

ZONING ORDINANCE
OF
WEISENBERG TOWNSHIP
LEHIGH COUNTY
1993

INTRODUCTION

The Weisenberg 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, setbacks from the road, area of lots, parking and loading requirements, and sign regulations.

This Ordinance has been developed by the Weisenberg Township Planning Commission and the Weisenberg Township Board of Supervisors in conjunction with the planning directives set forth in The 1991 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. Lots created 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 1991 Comprehensive Plan. As circumstances change, certain of these facts and analyses may require reconsideration. This Zoning Ordinance #93-5 adopted by the Board of Supervisors on the 20th day of May 1993 has been amended by the Board of Supervisors by Ordinance #93-6 adopted on the 1st day of July 1993, Ordinance #93-9 adopted on the 4th day of November 1993, Ordinance #94-1 adopted on the 5th day of May 1994, Ordinance #96-2 adopted on the 10th day of July 1996, Ordinances #98-1, #98-2 and #98-3 adopted on the 5th day of February 1998, Ordinances #98-5 and #98-6 adopted on the 1st day of June 1998, Ordinance #98-7 adopted on the 15th day of July 1998, Ordinance #99-1 adopted on the 1st day of September 1999, Ordinances #01-1 and #01-4 adopted on the 8th day of January 2001, Ordinance #01-5 adopted on the 5th day of March 2001, Ordinance #03-01 adopted on the 10th day of February 2003, Ordinance #04-02 adopted on the 12th day of April 2004, Ordinance #05-04 adopted on the 11th day of July 2005, Ordinance #05-06 adopted on the 14th of November 2005, Ordinance #06-01 adopted on the 6th day of March 2006, Ordinance #06-02 adopted on the 12th day of June 2006, Ordinance #06-7 adopted on the 11th day of December 2006, Ordinance #07-2 adopted on the 9th day of April 2007, Ordinance #07-6 adopted on the 12th day of November 2007, Ordinance #08-02 adopted on the 14th day of July 2008, Ordinance #09-05 adopted on the 9th day of March 2009, Ordinance #10-1 adopted on the 11th day of January 2010,

Ordinance #10-4 adopted on the 14th day of June 2010, Ordinance #11-4 adopted on the 13th day of June 2011, Ordinance #13-4 adopted on the 12th day of August 2013, Ordinance #16-1 adopted on the 8th day of February 2016 and Ordinance #17-1 adopted on the 9th day of January 2017. This Ordinance may be amended further should changed conditions warrant.

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.

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ZONING ORDINANCE

WEISENBERG TOWNSHIP Lehigh County, Pennsylvania

BE IT ORDAINED by the Board of Supervisors, Weisenberg 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 1

TITLE, PURPOSE, OBJECTIVES AND APPLICATION OF REGULATIONS

100 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 Weisenberg Township, Lehigh County, Pennsylvania hereinafter referred to as the Township, and providing for the administration and enforcement of the provisions therein contained and fixing penalties for the violation thereof.”

101 SHORT TITLE

This Ordinance shall be known and may be cited as “The Weisenberg Township Zoning Ordinance of 1993.”

102 DECLARATION OF PURPOSE

The provisions of this Zoning Ordinance are designed for the following purposes:

- .01 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.

102.02 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 various uses and structures.

103 STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

This Zoning Ordinance is based upon the objectives, analyses and recommendations that appear in the Multi-Municipal Comprehensive Plan for The Northern Region of Lehigh County adopted by Weisenberg Township on May 9, 2005, as amended.

104 APPLICATION OF REGULATIONS

.01 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 Section 1310 shall be deemed conforming uses. Variances granted by the Zoning Hearing Board pursuant to Section 1311 shall be deemed non-conforming.

.02 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 Section 1311 on grounds of practical difficulties or unnecessary hardship, not self-imposed, shall be deemed non-conforming structures.

.03 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 2
DEFINITIONS

200 DEFINITION OF WORDS

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

- .01 Unless the context clearly states an alternative or different meaning, words used in the present tense include the future: the singular numbers include the plural, and the plural the singular.
- .02 The word “PERSON” includes a profit or nonprofit corporation, company, institution, partnership, or individual.
- .03 The word “SHALL” is mandatory, and not directory; and the word “MAY” is permissive.
- .04 The word “TOWNSHIP” means Weisenberg Township, Lehigh County, Pennsylvania.
- .05 The initials “MPC” means Pennsylvania Municipalities Planning Code.
- .06 Any word, term or phrase used in this Ordinance, but not specifically defined herein, shall be given their normal and customary meaning as found in the most recent edition of Webster’s New Collegiate Dictionary.

201 DEFINITION OF TERMS

ACCESSORY USE OR STRUCTURE. A subordinate use or structure customarily incidental to, and located on the same lot occupied by the main use or building. The term “ACCESSORY STRUCTURE” includes a private garage, garden shed or barn, a private playhouse, a private greenhouse, a private swimming pool, and heating and power facilities serving on-site uses.

AGRI-BUSINESS. A business whose products are sold primarily to farmers. Examples of such products include, but are not limited to: fertilizer, seed, animal and poultry feed, farm machinery, and farm equipment.

AGRICULTURE. The buildings and activities relating to the raising and keeping of field, truck, and tree crops. For purposes of this Ordinance the term “AGRICULTURE” does not include animal husbandry.

ALLEY. A public or private thoroughfare with a right-of-way of 20 feet or less which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

AMUSEMENT ESTABLISHMENT. A place of amusement, such as bowling lanes, miniature golf courses, driving range, chip and putt, theaters, or other similar commercial recreation establishments.

AMUSEMENT PARK. A commercially operated park with various devices for entertainment and booths for the sale of food and drink.

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

ANIMAL PRESERVE. An area indoors or outdoors that preserves or protects a living organism other than a plant or bacterium, including fish, amphibians, reptiles, birds and mammals, excluding humans.

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

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

APPOINTING AUTHORITY. The Board of Supervisors of Weisenberg Township.

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."

AUTOMOTIVE GAS STATION. A place where automotive fuels, oils and limited selection of automotive accessories are sold to the public at retail.

AUTOMOTIVE AND MACHINERY REPAIR STATION. Buildings and land where automotive fuels, automotive parts, and supplies are sold at retail and where repairs on small engines, farm related machinery and other vehicles including painting, body and fender work are conducted within an enclosed building.

AUTOMOTIVE AND MACHINERY SALES. Buildings and areas for the display, sale, or rental of new or used vehicles in operable condition. Vehicles parked outdoors shall be screened from view by attractive landscaping.

AUTOMOTIVE SERVICE STATION. Buildings and land areas where automotive fuels, oil, grease, batteries, tires or automotive accessories are supplied and dispensed at retail and where minor repairs are conducted. Uses permissible at a service station do not include body work, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than customary.

BANK. An establishment for the custody, loan, exchange or issue of money, for the extension of credit and for the facilitating of the transmission of funds. This may include automatic teller machines and drive-in window service.

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.

BED AND BREAKFAST. Overnight accommodation and a morning meal in an owner occupied single family detached dwelling. The maximum number of rentable bedroom units for guests shall be five and no bedroom unit shall have any kitchen facilities but all bedroom units shall have sanitary and bath facilities. A bedroom unit shall constitute a dwelling unit when the lot area requirements set forth in this Zoning Ordinance are applied to any single family detached dwelling used as a Bed and Breakfast.

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.

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

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

BOARD OF SUPERVISORS. The Board of Supervisors of Weisenberg Township.

BUFFER YARD. A continuous strip of land, either landscaped or green space, clear of all buildings, structures, parking areas, outdoor storage areas and detention ponds, or any use other than open space. A buffer yard may include a street or driveway connecting an access point with the interior side of a buffer yard by the most direct route but shall not include any recreation area or a private street or an existing or future public street right-of-way.

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 un-pierced 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.

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.

BUILDING CODE. The Uniform Construction Code contained in 34 Pa. Code, Chapters 401-405 as amended from time to time.

BUILDING COVERAGE. The percentage of a lot covered by building area.

CAFÉ. A building where pre-prepared food, non-alcoholic drinks are prepared, served and consumed within the building. This use shall not include musical entertainment.

CAR WASH. A building or portion thereof used for the manual or mechanical washing of automobiles and other similar vehicles.

CEMETERY. A lot, parcel, tract, building or structure used for burial of deceased humans or animals.

CHURCH. A building or group of buildings, including customary accessory buildings thereto, designed, intended or used for public worship. The term "CHURCH" shall include chapels, cathedrals, temples, mosques, Sunday schools, synagogues and similar designations.

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.

COMMERCIAL STABLE AND/OR RIDING ACADEMY. A building or buildings used for the sheltering, feeding, training and riding of equestrian animals and/or the sale of goods and services related to equestrian animals carried out for profit on the same lot as the building.

COMMERCIAL VEHICLE. That licensed or unlicensed vehicle or trailer in excess of 12,000 pounds gross vehicle weight as determined by the manufacturer or by the Commonwealth of Pennsylvania for the purpose of licensing, whichever is the greater. This term shall not include farm-related vehicles.

COMMON OPEN SPACE. A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

COMMUNITY CENTER. A recreation or educational center open to the public and operated by a nonprofit organization or governmental entity.

COMPREHENSIVE PLAN. The Comprehensive Plan for Weisenberg Township adopted by the Township Supervisors.

COUNTY. Any county of the second class A through eighth classes.

CULTURAL CENTER. A building and/or land open to the public which contains exhibits of a cultural interest, such as a museum, art gallery, nature study area, etc.

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.

DAY CARE CENTER. A state licensed establishment for the care of children; a facility designed, maintained and used for the limited (only during the day) care of adults who cannot care for themselves due to age or physical or mental disability. The term "DAY CARE CENTER" shall include nursery schools.

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.

DECK. That platform elevated more than eight inches from grade extending horizontally from a building or structure.

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

DEVELOPER. Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT PLAN. The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the development plan” when used in this ordinance shall mean the written and graphic materials referred to in this definition.

DWELLING. A building arranged, intended or designed to be occupied as a residence.

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.

SINGLE FAMILY ATTACHED DWELLING. A building, commonly known as a townhouse, designed for and occupied exclusively as a residence for only one family and having (1) only one dwelling unit from ground to roof, (2) independent outside access, (3) at least two other dwellings built in conjunction therewith and (4) any portion of one or two walls in common with an adjoining dwelling.

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.

SINGLE FAMILY SEMI-DETACHED DWELLING (TWIN). A building or structure having only one dwelling unit from ground to roof and only one wall in common with another dwelling unit.

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

DWELLING UNIT. One or more rooms with provision for cooking, living, sanitary and sleeping facilities arranged for the use of one family. The term “DWELLING UNIT” shall apply to commercial and industrial uses as follows: When an on-lot sewage disposal system is utilized, a factor of 500 gallons of sewage per day per dwelling unit shall be applied for the purpose of calculating the equivalent number of

dwelling units for a commercial or industrial use. When this calculation results in a fractional number, then that fraction shall be construed as a full dwelling unit.

EASEMENTS. A liberty, privilege or advantage which one has in the lands of another for a precise and definite purpose, subordinate to but not inconsistent with the owner's general property rights.

EDUCATIONAL INSTITUTION. A public or private school, academy or college approved by the Pennsylvania Department of Education. The term "EDUCATIONAL INSTITUTION" shall not include nursery schools, day care centers or Sunday schools.

ELIGIBLE FACILITIES REQUEST. Any request for modification of an existing wireless support structure that involves:

1. The collocation of new transmission equipment or non-tower CCF;
2. Removal of transmission equipment or non-tower CCF; or
3. 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.

FAMILY. One or more persons related by blood, marriage, adoption or foster relationship, living together as a single housekeeping unit; or a group of not more than five unrelated persons who are living together in a single dwelling unit and maintaining a common household with a single cooking facility. The term "FAMILY" shall not include the occupants of a clubhouse, hotel, motel, fraternity house, dormitory, or bed and breakfast facility.

FARM RELATED VEHICLE. Those vehicles used exclusively in the production, harvesting, or transportation of farm products or farm animals produced, grown or raised within the Commonwealth of Pennsylvania.

FCC. Federal Communications Commission

FINANCIAL INSTITUTION. An establishment such as, but not limited to, banks and trust companies (excluding automatic teller machines and drive-in window service), credit agencies, investment companies, brokers and dealers of commodities and security and commodity exchanges.

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.

FLOOR AREA, NET. The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any.

FLOOR AREA RATIO (FAR). The gross floor area of all buildings on a lot divided by the gross land area of the lot.

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

FUNERAL HOME. A building or part thereof, approved by the State Board of Funeral Directors wherein a licensed funeral director conducts the professional practice of funeral directing, including the preparation, care and funeral services for the human dead.

GAME FARM. Fish hatchery, fishing reserve, or similar uses designed for the protection and propagation of wildlife.

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

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.

GOLF COURSE. A tract of land laid out for at least nine holes for playing the game of golf that may include a clubhouse, dining and snack bars, pro shop, and practice facilities.

GOVERNING BODY. The Board of Supervisors of Weisenberg Township.

HEARING. An administrative proceeding conducted by a board pursuant to Section 909.1 of the MPC.

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 Section 1203.

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.

HOME OCCUPATION. A business or office conducted in the dwelling unit 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 dwelling unit 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.

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 sanatorium, convalescent home, nursing home, rest home, personal care home or other building with an equivalent appellation.

HOTEL. A building or part thereof which has a common entrance, common heating system, and general dining room, living and sleeping rooms designed to be occupied by individuals or groups of individuals for compensation.

HOUSEHOLD AND FARM PETS. Those animals that are kept for pleasure or companionship and not for any form of financial or economic gain.

INDUSTRY. Manufacturing and/or processing of goods and/or products.

JUNK. Any and all used materials or articles, regardless of value, including but not limited to metal, motor vehicles not bearing a current Pennsylvania State Inspection Sticker or not fit for immediate use upon highways, roads, streets and alleys of this Commonwealth, or any parts thereof, glass, industrial waste, used building materials, including used plumbing supplies and fixtures, rags, bottles, paper and all other material and articles of any composition whatsoever. 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.

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 five or more adult dogs (over six months of age) or similar animals. Grooming of these animals is an accessory use.

LAND DEVELOPMENT. Any of the following activities:

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

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

LAND USE ORDINANCE. Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII of the MPC.

LAUNDROMAT. An establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public.

LOADING SPACE. An off-street area used for loading and unloading of goods.

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. This term includes the word "plot".

LOT AREA. The total horizontal area included within lot lines. (Excluding street or street right-of-way)

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

LOT COVERAGE. The percentage of the lot area that is occupied by an impervious area.

LOT, DEPTH OF. The level distance between the mid point of the front lot line to the mid point of the rear lot line.

LOT, INTERIOR. Any lot other than a corner lot.

LOT LINE, FRONT. The street line at the front of a lot. On a lot bounded on more than one side by a street, the owner shall specify the front lot line on the plot plan when the initial building permit application is submitted.

LOT LINE, REAR. The lot line, or lines opposite to the front lot line.

LOT LINE, SIDE. Any lot line not a rear lot line or a street line.

LOT, THROUGH. A lot extending from one street to another.

LOT, WIDTH. The straight line distance between the side lot lines, measured at the rear of the required front yard.

LOTS ABUTTING MORE THAN ONE STREET. All uses and/or buildings shall observe the setbacks and yard requirements along each street that the lot abuts. When more than one street abuts the lot, the owner shall specify the front lot line on the plot plan when the initial building permit application is submitted.

MAIN USE OR BUILDING. The principal or most important use or building on a lot.

MASSAGE ESTABLISHMENT. Any place or establishment where a massage is available. A massage being construed to mean the performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking, or tapping with the hand or hands or with any mechanical or bathing device with or without supplementary aids, including, but not by way of limitation, a massage school.

MAUSOLEUM. A building with vaults or chambers serving as a repository for the dead.

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

MEDICAL OR DENTAL CLINIC. Office or clinic for medical or dental examinations or treatment of persons, as outpatients, (including laboratory incidental thereto); establishments providing support to medical professionals and their patients, such as medical and dental laboratories, blood banks, oxygen and miscellaneous types of medical supplies and services.

MEMBERSHIP CLUB. A building, structure, lot or land area used as a private club by a fraternal or social organization, excluding club for gunning, trap shooting, motor vehicle racing, motorcycle competition, or other similar purposes.

MINI-MALL. A shopping district of between 80,000 and 150,000 square feet on a site of 8 to 15 acres where tenants are located on one or both sides of a covered walkway with direct pedestrian access to all establishments from the walkway.

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.

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

MONOPOLE. A CCF or site which consists of a single pole structure, designed, and erected on the ground or on top of a structure to support communications antennae and related equipment.

MOTEL. A building, or group of buildings, whether detached or in connected units, used as individual sleeping 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.

MUNICIPAL 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".

MUNICIPAL ENGINEER. A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

MUNICIPALITY. Any city of the second class A or third class, borough,

incorporated town, township of the first or second class, county of the second class A through eighth class, home rule municipality, or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

NON-CONFORMING LOT. A lot the area or dimension of which was lawful prior to the adoption or 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.

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-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.

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.

NURSERY (GREENHOUSE). A lot, parcel, tract, building, structure or part thereof used for the raising and distribution of trees, shrubs, flowers, house plants and other similar plants.

OCCUPANCY. Use of a building or lot for a specific purpose.

OFFICE. A commercial establishment or use involving clerical, professional or administrative work (one or more within the same building) which may include the provision of customer services but not on-premise sales of a product or merchandise, unless incidental to the primary office use. The term "OFFICE" shall not include retail or industrial uses.

OFFICIAL MAP. A map adopted by Ordinance pursuant to Article IV of the MPC.

PARK. An area used principally for active or passive recreation and not used for a

profit-making purpose.

PARKING AREA. A lot or part thereof used for the parking of motor vehicles, with or without the payment of rent or charges in money or other consideration. Unroofed parking areas are permissible in required front yards or side yards abutting a street and in portions of side yards not otherwise required for a buffer yard.

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

PATIO. That unroofed platform elevated eight inches or less from grade extending horizontally from a building or structure.

PERMIT, BUILDING. A certificate issued by a designated Township official for the construction, reconstruction, enlargement or relocation of a structure, building or part thereof.

PERMIT, ZONING. A certificate issued by a designated Township official stating that the purpose for which a building or land is to be used is in conformity with all requirements of the Zoning Ordinance for the zoning district in which the use is situate.

PERMITTED USE. A use of a lot, building, structure, sign or part thereof which is permitted as of right in a particular zoning district.

PERSONAL SERVICE ESTABLISHMENT. Places primarily providing services, which do not involve retail sales or professional advisory services. The term “PERSONAL SERVICE ESTABLISHMENT” shall include those oriented to serving personal needs, such as barber and beauty shops, animal or dog grooming business, shoe repair shops, household appliance repair shops, dry cleaning and laundry pickups, laundromat and other similar establishments.

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

PLANNING AGENCY. A planning commission, planning department, or a planning committee of the governing body.

PLANNING COMMISSION. The Planning Commission of Weisenberg Township, Lehigh County, Pennsylvania.

PLAT. The map or plan of a subdivision or land development, whether preliminary or final.

PRINTING. Printing, publishing, lithography, bookbinding, and/or kindred arts.

PUBLIC BUILDING OR USE. The building or facility operated by a governmental agency or philanthropic organization, where administrative activities are conducted or social or educational services are provided to the general public. Such uses shall include, but are not limited to a municipal building, library, volunteer fire company, emergency services building, community center, museum or similar use/facility, excluding a school or recreational facility.

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 the MPC.

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

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

PUBLIC UTILITY FACILITIES. Building, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all building and structures related to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public.

RADIO/TV BROADCASTING STATION. Any structure used for the transmission or retransmission of a commercial radio or TV broadcast signal.

RECREATION, ACTIVE. Leisure time activities of a formal nature and often performed with others, requiring equipment and taking at prescribed places, sites or fields.

RECREATION, PASSIVE. Activities that involve relatively inactive or less energetic activities such as walking, sitting, picnicking, nature walks and observation.

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

on public streets.

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.

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.

RESTAURANT. A building in which food is prepared and served to the public for consumption within the building. The sale of alcoholic beverages may also occur.

RETAIL STORE. A building or structure devoted to the sale of commodities in smaller quantities to the ultimate consumer. The term "RETAIL STORE" shall not include the term "Retail Building Materials and Storage Area".

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.

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

SANITARY LANDFILL. A type of "Solid Waste Disposal Area" involving the depositing of solid waste on land, compacting the waste, covering the waste with soil and then compacting the soil, and which has a permit to operate as a sanitary landfill from the State.

SELF-STORAGE BUILDING. A building or group of buildings divided into individual separate access units which are rented or leased to the general public for the storage of personal property.

SEWAGE DISPOSAL SYSTEM, CENTRALIZED. A sewage system, publicly or

privately owned, in which sewage is collected from two or more lots or two or more dwelling units to a central treatment plant with a disposal other than renovation in a subsurface soil absorption area. The design shall be in compliance with Pennsylvania Department of Environmental Protection's rules and regulations or regulations of the Township, whichever is more stringent.

SEWAGE DISPOSAL SYSTEM, ON-LOT. Any structure, publicly or privately owned, designed for the collection of sewage from one or more lots or one or more dwelling units with a disposal into a subsurface soil absorption area. The design shall be in accordance with Pennsylvania Department of Environmental Protection's rules and regulations or regulations of the Township, whichever is more stringent.

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.

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. For the purpose of this Ordinance, a commercial billboard is an advertising sign.

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.

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.

SOLAR ENERGY. Any Radiant Energy from the sun.

SOLAR ENERGY FARMS. Any Solar Energy System which exists solely to generate energy for sale back into the energy grid system, rather than being consumed onsite.

SOLAR ENERGY SYSTEM. Any solar collector or other solar energy device, or any structural design feature whose primary purpose is to provide for the collection,

storage and distribution of solar energy for space heating or cooling, for water heating or for electricity that may be mounted on a building or on the ground use of the lot.

SOLID WASTE. Any waste including, but not limited to, municipal, residual or hazardous waste, including solid, liquid, semi-solid or contained gaseous materials. The term "SOLID WASTE" does not include coal ash or drill cuttings.

SOLID WASTE DISPOSAL AREA OR FACILITY. A lot, parcel or tract of land including but not limited to a sanitary landfill where garbage, trash or junk is disposed of or is processed or recycled for disposal or reuse. Such use shall not include the disposal or processing of hazardous or radio-active materials.

SOLID WASTE TRANSFER AREA. A place where solid waste is brought, sorted, stored for less than four days and transferred from one vehicle to another vehicle or to a rail car for the purpose of transport to a solid waste disposal area or facility. Such use shall not include the transfer or processing of hazardous or radio-active materials.

SPECIAL EXCEPTION. A use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of the MPC.

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.

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.

STRUCTURE. Any man-made object having an ascertainable stationary location on or in land or water attached or affixed or located on the ground or in water or attached to something located on or in the ground or water.

SUBDIVISION. The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or

building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

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:

A. Towers outside rights-of-way:

- a.** 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.
- b.** 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.

4. Towers inside rights-of-way:

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

5. Base stations (regardless of location):

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

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

7. It entails the excavation or deployment outside the current site of the tower, wireless support structure, or base station;
8. It would defeat the existing concealment elements of the tower, wireless support structure, or base station.
9. 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.

SUBSTANTIALLY COMPLETED. Where, in the judgment of the municipal engineer, at least 90 percent (based on the cost of the required improvements for which financial security was posted pursuant to Section 509 of the MPC) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SWIMMING POOL, PRIVATE. Any artificially constructed body of water and any lake or pond maintained by an individual for bathing by the members of the household and guests, located on a lot as an accessory use to the residence. A swimming pool shall be any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, aboveground, and on ground swimming pools, hot tubs, and spas.

SWIMMING POOL, PUBLIC. Any body of water maintained for the use of an association of members and guests or the general public either for a fee or without cost. A swimming pool shall be any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, aboveground, on ground swimming pools, hot tubs and spas.

TAVERN. A place where alcoholic beverages are served as a primary or substantial portion of the total trade. The sale of food may also occur.

TEMPORARY ACCESSORY HOUSING STRUCTURE. A mobile home or a free standing small removable manufactured or constructed house temporarily installed on the same lot as the owner's primary residence for the purpose of housing elderly parents or grandparents of the lot owner, as regulated by the Temporary Accessory Housing Structure for the Elderly Ordinance of Weisenberg Township.

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

TOWNSHIP – WEISENBERG TOWNSHIP, LEHIGH COUNTY, PA

TRANSMISSION EQUIPMENT – SEE NON-TOWER COMMERCIAL COMMUNICATIONS FACILITY

USE AND USED. Includes the phrases “arranged”, “designed” and “intended to be used” and shall mean a specific purpose for which land, buildings or structures are designed, arranged, intended, occupied or maintained, or any activity, occupation, business or operation which may be conducted at a given location.

VACATION RESORT. A building, group of buildings, or parcel of land, under single ownership or agreement which provides combined facilities for lodging, a restaurant, entertainment, outdoor and indoor recreation and leisure-time enjoyment of the vacationing public.

VARIANCE. Relief granted pursuant to the provisions of Articles VI and IX of the MPC.

VETERINARY OFFICE OR ANIMAL HOSPITAL. Any building used by a veterinarian for the treatment of small domestic animals such as dogs, cats, goats, rabbits, and birds or fowl with limited interior boarding required due to the medical treatment. All boarding facilities are to be housed indoors and adequately soundproofed so that sounds generated within the building cannot be heard at the lot lines. Such use shall not be construed as a home occupation under the definition of terms of this Ordinance.

WAREHOUSE. A structure or area where materials or products are stored. Materials or products stored outdoors shall be screened from view.

WATER SUPPLY SYSTEM, CENTRALIZED. A system for supplying and distributing water from a common source to two or more lots or two or more dwelling units, including accessory structures, and operated by a governmental agency, governmental authority, public utility company, or a developer. The design shall be in compliance with Pennsylvania Department of Environmental Protection’s rules and regulations or regulations of the Township, whichever is more stringent.

WATER SUPPLY SYSTEM, ON-LOT. A system for supplying water to a single dwelling unit including an accessory structure from a source located on the same lot. The design shall be in accordance with Pennsylvania Department of Environmental Protection’s rules and regulations or regulations of the Township, whichever is more stringent.

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.

WHOLESALE TRADE. A structure or area where merchandise is displayed for wholesale trade. Merchandise stored outdoors shall be screened from view.

YARD, FRONT. A space on the same lot with a building, situated between the front foundation or support pillar of the main building and the front lot line of the lot and extending from side lot line to side lot line.

YARD, REAR. A space on the same lot with a building situated between the rear foundation or support pillar of the main building and the rear lot line of the lot and extending from side lot line to side lot line.

YARD, SIDE. A space on the same lot with a building, situated between the side foundation or support pillar of the main 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.

YARD, SIDE ABUTTING STREET. A space on the same lot with a building situated between the side foundation or support pillar of the main building and the street line extending from the front yard to the rear lot line.

ZONING MAP. The Official Zoning Map of Weisenberg Township.

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

**ARTICLE 3
DISTRICTS AND BOUNDARIES**

300 CLASSES OF DISTRICTS

For the purposes of this Ordinance, the Township is hereby divided into the following districts:

LI	Light Industrial
GC	General Commercial
GI	General Industrial
RV	Rural Village
R	Rural
RC	Rural Conservation

In addition, there is hereby created an Environmental Protection District which shall overlay the above districts in the manner as is set forth in Article 11.

301 MINIMUM LOT REQUIREMENTS

In computing the minimum lot requirements for the above districts, land that has natural characteristics that classify it to be part of the Environmental Protection District shall be excluded. Specifically, but not by way of limitation, the minimum lot area requirements for the above districts shall be deemed to be satisfied only if the minimum lot area is comprised of contiguous land undivided by land classified as being in the Environmental Protection District.

302 DISTRICT BOUNDARIES

.01 Zoning Map

The boundaries of each district are established as shown on the Zoning Map of the Township which accompanies this Ordinance and is declared to be a part of this Ordinance. The Zoning Map is on file in the Administration Office of the Township. 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.

.02 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.

302 .03 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 Board, as provided in Section 1305.

303 STATEMENT OF INTENT

.01 Commercial and Industrial Districts

Commercial Districts are those areas selected to provide commercial development at appropriate locations where a nucleus of commercial uses exists. Light Industrial Districts are those areas selected to provide office uses and light industrial uses which because of proximity to residential areas, must not have adverse impacts on surrounding uses. General Industrial Districts are those areas that provide a wider range of industrial uses than found in the Light Industrial areas because of location near transportation facilities and/or current or past land uses. These Districts were created to provide for natural expansion of the Township as developed in the Multi-Municipal Comprehensive Plan for The Northern Region of Lehigh County.

.02 Rural Village Districts

The Rural Village District are those areas that maintain a mixture of low density residential, residence serving commercial and community facility uses in existing villages unlikely to be served by sewers in the foreseeable future. This District was created to provide the most logical, suitable and orderly development as documented in the Multi-Municipal Comprehensive Plan for The Northern Region of Lehigh County.

.03 Rural and Rural Conservation Districts

The Rural District are those areas that accommodate continued low density residential development where such development has occurred, in a setting which may continue to contain some rural elements such as farmland, woodland and open space. The Rural Conservation District are those areas that maintain rural character in areas still rural in nature but starting to experience increased development pressure; maintain rural areas to buffer and reduce development

pressure on Agricultural Preservation areas, Environmental Protection areas, and major public recreation and conservation lands. The low-density development of these areas is in accordance with the Multi-Municipal Comprehensive Plan for The Northern Region of Lehigh County.

303 .04 Environmental Protection Districts

The Environmental Protection Districts are those areas where there are natural limitations upon development. This Overlay District protects sensitive natural features by limiting, and in some cases prohibiting, development in areas with severe limitations to development because of steep slopes, floodplains, wetlands, and wet soils. Regulations in these districts have been established to prohibit all but extremely low-density development in conformance with the Multi-Municipal Comprehensive Plan for The Northern Region of Lehigh County.

**ARTICLE 4
LIGHT INDUSTRIAL DISTRICT**

400 PERMITTED, ACCESSORY AND SPECIAL EXCEPTION USES

Within this district, no building, structure, lot or land shall be used for other than one or more of the permitted, accessory or special exception uses listed in said district except for non-conforming uses and non-conforming buildings in Section 1219.

401 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 Supplementary Regulations in Section 1203.

402 PERMITTED USES

- .01 Agriculture.
- .02 Automotive and Machinery Repair Station.
- .03 Bank.
- .04 Car Wash.
- .05 Communications Antennas mounted on an existing Public Utility Transmission Tower, an existing Communications Tower, an existing building or other existing structure, subject to the provisions of Section 1217.08.
- .06 Day Care Center.
- .07 Financial Institution, less than 10,000 square feet net floor area.
- .08 Funeral Home.
- .09 General servicing or repair shop; such as watch, clock, radio, television or other home appliance repair.
- .10 Hospital.
- .11 Hotel.

402 .12 Medical or Dental Clinic.

.13 Methadone Treatment Facility subject to the following:

- (a) (1) Notwithstanding any other provision of law to the contrary and except as provided in subsection (b) below, a Methadone Treatment Facility shall not be established or operated within 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed Methadone Treatment Facility.
- (2) The provisions of this subsection shall apply whether or not an occupancy permit or certificate of use has been issued to the owner or operator of a Methadone Treatment Facility for a location that is within 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed Methadone Treatment Facility.
- (b) Notwithstanding subsection (a), a Methadone Treatment Facility may be established and operated closer than 500 feet to an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed Methadone Treatment Facility if, by majority vote, the governing body for the municipality in which the proposed Methadone Treatment Facility is to be located votes in favor of the issuance of an occupancy permit or certificate of use for said facility at such a location. At least 14 days prior to the governing body of a municipality voting on whether to approve the issuance of an occupancy permit or certificate of use for a Methadone Treatment Facility at a location that is closer than 500 feet to a school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed Methadone Treatment Facility, one or more public hearings regarding the proposed Methadone Treatment Facility location shall be held within the municipality following public notice. All owners of real property located within 500 feet of the proposed location shall be provided written notice of said public hearings at least 30 days prior to said public hearings occurring.
- (c) These restrictions shall not apply to a Methadone Treatment Facility that is licensed by the Department of Health prior to May 15, 1999.
- (d) The term “Methadone Treatment Facility” shall mean a facility licensed by the Department of Health to use the drug methadone in the treatment,

maintenance or detoxification of persons.

402 .14 Motel.

.15 Nursery (Greenhouse).

.16 Office, less than 10,000 square feet net floor area.

.17 Personal Service Establishment.

.18 Printing.

.19 Public Utility Facilities.

.20 Restaurant, excluding drive-in facilities.

.21 Retail Building Materials and Storage Area.

.22 Retail Store.

.23 Self-Storage Building, outside storage limited to 50 percent of building area.

.24 Tavern.

.25 Veterinary Office or Animal Hospital.

.26 Non-Tower Commercial Communications Facility (Non-Tower CCF).

403 ACCESSORY USES

.01 Accessory Use or Structure.

.02 Garage, Private.

.03 Parking Area.

.04 Signs.

.05 Solar Energy System.

404 SPECIAL EXCEPTION USES

The following uses are permissible subject to Board approval:

.01 Amusement Establishment.

.02 Communications Tower, subject to the provisions of Section 1217.08.

.03 Kennel.

404 .04 Public Building or Use.

.05 Radio/TV Broadcasting Station.

.06 Wholesale Trade.

405 LOT AREA, WIDTH, BUILDING AND LOT COVERAGE, AND HEIGHT REGULATIONS

	Minimum Lot Area Per Use	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Lot Coverage	Maximum Building Height
<u>With centralized sewage disposal system:</u>					
Hotel or motel	80,000 sq. ft.	250 ft.	35%	75%	35 ft.
All other permitted uses	15,000 sq. ft.	100 ft.	35%	75%	35 ft.
<u>With on-lot sewage disposal system:</u>					
	Per Dwelling Unit				
All uses	43,560 sq. ft.	150 ft.	30%	75%	35 ft.

406 MINIMUM YARD REQUIREMENTS

	Front Yard	Each Side Yard	Side Yard Abutting Street	Rear Yard
Hotel or motel	50 ft. or per Section 1210	40 ft.	50 ft.	50 ft.

All other permitted uses 50 ft. or per Section 1210 20 ft. 30 ft. 50 ft.

**ARTICLE 5
GENERAL COMMERCIAL DISTRICT**

500 PERMITTED, ACCESSORY AND SPECIAL EXCEPTION USES

Within this district, no building, structure, lot or land shall be used for other than one or more of the permitted, accessory or special exception uses listed in said district except for non-conforming uses and non-conforming buildings in Section 1219.

501 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 Supplementary Regulations in Section 1203.

502 PERMITTED USES

- .01 Agriculture.
- .02 Day Care Center.
- .03 Medical or Dental Clinic.
- .04 Nursery (Greenhouse).
- .05 Office.
- .06 Personal Service Establishment.
- .07 Self-Storage Building, excluding any outside storage.
- .08 Veterinary Office or Animal Hospital.
- .09 Warehouse.
- .10 Non-Tower Commercial Communications Facility (Non-Tower CCF).

503 ACCESSORY USES

- .01 Accessory Use or Structure.

.02 Garage, Private.

.03 Park.

.04 Parking Area.

.05 Signs.

.06 Solar Energy System.

504 SPECIAL EXCEPTION USES

The following uses are permissible subject to Zoning Board approval:

.01 Solar Energy Farms.

505 LOT AREA, WIDTH, BUILDING AND LOT COVERAGE, AND HEIGHT REGULATIONS

	Minimum Lot Area Per Use	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Lot Coverage	Maximum Building Height
<u>With centralized sewage disposal system:</u>					
Warehouse and industrial uses	40,000 sq. ft.	120 ft.	40%	75%	35 ft.*
All permitted uses	15,000 sq. ft.	100 ft.	40%	75%	35 ft.*

*If Early Suppression Fast Response (ESFR) sprinkler system is installed, then the Maximum Building Height may be increased to 50 ft.

	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Lot Coverage	Maximum Building Height
<u>With on-lot sewage disposal system:</u>					
	Per Dwelling Unit				
All permitted uses	43,560 sq. ft.	150 ft.	30%	75%	35 ft.

506 MINIMUM YARD REQUIREMENTS

	Front Yard	Each Side Yard	Side Yard Abutting Street	Rear Yard
All permitted uses	50 ft. or per Section 1210	30 ft.	40 ft.	50 ft.

**ARTICLE 6
GENERAL INDUSTRIAL DISTRICT**

600 PERMITTED, ACCESSORY AND SPECIAL EXCEPTION USES

Within this district, no building, structure, lot or land shall be used for other than one or more of the permitted, accessory or special exception uses listed in said district except for non-conforming uses and non-conforming buildings in Section 1219.

601 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 Supplementary Regulations in Section 1203.

602 PERMITTED USES

- .01 Agriculture.
- .02 Automotive and Machinery Repair Station.
- .03 Automotive and Machinery Sales.
- .04 Automotive Gas Station.
- .05 Automotive Service Station.
- .06 Communications Antennas mounted on an existing Public Utility Transmission Tower, an existing building or other existing structure, subject to the provisions of Section 1217.08.
- .07 Communications Equipment Buildings, subject to the provisions of Section 1217.08.
- .08 Communications Towers, subject to the provisions of Section 1217.08.
- .09 Financial Institution.
- .10 Laboratory.
- .11 Laundromat.

- 602 .12 Manufacture and assembly of electrical or electronic devices; home, commercial and industrial appliances and instruments; and electrical supplies, including such equipment and supplies as: lighting fixtures, fans, home radio and television receivers, electric switches, lamps, washing machines, refrigerators and air-conditioners.
- .13 Manufacture and assembly of metal and wood products, but excluding raw materials processing.
- .14 Manufacture, assembly or treatment of articles or merchandise from the following previously prepared materials: plastics, bone, canvas, cellophane, cork, feathers, fiber, glass, horn, leather and fur, precious or semi-precious metals or stones, shells, textiles and tobacco.
- .15 Manufacture of ceramic products (using only previously pulverized clay); novelty or small products from previously prepared paper or cardboard (excluding bulk processing); jewelry, clocks and watches, medical, drafting, optical and other professional and scientific instruments and equipment; musical instruments; small rubber products and synthetic treated fabrics; toys, wood products (excluding bulk processing of wood and lumber).
- .16 Manufacture of paper or cardboard boxes, envelopes, containers and novelties from previously prepared paper or cardboard.
- .17 Metal Fabrication and Assembly.
- .18 Office.
- .19 Processing, packaging and treatment or compounding of such products as cosmetics and toiletries, drugs, perfumes and pharmaceuticals.
- .20 Public Building or Use.
- .21 Public Utility Facilities.
- .22 Restaurant, excluding drive-in.
- .23 Self-Storage Building, outside storage limited to 50 percent of building area.
- .24 Warehouse.
- .25 Wholesale Trade.

.26 Non-Tower Commercial Communications Facility (Non-Tower CCF).

603 ACCESSORY USES

.01 Accessory Use or Structure.

.02 Garage, Private.

.03 Parking Area.

.04 Signs.

.05 Solar Energy System.

604 SPECIAL EXCEPTION USES

The following uses are permissible subject to Board approval:

.01 Amusement Park.

.02 Solid Waste Transfer Area.

.04 Tower-Based Commercial Communications Facility (Tower Based CCF).

605 LOT AREA, WIDTH, BUILDING AND LOT COVERAGE, AND HEIGHT REGULATIONS

	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Lot Coverage	Maximum Building Height
<u>With centralized sewage disposal system:</u>					
All manufacturing, fabrication and processing uses	40,000 sq. ft.	120 ft.	40%	75%	35 ft.
Warehouse and industrial uses with Early Suppression Fast Response (ESFR) sprinkler system	40,000 sq. ft.	120 ft.	35%	75%	50 ft.
All permitted uses	15,000 sq. ft.	100 ft.	35%	75%	35 ft.

	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Lot Coverage	Maximum Building Height
<u>With on-lot sewage disposal system:</u>					
	Per Dwelling Unit				
All permitted commercial uses	43,560 sq. ft.	150 ft.	30%	75%	35 ft.

606 MINIMUM YARD REQUIREMENTS

Front Yard	Each Side Yard	Side Yard Abutting Street	Rear Yard
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All permitted
uses

50 ft. or per
Section 1210

20 ft.

30 ft.

50 ft.

ARTICLE 7

RESERVED

**ARTICLE 8
RURAL VILLAGE DISTRICT**

800 PERMITTED, ACCESSORY AND SPECIAL EXCEPTION USES

Within this district, no building, structure, lot or land shall be used for other than one or more of the permitted, accessory or special exception uses listed in said district except for non-conforming uses and non-conforming buildings in Section 1219.

801 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 Supplementary Regulations in Section 1203.

802 PERMITTED USES

- .01 Agriculture.
- .02 Bank.
- .03 Café.
- .04 Church.
- .05 Communications Antennas mounted on an existing Public Utility Transmission Tower, an existing Communications Tower, an existing building or other existing Structure, and Communications Equipment Buildings, all subject to the provisions of Section 1217.08 hereof.
- .06 Financial Institution.
- .07 Forestry.
- .08 General servicing or repair shop; such as watch, clock, radio, television or other home appliance repair.
- .09 Mausoleum.
- .10 Medical or Dental Clinic.

- .11 Mini-Mall.
- 802 .12 Mobile Homes provided that they are set upon a foundation in compliance with the Weisenberg Township Building Code.
- .13 Multiple Dwelling.
- .14 Office, less than 10,000 square feet.
- .15 Personal Service Establishment.
- .16 Recreation, Passive.
- .17 Restaurant, excluding drive-in service facilities.
- .18 Retail Store.
- .19 Single Family Detached Dwelling.
- .20 Single Family Semi-Detached Dwelling.
- .21 Tavern.
- .22 Two Family Detached Dwelling.
- .23 Non-Tower Commercial Communications Facility (Non-Tower CCF).

803 ACCESSORY USES

- .01 Accessory Use or Structure.
- .02 Garage, Private.
- .03 Home Occupation.
- .04 Park.
- .05 Parking Area.
- .06 Sign.
- .07 Solar Energy System.
- .08 Swimming Pool, Private.

- .09 Temporary Accessory Housing Structure as regulated by the Township
Temporary Accessory Housing Structure for the Elderly Ordinance.

804 SPECIAL EXCEPTION USES

The following uses are permissible subject to Board approval:

- .01 Bed and Breakfast.
- .02 Community Center.
- .03 Cultural Center.
- .04 Funeral Home.
- .05 Hospital.
- .06 Massage Establishment.
- .07 Park.
- .08 Public Building or Use.
- .09 Public Utility Facilities.
- .10 Swimming Pool, Public.

805 LOT AREA, WIDTH, BUILDING AND LOT COVERAGE, AND HEIGHT REGULATIONS

	*Lot Density	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Lot Coverage	Maximum Building Height
Single family detached	1 dwelling unit per acre	150 ft.	20%		35 ft.
All other permitted residential uses	1 dwelling unit per acre	70 ft.	30%		35 ft.
All permitted commercial uses	1 dwelling unit per acre	100 ft.	30%	75%	35 ft.

*Lot density is defined as: The number of dwelling units per gross acre of the tract size. The gross acre of the tract size shall exclude streets, rights-of-way, easements, water areas, environmentally protected areas and recreation areas.

806 MINIMUM YARD REQUIREMENTS

	Front Yard	Each Side Yard	Side Yard Abutting Street	Rear Yard
Single family detached	50 ft. or per Section 1210	25 ft.	40 ft.	50 ft.
All other permitted residential uses	50 ft. or per Section 1210	20 ft.	40 ft.	30 ft.
All permitted commercial uses	50 ft. or per Section 1210	20 ft.	40 ft.	50 ft.

**ARTICLE 9
RURAL DISTRICT**

900 PERMITTED, ACCESSORY AND SPECIAL EXCEPTION USES

Within this district, no building, structure, lot or land shall be used for other than one or more of the permitted, accessory or special exception uses listed in said district except for non-conforming uses and non-conforming buildings in Section 1219.

901 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 Supplementary Regulations in Section 1203.

902 PERMITTED USES

- .01 Agriculture.
- .02 Animal Husbandry, provided that barns and animal shelters shall not be located closer than 300 feet from any dwelling except the dwelling of the owner or lessee.
- .03 Animal Preserve.
- .04 Church.
- .05 Communications Antennas mounted on an existing Public Utility Transmission Tower, an existing Communications Tower, an existing building or other existing structure, and Communications Equipment Buildings, all subject to the provisions of Section 1217.08 hereof.
- .06 Forestry.
- .07 Mobile Homes.
- .08 Nursery (Greenhouse).
- .09 Park.

.10 Picnic Area.

902 .11 Roadside Stand.

.12 Single Family Detached Dwelling.

.13 Non-Tower Commercial Communications Facility (Non-Tower CCF).

903 ACCESSORY USES

.01 Accessory Use or Structure.

.02 Garage, Private.

.03 Home Occupation.

.04 Parking Area.

.05 Sign.

.06 Solar Energy System.

.07 Swimming Pool, Private.

.08 Temporary Accessory Housing Structure as regulated by the Township
Temporary Accessory Housing Structure for the Elderly Ordinance.

904 SPECIAL EXCEPTION USES

The following uses are permissible subject to Board approval:

.01 Commercial Stable and/or Riding Academy.

.02 Educational Institution.

.03 Golf Course.

.04 Picnic Area.

.05 Public Building or Use.

.06 Public Utility Facilities.

.07 Swimming Pool, Public.

.08 Vacation Resort.

905 LOT AREA, WIDTH, BUILDING COVERAGE, AND HEIGHT REGULATIONS

	Minimum Lot Area (per dwelling unit)	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Building Height
<u>With any type sewage disposal system:</u>				
All permitted uses	1 ac.	150 ft.	20%	35 ft.

906 MINIMUM YARD REQUIREMENTS

	Front Yard	Each Side Yard	Side Yard Abutting Street	Rear Yard
All permitted uses	50 ft. or per Section 1210	25 ft.	40 ft.	50 ft.

ARTICLE 10
RURAL CONSERVATION DISTRICT

1000 PERMITTED, ACCESSORY AND SPECIAL EXCEPTION USES

Within this district, no building, structure, lot or land shall be used for other than one or more of the permitted, accessory or special exception uses listed in said district except for non-conforming uses and non-conforming buildings in Section 1219.

1001 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 Supplementary Regulations in Section 1203.

1002 PERMITTED USES

- .01 Agri-Business.
- .02 Agriculture.
- .03 Animal Husbandry, provided that barns and animal shelters shall not be located closer than 300 feet from any dwelling except the dwelling of the owner or lessee.
- .04 Animal Preserve.
- .05 Cemetery.
- .06 Church.
- .07 Communications Antennas mounted on an existing Public Utility Transmission Tower, an existing Communications Tower, an existing building or other existing structure, and Communications Equipment Buildings, all subject to the provisions of Section 1217.08 hereof.
- .08 Community Center.

- .09 Cultural Center.
- .10 Forestry.
- .11 Game Farm.
- 1002.12 Membership Club.
- .13 Mobile Home.
- .14 Nursery (Greenhouse).
- .15 Park.
- .16 Picnic Area.
- .17 Roadside Stand.
- .18 Single Family Detached Dwelling.
- .19 Non-Tower Commercial Communications Facility (Non-Tower CCF).

1003 ACCESSORY USES

- .01 Accessory Use or Structure.
- .02 Garage, Private.
- .03 Home Occupation.
- .04 Park.
- .05 Parking Area.
- .06 Sign.
- .07 Solar Energy System.
- .08 Swimming Pool, Private.
- .09 Temporary Accessory Housing Structure as regulated by the Township
Temporary Accessory Housing Structure for the Elderly Ordinance

1004 SPECIAL EXCEPTION USES

The following uses are permitted subject to Board approval:

- .01 Commercial Stables and/or Riding Academy.
- .02 Golf Course.
- .03 Gunning, trap and skeet shooting and target ranges.
- 1004.04 Kennels 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.
- .05 Public Building or Use.
- .06 Public Utility Facilities.
- .07 Veterinary Office or Animal Hospital.
- .08 Bed and Breakfast.

1005 LOT AREA, WIDTH, BUILDING COVERAGE, AND HEIGHT REGULATIONS

	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Building Height
<u>With any type sewage disposal system:</u>				
Gun club, trap shooting, target range	50 ac.	900 ft.	1%	35 ft.
<u>With on-lot sewage disposal system:</u>				
All other permitted uses	1 ac.	150 ft.	10%	35 ft.

1006 MINIMUM YARD REQUIREMENTS

	Front Yard	Each Side Yard	Side Yard Abutting Street	Rear Yard
Gun club, trap-shooting, target range	100 ft.	200 ft.	200 ft.	500 ft.

All other permitted uses 50 ft. or per Section 1210 30 ft. 50 ft. 50 ft.

**ARTICLE 11
ENVIRONMENTAL PROTECTION DISTRICT**

1100 PERMITTED AND ACCESSORY USES

Within this district, 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 Section 1219.

1101 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 Supplementary Regulations Section 1203.

1102 TYPES OF ENVIRONMENTAL AREAS PROTECTED AND DETERMINATION OF AREA

Land with natural steep slopes (15 percent slope or greater), land in flood plains, or land with high water table characteristics are included in the Environmental Protection District. The Zoning Map indicates the general location of these environmentally sensitive areas within the Township. Whenever the Zoning Map, County Soil Survey, or a field inspection indicates that the lot for which a building permit is being sought or the lot(s) proposed for subdivision lie(s) wholly or partially in an area of steep slope, flood plain, or high water table, the Zoning Officer shall require the applicant to provide field data information for each lot which shall be produced and certified by a Registered Professional Engineer or Registered Surveyor. The Zoning Officer may consult the Township Engineer to review the accuracy of all information submitted. Once the Zoning Officer is satisfied that the information submitted is accurate, he shall use that actual on-site information to review the lot(s) for compliance with the minimum lot requirements.

1103 REGULATIONS FOR AREA AFTER DETERMINATION

Upon determination that the lot(s) under consideration is/are partially or wholly within the Environmental Protection District, the following regulations, as applicable, shall apply:

1103.01 **Flood Plain Area**

- a. The permitted, accessory and special exception uses shall be permitted within the flood plain to the extent that they are not prohibited by other provisions of this ordinance and provided that they do not require enclosed structures, fill or storage of materials or equipment, or dumping of any nature.
- b. Flood plain soils are those classified in Group 13 in the Lehigh County Soil Survey or are subject to flooding as identified on the Flood Insurance Rate Map produced by the Federal Emergency Management Agency and accepted by the Township.

.02 **Steep Slopes Area**

- a. Where (a) the lot(s) is/are partially in a steep slope area, (b) there are no earthmoving activities or removal of vegetation proposed for the steep slope portion of the lot(s) and (c) Pennsylvania Department of Environmental Protection's standards for on-lot sewage disposal will be met on other portions of the lot, the requirements contained in other sections of this ordinance for the use of the district in which the lot lies shall be applied.
- b. Where (a) earthmoving activities or removal of vegetation are proposed for any portion of the lot determined to be a steep slope area or (b) any portion of a steep slope is to be used to meet Pennsylvania Department of Environmental Protection's standards for on-lot sewage disposal, the minimum standards and uses in Section 1105 shall apply.
- c. If development is proposed on slopes of 15 percent or greater, the applicant shall submit a site plan to the Zoning Officer with the following requirements:
 1. Show detailed slope contours for all areas that are intended to be or that potentially may be disturbed and/or constructed upon;
 2. Separately identify all areas of 15 percent to 25 percent, and all areas of greater than 25 percent slope using two foot contour intervals. Isolated areas or pockets of 500 square feet or less in size shall be considered as part of the surrounding slope area;
 3. Be to scale (such as 1 inch = 50 feet);

- 1103.02 c.
4. Show proposed locations of buildings, driveways and on-lot septic fields and provide evidence that such features will meet applicable Township and Department of Environmental Protection's maximum slope regulations;
 5. State the maximum slope of proposed driveways; and
 6. Show the area defined by the required front, side and rear yard setbacks.
- d. Man-made slopes. This section shall not apply to man-made slopes that the applicant proves to the satisfaction of the Zoning Officer were not naturally 15 percent or greater slope. However, the maximum driveway slope shall still apply to man-made slopes.

.03 Excessive Slopes

- a. For any earthmoving activities, except driveways (see Road Occupancy Ordinance) on slopes of 15 percent or greater, the applicant shall submit an Erosion and Sedimentation plan approved by the Lehigh County Conservation District.
- b. The building site on a lot in a steep slope area shall be on that section of the lot where the natural slope does not exceed 25 percent. The length and width of the building site shall include the area within the foundation walls and extend 25 feet beyond the foundation walls on all sides.
- c. No development shall be permitted on slopes of 25 percent or greater.

.04 High Water Table Area

- a. Where (a) the lot is partially within a high water table area, (b) there are no structures proposed for the high water table portion of the lot, and (c) Pennsylvania Department of Environmental Protection's standards for on-lot sewage disposal will be met on other portions of the lot, the requirements contained in other sections of this ordinance for the use of the district in which the lot lies shall be applied.
- b. Where (a) structures are proposed for the high water table portion of the lot, or (b) any portion of a high water table area is to be used to meet Pennsylvania Department of Environmental Protection's standards for on-lot sewage disposal, the minimum standards and uses in Section 1106 shall apply.

- 1103.04 c. All public utilities and facilities such as sewer, gas, electrical and water systems located in a high water table area shall be constructed to prevent infiltration of groundwater into the systems and vice versa.
- d. High water table type soils are those tabulated in Group 12 for Building Sites in the Lehigh County Soil Survey as well as any non-flood plain soil where indications of the water table are found 20 inches or less from the ground surface.

1104 FLOOD PLAIN AREA OF THE ENVIRONMENTAL PROTECTION DISTRICT

.01 PERMITTED USES

- a. Agriculture.
- b. Animal Preserve.
- c. Forestry.
- d. Game Farm.
- e. Nursery.
- f. Park.
- g. Picnic Area.

.02 ACCESSORY USES

- a. Accessory Use or Structure.
- b. Sign.

1104.03 LOT AREA, WIDTH, BUILDING COVERAGE AND HEIGHT REGULATIONS

	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Building Height
<u>With any type sewage disposal system:</u>				
All permitted uses	3 ac.	210 ft.	1%	20 ft.

.04 MINIMUM YARD REQUIREMENTS

	Front Yard	Each Side Yard	Side Yard Abutting Street	Rear Yard
All permitted uses	50 ft. or per Section 1210	40 ft.	60 ft.	60 ft.

1105 STEEP SLOPE AREA OF THE ENVIRONMENTAL PROTECTION DISTRICT

.01 PERMITTED USES

Any use permitted in the RC-Rural Conservation District.

.02 ACCESSORY USES

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

.03 LOT AREA, WIDTH, BUILDING COVERAGE AND HEIGHT REGULATIONS

	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Building Height
<u>With any type sewage disposal system:</u>				

All permitted uses	3 acres	210 ft.	3%	35 ft.
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1105.04 MINIMUM YARD REQUIREMENTS

	Front Yard	Each Side Yard	Side Yard Abutting Street	Rear Yard
All permitted uses	50 ft. or per Section 1210	40 ft.	60 ft.	60 ft.

1106 HIGH WATER TABLE AREA OF THE ENVIRONMENTAL PROTECTION DISTRICT

.01 PERMITTED USES

- a. Any use permitted in the Flood Plain Area of the Environmental Protection District.
- b. Any use permitted in the RC-Rural Conservation District, but not including businesses and cemeteries.

.02 ACCESSORY USES

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

.03 LOT AREA, WIDTH, BUILDING COVERAGE AND HEIGHT REGULATIONS

	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Building Height
<u>With any type sewage disposal system:</u>				

All permitted uses	3 acres	210 ft.	3%	35 ft.
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.04 MINIMUM YARD REQUIREMENTS

	Front Yard	Each Side Yard	Side Yard Abutting Street	Rear Yard
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All permitted uses 50 ft. or per Section 1210 40 ft. 60 ft. 60 ft.

**ARTICLE 12
SUPPLEMENTARY REGULATIONS**

1200 GENERAL REGULATIONS APPLYING TO ALL DISTRICTS AND USES

The following sets forth conditions and procedures which must be met before permitted uses, accessory uses, special exception uses, and other selected uses can receive approval and be granted a zoning and/or building permit. If the application is considered a land development or subdivision as defined by the MPC, then it must be submitted in accord with the requirements of the Weisenberg Township Subdivision and Land Development Ordinance.

1201 SMALL LOTS OF RECORD

Notwithstanding the Lot Area, Lot Width and Lot Coverage requirements of any RV, R or RC District, 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 the lot has a minimum width of 40 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 feet in width, and PROVIDED FURTHER that in no event shall the building area exceed 30 percent of the lot area. In addition, any lot created by a subdivision plan approved by Weisenberg Township and filed of record, may observe those setbacks for front yard, rear yard, side yard and/or side yard abutting street as were applicable on the date of final subdivision plan approval.

1202 DEVELOPMENT LAYOUT

If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.

1203 HEIGHT

Nothing herein contained shall restrict the height of a church spire, cupola, dome, mast, belfry, clock tower, barn, radio or TV broadcast signal transmission line tower, flagpole, chimney flue, water tank, elevator or stair bulkhead, stage tower, scenery loft, smokestack, silo, air conditioning and/or heating units, amateur radio antenna, windmill or similar structure, except

.01 No such structure shall:

- a. Exceed two feet of height for every one foot of yard.
- 1203.01 b. Be used for residency or tenancy purposes.
- c. Have any sign inscribed upon or attached to such structure.
- d. Barn is defined as a building for the storage of farm products or feed and/or for the housing of farm animals or farm equipment.
- e. 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 10 or more acres in size.

1204 HYDRO-GEOLOGIC STUDY AND REPORT

A hydro-geologic study and report shall be provided to determine an adequate water source when the water source is a well, public or private, and is proposed for a commercial, industrial or residential use of more than 50 dwelling units with a density more than one dwelling unit per acre.

1205 LIGHTING FACILITIES

Lighting facilities adequate for the safety of pedestrian and vehicular traffic; however, no additional exterior building illumination, other than specified for signs in Section 1218 shall be permitted.

1206 WASTE AND REFUSE

Provisions are to be made for treatment and/or disposal of all waste.

1207 YARDS

- .01 **Front Yard.** The space in a required front yard shall be open and unobstructed except for a patio projecting not more than eight feet, unroofed steps given access to a porch or first floor entry door, or landscaping.
- .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 or side yard, and except for the ordinary projections of sills, chimneys, pilasters and for ornamental features projecting six inches or less.
- .03 **Buffer Yards.** Buffer yards shall comply with the following standards:
 - a. The buffer yard shall be measured from the district boundary line or the property line or from the street line. Buffer yards may not be part of an

existing or future street right-of-way, but shall be in addition to that right-of-way.

- 1207.03 a.
1. A 25 foot buffer yard shall be required in the LI, GC and GI Districts along the district boundaries between themselves and 50 foot buffer yard shall be required along all residential district boundary lines in the Township and adjoining municipalities.
 2. A ten foot buffer yard shall be required along side and rear lot lines between residential and nonresidential uses, excluding agriculture and animal husbandry, and manufacturing uses and commercial uses, excluding self-storage buildings, located within the same district.
 3. A 200 foot buffer yard shall be required along side and rear lot lines for motor vehicle racing, gun clubs, trap shooting and target ranges.
- b. In all buffer yards, the exterior width beyond the fence or planting screen shall be planted with grass seed, sod or ground cover, and shall be maintained and kept clean of all debris, rubbish, weeds and tall grass.
- c. The buffer yard shall be a landscaped area free of structures, manufacturing or processing activity, materials and parking areas. No driveways or streets shall be permitted in the buffer yards except at points of ingress or egress. No recreation use shall be permitted in a buffer yard. Buffer yards shall exclude recreation space (but not open space) areas required by this Ordinance or by the Township Subdivision and Land Development Ordinance.
- d. All buffer yards shall include a dense screen planting of trees, shrubs or other plant materials to the full length of the lot line to serve as a barrier to visibility, airborne particles, glare and noise, and, when determined by the Township to be necessary for public safety, a fence as described below. Such screen planting shall be in accordance with the following requirements:
1. Plant materials used in the screen planting shall be of such species and size as will produce, within three years, a visual screen of at least six feet in height.
 2. A fence, when required, shall be not less than six feet in height, and shall be placed on the inside of the screenings and no closer than three feet from any future right-of-way or property line unless by special exception.
 3. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one year.

- 1207.03 d. 4. The screen planting shall be so placed that at maturity it will not be closer than three feet from any street line or property line. Screening shall consist of a minimum of 50 percent evergreen plantings and shall be planted in a minimum of two rows at 25 feet centers in a staggered arrangement.
- e. No structure, fence, planting or other obstruction shall be permitted within the street line which would interfere with traffic visibility across the corner of a lot, at access driveways, commercial or residential, and within any clear sight triangle.
- f. The screen planting or fence shall be broken only at points of vehicular or pedestrian access.
- g. A built-up earthen bank may be incorporated in the landscaping of buffer yards as long as the following conditions are met:
1. It may not be located in the proposed, dedicated or deeded right-of-way.
 2. The maximum allowable slope shall be one to three.
 3. The buffer yard landscaping shall be visible from the exterior of the property.
 4. The surface of the bank shall be stabilized with vegetation.

1208 THROUGH LOTS

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

1209 CLEAR SIGHT TRIANGLE

- .01 The clear sight triangle shall be determined by the intersecting street centerlines and a diagonal connecting two points, one at each street centerline, each of which point is:
- a. 150 feet from the intersection of such street centerlines, if either street is an arterial street.
 - b. 100 feet from the intersection of such street centerlines, if both streets are collector streets or if one is a collector street and the other is a local street.

- c. 75 feet from the intersection of such street centerlines, if both streets are local streets.

1209.02 On a corner lot, no wall, fence or other structure shall be erected, no vehicle, object or any other obstruction shall be parked or placed, or no hedge, shrub, or other growth shall be planted or maintained which would obscure the driver's vision between two feet and ten feet in height measured from the centerline grades of the intersecting streets.

1210 SETBACKS FROM ROADS

- .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 referenced in the Comprehensive Plan. Except as provided in other sections of this Ordinance, no buildings or structures shall be placed between the setback line and street right-of-way line.
- .02 On roads classified as Regional Highways the required setback shall be 100 feet from the centerline of the existing or proposed road.
- .03 On roads classified as Arterials the required setback shall be 90 feet from the centerline of the existing or proposed road.
- .04 On roads classified as Collectors the required setback shall be 80 feet from the centerline of the existing or proposed road.
- .05 On roads classified as local roads, the required setback shall be 75 feet from the centerline of the existing or proposed road. All public roads not specified in Sections 1210.02, 1210.03 and 1210.04 are considered local roads.
- .06 Where front yard requirements have been established in this Ordinance, those requirements will apply only if they are greater than those established in Sections 1210.01 through 1210.05.

1211 PARKING AND TRUCK LOADING REQUIREMENTS

- .01 **Off-Street Parking.** Off-street parking spaces for the storage or parking of passenger vehicles shall be provided pursuant to the following requirements:
 - a. Individual parking spaces shall be clearly marked off into parking spaces, with each space having a minimum width of nine feet and a length of 19 feet, exclusive of driveways and parking area, continuous parking may not exceed 200 feet.
 - b. Every parking facility shall be designed so the proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.

- 1211.01 c. Every parking area shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle, except on-site parking associated with a single family dwelling or automotive sales.
- d. Required off-street parking areas shall be located on the same lot or premises with the main use served, or on an adjoining lot.
- e. No parking shall be located in a required buffer yard.
- f. No parking area shall be located within ten feet of a septic system absorption area or property line.
- g. All parking areas for four or more vehicles shall include clearly defined and marked traffic patterns, with the utmost care taken to provide for safe internal traffic movement and to avoid conflicts between vehicles and pedestrians. Aisle width for one-way traffic shall be 22 feet and for two-way traffic shall be 24 feet.
- h. In no case shall parking areas for four or more vehicles be designed to require or encourage cars to back into a public street in order to leave a lot.
- i. Maintenance of Parking Areas. For parking areas of four or more vehicles, the area not landscaped and so maintained, including driveways, shall be graded, surfaced with asphalt or other suitable material, and drained to the satisfaction of the Board of Supervisors and/or Township Engineer to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining property.
- j. Mixed Uses. Total requirements shall be the sum of the requirements of the component uses computed separately in Section 1211.01n.
- k. Fractional Space. In all districts when required parking spaces in Section 1211.01n result in a fractional space, any fraction shall be construed as requiring a full space.
- l. Other Uses Not Specifically Listed. The same requirements as for the most similar use listed in Section 1211.01n.
- m. Non-applicability of Existing Buildings and Uses. The provisions of Section 1211 shall not apply to any building or use lawfully in existence at the effective date of this Ordinance.

1211.01 n. Minimum Requirements for Accessory Garages or Parking Areas. As indicated in the following schedule:

Use	Number of Off-Street Parking Spaces Required	Plus 1 Off-Street Parking Space For Each
Amusement Establishment	1 per 3 persons of capacity	2 employees
Animal Preserve	1 per 200 SF of floor area accessible to the public but a minimum of 4 spaces	1 employee
Automotive Gas Station	1 per 300 SF of floor area accessible to the public	1 employee
Automotive and Machinery Repair Station	1 per 15 vehicles for sale	1 employee
Automotive and Machinery Sales	5 per service bay	1 employee
Automotive Service Station	1 per 300 SF of floor area accessible to the public	1 employee
Bed and Breakfast	1 per guest bedroom	1 resident family plus 1 non-resident employee
Bowling Lane	4 per lane	1 employee
Café	1 per 30 SF of total floor area	2 employees
Car Wash	2 per washing lanes	2 employees
Church	1 per 3 seats	200 SF of meeting area

Commercial Stable and/or Riding Academy	1 per 3 horses	1 employee
Community/Cultural Center	1 per 400 SF	2 employees
Day Care Center	1 per 10 persons cared for	1 employee
Driving Range	1 per tee	2 employees
Educational Institution	1 per 4 students age 16 years or older	2 employees
Financial Institution Including Banks	1 per 200 SF of floor area accessible to customers, plus 3 spaces for each ATM machine	1 employee
Funeral Home	1 per 50 SF of assembly room	2 non-resident employees plus 1 for any dwelling units
Game Farm	1 per 200 SF of floor area accessible to the public but a minimum of 4 spaces	1 employee
General Services	1 per 150 SF of floor area accessible to customers	1 employee
Golf Course	4 per hole	2 employees
Home Occupation	1 per non-family member	300 SF of net floor area used by the home occupation
Hospital	1 per 3 beds	1 employee
Hotel, Motel	1 per guest bedroom	2 employees plus 1 per 6 seats

		in any meeting room
Industrial and Manufacturing Uses	In addition to parking for storage needed for the maximum number of vehicles stored, 1 per 500 SF of office area	1 per company vehicle
Junkyard	1 per acre plus 1 per company vehicle	1 employee
Kennel	1 per 15 animals with a minimum of 4 spaces	1 employee
Laundromat	1 per washing machine	1 employee
Massage Establishment	1 per 75 SF of net floor area	1 employee
Mausoleum	1 per 10 vaults	1 employee
Medical or Dental Clinic	1 per 100 SF of net floor area	1 employee
Membership Club	1 per 4 members	1 employee
Methadone Treatment Facility	1 per 3 beds	1 employee
Miniature Golf Course	2 per hole	2 employees
Mini-Mall	1 per 200 SF of total leaseable floor area	
Nursery/Greenhouse	1 for 250 SF of indoor sales area and 10,000 SF of outside sales area	1 employee
Office	1 per 225 SF of total floor area	1 employee
Park	1 per 3 acres	1 employee

Personal Service Establishment	1 per 150 SF of floor area accessible to customers	1 employee
Picnic Area	1 per 3 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)	1 employee
Public Building	1 per 400 SF of floor area	2 employees
Public Utility	1 per 100 SF of office area	1 employee
Radio/TV Station	1 per 400 SF	1 employee
Restaurant	1 per 2 seats	1 employee
Residential Dwelling Unit	3 per dwelling unit	
Retail Store	1 per 150 SF of floor area accessible to the customers	1 employee
Self-Storage Building	1 per 15 storage units	1 employee
Solid Waste Transfer Area/Facility	In addition to parking for storage needed for the maximum number of vehicles stored, 1 per 500 SF of office area	1 employee
Swimming Pool, Public	1 per 40 SF of water surface	1 employee
Tavern	1 per 30 SF of total floor area	1 employee
Vacation Resort	1 per guest bedroom	1 employee

Veterinarian Office	5 per veterinarian	1 employee
Warehouse	In addition to parking for storage needed for the maximum number of vehicles stored, 1 per company vehicle	1 employee
Wholesale Trade	1 per 250 net floor area	1 employee

1211.02 **Required Off-Street Truck Loading Spaces**

- a. Every building or structure, lot or land hereafter put into use for commercial 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:

Square feet of aggregate net floor area devoted to such use	Required number of off-street truck loading spaces
5,000 to 25,000 sq. ft.	1
25,001 to 40,000 sq. ft.	2
40,001 to 100,000 sq. ft.	3
Each additional 60,000 sq. ft.	1 additional

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

1212 ACCESS DRIVEWAYS

- .01 Every one-way access driveway shall have a minimum unobstructed width of ten feet. Every two-way access driveway shall have a minimum total unobstructed width of 24 feet. No more than 60 feet of total access driveways will be permitted.
- .02 Where a lot does not abut on a public or private road, alley, or easement access, an access driveway not less than ten feet in width shall be provided.
- .03 Any access driveway may be located within a required side yard abutting street, required front yard, or required rear yard.

1213 PROHIBITED USES

.01 Dust, Dirt, Smoke, Vapors, Gases and Odors Control

- a. No person shall operate or permit the operation of any device or conduct or permit any use to be conducted which does not conform with the standards established under the State Air Pollution Control Act of January 9, 1960, Public Law 2119, as amended, and Title 25, Rules and Regulations, Department of Environmental Protection, Subpart C, Protection of Natural Resources, Article III Air Resources.
- b. No person shall generate odors that are seriously offensive to persons of average sensibilities beyond the boundaries of a lot line. This shall not apply to odors created by permitted agricultural uses that are using normal farming practices. Any spreading of manure and septic sludge shall follow good soil and water conservation and odor reduction practices to reduce odor. General standards shall be those recommended by the Pennsylvania State University Agricultural Extension Service.

.02 Noise Control. The sound pressure level of any use (other than the operation of motor vehicles excluding motor vehicle racing) shall not exceed, at any point on the property line, the decibel levels shown below, subject to the following corrections: subtract five decibels for pulsating or periodic noises; add five decibels for noise sources operating less than 20 percent of any one hour period.

	Octave Band in Cycles Per Second	Maximum Permitted Sound Level in Decibels
	Along Residential Agricultural Boundaries	Along Any Other Boundaries
	0 to 599	50
	600 to 2,399	38
	2,400 to 4,799	35
	Above 4,799	32

Sound pressure level shall be measured according to the specifications published by the American Standard Association. The Pennsylvania Department of Environmental Protection may, upon request, make decibel readings to determine compliance with the above standards.

.03 Vibration and Lighting. No person shall allow any use to be conducted which

is seriously offensive by reason of vibration or light beyond the limits of its lot or to be dangerous or prejudicial to the public health, safety or general welfare.

1214 ACCESSORY USE OR STRUCTURE REQUIREMENTS

The placement of an accessory use or structure shall be subject to the following requirements:

- .01 Any driveway may be located within any required yard.
- .02 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.
- .03 No required accessory parking area or off-street truck loading space shall be encroached upon by buildings, open storage, or any other use.
- .04 No accessory building shall be within a minimum front yard requirement or minimum side yard abutting street requirement in any district.
- .05 No accessory structure shall be constructed within ten feet of any rear lot line or any side lot line.
- .06 No accessory structure shall exceed 20 feet in height.
- .07 An accessory use or structure shall be on the same lot with the main building or buildings.

1215 PRIVATE GARAGES OR PRIVATE PARKING AREA

- .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 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.
- .02 A private garage may be constructed within or under any portion of a main building.
- .03 Nothing contained herein shall prevent the construction of a private garage as a structural part of a main building, provided that when so constructed, the exterior garage walls shall be regarded as the walls of the main building in applying the front, rear, and side yard regulations of this Ordinance.

1216 PARKING AREA FOR COMMERCIAL VEHICLES IN THE R, RC, EP AND RESIDENTIAL LOTS IN THE RV DISTRICT

Not more than one commercial vehicle with four or more axles, or two commercial vehicles with less than four axles may be parked on any lot and then only subject to the following requirements:

- .01 There shall be a minimum lot size of 1.25 acres exclusive of any road right-of-way.
- .02 Each commercial vehicle shall be placed in a designated parking area to be located not closer than 25 feet from any lot line or street right-of-way line, or 50 feet from any neighboring residence, whichever is the greater.
- .03 Only those commercial vehicles operated by a resident of the lot shall be parked on that lot.
- .04 A zoning permit is required to park a commercial vehicle as regulated in this section. The application shall be accompanied by a site plan detailing the layout and dimensions of the parking area.
- .05 Nothing in this section shall be construed to regulate or to limit the use, storage or parking of farm related vehicles off the public street.
- .06 No recreational vehicle or unit shall be parked or stored on any lot in any district except under a roof or in an 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 72 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.

1217 SPECIFIC REGULATIONS APPLYING TO CERTAIN USES

- .01 **Automotive Gas Station**
 - a. The minimum lot width shall be 200 feet along each street on which the lot abuts.
 - b. Fuel pumps shall be at least 25 feet from any future street right-of-way or 50 feet from the street centerline, whichever is greater.

- 1217.01 c. A use that is primarily intended to serve trucks with six or more wheels shall have a minimum lot area of four acres, and all areas used for fueling and servicing shall be set back a minimum of 250 feet from all existing residential lot lines and residential zoning district boundaries.

.02 Automotive and Machinery Repair Station

- a. All activities shall be performed within an enclosed building.
- b. Outdoor storage of automobiles and other vehicles shall only be in the rear and/or side yard and entirely enclosed with a fence, not less than six feet high, with screening.
- c. Outdoor storage of automobile parts and junk shall be prohibited.
- d. Fuel pumps shall be at least 25 feet from any future street right-of-way or 50 feet from the street centerline, whichever is greater.
- e. A use that is primarily intended to serve trucks with six or more wheels shall have a minimum lot area of four acres, and all areas used for fueling and servicing shall be set back a minimum of 250 feet from all existing residential lot lines and residential zoning district boundaries.

.03 Automotive Service Station

- a. The minimum lot width shall be 200 feet along each street on which the lot abuts.
- b. All activities except those to be performed at the fuel pumps or air pumps shall be performed within a completely enclosed building.
- c. Fuel pumps shall be at least 25 feet from any future street line or 50 feet from the street centerline, whichever is greater.
- d. All vehicular parts and dismantled vehicles shall be located within a building.
- e. Vehicles that are taken to a service station for outside storage because of an accident may remain no longer than 60 days from the day the vehicle arrives at the station.
- f. A use that is primarily intended to serve trucks with six or more wheels shall have a minimum lot area of four acres, and all areas used for fueling and

servicing shall be set back a minimum of 250 feet from all existing residential lot lines and residential zoning district boundaries.

1217.04 **Bank**

- a. A minimum of two access driveways shall be provided.
- b. Any drive-in window(s) and waiting lane(s) shall be located and have capacity for sufficient numbers of vehicles to ensure that traffic conflicts and hazards are avoided within the site and along the adjoining streets.

.05 **Bed and Breakfast**

- a. The Bed and Breakfast shall be contained within an existing single family detached dwelling.
- b. The height of any addition to an existing single family detached dwelling containing the Bed and Breakfast shall not exceed the maximum height of the existing structure.
- c. The front, side and rear yards distances of the single family detached dwelling containing the Bed and Breakfast shall conform to minimum yard requirements of the applicable Zoning District as set forth in this Zoning Ordinance.
- d. Prior to the issuance of any permit for use of the single family detached dwelling as a Bed and Breakfast, the permit applicant shall provide the Zoning Officer with documentation from applicable inspection agencies that all regulations and building codes have been satisfied.
- e. Off-street parking spaces shall be on the same lot as the single family detached dwelling containing the Bed and Breakfast.
- f. The single family detached dwelling containing the Bed and Breakfast must be owner-occupied, meaning that the owner(s) must reside in the single family detached dwelling.
- g. The number of meals served shall be limited to one per day that being the breakfast meal.
- h. All lighting and signs shall conform to the requirements set forth in this Zoning Ordinance.

.06 **Car Wash**

- a. Any car wash shall demonstrate that its use of water will not have any

adverse impact on the water supplies of the surrounding properties.

- 1217.06 b. A minimum of two access driveways shall be provided.
- c. Re-circulating water supply facilities shall be provided.
- d. Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.

.07 Church

- a. The minimum lot area shall be one acre per 100 members for a church, with a minimum of an additional three acres if a school or recreational facility is to be located on the same site.

.08 Commercial Communications Facilities.

This section is applicable to the antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless commercial communications services.

a. Use. Tower-Based Commercial Communications Facilities

(1) General Requirements for All Tower-Based Commercial Communications Facilities (CCF).

The following regulations shall apply to all Tower-Based Commercial Communications Facilities:

- (a) Standard of Care. The CCF applicant shall present documentation that the Tower-Based CCF shall be designed, constructed, operated, maintained, repaired, modified and removed, in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors, and the Electrical Industrial Association / Telecommunications Industry Association. Certification of the design from a Pennsylvania Registered Professional Engineer is required. Any Tower-Based CCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction

personnel, so that the same shall not endanger the life of any person or any property in the Township.

(b) Structural Requirements.

[i] Any Tower-Based CCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI / ETA / TIA 222-G Code, as amended).

[ii] A soil report complying with the standards of Appendix I, Geotechnical Investigations, ANSI / EIA / TIA 222-G, as amended, shall be submitted.

[iii] The facility shall be constructed to withstand a wind velocity of one hundred (100) miles per hour as well as all proposed placements or collocation of non-tower CCFs.

[iv] A copy of the structural analysis, signed and sealed by a registered structural engineer licensed in the Commonwealth of Pennsylvania, shall be submitted to the Township.

(c) Public Safety Communications. No Tower-Based CCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

(d) Maintenance and Inspection. The following maintenance and inspection requirements shall apply:

[i] Any Tower-Based CCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

[ii] Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.

[iii] All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

[iv] Guyed-Towers and other wireless support structures shall be inspected every three (3) years and self-supporting towers / monopoles, shall be inspected every (5) years. All towers shall be inspected after severe wind (Sustained tropical storm or hurricane force winds) or ice storms or other extreme loading conditions. Inspection reports shall prepared by a licensed Professional Engineer and submitted to the Township engineer for review.

(e) Radio Frequency Emissions. No Tower-Based CCF may, by itself or in conjunction with other CCF's, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields", as amended.

(f) Historic Buildings or Districts. No Tower-Based CCF may be located on a building, structure, or site that is listed on either the National or Pennsylvania Registers of Historic Places or the official historic structures and/or historic districts list maintained by the Township, or has been designated by the Township as being of historic significance.

(g) Identification. All Tower-Based. CCF's shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the Township. The Township shall be notified of the use or storage of external power sources, such as batteries or fuel tanks.

(h) Lighting and Signage. No signs or lights shall be mounted on a Tower-Based CCF except as required by law, the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA) or any other governmental agency having jurisdiction over the same. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. Emergency lighting for any accessory facility / building and signage as allowed in subsection (g) above, is permitted, subject to Township review and approval.

(i) Appearance. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings.

(j) Noise. Tower-Based CCF's shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

(k) Aviation Safety. Tower-Based CCF's shall comply with all federal and state laws concerning aviation safety and applicable airport zoning regulations.

[i] Documentation from the Federal Aviation Administration (FAA) shall be submitted by the applicant for any Tower-based CCF exceeding two hundred (200) feet in height stating that the subject CCF is approved by the FAA.

[ii] Any applicant for a proposed Tower-based CCF located within a radius of five (5) aerial miles of any airport shall notify said Airport, in writing, of its intent to construct a CCF prior to construction.

(l) Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the Tower-Based CCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Section. The applicant and/or owner of the Tower-based CCF shall reimburse the Township for all costs of the Township's consultation(s) in providing expert evaluation and consultation in connection with these activities.

(m) FCC License. The applicant shall submit to the Township a copy of its current Federal Communications Commission (FCC) license, the name, address, emergency number, and operator of the facility.

(n) Insurance. Each person that owns or operates a Tower Based CCF, shall provide the Township with proof of insurance. A Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum of \$1,000,000 occurrence covering the communication facility is required. The Township, its employees, Engineer, Solicitor, Planner, and other relevant professional shall be named additional insured and the certificate shall provide, as a minimum, that the additional insured shall be notified not less

than sixty (60) days in advance of the insurance not being renewed or being cancelled for any reason.

(o) Timing of Decision: Within thirty (30) calendar days of the date that an application for a Tower-Based CCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Where a conditional use approval is required, the governing body shall render a decision within forty-five (45) days after the last hearing before the governing body. All other applications, including land development, for Tower-Based CCF's shall be acted upon within ninety (90) days of the receipt of a fully completed application for the approval of such Tower-Based CCF and the Township shall advise the applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the ninety (90) day review period.

(p) Non-Conforming Uses. Non-conforming Tower-Based CCF's which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this section.

(q) Indemnification. Each person that owns or operates a tower-based CCF shall, at its sole cost and expense, indemnify, defend, and hold harmless the Township, its elected and appointed officials, employees, engineer, solicitor, planner, agents, and other relevant professional consultants, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees, or contractors arising out of but not limited to the construction, installation, operations, maintenance, or removal of a Tower-based CCF. The obligation to indemnify, hold harmless, and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorney's fees, reasonable expert fees, court costs, and all other costs of indemnification.

(r) Removal /Financial Security. In the event that use of a Tower-Based CCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. If it remains unused for a period of six (6) consecutive months,

the Township will provide notice to the owner/operator to remove the tower.

Unused or abandoned Tower-based CCFs or portions of Tower-based CCFs shall be removed as follows:

[i] All unused or abandoned Tower-Based CCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site or from the time the municipality provides notice, unless a time extension is approved by the Township.

[ii] If the Tower-based CCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, from the time the municipality provides notice, or within any longer period approved by the Township, the Tower-based CCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the Tower-based CCF.

[iii] Prior to the issuance of a zoning permit, the owner/operator of the Tower-based CCF shall post security, in a form acceptable to the Township, favoring the municipality, to assure the faithful performance of the terms and conditions of this section. Security shall be an amount to cover tower and/or antenna removal and site clean-up. The security shall be utilized by the Township in the event the owner or operator of the Tower-based CCF does not remove the facility as outlined in subsections (a) and (b) above or to recover any and all compensatory damages incurred by the Township for violations of this section, after reasonable notice and opportunity to cure.

[iv] The Township must approve all replacements of portions of a Tower-Based CCF previously removed.

(2) Tower Based CCFs Outside the Rights-of-Way.

The following regulations shall apply to Tower-Based Commercial Communications Facilities located outside the Rights-of-Way:

(a) Development Regulations:

[i] Allowable Districts. Commercial Communications Facilities are prohibited as follows:

[aa] No Tower-based CCF shall be located closer than two hundred fifty (250) feet to an existing residential

dwelling or residential zoning district boundary in which CCF's are prohibited.

- [bb] Tower-based CCF's are prohibited in the Light Industrial, General Commercial, Rural Village, Rural, and Rural Conservation zoning districts.
- [cc] Tower-based CCF's are permitted by special exception in accordance with the requirements of §604.03 in the General Industrial District.
- [ii] Gap in Coverage. An applicant for a Tower-Based CCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of Tower-based CCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of Tower-Based CCF's.
- [iii] Height. Any Tower-Based CCF outside of the rights-of-way, shall be designed at the minimum functional height and shall not exceed a maximum total height of two hundred twenty (220) feet. Height shall include all subsequent additions or alterations.
- [iv] Sole Use on a Lot. A Tower-Based CCF is permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zoning district
- [v] Combined with Another Use. A Tower-Based CCF may be permitted on a property with an existing use or on a vacant parcel in combination with another industrial, commercial, institutional or municipal use, subject to the following conditions:
 - [aa] The existing use on the property may be any permitted use in the applicable district, and need not be affiliated with the communications facility.
 - [bb] The Tower-based CCF may occupy a leased parcel within a lot meeting the minimum lot size for the zoning district. The leased parcel shall be, at a minimum, the area needed to accommodate the Tower-Based CCF and guy wires, the equipment building, security fence, and buffer planting.
 - [cc] Minimum Lot Area. The minimum lot shall comply with the requirements for the applicable district.

[dd] Minimum Setbacks. The Tower-Based CCF and accompanying equipment building shall not be located in the minimum front, rear, or side yard setbacks for the applicable zoning district. Further, no Tower-Based CCF shall be located within one hundred (100) feet or the distance of the fall zone, whichever is greater, from any property line or existing street Right of Way or two hundred (200) feet of any occupied building.

[ee] Vehicular access to the Tower- Based CCF shall not interfere with parking or circulation on the site.

[vi] Applicant shall demonstrate, utilizing the most current technological evidence available, that the commercial communications facility (CCF) must be constructed where it is proposed in order to satisfy its function pursuant to the communications industry's technological requirements.

(b)Co-Location. An application for a new Tower-Based CCF shall not be approved unless the Township finds that the wireless communications equipment planned for the proposed Tower-Based CCF cannot be accommodated on an existing or approved structure or building. Any application for approval of a Tower-Based CCF shall include a comprehensive inventory of all existing towers and other suitable structures within a two-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.

(c)Design Regulations:

[i] The Tower-based CCF shall employ the most current standards available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact.

[ii] Any height extensions to an existing Tower-Based CCF shall require prior approval of the Township. The Township reserves the right to deny such requests based upon land use impact or any other lawful considerations related to the character of the Township.

[iii] Any proposed Tower-Based CCF shall be designed structurally, electrically, and in all respects to accommodate both the CCF applicant's antennas and comparable antennae for future users. At a minimum the structure and wind load

should be able to accommodate a 10% increase in height or one additional array, not to exceed a total height of more than 200'.

(d) Surrounding Environs:

- [i] The Tower-based CCF shall comply with the required yard requirements of the applicable zoning district.
- [ii] The Tower-based CCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the Tower-based CCF structure shall be preserved to the maximum extent possible.

(e) Fence/Screen:

- [i] A security fence having a maximum height of eight (8) feet shall completely surround any Tower-Based CCF, guy wires, parking, or any building / structure, housing CCF equipment.
- [ii] An evergreen screen shall be required to surround the site of the proposed Tower-based CCF. The screen shall either be a hedge (planted three (3) feet on center maximum) or a row of evergreen trees (planted ten (10) feet on center maximum). The evergreen screen shall be a minimum six (6) foot at planting and shall grow to a minimum fifteen (15) feet at maturity. The vegetation utilized should be deer resistant
- [iii] The Tower-based CCF applicant shall submit a landscape plan for review and approval by the Township for all proposed screening.
- [iv] Alternate forms of screening, other than the landscaping outlined above, may be permitted if reviewed and approved by the Board of Supervisors.

(f) Accessory Equipment:

- [i] Ground-mounted equipment associated to, or connected with, a Tower-Based CCF shall be underground. In the event that an applicant can demonstrate that the equipment cannot be located underground to the satisfaction of the Township Engineer, then the ground mounted equipment shall be screened from public view.

- [ii] All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback and height requirements of the underlying zoning district.
- (g) Additional Antennae. As a condition of approval for all Tower-Based CCFs, the CCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennae on Tower-Based CCFs where technically and economically feasible. The owner of a Tower-Based CCF shall not install any additional antennae without obtaining the prior written approval of the Township.
- (h) Access Road / Lease Area. Adequate emergency and service access to Tower-Based CCF must be provided.
- [i] Access shall be provided to the facility by means of a public street or easement to/from a public street unless waived in writing by the Weisenberg Township Board of Supervisors. The easement shall be a minimum to twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a paved surface for its entire length. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.
 - [ii] A minimum of two (2) off-street parking spaces shall be provided for a Tower-based CCF.
 - [iii] A turnaround area must be provided within the fenced area to allow adequate access by all service and emergency vehicles.
- (i) Site Plan Required. In order to determine if the requirements of this section are met, the applicant shall present a site plan showing, at a minimum, the following items:
- [i] Locations of all existing and proposed uses on the subject site including the proposed Tower-based CCF.
 - [ii] Elevations and drawings of any existing uses and proposed Tower-Based CCFs, showing proposed width, depth, height, architectural style and structural data for any towers, antenna, etc. proposed.

[iii] Site boundary, lease area boundary, zoning data, setbacks / yards, and adjacent uses.

[iv] Vehicular access, fencing, landscaping, utility and /or access easements.

(j) Inspection. The Township reserves the right to inspect any Tower-Based CCF to ensure compliance with the provisions of this Section and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a Tower-based CCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

(3) Tower-Based CCFs in the Rights-of-Way.

The following regulations shall apply to Tower-Based Commercial Communications Facilities located in the Rights-of-Way:

(a) Development Regulations:

[i] No Tower-Based CCF shall be located within the existing or future rights-of-way of any township owned arterial or local road as designated by the Township.

[ii] Tower-based CCFs are permitted in all other existing Right of Ways.

[iii] The applicant shall provide proof of authorization from the owner of the right(s)-of-way for the location(s) of the proposed tower(s).

[iv] The application shall be accompanied by plans and other materials, as required by this Chapter, describing the use and locations proposed. Such plans and other materials shall provide sufficient basis for evaluating the applicant's requests.

(b) Gap in Coverage. An applicant for a Tower-Based CCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of Tower-based CCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of Tower-Based CCF's in the Right of Way.

- (c) Height. Any Tower-Based CCF in rights-of-way, shall be designed at the minimum functional height and shall not exceed a maximum total height of fifty (50) feet, which height shall include all subsequent additions or alterations. All Tower-Based CCF applicants must submit documentation to the Township justifying the total height of the structure.
- (d) Co-location. An application for a new Tower-Based CCF in the Right of Way shall not be approved unless the Township finds that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a Tower-Based CCF shall include a comprehensive inventory of all existing towers and other suitable structures within a one-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
- (e) Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based CCF's in the Right of Way based on public safety, traffic management, physical burden on the Right of Way, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
- (f) Equipment Location. Tower-Based CCF's and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the Right of Way as determined by the Township. In addition:
- [i] In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb;
 - [ii] Ground-mounted equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
 - [iii] Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.

[iv] Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.

[v] Any underground vaults related to Tower-Based CCF's shall be reviewed and approved by the Township.

(g) Design Regulations.

[i] The Tower-based CCF shall employ the most current standards available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact.

[ii] Any height extensions to an existing Tower-Based CCF shall require prior approval of the Township, and shall not increase the overall height of the Tower-Based CCF to more than fifty (50) feet.

[iii] Any proposed Tower-Based CCF shall be designed structurally, electrically, and in all respects to accommodate both the CCF applicant's Antennas and comparable Antennae for future users.

(h) Additional Antennae. As a condition of approval for all Tower-Based CCFs in the Right of Way, the CCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate Antennae on Tower-Based CCFs where technically and economically feasible. The owner of a Tower-Based CCF shall not install any additional Antennae without obtaining the prior written approval of the Township.

(i) Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of Tower-Based CCF in the Right of Way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Tower-based CCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

[i] The construction, repair, maintenance or installation of any Township or other public improvement in the Right of Way;

[ii] The operations of the Township or other governmental entity in the Right of Way;

[iii] Vacation of a street or road or the release of a utility easement;
or

[iv] An Emergency as determined by the Township.

(j) Compensation for Right of Way Use. In addition to permit fees, every Tower-Based CCF in the Right of Way is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the Right of Way. Such compensation for Right of Way use shall be directly related to the Township's actual Right of Way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other Right of Way management activities by the Township. The owner of each Tower-Based CCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. The Annual Right of Way management fee for Tower-Based CCF's shall be determined by the Township and authorized by resolution of Township Board of Supervisors and shall be based on the Township's actual Right of Way management costs as applied to such Tower-Based CCF.

b. Use. Non-Tower Commercial Communications Facilities.

(1) General Requirements for All Non-Tower Commercial Communications Facilities (CCF) and Base Stations.

(a) Standard of Care. Any Non-Tower CCF that is considered a collocation, modification, or replacement shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any Non-Tower CCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township. The Township shall be notified of the use or storage of external power sources, such as batteries or fuel tanks.

(b) Wind and Load.

- [i] Any Non Tower CCF that is considered a collocation, modification, or replacement shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI / EIA / TTA 222-G Code, as amended).
 - [ii] The wireless support structure to which the Non Tower CCF is attached shall be able to withstand the additional structural load of the collocation, modification, or replacement.
 - [iii] A copy of the structural analysis, signed and sealed by a registered engineer in the State of Pennsylvania, shall be submitted to the Township and reviewed as a portion of the permitting process for collocations, modifications, or replacements.
- (c) Public Safety Communications. No Non-Tower CCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- (d) Aviation Safety. Non-Tower CCF's shall comply with all federal and state laws and regulations concerning aviation safety.
- (e) Radio Frequency Emissions. No Non-Tower CCF may, by itself or in conjunction with other CCF's, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields", as amended.
- (f) Historic Buildings. Non-Tower CCFs may not be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or the official historic structures and/or historic districts lists maintained by the Township or has been designated by the Township as being of historic significance.
- (2) Non-Tower CCF Development Regulations: No Substantial Change.

If the Eligible Facilities Request for a Non-Tower Commercial Communication Facility or base station is a collocation, modification, or a replacement that does not substantially change the existing wireless support structure, then the requirements contained herein, will be applicable.

(a) Permitted in all Zoning Districts:

[i] Building Permit Required. Collocations, Modifications, or Replacements of Non-Tower CCF's or transmission equipment on existing wireless support structures or base stations are subject to the initial zoning or land use approvals for the previously approved wireless support structure or Non-Tower CCF, and subject only to the building permit review and approval process of the Township.

[ii] No Building Permit Required. Replacement of Non-tower CCF's or transmission equipment on existing, Township-approved, wireless support structures or base stations, without an increase in wind or structural load, may be performed by the applicant without obtaining a building permit.

(b) Removal. In the event that use of a Non-Tower CCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. If it remains unused for a period of twelve (12) consecutive months, the Township will provide notice to the owner/operator to remove the tower.

Unused or abandoned Non-Tower CCFs or portions of Non-Tower CCFs shall be removed as follows:

[i] All abandoned or unused Non-tower CCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site; or from the time the municipality provides notice, unless a time extension is approved by the Township.

[ii] If the Non-tower CCF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the Township, the Non-Tower CCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the Non-Tower CCF.

(c) Timing of Decision. Within thirty (30) calendar days of the date that an application for a collocation, modification, or replacement of a Non-Tower CCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. If additional information is requested by the Township to complete an application, the time

period for review may be tolled by mutual agreement. Within sixty (60) calendar days of receipt of the application, accounting for tolling, the Township must make a final decision regarding the application and shall advise the applicant in writing of such decision.

[i] A determination of incompleteness must specifically delineate all missing information, and specifying the code provision, ordinance, application instructions or otherwise publically stated procedures that require the information to be submitted

[ii] Following an applicant's resubmission in response to a determination of incompleteness, the Township may reach a subsequent determination of incompleteness based solely on the applicant's failure to supply the specific information that was requested within the first 30 days.

[iii] The 60-day review period begins running again when the applicant makes its supplemental resubmission; however, the review period may be tolled, once again, if the Township notifies the applicant within ten (10) days that the supplemental submission did not provide the specific information identified in the original notice delineating missing information.

(3) Non-Tower CCF Development Regulations — Substantial Change:

If the Eligible Facilities Request for a Non-Tower Commercial Communication Facility or base station is a collocation, modification, or a replacement that substantially changes the existing wireless support structure, then the requirements contained herein, will be applicable.

(a) Permitted in all Zoning Districts. Non-Tower CCF's are permitted in all zoning districts subject to the initial zoning or land use approvals for the previously approved wireless support structure or Non-Tower CCF. These CCFs are subject the building permit review and approval process of the Township.

(b) Maintenance. The following maintenance requirements shall apply:

[i] The Non-Tower CCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

[ii] Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.

[iii] All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

(c) Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the Non-Tower CCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Section. The applicant and/or owner of the Non-Tower CCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

(d) Timing of Decision. Within thirty (30) calendar days of the date that an application for a Non-Tower CCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's ninety (90) day review period.

(e) Removal. In the event that use of a Non-Tower CCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned Non-Tower CCFs or portions of Non-Tower CCFs shall be removed as follows:

[i] All abandoned or unused Non-Tower CCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the Township.

[ii] If the Non-Tower CCF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the Township, the Non-Tower CCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the CCF.

[iii] Prior to the issuance of a zoning permit, the owner/operator of the Non-Tower CCF shall post security, in a form acceptable to the Township, favoring the municipality, to assure the faithful performance of the terms and conditions of this section. Security shall be an amount to cover tower and/or antenna removal and site clean-up. The security shall be utilized by the Township in the event the owner or operator of the Non-Tower CCF does not remove the facility as outlined in subsections (a) and (b) above or to recover any and all compensatory damages incurred by the Township for violations of this Section, after reasonable notice and opportunity to cure.

(f) Indemnification. Each person that owns or operates a Non-Tower CCF shall, at its sole cost and expense, indemnify, defend, and hold harmless the Township, its elected and appointed officials, employees, engineer, solicitor, planner, agents, and other relevant professional consultants, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees, or contractors arising out of but not limited to the construction, installation, operations, maintenance, or removal of a Non-Tower CCF. The obligation to indemnify, hold harmless, and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorney's fees, reasonable expert fees, court costs, and all other costs of indemnification.

(4) Non-Tower CCFs Outside the Rights-of-Way.

If the Eligible Facilities Request for a Non-Tower Commercial Communication Facility or base station is a collocation, modification, or a replacement that substantially changes the existing wireless support structure AND is located outside the Right of Way, then the requirements contained herein, will be applicable.

(a) Development Regulations. Non-Tower CCFs shall be co-located on existing wireless support structures / base stations, subject to the following conditions:

[i] Such Non-Tower CCF does not exceed the maximum permitted height of the existing wireless support structure.

[ii] If the Non-Tower CCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.

[iii] An eight (8) foot high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.

(b) Design Regulations.

[i] Non-Tower. CCFs shall be treated to match the supporting structure in order to minimize aesthetic impact.

[ii] Non-Tower CCFs, which are mounted to a building or similar structure, may not exceed a height of fifteen (15) feet above the ground.

[iii] All Non-Tower based CCF applicants must submit documentation to the Township justifying the total height of the Non-Tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.

[iv] Antennae, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.

(c) Inspection. The Township reserves the right to inspect any Non-Tower CCF to ensure compliance with the provisions of this Section and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a Non-Tower CCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

(5) Non-Tower CCFs in the Rights-of-Way.

If the Eligible Facilities Request for a Non-Tower Commercial Communication Facility or base station is a collocation, modification, or a replacement that substantially changes the existing wireless support structure AND is located in the Right of Way, then the requirements contained herein, will be applicable.

(a) Co-location. Non-Tower CCFs in the Right of Way shall be located on existing poles/base stations, such as existing utility poles or light poles or other wireless support structures.

(b) Design Requirements

- [i] Non-Tower CCF installations located above the surface grade in the public Right of Way including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - [ii] Antennae and all support equipment shall be treated to match the supporting structure. Non-Tower CCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
- (c) Equipment Location. Non-Tower CCF's and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the Right of Way as determined by the Township. In addition:
- [i] In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb;
 - [ii] Ground-mounted equipment shall be located underground. in the event an applicant can demonstrate, to the satisfaction of the Township Engineer, that ground-mounted equipment cannot be placed underground, then all such equipment shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
 - [iii] Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
 - [iv] Any graffiti on the non-tower CCF or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
 - [v] Any underground vaults related to Non-Tower CCF's shall be reviewed and approved by the Township.

- (d) Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Non-Tower CCF's in the Right of Way based on public safety, traffic management, physical burden on the Right of Way, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
- (e) Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a Non-Tower CCF in the Right of Way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Non-Tower CCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- [i] The construction, repair, maintenance or installation of any Township or other public improvement in the Right of Way;
 - [ii] The operations of the Township or other governmental entity in the Right of Way;
 - [iii] Vacation of a street or road or the release of a utility easement;
or
 - [iv] An Emergency as determined by the Township.
- (f) Compensation for Right of Way Use. In addition to permit fees, every Non-Tower CCF in the Right of Way is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the Right of Way. Such compensation for Right of Way use shall be directly related to the Township's actual Right of Way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other Right of Way management activities by the Township. The owner of each Non-Tower CCF shall pay an annual fee to the Township to compensate the Township for its costs incurred in connection with the activities described above. The Annual Right of Way management fee for Non-Tower CCF's shall be determined by the Township and authorized by resolution of Township Board and shall be based on the Township's actual Right of Way management costs as applied to such Non-Tower CCF.

.09 Day Care Center

- a. All outdoor play areas shall be entirely enclosed with a fence, not less than four feet high.
- b. Outdoor play areas shall be limited to use between 8:00 a.m. and 8:00 p.m. and shall not be closer than 50 feet to any residential lot line or 30 feet to any commercial lot line.
- c. A letter from the applicable Federal or State agency that all Federal and State regulations for day care centers have been met shall be provided before the issuance of an occupancy certificate.
- d. Shall have constant supervision during all hours of operation.

1217.10 Hospital

- a. Letters from the applicable Federal and State agencies shall be provided to indicate that all Federal and State regulations for the facility have been met prior to the issuance of an occupancy certificate.

- 1217.10 b. The use shall provide a minimum of 20 percent of the site suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.

.11 Massage Establishment

- a. No Massage Establishment shall be located within 500 feet of any school, church, or the boundary of any other zoning district established by this Ordinance. The Board may authorize the establishment of a Massage Establishment within 500 feet of a school, church or the boundary of any other zoning district, only if the following findings are made by the Board:
 - 1. That the applicant has presented to the Board a petition which indicates approval of the proposed use by 51 percent of the persons owning, residing or doing business within a radius of 500 feet of the location of the proposed use. The applicant shall have attempted to contact all eligible locations within this radius, and must supply a list of all addresses at which no contact was made. The circulator of the petition shall have subscribed to an Affidavit attesting to the fact that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the persons whose names appear thereon.

2. That the proposed use will not adversely affect the safe and comfortable enjoyment of properties in the neighborhood and will not be detrimental to the general character of the area.
 3. That the establishment of the proposed use in the area will not be contrary to any program of neighborhood conversation and will not interfere with any program of village renewal.
- b. No Massage Establishment shall be conducted in a mobile home, or other readily transportable structure or unit.
 - c. No Massage Establishment shall be approved without the applicant entering into a written agreement with the Board of Supervisors that no advertising signs will be located within the Township respecting the proposed use, which agreement shall provide for the applicant being required to reimburse the Township for reasonable and necessary Court costs, Attorney's fees, fitness fees, and incidental costs incurred by the Township in enforcing the agreement.

1217.12 **Membership Club**

- a. All outdoor play areas shall be screened to protect the neighborhood from any noise and shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
- b. All outdoor play areas shall be located no closer to any lot line than the required front yard depth.

.13 **Printing**

- a. The use shall demonstrate that its use of water will not have any adverse impact on the water supplies of the surrounding properties.
- b. All outside storage areas shall be entirely screened and enclosed with a fence.

.14 **Self-storage Building**

- a. Outside storage areas shall only be in the rear yard and entirely enclosed with a fence, not less than eight feet high, with screening.
- b. Outdoor storage of automobile parts and junk shall be prohibited.

.15 Solar Energy System

- a. To the extent applicable, the Solar Energy System shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended, and the regulations adopted by the Department of Labor and Industry.
 - b. The design of the Solar Energy System shall conform to applicable industry standards.
 - c. Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system. In no case shall any identification be visible from the property line.
 - d. The design of solar energy systems shall, to the extent reasonably possible, use materials, colors, textures, and landscaping that will blend the facility into the natural setting and existing environment.
 - e. The installation of solar energy systems is subject to all local utility company requirements for inner connection.
- 1217.15f. Reflection of ground mounted solar panels should be directed away from adjoining lots and streets and should provide landscaping screening where needed to block the reflection.
- g. Roof mounted solar panels shall be permitted as integrated solar panels as the surface layer of the roof or separate flush mounted solar panels attached to the roof surface.
 - h. Any component of a solar energy system which has not been active in continuous service for a period of one year shall be removed from the property to a place of safe and legal disposal.
 - i. The former solar site shall be restored to its natural condition within six (6) months of the removal from the property.

.16 Swimming Pool, Private

- a. 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.
- b. A permit shall be required to locate, construct, or maintain a private swimming pool.

- c. Such pool shall be not less than 20 feet from side and rear lot lines.
 - 1. Every private swimming pool located on a lot of two acres or more shall not be located closer than 40 feet from side or rear lot lines.
 - d. Such pool shall be located at least 50 feet from any street right-of-way line.
 - e. Such pool shall not occupy more than 25 percent of the rear and side yard areas, including all accessory structures.
 - f. No more than 1500 gallons of water can be drawn from private wells to fill a swimming pool.
 - g. No loud speaker or amplifying device shall be permitted which will project sound beyond the bounds of the property or lot where such pool is located.
 - h. 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.
- 1217.16 i. 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.

1218 SIGNS

In all districts, signs may be erected, altered, maintained, used, removed or moved only in compliance with the provisions of this section and any other regulations of the Township relating to the erection, alteration, maintenance, use, removal or moving of signs and similar devices.

.01 **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, except name of farm or owner or decorative designs may be part of any building on a working farm describing that part of their agricultural or an animal husbandry business.

SIGNS

District	Home Occupation	Identification of Business or Industrial Building or Use	Real Estate "For Sale" or "For Rent" Sign or Construction Sign	Advertising Sign
R				
RC	3 sq. ft.	6 sq. ft.	6 sq. ft.	Prohibited
EP				
RV	2 sq. ft.	12 sq. ft.	6 sq. ft.	Prohibited
GC	3 sq. ft.	12 sq. ft.*	12 sq. ft.	Prohibited
LI				
GI	3 sq. ft.	144 sq. ft.*	32 sq. ft.	672 sq. ft.

*Except for each building wall or facade: Two square feet aggregate area for each one foot horizontal length of facade, but not to exceed an aggregate area of 120 square feet on any one facade, except as provided in Section 1218.02n. Not more than two building walls or facades shall be utilized per lot.

1218.02 **Supplemental Sign Regulations**

- a. **An identification sign** of a home occupation on a resident's building shall be fixed flat on the main wall of such building, and shall not project more than six inches or may be erected in the front yard. Such sign may be interior lighted.
- 1218.02 b. **A sign** not over six 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. Such sign may be interior lighted. Not more than two such signs shall be permitted on a lot.

- c. **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 such signs shall be permitted on any one property or premise. No permit is required.
 - d. **No sign** shall be erected, hung, attached or displayed until a written application has been made to the Zoning Officer and a permit has been issued.
 - e. **Exemptions.** These provisions shall not apply to signs six square feet or smaller for special purposes, such as, but not limited to, political, special events, directional or seasonal signs.
 - f. **Number of Signs and Setback.** Not more than two signs shall be permitted on any lot. No sign shall be located within ten feet of the edge of a street cartway, except any sign 32 square feet or larger must be placed a minimum of 30 feet off the street cartway.
 - g. **Projection.** No sign shall project more than twelve inches from the building facade to which it is attached.
 - h. **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 wall. No sign erected directly upon the ground shall be more than eight feet in height in the residential districts and no more than 25 feet in height in the commercial districts, except an advertisement sign may not exceed 35 feet in height. The height is the vertical distance measured from the average ground level at the base of the supporting structure to the highest point of the sign and/or its supporting structure.
 - i. **Clearance.** No sign structure erected directly upon the ground shall have less than three feet of clear space between such sign and the ground, provided that necessary supports may extend through such open space.
 - j. **Spacing.** No sign structure erected directly upon the ground shall be within five feet of any other sign structure.
 - k. **Relationship to Street Intersection.** No sign shall be erected, attached, or displayed within 25 feet of the point of intersection of the street lines at a street corner.
- 1218.02 1. **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 75 feet of the point of

intersection of the street lines at a street corner. The following signs are prohibited: Banners, spinners, flags, pennants or any moving object used for commercial advertising purposes whether containing a message or not, and flashing, blinking, twinkling, animated or moving signs, not including signs that alternately display the time and temperature. All lights shall be shielded in such a manner that no detrimental light or glare will be created in the neighborhood.

- m. **Open Lettered Signs.** In any commercial 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.
- n. **Road Marking Signs.** Signs marking street names, road or intersection conditions, or other similar uses shall not be subject to the preceding provisions of Section 1218.
- o. **Temporary Sign.** When date of specified public event, such as sale, show or contest is part of sign, one or two signs not exceeding a total surface area of 32 square feet may be erected 30 days prior to the event, in the front or side yard abutting street of lot where event will take place. Signs shall not conflict with Section 1209 and must be removed within 24 hours after the event.
- p. **Roadside Stand Directional Sign.** A sign which states only the name, direction and distance to a roadside stand not exceeding two square feet may be erected for a period not exceeding ninety days in one calendar year. No sign shall conflict with Section 1209. A permit is required for each sign.

1219 NON-CONFORMING USES AND NON-CONFORMING BUILDINGS OR STRUCTURES

- .01 **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.

- 1219.02 **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.

.03 Restoration

- a. 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 other phenomenon, or legally condemned as not habitable. The 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.
- b. 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 structure devoted to a 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.

.04 Extension

- a. 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.
 - b. 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 yard distance to the lot line is not less than the existing structure and has a conforming use.
 - c. Extension of non-conforming structure shall not begin until plans showing the proposed extension, as well as all prior extensions of the non-conforming structure, have been presented to and approved by, the Zoning Officer.
- 1219.04 d. The total building or structure floor area used by a non-conforming use or the total area covered by impervious surfaces of a non-conforming use shall not be increased by greater than fifty percent (50%) beyond each such measurement that existed in such use at the time such use became non-conforming. The maximum increase shall be measured in aggregate over the entire life of the non-conformity.

.05 Change of Use

- a. A non-conforming use may be changed to a conforming use, or to another non-conforming use pursuant to Section 1311.
- b. 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.
- c. A non-conforming use shall not be extended to displace a conforming use.

.06 Termination

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

- a. When it is changed to a conforming use.
- b. When it has been voluntarily discontinued for a period of 12 consecutive months where such non-conforming use is in a building or structure designed for such use.
- c. When it has been voluntarily discontinued for a period of six consecutive months where such non-conforming use is in a building or structure not designed for such use, or is on a lot or land whereon there is no consequential building or structure devoted to such use.

1219.07 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.

1219.08 Identification of Non-conforming Use or Structure

The Zoning Officer may identify and register non-conforming uses, structures and lots in the Township of Weisenberg, as an aid to the enforcement of this Ordinance. 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.

ARTICLE 13
ZONING HEARING BOARD

1300 GENERAL GRANT OF POWER. The Board shall perform all the duties and have all the powers prescribed by the MPC and as herein provided.

1301 GENERAL PROVISIONS

.01 Membership of Board

- a. The membership of the Board shall, upon the determination of the governing body, consist of either three or five residents of the municipality appointed by resolution by the governing body. The terms of office of a three member Board shall be three years and shall be so fixed that the term of office of one member shall expire each year. The terms of office of a five member Board shall be five years and shall be so fixed that the term of office of one member of a five member Board shall expire each year. If a three member Board is changed to a five member Board, the members of the existing three member Board shall continue in office until their term of office would expire under prior law. The governing body shall appoint two additional members to the Board with terms scheduled to expire in accordance with the provisions of this section. The Board shall promptly notify the governing body 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 the municipality.

- b. The governing body may appoint by resolution at least one but no more than three residents of the municipality to serve as alternate members of the Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Section 906 of the MPC, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 907 of the MPC unless designated as a voting alternate member pursuant to Section 906 of the MPC.

1301.02 **Organization of Board**

- a. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 908 of the MPC.
 - b. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
 - c. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the municipality, and shall submit a report of its activities to the governing body as requested by the governing body.
- .03 **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 Board of Supervisors, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
- .04 **Expenditures for Services.** Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board and alternate members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

1302 HEARINGS

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

- 1302.01 Public notice shall be given and written notice shall be given to the applicant, 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. Public notice shall be given at such time and in such manner as prescribed in the Definitions. Written notice shall be mailed two weeks prior to the hearing. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted by the record owner on the affected tract of land at least one week prior to the hearing. The Board of Supervisors may by resolution establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by ordinance.
- .02 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, however, the appellant or the applicant, as the case may be, in addition to Weisenberg Township may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- .03 The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

1303 PARTIES

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

- .01 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.
- .02 The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- .03 Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

1303.04 The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

.05 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 except advice from their solicitor unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representatives unless all parties are given an opportunity to be present.

.06 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 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided in Section 1302.01 of this section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

1303.07 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.

1304 MEDIATION OPTION

- .01 Parties to proceedings authorized in this section and Article X-A of the MPC may utilize mediation as an aid in completing such proceedings. In proceedings before the Board, in no case shall the Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this section and Article X-A of the MPC once they have been formally initiated. Nothing in this section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
- .02 Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Any municipality offering the mediation option shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
 - a. Funding mediation.
 - b. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
 - c. Completing mediation, including time limits for such completion.
 - d. Suspending time limits otherwise authorized in this act, provided there is written consent by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation.
 - e. Identifying all parties and affording them the opportunity to participate.
 - f. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 - g. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in the other sections of the MPC.

1304.03 No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

1305 JURISDICTION

The Board shall have exclusive jurisdiction to hear and render final decisions in those matters set out in Section 909.1 of the MPC. 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., Section 1091 (relating to action in mandamus).

1306 VALIDITY OF ORDINANCE; SUBSTANTIVE QUESTIONS

A landowner who, on substantive grounds, desires to challenge the validity of the Ordinance or Map in any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge in the manner set forth in Section 916.1 of the MPC.

1307 PARTIES APPELLANT BEFORE THE BOARD

Appeals under Section 1305 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 Section 1311 and for special exception under Section 1310 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

1308 TIME LIMITATIONS

- .01 No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to Section 709 of the MPC or from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section 916.2 of the MPC shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- .02 All appeals from determinations adverse to the landowners shall be filed by the landowner within 30 days after notice of the determination is issued.

1309 STAY OF PROCEEDINGS

- .01 Upon filing of any proceeding referred to in Section 1307 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.
- .02 After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
- .03 The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
- .04 If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

1310 SPECIAL EXCEPTION USES

- .01 **Grant of Power.** In addition to and apart from the power to grant or recommend variances pursuant to Section 1311 the 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. In granting a special exception,

the Board may attach such reasonable conditions and safeguards in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.

1310.02 **Guiding Principles for Standards**

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

.03 **Procedure**

- a. Application for a permit authorizing a special exception use shall be made directly to the Township Administrator's office in the form required by the said Board.
- b. 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 Section 1302. 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 Board as a special exception use.
- c. No application for a permit shall be granted by the Board for any special exception use, until said 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 and other pertinent features of the site plan. The Planning Commission shall have 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 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 Board on such application.
- d. A special exception use, for which a permit is granted by the Board pursuant to the provisions of this section, shall be construed to be a conforming use.

1311 VARIANCES

The Board shall hear request for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided that all of the following findings are made where relevant in a given case:

- .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;
- .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;
- .03 That such unnecessary hardship has not been created by the appellant;
- .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;
- .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.
- .06 In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the MPC and the Zoning Ordinance.

ARTICLE 14
ADMINISTRATION AND ENFORCEMENT

1400 INTERPRETATIONS

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:

- .01 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 width provisions of this Ordinance.
- .02 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.
- .03 The required lot or yard for an existing building or structure shall not be diminished below the minimum requirements of this Ordinance.
- .04 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.

1401 RELATIONS OF ZONING ORDINANCE TO OTHER PROVISIONS OF LAW,
AND TO PRIVATE COVENANTS

- .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, lot 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.
- .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.

1401.03 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.

1402 APPOINTMENT AND POWERS OF ZONING OFFICER

.01 **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 intent 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 or zoning permit in a particular case related to the provisions of this Ordinance, he shall appeal the matter to the 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.

.02 **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.

1403 BUILDING PERMITS

.01 **Applications**

All procedure with respect to applications for any 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.

.02 **Plot Plans**

A plot plan shall show a separate lot for each dwelling.

1403.03 **Building Permits**

No building permit shall be issued for the erection, construction, reconstruction, enlargement, structural alteration, raising, or relocation of a 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.

- a. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

.04 **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:

- a. The construction of such building or structure shall have been begun and diligently prosecuted within three months from the date of such permit.
- b. The ground story framework, including the second tier of beams, shall have been completed within six months from the date of such permit.
- c. 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 year from the effective date of this Ordinance or any such amendment thereto.
- d. In the event Section 1403.04a, 1403.04b or 1403.04c are not complied with, such building permit shall be revoked by the Zoning Officer.

1404 ZONING PERMITS

.01 **Change of Use**

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, lot or land, or part thereof of which the use is changed, until a zoning permit has been obtained by the record owner.

1404.02 **Ordinance Conformity**

A building and zoning permit shall be issued for any building, structure, lot or land, if the erection, construction, reconstruction, enlargement, structural alteration, raising, or relocation of a building or structure, or part thereof, and the intended use thereof are in conformity in all respects with the provisions of this Ordinance.

.03 **Special Exception**

The Zoning Officer shall obtain a written order from the Board before issuing a building and zoning permit in a case involving a special exception use pursuant to Section 1310 or a variance from the provisions of this Ordinance pursuant to Section 1311.

1405 FEES

.01 Fees for building and zoning permit applications and for appeals shall be as provided by Township Resolution.

.02 **Expiration of Permits**

- a. Work on any proposed project for which a permit is required shall begin within six months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Permit Officer.
- b. To the extent the structure or building for which the permit was issued has not been fully completed within one year from the date of the issuance of the permit, the permit shall expire at such time, and the applicant shall be required to apply for an additional permit and/or renewal of the permit as is appropriate pursuant to the provisions of this Ordinance.
- c. All permits on Zoning Hearing Board decisions must be issued within two years after the decision is signed with a one year extension allowed for completion of the project, or the decision terminates.

1406 VIOLATIONS, PENALTIES AND REMEDIES

.01 **Enforcement Notice**

- a. If it appears to the Township that a violation of this Ordinance has occurred, the Township 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.

1406.01 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 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 appeal to the Board within a prescribed period of time in accordance with procedures set forth in the ordinance.
6. That failure to comply with the notice within the time specified, unless extended by appeal to the Board, constitutes a violation, with possible sanctions clearly described.

.02 Causes of Action

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance enacted under the MPC or prior enabling laws, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors of the Township. No such action may be maintained until such notice has been given.

1406.03 **Enforcement Remedies**

- a. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance enacted under the MPC or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Board of Supervisors, pay a judgment of not more than \$500 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 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 Weisenberg.
- 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.

1407 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 shall be open to public inspection.

1408 PROCEDURE FOR AMENDMENT

.01 **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.

1408.02 **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 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 MPC.

.03 **Landowner Curative Amendments**

A landowner who desires to challenge on substantive grounds the validity of the 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 MPC. The Board of Supervisors shall commence a hearing thereon within 60 days of the request as provided in Section 916.1 of the MPC. The curative amendment and challenge shall be referred to the Planning Commission as provided in Section 609 of the MPC and notice of the hearing thereon shall be given as provided in Section 610 and Section 916.1 of the MPC.

.04 **Curative Fees**

For a curative amendment request, the applicant shall pay the Township all fees required under the applicable Township fee schedule which may be amended by resolution.

1408.05 **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 MPC.

1409 EXEMPTIONS

This Ordinance shall not apply to any highway safety shelter which shall be approved by the respective agencies as required by the Highway Safety Shelter Ordinance, or to any existing or proposed building or extension thereof used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

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.

1410 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 the Ordinance or Zoning Map as a whole or any part or provisions hereof other than the part so adjudged to be invalid or unconstitutional.

1411 EFFECTIVE DATE

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

1412 GENERAL REPEALER

All Ordinances or parts thereof that are inconsistent with the above are herein repealed to the extent of the inconsistency.

DULY ENACTED AND ORDAINED into an Ordinance this 20th day of May, 1993 by the Board of Supervisors in lawful session duly assembled.

TOWNSHIP OF WEISENBERG:

By: _____
Donald W. Davis

Thomas N. Wehr

J Palmer Balliet

ATTEST:

Donald P. Breininger,
Secretary

APPENDIX

ORDINANCE NO. 98-1

BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF WEISENBERG, LEHIGH COUNTY, PENNSYLVANIA, PROVIDING FOR PROVISIONS FOR A SPECIAL PERMIT FOR THE INSTALLATION OF TEMPORARY ACCESSORY HOUSING STRUCTURES FOR THE ELDERLY ON THE SAME LOTS WITH CERTAIN EXISTING SINGLE-FAMILY HOMES AND AMENDING THE ZONING ORDINANCE OF WEISENBERG TOWNSHIP TO PERMIT TEMPORARY ACCESSORY HOUSING STRUCTURES AS AN ACCESSORY USE IN RESIDENTIAL ZONING DISTRICTS.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Weisenberg, Lehigh County and Commonwealth of Pennsylvania, and IT IS HEREBY ORDAINED AND ENACTED by the authority of the same, that the following Ordinance be adopted on this date.

SECTION 1: STATEMENT OF INTEREST

This Ordinance authorizes, upon the issuance of a special permit, the installation of a temporary accessory housing structure for the purpose of housing elderly parents or grandparents of an owner of a property for a limited time on the same lot as the owner's primary residence.

A. Purposes of this Ordinance

1. To permit adult children to provide small temporary residences for their aging parents or grandparents who are in need of support, while maintaining as much of the independence of the two generations as possible;
2. To reduce the degree to which frail elderly homeowners have to choose between increasing isolation in their own homes and institutionalization in long-term care homes;
3. To develop housing types that are appropriate for households at a variety of stages in the life cycle; and

- A. 4. To permit temporary accessory housing in a manner that will protect property values by insuring that the homes are compatible with the neighborhood and are easily removed.
- B. Title. This Ordinance shall be referred to as the "Temporary Accessory Housing Structure for the Elderly Ordinance".

SECTION 2: PERMIT REQUIREMENTS

A special permit shall be issued for a temporary accessory housing structure to lot owners of record, provided the following requirements are satisfied:

- A. A site plan shall be presented to the Township Administrator which sets forth the location of the placement of a structure with a minimum floor area of 280 square feet for one occupant and 400 square feet for two occupants except a mobile home shall contain not less than 500 square feet of floor space. Said housing structure shall not exceed a total floor area of 900 square feet nor a height of 16 feet. Only one temporary accessory housing structure may be placed on the same lot as the primary residence.
- B. A temporary accessory housing structure shall only be placed upon a lot that is conforming to the requirements of its respective zoning district.
- C. The total area of buildings, including the temporary accessory housing structure, shall be in conformity with the maximum building coverage of the lot regulations for residential uses of the respective zoning district.
- D. The temporary accessory housing structure must be located within the minimum yard requirements required by the Zoning Ordinance of Weisenberg Township for the respective zoning district. No temporary accessory housing structure may be placed in any front yard. The structure must be located so as to allow clear access to equipment to place and remove it. The site plan shall provide a location which addresses aesthetic and community character concerns, especially those of adjoining neighbors.
- E. The site plan shall provide for adequate parking for any vehicle for the temporary accessory housing structure.
- F. Access must be provided to the temporary accessory housing structure separate from that of the primary residence. Walkways from parking areas and the primary residence to the structure shall be suitable for wheelchair and emergency medical services access. The structure must be designed to accommodate future installation of a wheelchair ramp.

G. Construction

1. Any temporary accessory housing structure should follow the "Recommended Construction and Installation Standards" published by the American Association of Retired Persons or a similarly recognized national standard for housing of the elderly.
2. The temporary accessory housing structure shall have at least two exit doors.
3. The applicant shall certify that the structure meets at least the minimum requirements of the applicable building or construction code, including Subpart C - Fire Safety, Department of HUD's "Manufactured Home Construction Safety Standards" at 24 CFR Part 3280, CABO "One and Two Family Dwelling Code", BOCA, or other state or local code.

H. The exterior of the temporary accessory housing structure shall be compatible with the principal residence.

I. Water and Sewage

1. Adequate sewage disposal and potable water supply must be provided by utilization of the existing facilities servicing the primary residence or installation of separate systems. If existing on-lot facilities are to be used, the applicant shall certify that they will be adequate for both dwellings.
2. The Sewage Enforcement Officer shall review a report prepared by the owner's consultant on the condition of the facilities and his findings shall be included with the application for the special permit. The lot area and sewage system must be sufficient to satisfy the sewage requirements for new residential construction.
3. The applicant must provide evidence that the septic tank has been cleaned within the previous 36 months or shall do so before the permit is issued.

J. Occupancy

1. The record owner(s) of the principal residence and lot must live in one of the dwelling units on this lot.
2. At least one occupant of the temporary accessory housing structure must be a parent or grandparent by blood, marriage or adoption of at least one occupant of the primary residence.
3. In no case shall there be more than two occupants of the temporary accessory housing structure.

- J. 4. At least one occupant of the temporary accessory housing structure must be unable to live independently because of mental or physical illness or disability. Confirmation of mental or physical illness or disability shall be certified by a licensed practicing physician.

K. Removability

- 1. The foundation of the temporary accessory housing structure shall be of removable materials so that the lot may be restored with no visible evidence of the structure remaining after removal and with as little expense as possible.
 - 2. No permanent fencing, walls, or other structures shall be installed which would hinder removal of the housing structure.
 - 3. A performance bond of \$5,000 or an equivalent financial security as approved by the Board of Supervisors shall be posted by the lot owner with the township to assure ultimate removal. All applicants, record property owners, and all occupants of said tract will be required to execute any and all documents in a form and content satisfactory to the township solicitor that will allow the township to enter upon the property for purposes of removal of the structure and provide for its disposal.
 - 4. In the event of a failure in the sewage system and there is no repair within 30 days after notice from the Township, the use of the temporary accessory housing structure will be discontinued immediately until the system is satisfactorily restored and the township may revoke the permit and proceed with removal of the housing structure without any liability.
- L. The Board of Supervisors may add other appropriate or more stringent conditions where deemed necessary to protect public health, safety, and welfare, and the single-family character of the neighborhood. The Board may require additional documents other than those listed above to ensure that the intent and the policy of this ordinance is fulfilled.

SECTION 3: APPLICATION PROCEDURES

- A. Submission of Application: The property owner(s) must submit a written application with an attached sketch plan to the Township Administrator which addresses the requirements of a special permit for a temporary accessory housing structure and includes the following information with adequate proof thereof:
 - 1. The names and addresses of all owners of record and the proposed occupants of the temporary accessory housing structure.

A. 2. The relationship of the proposed occupant(s) to owner(s) and an agreement that the occupant(s) will meet the eligibility standards of Section 2(J) of this Ordinance.

3. A Sketch Plan of the lot showing to scale:

- a. The location and dimensions of all structures.
- b. The location and parking for all vehicles.
- c. The square footage of the temporary accessory housing structure and primary residence.
- d. The location of on-lot water and sewage systems.
- e. The tax map parcel number.
- f. The property description of the lot, including total acreage.

4. The floor plan for the temporary accessory housing structure (which may be the manufacturer's or builder's plan).

5. The architectural or manufacturer's sketch or written description of the exterior of the housing structure giving specific features showing the compatibility of the structure with that of the primary residence.

B. Agreement to Special Conditions. The application shall also contain a notarized written agreement by the property owner(s) which includes;

1. To adhere to the terms and conditions of the Weisenberg Township Ordinance governing temporary accessory housing structures and any other conditions required by the Board of Supervisors and to execute any and all documents that may be necessary to ensure that such terms and conditions are fulfilled.

2. To renew the special permit, if granted, on a 36 month basis until the temporary accessory housing structure is removed or the property is sold.

3. To acknowledge that when the temporary accessory housing structure is no longer a legally permitted use, the owner(s) will be responsible for its removal from the lot and for restoration of the property to its original condition within 90 days or, if the use is terminated by the sale of the property, prior to the legal transfer of the deed of the property at settlement, which ever occurs first.

4. That if the owner(s) should not remove the temporary accessory housing structure within four months after it is no longer a permitted use, the township may remove the structure, applying the \$5,000 performance bond money or equivalent financial security as approved by the Board of Supervisors, and salvage it, if practical, to defray any additional costs incurred.

- B. 5. That only the original occupant(s) will remain in the temporary accessory housing structure and in the event there is any change in the occupant(s), then a new application will be submitted.
 6. To remove the temporary accessory housing structure from the premises upon the death of the occupant(s) for whom permitted, unless one occupant remains and the resident in the primary residence specifically requests from the Board of Supervisors continuation of the permit; or upon a permanent change of residence of the said occupant or occupants for a period greater than 90 days. Removal shall be completed within 90 days of such event. The site shall be restored so that no visible evidence of the structure remains.
 7. That in the event of a sewage or water malfunction, the residents of the premises and record property owner(s) shall repair the same within 30 days after notice by the township.
- C. Petition to the Board of Supervisors. Should the landowner(s) be unable to meet the conditions of this ordinance, a petition may be made to the Board of Supervisors in writing setting forth the specific standards and criteria which the landowner deems cannot be met and justification for a waiver or modification of the applicable provisions of this ordinance. Before granting a waiver or modification to the permit requirements, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this ordinance.