania Office of Medical Planning in Harrisburg.

961.05 The site for any proposed community building shall be reviewed for the following:

961.051 There shall be easy access to the road that will permit whatever equipment or vehicles that will be used to cross and turn without creating a traffic hazard.

961.052 There shall be ample off-street parking and vehicle storage areas provided within the structure or in an adjacent building or parking area. On-street parking of fire, ambulance or police vehicles at a station site shall be prohibited.

961.053 The following size standards shall be followed in the design of a fire station.

<b>Station Size</b>	<b>Frontage</b>	<b>Depth</b>	<b>Total Area (Square Feet)</b>
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1 door	100'	140'	14,000
2 door	125'	140'	17,500
3 door	150'	140'	21,000
4 door	175'	140'	24,000

961.054 The following parking requirements in addition to vehicle storage shall be applied for police and fire station.

<b>Personnel</b>	<b>No. of Spaces</b>
Chief	1
Assistant Chief (s)	1 each
Policemen or Firemen (based on maximum number on duty for two largest shifts)	1 each
Visitors	2 minimum

962 Applicability of Higher Standards

The requirements of Article 961 are supplementary to the provisions of any district. Where they are less than the regular requirements of the district, the district requirements shall prevail.

963 Minimum Lot Size or Reserved Area for Communication Towers

Notwithstanding any provision of this Zoning Ordinance, as amended, to the contrary, the minimum lot size for, or area committed and reserved for the use of, any communication tower and related facilities shall be 1,000 square feet where (i) in the determination of the Zoning Officer, the site of the tower and related facilities shall not require extraction, generation or use of water or facilities for disposal of sewage and (ii) the Supervisors have granted a waiver of the subdivision and/or land development process and the compliance with the terms, conditions and requirements of the Subdivision and Land Development Ordinance, as amended.

964 Maximum Lot Size or Reserved Area for Communication Towers

Notwithstanding any provision of this Zoning Ordinance, as amended, to the contrary, the maximum lot size for, or area committed and reserved for

the use of, any unoccupied communication tower and related facilities shall not exceed 4,000 square feet.

970 CONDITIONAL USE REVIEWS

Certain uses that are permitted by this Ordinance as “Conditional Uses” shall be required to follow the review and zoning approval procedures described in this section.

971 A conditional use submission shall not be considered officially accepted for review until any needed zoning variance(s) or special exception approval that is directly relevant to the site layout and nature of the use is granted.

972 A minimum of seven complete paper copies of a site plan meeting the requirements of the Subdivision and Land Development Ordinance shall be submitted to the Township. The Zoning Officer shall refuse to officially accept an incomplete application which does not provide sufficient information to determine compliance with this Ordinance and does not provide the appropriate fee as per the adopted township fee schedule.

973 The Township shall distribute copies of the site plan to the Planning Commission and the Board of Supervisors.

974 The Zoning Officer shall report in writing or in person to the Planning Commission or Board of Supervisors stating whether the proposal complies with this Ordinance. The Zoning Officer may request a review by the Township Engineer.

975 The Planning Commission shall be given an opportunity to review the conditional use application and submit a recommendation to the Board of Supervisors.

976 The Board of Supervisors shall not act to approve or deny a conditional use application unless the Supervisors have received the reports of the Zoning Officer and the Planning Commission, or unless a period of at least 60 days has passed from the date of the application.

977 The decision of the Board of Supervisors shall approve, conditionally approve or disapprove the conditional use submission. The Board of Supervisors shall approve the conditional use submission if they find adequate evidence that the proposed use will comply with the specific and general standards for the proposed use as listed in this Ordinance and the Subdivision and Land Development Ordinance, as applicable. In granting a conditional use, the Board

of Supervisors may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of this Ordinance.

978 The decision of the Board of Supervisors shall be in writing, within 45 days and shall be delivered to the applicant pursuant to the provisions of the Municipalities Planning Code as amended

## **ARTICLE 1000**

### **ZONING HEARING BOARD**

#### 1010 ORGANIZATION

1011 General Grant of Power. The Board shall perform all the duties and have all the powers prescribed by State Statutes and as herein provided.

1012 Membership of Board. The membership of the Board shall consist of three residents of Lowhill Township appointed by the Township



Supervisors. Their terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Township Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in Lowhill Township except that no more than one member of the Board may also be a member of the Planning Commission.

1013 Organization of Board. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Article 1020. The Board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of Lowhill Township and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a written report of its activities to the Township Supervisors once a year.

1014 Removal of Members. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or other just cause by a majority vote of the Township Supervisors, taken after the member has received fifteen days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

1015 Expenditures for Services. Within the limits of funds appropriated by the Township Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of

their duties, as may be fixed by the Township Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Township Supervisors.

## 1020 HEARINGS

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

1021 Notice shall be given to the public, the applicant, the county planning agency, the zoning officer, those property owners within 200 feet of the

property line and to any person who has made timely request for the same. Notices shall be given at such time and in such manner as prescribed by Article 366. The governing body may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by ordinance.

- 1022 The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- 1023 The parties to the hearings shall be any person who is entitled to notice under Article 1021 without special request therefore who has made timely appearances of record before the Board and any other person permitted to appear by the Board.
- 1024 The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by parties. All parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- 1025 Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- 1026 The Board or the hearing officer, as the case may be, shall keep a record of the proceedings, either stenographically or by sound recording, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.
- 1027 The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representatives unless all parties are given an opportunity to be present.

1028 The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this act or of any ordinance, rule or regulations shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings. Where the Board has power to render a decision and the Board or the hearing officer, as the case may be, fails to render the same within the period required by this clause, the decision shall be deemed to have been rendered in favor of applicant.

1029 A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

#### 1030 APPEALS FROM THE ZONING OFFICER

The Board shall hear and decide appeals where it is alleged by the appellant that the zoning officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulations governing the action of the zoning officer. Nothing contained herein shall be construed to deny to the appellant the right to proceed directly in court, where appropriate pursuant to Pennsylvania R.C.P., Sections 1091 to 1098 relating to mandamus.

#### 1040 CHALLENGE TO THE VALIDITY OF ANY ORDINANCE OR MAP

Except as provided in Article 1090 relating to variances, the Board shall have no power to pass upon the validity of any provision of an ordinance or map adopted by the Township Supervisors. Recognizing that challenges to the validity of an ordinance or map may present issues of fact and of interpretation which may lie within the special competence of the Board, and to facilitate speedy disposition of such challenges by a

court, the Board may hear all challenges wherein the validity of the ordinance or map presents any issue of fact or of interpretation, not hitherto properly determined at a hearing before another competent agency or body, and shall take evidence and make a record thereon as provided in Article 1026. At the conclusion of the hearing, the Board shall decide all contested questions of interpretation and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

#### 1050 PARTIES APPELLANT BEFORE BOARD

Appeals under Article 1030 and proceedings to challenge an ordinance under Article 1040 may be filed with the Board in writing by any officer or agency of the municipality or any person aggrieved. Requests for a variance under Article 1091 and for special exception under Article 1080 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

#### 1060 TIME LIMITATIONS

The time limitations for raising certain issues and filing certain proceedings with the Board shall be the following:

- 1061 No issue of alleged defect in the process of enactment of any ordinance or map or any amendment thereto shall be raised in any proceeding filed with the Board later than thirty (30) days from the time such ordinance, map or amendment takes effect unless the person raising such issue alleges and proves that he failed to receive adequate notice of the enactment or amendment. If such person has succeeded to his interest after the enactment of the ordinance, adequate notice to his predecessor in interest shall be deemed adequate notice to him.
- 1062 No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he failed to receive adequate notice of such approval. If such person has succeeded to his interest after such approval, adequate notice to his predecessor in interest shall be deemed adequate notice to him.
- 1063 No person(s) shall be allowed to file with the Board an appeal from the issuance of an enforcement notice later than twenty (20) days after the enforcement notice shall have been sent.

## 1070 STAY OF PROCEEDINGS

Upon filing of any proceeding referred to in Article 1050 and during its pendency before the Board all land development pursuant to any challenged ordinance, order or approval of the zoning officer or of any agency or body, and all official action thereunder shall be stayed unless the zoning officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development of official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the zoning officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

## 1080 SPECIAL EXCEPTION USES

1081 Grant of Power. In addition to and apart from the power to grant or recommend variances pursuant to Article 1090 the Zoning Hearing Board shall also have original jurisdiction and power, after advisory report by the Planning Commission; to grant a permit for a special exception use on a particular site, without a finding of practical difficulties or unnecessary hardship, but subject to the guiding principles, standards, conditions, and safeguards contained in this Article and Article 960 to the extent applicable and in the manner provided by law. In grantable conditions and safeguards in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.

### 1082 Guiding Principles for Standards

1082.01 Such use shall be one which is specifically authorized as a special exception use in the District within such particular site is located.

1082.02 For every special exception use, the Board shall make a special finding, after a public hearing in the manner provided by law, that such use will not be prejudicial to the character of the neighborhood.

1082.03 For every special exception use, the Board shall determine that there is appropriate provision for access facilities adequate for the estimated traffic from public streets and sidewalks, so as to assure the

public safety and to avoid traffic congestion. Vehicular entrances and exits shall be clearly visible from the street and not within seventy-five (75) feet of the intersection of the street lines at a street intersection.

1082.04 For every special exception use, the Board shall determine that there are fully adequate parking areas and off-street truck loading spaces, in conformity with this Ordinance and all other pertinent ordinances, for the anticipated number of occupants, employees and patrons, and that the layout of the parking spaces, truck loading berths, and interior driveways is convenient and conducive to safe operation.

1082.05 For every special exception use, the Board may require a protective planting strip not less than ten (10) feet nor more than thirty (30) feet in width, situated within any required side or rear yard, designed and laid out with suitable evergreen plant material which will be planted at a minimum height of four (4) feet, and will attain and shall be maintained at a height of not less than eight (8) feet, so as to provide an effective natural screen between the nonresidential and residential districts or uses. A planting plan specifying type, size, and location of existing and proposed plan material shall be required.

1082.06 For every special exception use where the installation of outdoor flood or spot lighting is intended, the Board shall determine that such lighting will not shine directly upon any abutting property, nor upon the street. No unshielded lights shall be permitted.

1082.07 For every special exception use, the Board shall determine that adequate provisions will be made for collection and disposal of storm water runoff from the site.

1082.08 Certain special exception uses shall be further subject to the applicable conditions and safeguards which are stipulated in Articles 1084 and 960.

### 1083 Procedure

1083.01 Application for a permit authorizing a special exception use shall be made directly to the Secretary of the Zoning Hearing Board in the form required by the said Board.

1083.02 The Board's decision to grant a permit for a special exception use shall be made only after public and other notification, and hearing

pursuant to the requirements of Article 1020. Said permit shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent amendments or additions shall be subject to review and public hearing by the Zoning Hearing Board as a special exception use.

1083.03 No application for a permit shall be granted by the Zoning Hearing Board for any special exception use, until said Zoning Hearing Board has first received and considered an advisory report thereon from the Planning Commission with respect to the location of such use in relation to the needs and growth pattern of the Township, and where appropriate, with reference to the adequacy of the site area and the arrangements of buildings, driveways, parking areas, off-street truck loading spaces, and other pertinent features of the site plan. The Planning Commission shall have thirty (30) days from the date of its receipt of the application, within which to file its report thereon. In the event that the Planning Commission fails to file its report within thirty (30) days, such application shall be deemed to have been approved by the Planning Commission. The Planning Commission may have representation at the public hearing held by the Zoning Hearing Board on such application.

1083.04 A special exception use, for which a permit is granted by the Zoning Hearing Board pursuant to the provisions of this Article, shall be construed to be a conforming use.

#### 1084 Special Conditions and Safeguards for Certain Uses

In addition to the guiding principles and standards specified in Article 1082 the following additional conditions and safeguards for certain uses shall apply:

1084.01 No authorization for a building permit shall be granted by the Board for a BUS PASSENGER STATION in any District where authorized, unless the Board shall first determine that the proposed location will serve the interests of the residents of the Township without any damaging effect upon adjacent properties.

1084.02 No authorization for a building permit shall be granted by the Board for a PUBLIC GARAGE, FILLING STATION or CAR WASHING STATION in any District where authorized unless the Board shall first determine that all applicable provisions of Article 900 will be complied with, that no public or private garage accommodating more than

five (5) vehicles and no filling station shall be located or shall have any entrance or exit within two hundred (200) feet of the entrance or exit to a public or parochial school, private school, public library, theater, assembly hall, church hospital, semi-public institution, public park, playground or fire station; that all public garages, and filling stations shall be so arranged and all gasoline pumps shall be so placed, as to permit all services to be rendered entirely within the lot lines; that gasoline or oil pump shall not be placed within fifteen (15) feet of any street line, or side lot line, nor within twenty (20) feet of any Rural District boundary line, and unless the Board shall further determine that the proposed location of such facility will serve the interests of the residents of the Township without any damaging effect upon adjacent properties.

1084.03 No authorization for a building permit shall be granted by the Board for a MEMBERSHIP CLUB in any District where authorized as a special exception use, unless the Board shall first determine that such membership club will serve a purely social, athletic or community service purpose; that it will be operated on a nondiscriminatory membership basis, and not conducted as a business; and that the nature of such membership club will not cause or create a nuisance to adjoining properties or to its general neighborhood.

1084.04 No authorization for a building permit shall be granted by the Board for a RESTAURANT, HOTEL, or MOTEL in any District where authorized as a special exception use, unless the Board shall first determine that all applicable provisions of Article 930 will be complied with; and unless the Board shall further determine that the proposed location of such a hotel or motel will not cause or create a nuisance to adjacent properties or to its general neighborhood.

1084.05 No authorization for a building permit shall be granted by the Board for a KENNEL, ANIMAL HOSPITAL, COMMERCIAL STABLE, or RIDING ACADEMY in any District where authorized as a special exception use, unless the Board shall first determine that the proposed location of such use will not create or cause nuisance, or have a damaging effect upon adjacent properties or to its general neighborhood.

1084.06 No authorization for a building permit shall be granted by the Board for a PUBLIC UTILITY BUILDING or STRUCTURE in any District where authorized, unless the Board shall first make the following determinations:

1084.061 That such use will not include storage yard, garage



or repair shop.

1084.062 That any requested installation of high tension electric transmission lines shall be studied with respect to its impact on the community and that it will not produce a damaging effect on surrounding properties, not be detrimental to the public safety.

1084.063 That no installation of a transformer station shall be made in a Rural Village, Rural or Environmental Protection District if adequate service can be provided by locating said transformer station in a Rural Conservation District and that any transformer station location in a Rural Village or Rural District shall provide a protective planting strip of suitable evergreen plant material adjacent to its front, side and rear lot lines. Such planting strip shall be not less than six (6) feet wide and shall be maintained at a height of not less than six (6) feet.

1084.064 All power and utility lines including electricity, gas and telephone shall be located underground wherever possible. The Board may grant permission to install above ground lines in cases of extreme hardship, or when physical restrictions prohibit underground facilities. Where Pennsylvania Public Utility Commission regulations require underground utilities, their standards shall apply.

1084.07 No authorization for a building permit shall be granted by the Board for OUTDOOR STORAGE OF AUTOMOBILES FOR SALE in any District where authorized, unless the Board shall first obtain written assurance that all applicable provisions of Article 940 (Signs) will be complied with, and no pennants, flags, or banners will be hung or displayed.

1084.08 No authorization for a building permit shall be granted by the Board for any INDUSTRY where authorized as a special exception use, unless the Board shall first determine that such use does not cause or create detrimental effects on the environment by reason of the emission of odor, dust, smoke, noise, vibration, or excessive light beyond the limits of

its lot.

1084.09 No authorization for a building permit shall be granted by the Board for a SANITARY LANDFILL or INCINERATOR in any District where authorized, unless the Board shall first make the following determinations:

- 1084.091 That the site for such use and the characteristics of such use have been duly inspected and officially approved by the Pennsylvania Department of Environmental Resources.
- 1084.092 That a written report on the adequacy of the site for the proposed use shall be submitted to the Board.
- 1084.093 That the use does not cause or create detrimental effects on the environment by reason of the emission of odor, dust, smoke, noise, vibration, or excessive light beyond the limits of its lot.
- 1084.094 That the use does not dispose of waste material on or into the ground in such a condition or manner as to cause contamination of surface and subsurface water and cause conditions under which rodents and vermin are encouraged to live and breed.

1084.10 No authorization for a building permit shall be granted by the Board for the EXTRACTION OF NATURAL RESOURCES AND MINERALS in any District, where authorized, unless the Board shall first determine that the following regulations are and will be complied with:

- 1084.101 A site plan shall be submitted to the Board by the applicant indicating existing grades, and proposed grades after completion of the extraction process; no grade shall be greater than 50 percent at the completion.
- 1084.102 A site plan shall show method of extraction, list all machinery to be used and location points of ingress and egress for vehicles to and from the site.

- 1084.103 Where materials are removed from the site it shall be planned in such manner that it will not cause any debris or material to be deposited beyond the site boundaries.
- 1084.104 A written agreement shall be included with the site plan from the applicant stating that all machinery and devices used for extraction purposes will be removed from the site upon completion of the process.
- 1084.105 The site and its intended uses shall also make provisions for the following: all road access points to the site shall be controlled by means of a gate with a sign warning of hazardous conditions, if such exist, the activity shall not cause earth movements or erosion to extend beyond the exterior boundary lines of the site; structures, buildings, equipment, and mining or quarrying operations shall not be located closer than 100 feet from any zoning district boundary, property line, street, road or highway, except for office or storage building which should not be located closer than 50 feet from same pursuant to Article 918 planting strips or screens shall be provided pursuant to Article 1082.05 and installed and maintained at the expense of the owner; smoke, gases, and other odorous matter, noise, vibration, light, heat, dust, or dirt shall not be emitted in quantities as to be unreasonably offensive beyond the exterior property lines of the site.
- 1084.106 The site plan and supporting materials shall provide sufficient evidence that, upon depletion of the mineral resources or discontinuance of the use of the site for extraction of mineral resources, said site shall be restored in such a manner that the condition of the site shall not be injurious to the future health and safety of Township residents and that the site could be adequately utilized as a nature area, recreation site, or possibly for other more intensive land uses. Restoration measures to be employed

shall include, but not be limited to, proper grading and backfilling; assurance of proper surface and subsurface drainage, provisions for sodding and topsoil; planting of trees, shrubs, and grasses. A written agreement (in a form approved by the Township Solicitor) shall be included with the site plan assuring the Township that the appropriate

restoration measures will be taken and that all buildings, structures, apparatus and appurtenances accessory to the extractive operation shall be removed. A bond or guarantee in an amount necessary to complete restoration measures shall be required.

## 1090 VARIANCES

### 1091 Variances

The Zoning Hearing Board shall hear request for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. Subject to the provisions of Article 1101, the Board may by rule prescribe the form of application and any required preliminary application to the zoning officer. The Board may grant a variance provided the following findings are made where relevant in a given case:

1091.01 That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located;

1091.02 That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

1091.03 That such unnecessary hardship has not been created by the appellant;

1091.04 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and

1091.05 That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

1091.06 In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance.

## 1092 Specific Types of Variances

In conformity with its general power to vary or modify the provisions of this Ordinance, as provided in Article 1091 and pursuant to the guiding principles stated in this Section, the Zoning Hearing Board is hereby specifically empowered:

1092.01 To grant a permit for the enlargement or extension of a non-conforming use or building on the lot occupied by such use or building at the effective date of this Ordinance; provided such enlargement or extension was arranged or designed for such nonconforming use at the effective date of this Ordinance; and further provided that such enlargement or extension shall not exceed on all fifty (50) percent of either the floor space or fair market value of such use or existing building at the date of the request for extension. A conforming use shall not be extended into an adjacent district as a nonconforming use under any circumstances.

1092.02 To grant a certificate of occupancy for a change in a non-conforming use; provided that the Board shall have made a determination that such change will be beneficial to the general neighborhood, and further provided that the nonconforming use to which it is changed is of the same or more restricted classification which is more appropriate to the neighborhood in which situated than the original nonconforming use.

1092.03 To grant a variance to exempt a building, in whole or in part, from the front yard requirement of the District where such building is adjacent to an existing building or buildings which have non-conforming front yards; provided, however, that such building shall not be permitted

to have a front yard of less depth than of the average of the two immediately adjoining buildings, or than that of the only adjoining building when only one exists.

1092.04 To grant a variance modifying the side yard requirements on the side street frontage of a corner lot, in cases where such requirements would unduly reduce the buildable width of such corner lot.

1092.05 To waive the requirements of Article 931 for accessory parking areas, in whole or in part, in a case involving lack of need for such parking areas, where the lot is within five hundred (500) feet of a public

parking area owned or operated by the Township, or by a public parking authority, measured in a straight line between the nearest point of such parking area and the nearest point of such lot.

1092.06 To waive the requirements of Article 931 for accessory parking areas, in whole or in part, after making a finding that the normal application of such requirements is infeasible, because:

1092.061 The lot has too restricted an area, unusual dimensions, shape or topographical character; and

1092.062 No other suitable and adequate lot can reasonably be put to such use within five hundred (500) feet of the property to which said parking area is necessary.

1092.07 To permit a reduction in the number of parking spaces in accessory garages or parking areas originally provided and installed pursuant to the requirements of Article 931 in cases where proof is furnished to the Board that, by reason of diminution in number of dwelling units or residents, or in floor area, seating capacity of area, number of employees, or change in other factors determining the demand for parking spaces, the proposed reduction will be consistent with the requirements of said Article 931;

1092.08 To grant a temporary Building Permit for a period not to exceed one (1) year for a nonconforming building, structure, or use incidental to a building or other construction project, including such uses as the storage of building supplies and machinery, and a real estate office located on a tract of land where individual properties are being offered for sale; provided that such temporary permit shall be issued only upon written

agreement by the owner or his agency to remove such building or structure upon expiration of such permit; and further provided that such permit shall be subject to such reasonable conditions as the Board shall determine to be necessary to protect the public health, safety, morals and general welfare. Such a permit may be renewed annually, at the discretion of the Board, over a period not to exceed three (3) years.

1092.09 To grant a variance allowing a structure or use to be erected or conducted on any lot with less than the required lot width, or lot area if separately owned at the effective date of this Ordinance; provided that the aggregate width of the side yards be not less than twenty-five (25) percent of the lot width, and the narrower side yard be not less than three (3) feet in width.

1092.10 To grant a temporary Building Permit for a period not to exceed nine (9) months for a basement standing alone to be used as a dwelling unit, provided that the owner is able to demonstrate his intent and formal arrangements to complete construction of the structure by the end of the nine (9) month time period.

**ARTICLE 1100**

**ZONING CHALLENGES; GENERAL PROVISIONS**

1101 Any general challenges to this Zoning Ordinance or Comprehensive Plan shall be made in accordance with the provisions of Article VIII of Act No. 247, of the Pennsylvania General Assembly of 1968, effective January 1, 1969, and amendments and supplements thereto, known as the “Pennsylvania Municipalities Planning Code”. All provisions thereof and procedures thereunder are hereby incorporated by reference.



## **ARTICLE 1200**

### **ADMINISTRATION AND ENFORCEMENT**

#### 1210 INTERPRETATIONS

1211 In applying and interpreting the provisions of this Ordinance, they shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, comfort, convenience, and general welfare. The following specific regulations shall apply:

1211.01 A minimum required lot or yard size for one building or structure shall not be used as any part of a required lot or yard for a second structure.

1211.02 The required lot or yard for an existing building or structure shall not be diminished below the minimum requirements of this Ordinance.

1211.03 The parking spaces required for one building or structure or use shall not be included in the computation of required parking spaces for a second building or structure or use.

1212 Relations of Zoning Ordinance to Other Provisions of Law, and to Private

## Covenants and Agreements

1212.01 Nothing contained in this Ordinance shall be taken to repeal, abrogate, annul or in any way impair or interfere with any provisions of law or ordinance or regulations, existing or as may be adopted in the future. Nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties. Where this Ordinance imposes a greater restriction upon the use of buildings, structures, premises, lots or land, or upon the height of buildings or structures, or requires larger lots, yards, courts or other open spaces then imposed or required by such other provisions of law, ordinance, or regulation, or by such easements, covenants or agreements, the provisions of this Ordinance shall control.

1212.02 Wherever the provisions of any other law or ordinance or regulations impose a greater restriction than this Ordinance, the provisions of such other law or ordinance or regulations shall control.

1212.03 No provisions contained in this Ordinance shall be construed as justifying the encroachment of any building or structure within any street lines now or hereafter laid down on the Official Township map.

## 1220 APPOINTMENT AND POWERS OF ZONING OFFICER

### 1221 Duties

It shall be the duty of the Zoning Officer, who may hold other office in the Township, to administer and enforce the provisions of this Ordinance, in accordance with its literal terms. He shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance. Should the said Zoning Officer be in doubt as to the meaning or intent of any provision of this Ordinance, or as to the location of any District boundary line on the Zoning Map, or as to the propriety of issuing a Building Permit or a Certificate of Occupancy in a particular case related to the Provision of this Ordinance, he shall appeal the matter to the Zoning Hearing Board for interpretation and decision. The Zoning Officer shall adopt rules of procedure, consistent with this Ordinance, for the purpose of assuring efficient and uniform administration of its provisions.

### 1222 Inspection of Premises

The Zoning Officer and his deputies and assistants, after notification to owner and occupant and at a time agreeable to all parties involved, shall have the right and authority, at a time agreeable to both parties, to enter any building, structure, premises, lot or land, whether already erected or put into use, or in the course of erecting and putting into use, for the purpose of determining whether or not the provisions of this Ordinance are being complied with.

## 1230 BUILDING PERMITS

### 1231 Applications

All procedure with respect to applications for and issuance of building permits shall be in conformity with the provisions of the Township Building Permit Ordinance. All such applications shall be accompanied by such other information as may be necessary to determine and provide for the enforcement of the Ordinance.

### 1232 Plot Plans

A plot plan shall show a separate lot for each main building, provided however, that where a development consists of an integrated arrangement of dwellings, or other buildings designed and intended to be maintained in a single ownership, the Zoning Officer may waive the requirement of showing separate lots for each separate main building.

### 1233 Building Permits

No building permit shall be issued for the erection, construction, reconstruction, structural alteration, or moving of any building or structure or part thereof, unless the plans and intended use indicate that such building or structure is designed and intended to conform in all respects to the provisions of this Ordinance.

### 1234 Lots

Where a lot is formed from part of a lot already improved, the separation must be made in such a manner as not to impair any of the provisions of this Ordinance, whether related to the then existing improvements or to a

proposed or future new improvement on the lot so formed, and in such a manner that both the remainder of the formed lot and the new lot so formed shall comply with the lot area and lot width provisions of this Ordinance.

1235 Completion of Buildings for which Permits Have Been Issued

Nothing in this Ordinance shall require any change in the plans, construction or designated use of a building or structure for which a lawful building permit has been issued prior to the effective date of this Ordinance or any amendment thereto affecting such building or structure or the use thereof, provided that:

1235.01 The construction of such building or structure shall have been begun and diligently prosecuted within three (3) months from the date of such permit.

1235.02 The ground story framework, including the second tier of beams, shall have been completed within six (6) months from the date of such permit.

1235.03 The entire building or structure shall be completed according to such filed and approved plans upon which the issuance of such permit was based, within one (1) year from the effective date of this Ordinance or any such amendment thereto.

1235.04 In the event that Article 1235.01 and 1235.02 or 1235.03 are not complied with, such building permit shall be revoked by the Zoning Officer.

1240 CERTIFICATE OF OCCUPANCY

1241 Use Change

It shall be unlawful to use or to permit the use of any building, structure, premises, lot or land or part thereof, hereafter erected or altered, enlarged or moved, in whole or in part, after the effective date of this Ordinance, or any building, structure, premises, lot or land, or part thereof of which the use is changed, until a certificate of occupancy has been obtained by the owner, as provided for under the Township Building Permit Ordinance.

1242 Ordinance Conformity

No certificate of occupancy shall be issued for any building, structure, premises, lot or land, unless the erection, construction, reconstruction, structural alteration, or moving of any building or structure or part thereof, and the intended use thereof are in conformity in all respects with the provisions of this Ordinance.

1243 Special Exception

The Zoning Officer shall obtain a written order from the Zoning Hearing Board before issuing a certificate of occupancy in a case involving a special exception use pursuant to Article 1080 or a variance from the provisions of this Ordinance pursuant to Article 1090.

1244 Existing Uses

Upon written application by the owner or his authorized agent, the Zoning Officer shall issue a certificate of occupancy for any building or structure, lot or land, existing and in use at the effective date of this Ordinance.

1250 FEES

Fees for building permit applications, and for issuance of building permits and certificates of occupancy and for appeals shall be as provided by Township Ordinances.

1260 VIOLATIONS, PENALTIES, AND REMEDIES

1261 Enforcement Notice

(a) If it appears to the Township of Lowhill that a violation of any zoning ordinance enacted under the Pennsylvania Municipalities Planning Code has occurred, the Township of Lowhill shall initiate enforcement proceedings by sending an enforcement notice to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing

by the owner of record.

- (b) An enforcement notice shall state at least the following:
- 1) The name of the owner of record and any other person against whom the Township of Lowhill intends to take action.
  - 2) The location of the property in violation.
  - 3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
  - 4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  - 5) That the recipient of the notice has the right to file an appeal to the Zoning Hearing Board and the specific number of days for doing so (as defined in Section 1063 of the Zoning Ordinance, as amended).
  - 6) That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

#### 1262 Causes of Action

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of any ordinance enacted under the Pennsylvania Municipalities Planning Code or prior enabling laws, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township of Lowhill, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township of Lowhill at least

thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the governing body of the Township of Lowhill. No such action may be maintained until such notice has been given.

1263 Enforcement Remedies

(a) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under the Pennsylvania Municipalities Planning Code or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Board of Supervisors, pay a judgment of not more than five hundred (\$500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Board of Supervisors as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Board of Supervisors may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Township of Lowhill.

(b) The Court of Common Pleas of Lehigh County, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

(c) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Board of Supervisors the right to commence any action for enforcement pursuant to this section.

1270 PUBLIC RECORDS

Duly certified copies of this Ordinance and of the Zoning Map which forms a part thereof, together with copies of all amendments hereto, shall be filed in the Township Secretary's office and in the Zoning Officer's office, and shall be open to public inspection.

## 1280 PROCEDURE FOR AMENDMENT

### 1281 Power to Amend

The regulations, restrictions and boundaries set forth in this Ordinance, may from time to time, be amended, supplemented, changed or repealed through amendment by the Township Supervisors.

### 1282 Enactment of Zoning Ordinance Amendments

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

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

(c) If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

(d) Before adoption of an amendment to the zoning ordinance, the Board of Supervisors shall publish, advertise, and make available copies of the proposed amendment pursuant to the requirements of Section 610 of the Pennsylvania Municipalities Planning Code.

### 1283 Landowner Curative Amendments

A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provisions thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided



as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code. The curative amendment and challenge shall be referred to the Planning Commission as provided in Section 609 of the Pennsylvania Municipalities Planning Code and notice of the hearing thereon shall be given as provided in Section 610 and Section 916.1 of the Pennsylvania Municipalities Planning Code.

1284 Municipal Curative Amendments

If the Board of Supervisors determines that its zoning ordinance or any portion thereof is substantially invalid, it shall take the actions as set forth more fully in Section 609.2 of the Pennsylvania Municipalities Planning Code.

1290 EXEMPTIONS

1290.1 This ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

1290.2 This ordinance shall not apply to any existing or proposed building, or extension thereof, or any tract or parcel of land presently or prospectively owned or leased by the Township.

**ARTICLE 1300**

**VALIDITY**

1300 VALIDITY

If any article, section, subsection, paragraph, clause, phrase or provision of this

Ordinance or the location of any District boundary shown on the Zoning Map that forms a part hereof shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance or Zoning Map as a whole or any part or provisions hereof other than the part so adjudged to be invalid or unconstitutional.

#### SPECIFIC REPEALER

The original Lowhill Township Zoning Ordinance, adopted the 2<sup>nd</sup> day of February 1972, as amended, is specifically repealed to the extent sections have been deleted and/or amended as is set forth on Exhibit "A".

#### GENERAL REPEALER

All ordinances and parts of ordinances inconsistent herewith be, and the same, are hereby repealed.

#### 1400 EFFECTIVE DATE

This Ordinance shall become effective five (5) days after adoption, as required by law.