

**UPPER SAUCON TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

ORDINANCE NO. 141-B

AN ORDINANCE AMENDING THE OFFICIAL ZONING ORDINANCE OF UPPER SAUCON TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA BY (1) CREATING A NEW VC-VILLAGE COMMERCIAL OVERLAY ZONE, AND (2) MAKING THE NECESSARY REVISIONS TO FULLY INCORPORATE THE NEW VC-VILLAGE COMMERCIAL OVERLAY ZONE THROUGHOUT THE ORDINANCE TEXT.

WHEREAS, Upper Saucon Township enacted a comprehensive amendment to its Official Zoning Ordinance and Official Zoning Map on June 9, 2009; and,

WHEREAS, the Board of Supervisors acknowledge and concur with opportunities afforded through the Pennsylvania Municipalities Planning Code, as amended, as the means and methodology to promote and allow smart growth policies of the Township; and,

WHEREAS, the Board of Supervisors desire to encourage innovation in development which makes use of mixed forms of development so that the growing demand for housing and other forms of residential development may be met by greater variety in type, design and layout of buildings and structures; and,

WHEREAS, the Board of Supervisors desire to encourage a more efficient use of land and public services to reflect changes in the technology of land development so that economies secured may be a benefit to all; and,

WHEREAS, the Board of Supervisors desire to minimize traffic congestion, infrastructure costs and environmental degradation; and,

WHEREAS, the Board of Supervisors desire to promote the implementation of the objectives of the Comprehensive Plan for guiding the location for growth; and,

WHEREAS, the Board of Supervisors desire to foster a sense of place and community by providing a setting that encourages the natural intermingling of everyday activities within and adjoining recognizable neighborhoods; and,

WHEREAS, the Board of Supervisors believe that the traffic impacts associated with the Township's heavily-traveled arterial roads reduce the desirability of residing along such highways while at the same time offer ready access for commercial land uses; and

WHEREAS, the Board of Supervisors further believe that these locations are generally adjoining or in close proximity with adjoining residential neighborhoods that could be adversely impacted by the unlimited commercial activities now provided within the Township's Commercial Zone; and

WHEREAS, the Board of Supervisors further believe that the creation of a new VC Village Commercial Overlay Zone will afford reasonable commercial use of such areas in a manner that would be limited and therefore, more compatible with the vulnerable adjoining residential neighborhoods; and

WHEREAS, the Board of Supervisors has determined that the creation of an overlay zone

for Village Commercial uses provides an appropriate mechanism for landowners to develop their properties through the submission and review of petitions which are scrutinized on an individual basis using defined criteria; and

WHEREAS, the Board of Supervisors find that it is both appropriate and consistent with applicable law that it retain its legislative function in reviewing and acting upon such petitions and, in that capacity, have complete discretion to approve or deny the same;

NOW, THEREFORE BE IT ORDAINED AND ENACTED THAT THE FOLLOWING AMENDMENTS BE MADE TO THE OFFICIAL ZONING ORDINANCE OF UPPER SAUCON TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA:

REVISION 1 – A new Section 221 is added as follows:

SECTION 221 – VILLAGE COMMERCIAL OVERLAY ZONE (VC)

221.A. PURPOSE OF ZONE

1. The Village Commercial Overlay Zone is an overlay to permit development of small scale and locally oriented retail, service, and entertainment businesses that comply with specific design standards that foster a local character of development that replicates historic commercial uses and settings. The uses permitted are accommodated upon freestanding sites or developed as part of a coordinated arrangement. Pedestrian access, scale and orientation are also required for uses within this Overlay Zone. This Overlay Zone provides for ready access along the Township's heavily travelled highways yet imposes restrictions that will enhance compatibility with adjoining and or nearby residential neighborhoods.
2. Pursuant to Article 9 Section 904 of this Ordinance, relating to proposed zoning amendments, the Board of Supervisors have discretion to consider an amendment to the Zoning Map to include a particular parcel or parcels of land within the Village Commercial Overlay Zone, thus enabling development of such parcel(s) in accordance with this Section. In determining the propriety of a zoning map amendment under this Section, the Township shall comply with all requirements of the Municipalities Planning Code, as amended, relating to zoning map amendments, and in addition to the specific requirements of this Section, consider the following criteria:
 - a. consistency with the Township's Comprehensive Plan and other development objectives as embodied in Township ordinances, documents, and records;
 - b. consistency with the Comprehensive Plan for Lehigh and Northampton Counties;
 - c. conduciveness of development to, and impact of development on, all relevant environmental factors;
 - d. compatibility with the character of the neighborhood in which the subject parcel or parcels is/are located;
 - e. frontage of the subject parcel or parcels on an arterial highway;
 - f. availability of public water and public sewer;
 - g. impact of the development on traffic and vehicular circulation both within and outside of the development; and
 - h. whether such amendment, if enacted, would violate established legal principles.

3. Regardless of the applicant's ability to meet the criteria set forth in Subsection 2 above, any decision to amend the Zoning Map pursuant to this Section shall be fully discretionary with the Board of Supervisors.

221.B. APPLICABILITY & PROCEDURES FOR APPLICATION

1. To be considered eligible for designation within the Village Commercial Overlay Zone, a parcel or parcels must:
 - A. have frontage on an arterial road as listed in Section 320 of this Ordinance adequate to support the proposed use;
 - B. have access to and make use of public sewer as defined herein; and,
 - C. have access to and make use of public water as defined herein.
2. This Section 221 has different land use and design requirements from those contained in this, and other ordinances of the Township. To the extent the regulations within this section differ (are more, or less restrictive) from others, those within this Section shall govern. The regulations within this Section 221 are not severable and must be applied in total to any proposed development. Should any part of this Section 221 be declared invalid by the courts, the entire Section 221 is deleted. However, all other provisions of this, and other ordinances of the Township shall remain in full force.
3. An applicant desiring to secure a Village Commercial Overlay designation for a parcel of land under this Section 221 shall comply with the amendment procedures of Article 9, Section 904.E of this Ordinance, and consideration of any such petition shall be governed by Section 904.A, and to the extent applicable, Section 904.B. of this Ordinance.
4. In addition to the requirements of Section 904.E, an applicant who submits a petition under this Section 221 shall submit also a proposed amendment to the Official Zoning Map meeting the requirements of applicable law and a concept plan for the proposed development in sufficient detail so as to evidence an ability to comply with the requirements of this Section.
5. The enactment of a proposed amendment the Official Zoning Map under this Section 221 shall not constitute an approval of the concept plan or any aspect of the concept plan, shall not constitute an agreement to amend the Township's Act 537 Official Sewer Plan or constitute an agreement to allocate public sewer capacity or to provide public water. Enactment shall not vest any rights in the applicant other than those afforded by the map amendment itself

221.C. USES PERMITTED BY RIGHT

1. **Amusement arcades**, subject to the requirements of Section 405 of this Ordinance.
2. **Banks and similar financial uses with or without ATMs**, provided that no drive-thru lane shall cross the street-side sidewalk.
3. **Bed and breakfasts and similar lodging facilities** with a maximum of ten (10) guest units subject to the requirements of Section 405 of this Ordinance.
4. **Bookbinding, printing, photocopying and publishing operations.**
5. **Caterers, bakers and confectioners** for retail sales.
6. **Commercial day care facilities**, subject to the requirements of Section 423 of this Ordinance.

7. **Medical, dental, optical and counseling clinics and offices** provided that no emergency treatment entrances shall be provided.
8. **Offices.**
9. **Public, private and commercial schools and training centers** with a maximum permitted size of 15,000 square feet of gross floor area per principal use.
10. **Public utilities structures.**
11. **Restaurants and taverns**, all with permitted outdoor seating;
12. **Nightclubs**, subject to the requirements of Section 463 of this Ordinance.
13. **Retail sale of goods and personal services** (including auto parts stores, without installation and convenience stores, but excluding adult uses) with a maximum permitted size of 15,000 square feet of gross floor area per principal use.
14. **Veterinary offices, and kennels**, with a maximum permitted size of 15,000 square feet of gross floor area per principal use provided that no outdoor keeping of animals is permitted, subject to the requirements of Section 487 of this Ordinance.
15. **Facilities devoted to entertainment and cultural activities**, including but not limited to theatres, playhouses, amphitheatres, concert halls, auditoriums, band shells, recital halls, cinemas, art galleries, libraries, museums, and art, fashion and photographic studios with a maximum permitted size of 15,000 square feet of gross floor area per principal use. This use shall expressly exclude off-track betting and/or slot machine parlors, shooting ranges, casinos, and adult uses.
16. **Commercial recreation facilities that are confined to indoor settings** such as bingo halls, billiard halls, bowling alleys, dance halls, skating and/or skate boarding rinks, and other recreation or entertainment establishments with a maximum permitted size of 15,000 square feet of gross floor area per principal use but expressly excluding adult uses, shooting ranges, off-track betting facilities, casinos, and slot machine parlors subject to the requirements of Section 425 of this Ordinance.
17. **Health, fitness, social, fraternal and other private clubs** with a maximum permitted size of 15,000 square feet of gross floor area per principal use subject to the requirements of Section 444 of this Ordinance.
18. **Multiple family dwellings that are confined to the second or higher floors** of a building that is designed and intended to contain some other permitted principal, non-residential use(s) (e.g. ground floor store or office, etc.)
19. **Historic structure conversions**, subject to the requirements of Section 448 of this Ordinance
20. **Accessory uses** customarily incidental to the above permitted uses, including but not limited to:
 - a. **Alternative energy production facilities**, subject to the requirements of Section 404 of this Ordinance.
 - b. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 455 of this Ordinance.
 - c. **Recycling collection facilities** as an accessory use, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good, or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet.

- d. **Satellite dish antennas**, subject to the requirements of Section 478 of this Ordinance.

221.D. REQUIRED DEVELOPMENT SIZE

Subdivision of land within the Village Commercial Overlay Zone for the purpose of financial arrangements with building occupants, including fee simple purchase, leases, and ground leases is permissible. There shall be no minimum or maximum lot size established for subdivision of lots within the Village Commercial Overlay Zone.

221.E. BUILDING ORIENTATION AND LOCATION

1. Buildings located on lots within the Village Commercial Overlay Zone which front directly on a public street shall be located and oriented to present the front/ dominant façade to the street, while also affording direct, safe and convenient pedestrian access to an interconnected sidewalk system within the Village Commercial Overlay Zone development. In the event a lot fronts on more than one street, the Township shall determine along which street the front/dominant building façade will face.
2. All buildings shall have a direct physical pedestrian connection to the sidewalk. Should such connection cross a parking lot or access drive it shall be via a designated crosswalk with stamped asphalt, concrete, stamped concrete or thermoplastic surface that is plainly discernable from the access drive or parking lot surface.
3. Buildings and associated landscaping shall be designed so as to minimize adverse impact upon adjoining or nearby residential properties by proper siting and design of off-street loading, waste storage, outdoor lighting, signage and vehicular access.
4. **MINIMUM SETBACK REQUIREMENTS** (Principal and Accessory Uses)

No minimum building-to-building setbacks are required where buildings are constructed upon the same lot; otherwise, the following will apply:

- A. **Front yard setback** – All buildings, structures (except permitted signs) and off-street parking lots shall be set back a minimum of ten feet (10') from the street right-of-way, except that all new buildings within the Village Commercial Overlay Zone shall be set back a minimum of twenty feet (20') feet from the right-of-way of an arterial road (as defined in Section 320 of this Ordinance). For individual lots within the Village Commercial Overlay Zone that do not front directly on a street but rather an internal access road, the lot frontage adjacent to the access road shall be considered the front yard and subject to front yard setback requirements.
- B. **Side yard setbacks** – All buildings, structures (except permitted signs), off-street parking lots and off-street loading spaces shall be set back at least thirty-five feet (35') from the side lot lines adjoining any land that is **not** part of the Village Commercial Overlay Zone development; such areas shall be used for a landscape strip and screen. Off-street parking lots and off-street loading spaces shall be set back at least ten feet (10') from the side lot lines within the Village Commercial Overlay Zone unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the side yard setbacks will not apply to joint off-street parking lots or off-street loading spaces.
- C. **Rear yard setback** – All buildings, structures (except permitted signs), off-street parking lots and off-street loading spaces shall be set back at least thirty-five feet (35') from the rear lot lines adjoining any land that is **not** part of the Village Commercial Overlay Zone development; such areas shall be used for a landscape strip and screen. Off-street parking lots and off-street loading

spaces shall be set back at least ten feet (10') from the rear lot lines within the Village Commercial Overlay Zone unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the rear yard setback will not apply to off-street parking lots or off-street loading spaces.

4. Vending machines are prohibited outside of an enclosed building or its vestibule.

221.F. BUILDING HEIGHT REQUIREMENTS

1. Maximum height of any building constructed shall be thirty-five (35) feet or three stories, whichever is less, except that the top of the parapet and non-habitable architectural features (e.g. tower features, clock towers, skylights, etc.) and appurtenances usually required to be placed above the roof level (e.g. antennas, ventilators, HVAC units, etc.) may be permitted up to a maximum height of fifty feet (50').
2. Off-street parking provided through the use of a parking garage shall be permitted so long as the parking garage does not exceed the height of the closest building that the parking garage is to serve and that the parking garage is setback no less than thirty-five feet (35') or a horizontal distance equal to its height from all adjoining lots that are not part of the Village Commercial Overlay Zone and streets, whichever is the greater distance.

221.G. COVERAGE REQUIREMENTS

1. The maximum permitted lot coverage shall be seventy-five percent (75%) as applied to each individual lot, and/or principal use and the development as a whole.

221.H. ARCHITECTURAL AND AESTHETIC REQUIREMENTS

1. Applicants are required to design and construct buildings that complement the Township's developing landscape.
2. In the design of the Village Commercial Overlay Zone special emphasis shall be placed upon architectural treatments and aesthetics, including integrated architectural treatments, landscaping, lighting, signage, streetscape amenities and pedestrian features to promote a cohesive and aesthetic appearance that is contextually appropriate, and that reflects the Township's heritage and vernacular architecture of Lehigh County.
3. All structures shall be designed by a registered architect, licensed in the Commonwealth of Pennsylvania. The applicant is required to submit written evidence of proposed architectural styles, details, palettes, cut-sheets, colored elevations and samples for Township approval during the subsequent land development and/or zoning permit review.
4. The applicant's architect shall design the buildings that respect the form, scale, proportions and materials of the buildings constructed by the original settlers of the Township and the surrounding countryside. Inspiration can be found in the following building types: Farmhouses, bank barns, corn cribs, spring houses, summer kitchens, and other agricultural buildings including smoke houses, milk houses, and silos, as well as meeting houses, schoolhouses, grist mills, iron furnaces and lime kilns. Special attention shall be paid to historic buildings adjacent to the development when considering the design of adjacent buildings.
5. Buildings within the Village Commercial Overlay Zone development shall be constructed of materials that are compatible with the traditional materials, using construction details that emulate the Township's historic architecture. Gabled roofs shall be built at a pitch of 8:12 minimum. Low slope roofs at 2:12 may be utilized for building canopies, pedestrian walkways and porches. Standing seam metal roofs are encouraged.

6. Where structures are grouped together, the architect shall take clues from traditional assemblages of buildings including family farms which typically include several agricultural buildings and industrial complexes including grist mill complexes which might include a mill race, a mill building with a water wheel and a miller's residence.
7. Storefront facades, and facades that are visible from a street, parking lot, sidewalk or pedestrian area, shall be designed in accordance with the following standards:
 - A. The architectural style of buildings shall be designed to incorporate façade ornamentation, building offsets, window treatments, variations in roof lines, entry treatments, bays, colonnades, recesses, pilasters, piers, columns or other architectural features.
 - B. Storefront facades and side facades greater than fifty (50) feet in length shall include entrance treatments, bays, offsets, colonnades, recesses, pilasters, piers, columns or other architectural features to break up the storefront façade and side facades at regular intervals so that there is no uninterrupted length of storefront façade and side facades which exceeds fifty (50) feet.
 - C. Storefront façades for uses that contain less than ten thousand (10,000) square feet of gross floor area shall have glass, arcades, display windows, entry areas, awnings or false windows along not less than forty-five (45%) percent of the storefront façade's horizontal length.
 - D. Storefront façades for uses that contain greater than ten thousand (10,000) square feet of gross floor area shall have glass, arcades, display windows, entry areas, awnings or false windows along not less than thirty percent (30%) of the storefront façade's horizontal length.
 - E. Each storefront façade shall have a clearly defined, highly visible customer entrance that includes architectural enhancements such as canopies, porticos, overhangs, recessed or projected entrances, raised cornice parapets, peaked roofs, arches, outdoor foyers, patios, display windows, planters, wing walls, landscaped sitting areas, or other architectural details integrated into the building's architectural design.
 - F. Storefront façades shall be composed of two or more exterior building materials. Storefront building materials may include wood, brick, stone, polished face masonry block or textured molded blocks, glass, stucco, EIFS or other similar materials. Such materials shall also wrap around visible corners of buildings where split-faced concrete and/or smooth faced concrete block is used on non-storefront facades.
 - G. Non-storefront façades shall be composed of two or more exterior building materials. Building materials may include wood, brick, stone, split-faced concrete block, smooth faced concrete block, polished face masonry block or textured molded blocks, glass, stucco, EIFS or other similar materials. In no case shall split-faced concrete be used on any façade adjoining a sidewalk or courtyard.
8. Signage within the Village Commercial Overlay Zone shall be designed in accordance with the following standards:
 - a. All signage shall be subject to design review and approval by the Township, and shall be installed only upon issuance of a Zoning Permit in accordance with Section 901 of this Ordinance.
 - b. All signage shall meet the requirements set forth in Section 322.D of this Ordinance.

- c. Signs shall be compatible in design, color, and scale with building facades, adjoining structures, and surroundings.
 - d. Signs shall be externally illuminated.
 - e. Signs shall be constructed of materials that are consistent with the architectural treatments and aesthetics of buildings within the development; signs made of plastic are prohibited;
9. Roof top service equipment shall be screened from view from the perimeter boundary of the Village Commercial Overlay Zone, the sidewalk and the parking areas through architectural treatments to roof lines and/or facades themselves. Roof features may include parapets, overhanging eaves, sloping roofs or other similar features.
 10. Exterior spaces for individual uses shall have definite discernible boundaries that can be defined by ornate fences, walls, landscaping, and/or architectural configuration of structures themselves. Such exterior spaces are encouraged to abut the pedestrian network but shall not encroach upon a minimum six (6) foot wide clear sidewalk.
 11. Outdoor dining areas may utilize porches, balconies, courtyards, plazas, and/or sidewalk cafe settings. Site amenities, such as decorative lighting, awnings, canopies, tables with chairs and umbrellas and etc., shall be provided to facilitate use of exterior spaces. Such areas shall be designed so that site amenities do not encroach into the minimum six (6) foot wide clear sidewalk.
 11. Banners may be installed within the Village Commercial Overlay Zone. Banners may contain the name of the property and shall create a unified identity and may be changed throughout the course of the year to reflect seasons or special events. The location of all poles and banners shall not obstruct site distance requirements at intersections.
 12. Fences and walls may be utilized to define courtyards, outdoor dining areas, outdoor sales areas, and pedestrian oriented spaces, and to screen and separate uses and activities. Unless used for screening purposes or otherwise permitted in this section, no such fence or wall shall exceed four (4) feet in height. The use of chain-link fence is prohibited. No fence or wall shall obstruct safe sight distance at intersections. Varying styles and colors may be selected if such style and color complements the aesthetic ambiance of the Village Commercial Overlay Zone.
 13. Bollards may be used to provide enclosure, control access, and/or serve as a means of separating pedestrian and vehicular circulation and minimizing potential conflicts. If used, bollards shall be permanently installed unless removable bollards are necessary to facilitate occasional access into an area for purposes of maintenance, conduct of special events, or provision of emergency services. The height and style of the bollard shall complement the aesthetic ambiance of the street-side sidewalk and Village Commercial Overlay Zone. Bollards with lighting shall be designed to prohibit glare. Light sources may or may not need to be concealed based upon the intended use of the bollard and the desired aesthetic effect.
 14. Kiosks may be placed along the sidewalk, amid any pedestrian oriented space, or at any entry court to a building to enhance orientation and/ or post announcements. Kiosk styles and colors shall complement the aesthetic ambiance of the Village Commercial Overlay Zone.
 15. Trash receptacles shall be permanently located throughout the development in selected areas along the sidewalks and within pedestrian oriented spaces. Receptacle styles and colors shall complement the aesthetic ambiance of the Village Commercial Overlay Zone.
 16. Dumpsters shall be located in the rear yard or interior service area. Dumpsters must be enclosed with an enclosure consisting of masonry, wood or framed structures with a separate pedestrian access gate/door which is self-closing and another truck access gate that must be kept closed when not in use. Dumpsters shall also be screened

from the street-side sidewalk and any adjoining street or properties that are not a part of the Village Commercial Overlay Zone. All dumpsters shall be set back a minimum of fifty (50') feet from the right-of-way of an adjoining road right-of-way and a minimum of thirty-five (35') feet from adjoining properties that are not a part of the Village Commercial Overlay Zone. Refuse and recycling collection shall be the responsibility of the owner, and must comply with all applicable Township Ordinances.

17. Bicycle racks may be permanently located throughout the Village Commercial Overlay Zone in selected areas along the sidewalks and/or within pedestrian oriented spaces. Bicycle rack styles and colors shall complement the aesthetic ambiance of the Village Commercial Overlay Zone.
18. All utilities within the Village Commercial Overlay Zone shall be installed underground, except that above ground utilities may be installed at the perimeter of the Village Commercial Overlay Zone. All utility meters, electric transformers and satellite dishes shall be screened from public view from pedestrian areas in the Village Commercial Overlay Zone.
19. No outdoor storage of goods and materials shall be permitted. Outdoor sales and display areas shall be permitted only along the storefront provided that such areas shall not encroach upon the minimum six (6) foot wide clear sidewalk.

221.I. VEHICULAR ACCESS REQUIREMENTS

1. Where applicable, a Village Commercial Overlay Zone shall provide an integrated system of privately-owned and maintained streets, access drives and service lanes. Access drives shall comply with Section 301 of this Ordinance.
2. Coordinated vehicular access among several adjoining commercial land uses is a priority within the Village Commercial Overlay Zone. When possible, applicants should seek to coordinate vehicular access onto an adjoining highway at one central location and then make use of shared access drives, off-street parking lots and off-street loading spaces. Additional access locations may be provided along existing roads, subject to compliance with applicable standards of the SALDO and subject to PennDOT approval.
3. Provisions for patron drop-off and pick-up at entertainment venues such as theaters or restaurants may be provided along internal roads or access drives. Provision for package and materials pick-up by patrons may be provided along internal roads or access drives so long as such uses do not impede the safe and efficient flow of traffic and pedestrians on the site.
4. All interior access drives and service lanes shall be setback at least ten (10') feet from all adjoining streets and lots that are not part of this Village Commercial Overlay Zone.
5. The minimum width of a single-lane access drive is twelve (12) feet. The minimum width of a two-lane access drive is twenty (20) feet. The minimum width of any access drive containing more than two (2) lanes is ten (10) feet per lane.
6. Service lanes that are generally separated from patron access drives and sidewalks may be provided to each use. Service lanes shall have concrete curbs and may contain any of the following according to their following minimum specifications:

Feature	Required Width
One-way and two-way vehicle travel cartway	12 feet per lane
Parallel on-street parking lane	8 feet per side
45-degree angled on-street parking lane	20 feet per side
60-degree angled on-street parking lane	21 feet per side

221.J. PEDESTRIAN ACCESS REQUIREMENTS

1. The Village Commercial Overlay Zone shall include an interconnected pedestrian system comprised of sidewalks and walking/bicycling paths, in accordance with the following:

A. All sidewalks shall be a minimum of six (6') feet in width and be clear of all obstructions.

B. All buildings within the Village Commercial Overlay Zone shall be connected by sidewalks, designed and constructed according to the requirements of this Section, which provide users with a safe and convenient means of pedestrian access to each use.

C. Sidewalks shall be fitted with designated crosswalks at all access drive intersections. Crosswalks that are located at intersections of streets with on-street parking lanes shall be fitted with curbed sidewalk extensions that extend eight feet (8') on each side towards the other.

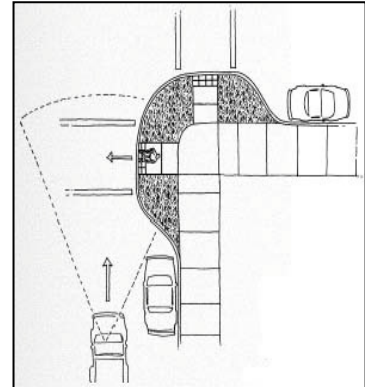
D. Crosswalks shall be a minimum six (6) feet in width and shall be constructed of imprinted asphalt, imprinted hot thermoplastic markings, brick, cobblestone, concrete pavers, or concrete with an appropriate edge material to define the crosswalk.

E. Accommodations shall be required to promote barrier-free access such as at-grade crossings or handicapped ramps. Use of bollards, planters, curbing or other similar features is required to physically define the edge of sidewalks, access drives, and off-street parking areas where grade separation is not provided.

F. The sidewalk shall:

a. be constructed of themed surfaces that employ curbs, unit pavers, concrete, brick, cobblestone, granite, or any combination thereof. Use of bituminous asphalt for sidewalk surfaces is prohibited;

b. be planted with a minimum of one (1) shade tree with a minimum caliper of two and one-half (2 1/2") inches measured six (6) inches above the root ball for every thirty (30') lineal feet of street-side sidewalk; however the maximum distance between any shade trees shall not exceed a maximum distance of fifty feet (50') on center. Shade trees may be planted at the grade of the sidewalk, within landscape planting areas, and/or within above ground planters. Trees planted within a sidewalk or paved pedestrian oriented space



shall be provided with a tree grate and tree guard or within a raised planter with an eight (8) inch minimum height to edge of raised planter. Tree grates and tree guards shall not be required for trees planted within a grass strip between the sidewalk and curb or within an area with vegetative ground cover. Shade trees may be grouped so as not to block the view of signs and entrances.

- G. In addition to the sidewalk system described above that connects uses within the Village Commercial Overlay Zone development, the Village Commercial Overlay Zone shall contain a pedestrian/bicycling path that provides for safe and convenient pedestrian/bicycling connections to adjoining residential neighborhoods or activity centers. Such path must be at least six feet wide and have a durable dust free surface that is suited for year-round pedestrian/bicycling use.
- H. A sidewalk or pedestrian/bicycling path shall also be located along the length of the public frontage of the Village Commercial Overlay Zone development providing a pedestrian connection to both the internal sidewalk system and to adjoining properties, residential neighborhoods or activity centers. This street front pedestrian connection shall be provided regardless of the existing use of adjacent properties.

221.K. OFF-STREET LOADING SPACES

- 1. Off-street loading spaces shall be provided as specified in Section 313 of this Ordinance.
- 2. For the purposes of computing required number of off-street loading spaces for uses in buildings that are located on the same side of a street and share access to the same off-street parking lot may combine their gross floor area and share a loading space provided the location of the shared loading space is within two hundred feet (200') of each use's service entrance and it can be demonstrated that the scheduled delivery of products will not occur at the same time for each use.
- 3. Off-street loading spaces for uses that contain no more than 10,000 square feet of gross floor area may be located upon required off-street parking spaces provided the use of such off-street parking spaces for loading purposes does not interfere with vehicular circulation within the use's parking lot and the applicant demonstrates that the use of such off-street parking spaces for loading purposes will occur only during non-peak use periods.
- 4. Sections 221.K.2. and 221.K.3. of this Ordinance may be used together if all requirements can be satisfied by each use, respectively.

221.L. PARKING REQUIREMENTS

- 1. Off-street parking shall be provided at a rate of one space for each 222 square feet of gross floor area (or fraction thereof) for the following uses and designed in accordance with Section 314 of this Ordinance:
 - A. Banks and similar financial uses;
 - B. Bookbinding, printing, photocopying and publishing operations;
 - C. Caterers, bakers and confectioners for retail sales;
 - D. Offices;
 - E. Restaurants cafes, coffee shops, delicatessens, taverns, microbreweries and nightclubs, all including outdoor seating and indoor entertainment venues; and,
 - F. Retail sale of goods and personal services;
- 2. Off-street parking for those uses permitted not listed in the above Section 221.L.1. of this Ordinance shall be provided at the rate required by and designed in accordance

with Section 314 of this Ordinance. Applicants are encouraged to make use of joint parking lots enabled under Section 314. P. of this Ordinance.

3. For the purposes of calculating parking provided, an on-street parking space may be included when such space sets solely in front of the respective lot. On-street parking spaces that set in front of two lots shall be assigned to that lot which has the greatest lot width along the on-street parking space.

221.M. SIGNS – Signs shall be provided as specified in Section 322 of this Ordinance.

221.N. SCREENING

A visual screen must be provided along any adjoining lands within an OSR, R-1, R-2, or R-3 Zone, regardless of whether or not the OSR, R-1, R-2, or R-3 Zone property is developed (see Section 321 of this Ordinance). Where visual screening could inhibit safe and convenient pedestrian access to adjoining properties, neighborhoods or activity centers, the visual screen may be modified as approved by the Township.

221.O. LANDSCAPING

Any portion of the site not used for buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 321 of this Ordinance). A minimum ten foot (10') wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint off-street parking lot and/or off-street loading space area shared by adjoining uses.

221.P. LIGHTING STANDARDS

1. Except as modified below, all uses shall comply with the outdoor lighting standards contained in Section 310 of this Ordinance.
2. Lighting fixture style and intensity for poles, bollards, signage, landscaping, and façades, shall complement the architectural style, aesthetics, and desired ambiance envisioned for the Village Commercial Overlay Zone. All lighting shall be arranged so as to deflect light away from any streets (except street lights) and, adjoining property that is not within the Village Commercial Overlay Zone.
3. Except as permitted in Sections 310.F.2.A.iii. and 310.F.2.A.iv. of this Ordinance, all sidewalks shall be fitted with full cut-off decorative lighting fixtures that are located a maximum of 50 feet on center. Light fixtures shall not exceed a maximum permitted height of twelve feet (12') along the sidewalks and a maximum permitted height of eighteen (18) feet elsewhere within Village Commercial Overlay Zone.
4. Poles and standards supporting lighting fixtures, except wooden poles or standards, shall be suitably protected from collision by vehicles by being placed atop a concrete pedestal at least 18 inches high or protected by steel bollards, or when directly behind parking spaces set back a minimum of 5 feet behind tire stops or edge of pavement.

221.Q. NOISE STANDARDS

All uses shall comply with the noise standards contained in Section 312 of this Ordinance.

221.R. OPERATIONS STANDARDS

All operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies. For a listing of some regulations, refer to Section 317 of this Ordinance.

221.S. OUTDOOR STORAGE

Within this Overlay Zone, no outdoor storage is permitted.

221.T. GENERAL PROVISIONS

All uses permitted within this Overlay Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

221.U. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Overlay Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

221.V. MODIFICATION OF DESIGN STANDARDS

1. At their sole discretion the Board of Supervisors may permit the modification of the standards contained within Sections 221.E., 221.F., 221.G., 221.H., 221.I., 221.J., 221.K., 221.L., and 221.M. of this Ordinance in order to encourage the use of efficient and innovative design. An applicant desiring to obtain such approval shall, when making application for approval, also make application for approval under this section. Any modification of the design standards shall be subject to the following standards:
 - A. Such modifications of design standards better serve to provide for a safe, attractive and functional use that offers valuable economic base and/or local employment;
 - B. Such modifications of design standards would not result in adverse impact to the use and enjoyment of nearby properties, nor future occupants of the Zone; and,
 - C. Such modifications will not jeopardize the safe functioning of adjoining roads and intersections.
2. Any refusal to modify a standard under the requirements of this Section 221.V. of this Ordinance shall not be construed to be an order, determination or decision that is subject to appeal.

REVISION 2 – Tables 1 and 2 of Section 322.D. are amended and a new Table 5 is added to Section 322.D. as follows:

§ 322.D. - PERMANENT SIGN REQUIREMENTS (TABLE 1)

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height Of Flat Roof & Wall Signs	Maximum Height Of Roof & Wall Projecting Signs	Maximum Projection from Wall/Roof Projecting Signs	Permitted Zones	Other Requirements	Permit Required
Signs owned and associated with uses operated by the Township. Official traffic signs.	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	All		No
Signs identifying public and semi-public uses (e.g., schools, churches, utilities, hospitals, libraries, parks, fire stations, post offices, and other similar uses).	2 per principal building	64 sq. ft. for freestanding signs; 20% of the area of the wall/roof façade not to exceed 300 sq. ft.	10 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	10 feet, but no closer than 10 feet from any lot line.	All	See footnote 1 below.	Yes
Residential nameplates identifying name of home, its occupant, or both, not including name listing on mailbox.	1 per dwelling unit	2 square feet	5 feet	10 feet	Not Permitted	Not Permitted	All		No
Property control signs (e.g., "No Trespassing," "Private Property," "No Hunting or Fishing," "Posted," "Private Drive," or similar type signs).	1 per 25 lineal feet of property line	2 square feet per sign	5 feet	Not Permitted	Not Permitted	Not Permitted	All	Spacing at no less than 25 foot intervals.	No
Institutional & Residential development/neighborhood signs. Such signs shall only list the name of the neighborhood/development and shall not list any names of contractors, realtors, or both.	1 per street entrance, but no more than 2 total	1 square foot per dwelling, not to exceed 32 square feet per sign	15 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	10 feet, but no closer than 10 feet from any lot line.	SMC, A, OSR, R-1, R-2, R-3 & AQC	The applicant shall submit a written description of the maintenance responsibilities in a form satisfactory to the Township Solicitor.	Yes
Individual business signs identifying the name and type of business, any trademark of the business conducted on the premises, or any combination thereof. This does not include businesses contained within planned centers, as defined herein.	1 per principal use	25 square feet, plus 2 square feet per 5 lineal feet of lot frontage, not to exceed 64 square feet per sign.	15 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	20 feet, but not closer than 10 feet from any lot line.	All, except E and VC, see Tables 4 & 5, respectively	No flat wall sign, nor wall projecting sign shall be larger than 15% of the wall area to which the sign is attached.	Yes
On-site directional, entrance, exit, rest room, and other informational signs.	4 per building	2 square feet per sign; however, no more than 10% shall exceed 16 sq. ft.	5 feet	10 feet	Height of wall to which sign is attached.	2 feet	All, except E and VC, see Tables 4 & 5, respectively		No
Billboards	See Section 414 of this Ordinance.								Yes

In addition, two (2) off-premise signs shall be permitted per use. Such signs shall not exceed six (6) square feet per side. If more than one organization collectively erects one sign, each organization shall be permitted a maximum of six (6) square feet of sign area; however, no such sign shall exceed a total sign area of twenty-four (24) square feet. Each use of a collective sign shall constitute one (1) of the organization's two (2) permitted off-premise signs. Off-premise signs may only be located upon private property with the written permission of the landowner, a copy of which must be submitted to the Zoning Officer upon application for a zoning permit. No off-premise sign shall be located within the street right-of-way. Off-premise signs must be designed and located so as not to interfere with the clear sight triangle of any driveway, access drive or street. No more than two (2) off-premise signs shall be located within two hundred (200) feet of any street intersection.

§ 322.D. TEMPORARY SIGN REQUIREMENTS (TABLE 2)

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height Of Flat Roof & Wall Signs	Maximum Height of Roof & Wall Projecting Signs	Maximum Projection from Roof/Wall for Projecting Signs	Permitted Zones	Other Requirements	Permit Required
Temporary signs of contractors, architects, mechanics, landscapers, and artisans, displayed only while actual on-site work is in progress.	1 per firm whose work is in progress	6 square feet	5 feet	Not Permitted	Not Permitted	Not Permitted	All, except E, see Table 4	Should a sign be left on-site beyond allowable time period, the Township may impound it and recover a fee from owner equal to cost of impoundment and storage.	No
Real estate sale, sold, or rent signs when placed upon the property (unit) to be rented or sold, containing less than 3 acres.	1 per street frontage, maximum of 2 signs	6 square feet per sign	5 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All, except E, see Table 4	All such signs shall be removed within 5 days of final sales transaction or upon rental occupancy, or be subject to Township impoundment and a recovery fee.	No
Real estate sale, sold, or rent signs when placed upon the property (unit) to be rented or sold, containing more than 3 acres.	1 per street frontage, maximum of 2 signs	32 square feet per sign	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All, except E, see Table 4	Same as above.	Yes
Proposed development signs for residential, office, or both, complexes.	1 per street frontage, maximum of 2 signs	1 square foot per unit of occupancy, not to exceed 32 square feet	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All, except E and VC, see Tables 4 & 5, respectively but only after final plan is approved.	Such signs shall be removed upon completion of construction of final unit.	Yes
Proposed development signs for commercial uses, industrial uses, other non-residential, uses, or any combination thereof.	1 per street frontage, maximum of 2 signs	1 square foot per 1,000 square feet of gross leasable floor area, not to exceed 64 square feet	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	C, & I but only after final plan approval.	All such signs shall be removed upon completion of building construction.	Yes
Special event signs for businesses (e.g., grand openings, change of use or ownership, closeout sale, clearance sale, holiday sale, etc.).	1 per business per event	32 square feet if freestanding; 48 square feet if attached to wall	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	C & I	Such signs may only be used during two consecutive periods per calendar year, not exceeding 30 days total.	Yes
Roadside stand signs for the sale of agricultural products upon a principal farm property.	1 per farm	5 square feet	5 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	5 feet	All	Roadside stand signs shall only be displayed during seasons when products are for sale.	No
Garage/yard sale signs upon properties conducting such sales.	2	4 square feet per sign	5 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	See Section 442 for additional requirements.	No
Political signs.	Unlimited	12 square feet	5 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	Such signs may only be displayed between 30 days prior to and 30 days after an election.	No

§ 322.D. - SIGN REQUIREMENTS IN THE VC ZONE (TABLE 5)

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height Of Flat Roof & Wall Signs	Maximum Height Of Roof & Wall Projecting Signs	Maximum Projection from Wall/Roof Projecting Signs	Permitted Zones	Other Requirements	Permit Required
Individual business signs identifying the name and type of business, any trademark of the business conducted on the premises, or any combination thereof. This does not include businesses contained within planned centers, as defined herein.	2 per principal use	12 square feet, plus 2 square feet per 5 lineal feet of lot frontage, not to exceed 48 square feet of total sign area.	10 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	20 feet, but not closer than 10 feet from any lot line.	VC	No flat wall sign, nor wall projecting sign shall be larger than 15% of the wall area to which the sign is attached.	Yes
On-site directional, entrance, exit, rest room, and other informational signs.	4 per building	2 square feet per sign	5 feet	10 feet	Height of wall to which sign is attached.	2 feet	VC		No
Proposed development signs for residential, office, or both, complexes.	1 per street frontage, maximum of 2 signs	4 square foot per unit of occupancy, not to exceed 16 square feet	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	VC but only after final plan approval	Such signs shall be removed upon completion of construction of final unit.	Yes
Proposed development signs for commercial uses, other non-residential, uses, or any combination thereof.	1 per street frontage, maximum of 2 signs	4 square foot per 1,000 square feet of gross leasable floor area, not to exceed 24 square feet	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	VC but only after final plan approval	All such signs shall be removed upon completion of building construction.	Yes
Special event signs for businesses (e.g., grand openings, change of use or ownership, closeout sale, clearance sale, holiday sale, etc.).	1 per business per event	12 square feet if freestanding; 16 square feet if attached to wall	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	VC	Such signs may only be used during two consecutive periods per calendar year, not exceeding 30 days total.	Yes

REVISION 3 – Section 423.A. is amended as follows:

405.A. Within the C Zone, amusement arcades are permitted by special exception and within the VC Overlay Zone amusement arcades are permitted by right, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and specifically as follows and within the VC Overlay Zone amusement arcades are permitted by right provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance and specifically as follows:

REVISION 4 – Section 412 is amended as follows:

Section 412 Bed and Breakfasts

- 412.A. Within the SMC, A, OSR, R-1, R-2, R-3 and VC Zones, bed and breakfasts are permitted by right subject to the following criteria:
- 412.B. Except within the VC Overlay Zone, bed and breakfasts shall only be permitted within single-family detached dwellings that existed on the effective date of this Ordinance;
- 412.C. Any modifications to the external appearance of the building (except fire escapes) shall complement its residential character;
- 412.D. All floors above or below grade shall have a permanently affixed direct means of escape to ground level;
- 412.E. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit;
- 412.F. All parking areas shall be set back a minimum of ten feet (10') from all property lines, and shall be screened from adjoining lots and streets;
- 412.G. A bed and breakfast may erect one (1) sign no larger than twelve (12) square feet in size which must be set back ten feet (10') from all lot lines;
- 412.H. Breakfast is the only meal that can be served associated with a bed and breakfast, and then only to registered overnight guests;
- 412.I. Within the VC Overlay Zone bed and breakfasts may have up to ten sleeping accommodations;
- 412.J. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used; and,
- 412.K. The applicant shall furnish proof of any needed approval from the PA Department of Labor and Industry.

REVISION 5 – Section 423.A. is amended as follows:

423.A. Within the C, VC, I and E Zones, commercial day-care facilities are permitted by right subject to the following criteria:

REVISION 6 – Section 425 is amended as follows:

Section 425 Commercial Recreation Facilities

- 425.A. Within the C Zone, commercial recreation facilities are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and within the VC Overlay Zone commercial recreation facilities that are confined to an indoor location are permitted by right provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance and specifically as follows:
- 425.B. If the subject property contains more than two (2) acres, it shall front on an arterial or collector road;
- 425.C. Within the C Zone, those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties. Within the VC Overlay Zone all uses must be confined to indoor locations;
- 425.D. Within the C Zone, maximum permitted height for structures regulated by this Section can exceed forty-five (45) feet provided:
1. that such structures shall not be used for occupancy;
 2. that the proposed structure is setback a horizontal distance at least equal to its height from each property line;
 3. the applicant must demonstrate that adequate emergency vehicles and equipment and/or employed fire suppression measures are available;
 4. the applicant must submit that the proposed structure does not violate Federal Aviation Regulations No. 77; and,
 5. the applicant must demonstrate compliance with the PA Construction Code Act 45 of 1999, known as the PA Uniform Construction Code, as may be amended;
- 425.E. The applicant shall furnish qualified written evidence regarding the character of the proposed use and management strategies to assure that activities conducted upon the site will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust and pollution;
- 425.F. Required parking will be determined based upon the types of activities proposed and the schedule listed in Section 314.V. of this Ordinance. In addition, for uses within the C Zone, the Zoning Hearing Board may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads;
- 425.G. Within the C Zone, any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle back-ups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Supervisors determine that traffic back-ups are occurring on adjoining roads, and such back-ups are directly related to the means of access to the subject property, the Supervisors can require the applicant to revise means of access to relieve the undue congestion; and,

425.H. Any outside pedestrian waiting lines shall be provided with a means of shade.

REVISION 7 – Section 444.A. is amended as follows:

444.A. Within the C, I and E Zone, health, fitness, social, fraternal and other private clubs are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and within the VC Overlay Zone health, fitness, social, fraternal and other private clubs are permitted by right provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance and specifically as follows:

REVISION 8 – Section 444.A. is amended as follows:

Section 448 Historic Structure Conversions

448.A. Within the SMC, A, OSR, R-1, R-2, R-3, AQC, C, I, and E Zones, historic structure conversions are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905 and within the VC Overlay Zone historic structure conversions are permitted by right provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance and specifically as follows:

448.B. The proposed use will enable the preservation, restoration or rehabilitation of the historic structure, as defined herein. The applicant is required to submit expert evidence that any alterations, improvements, extensions, additions or other modifications to the historic structure will be accomplished in a manner that does not jeopardize the historic status of the site and/or its structures. The applicant shall be required to participate in a meeting with the PHMC according to Section 519.C.2. of this Ordinance and present the PHMC's written findings as part of the conditional use application for this use;

448.C. The proposed use is compatible with the surrounding area. In determining compatibility, the likely impacts of the proposed use including but not limited to traffic, lighting, noise, litter, activity levels, buffer and screen plantings, signs, hours of operation and the number of proposed employees shall be considered along with any public health and safety impacts that will be generated by the proposed use. All uses must demonstrate adequate means of water supply and sewage disposal. These characteristics of the proposed use will be evaluated within the context of the property considering the nature and character of the surrounding area, topography, pedestrian and vehicular access, and any other relevant factors or circumstances;

448.D. The proposed use is consistent with the purpose of the underlying Zone and it satisfies all applicable requirements of the underlying Zone and any specific criteria attached to the proposed use as listed within this Article 4 of the Zoning Ordinance. Uses shall be denied that are incompatible with the Zone and the neighborhood in which the subject property is located. As required, land development approvals must be obtained;

448.E. All proposed off-street parking, off-street loading and waste storage containers shall be screened from adjoining roads, residences and properties within the R-1, R-2, R-3 and AQC Zones; and,

448.F. Notwithstanding other regulations contained elsewhere within this Ordinance no more than one (1) sign shall be permitted containing up to a maximum twelve (12) square feet and is located at least ten (10) feet from each lot line.

REVISION 9 – Section 463.A. is amended as follows:

463.A. Within the C Zone, nightclubs are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and within the VC Overlay Zone nightclubs are permitted by right provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance and specifically as follows:

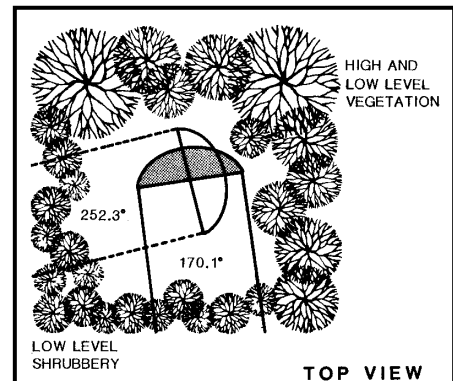
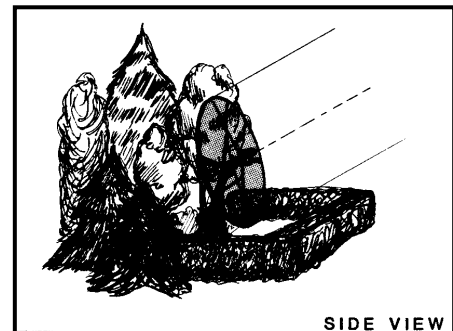
REVISION 10 – Section 478 is amended as follows:

Section 478 Satellite Dish Antennas

478.A. Within any Zone, roof or window mounted satellite dish antennas up to one meter (39.4 inches) in diameter are permitted by right. Residential properties shall contain no more than two (2) such devices;

478.B. Within the SMC, A, OSR, R-1, R-2, R-3, AQC and VC Zones one ground-mounted satellite dish antenna up to one meter (39.4 inches) in diameter is permitted by right as an accessory use to a single family dwelling unit, subject to the following requirements:

1. All accessory residential installations must comply with all residential accessory use requirements specified within the Zone;
2. All installations shall be located (where possible) to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties;
3. All installations must include screening treatments located along the antenna's non-reception window axes and low-level ornamental landscape treatments along the reception window axes of the antenna's base. Such treatments should completely enclose the antenna. Required screening shall consist of evergreen plantings that provide eighty percent (80%) visual blockage of the area between ground level and a height of six (6) feet along the antenna's non-reception window axes. Required low-level ornamental landscaping shall consist of vegetative materials that are planted with sufficient density to form an enclosure with the required screening, around the base of the antenna. Ornamental landscaping height will be determined by the installation's required elevation alignments. The above diagrams present illustrative examples of a required screening and landscaping treatment. All screening and landscaping requirements can be waived if the satellite dish antenna is at least one hundred (100) feet from any property line;
4. All installations shall be securely anchored to the ground to prevent detachment during foul weather conditions. The applicant shall furnish evidence (statements and/or drawings) indicating the foundation method to be employed;



5. No transmission of video format data shall be permitted; and,
 6. The allowance of a satellite dish antenna shall in no way place any liability upon the Township for the obstruction of the antenna's reception window due to permitted construction on adjoining or nearby properties. Any arrangements made to protect the antenna's reception window shall be between private parties, and not the Township;
- 478.C. In any SMC, A, OSR, R-1, R-2, R-3, AQC and VC Zone, roof or window-mounted satellite dish antennas larger than one meter (39.4 inches) up to twelve feet (12') in diameter are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and specifically as follows:
1. Demonstration by the applicant that compliance with the applicable accessory yard, setback and height requirements would cause obstruction of a ground-mounted satellite dish antenna's reception window; furthermore, such obstruction involves factors beyond the applicant's control;
 2. All applications must include certification by a Commonwealth registered engineer that the proposed installation complies with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§403.1 – 403.142. Furthermore, written documentation of such compliance, including load distributions within the building's support structure, shall be furnished;
 3. No transmission of video format data shall be permitted;
 4. The satellite dish antenna must be set back at least the horizontal distance equal to its maximum height, from all property lines; and,
 5. Any granting of a special exception for a satellite dish antenna shall in no way place any liability upon the Township or its Zoning Hearing Board for the obstruction of the antenna's reception window due to permitted construction on adjoining or nearby properties. Any arrangements made to protect the antenna's reception window shall be between private parties, and not the Township.
- 478.D. In any C, I and E Zone, satellite dish antennas are permitted by right, subject to the following criteria:
1. All installations shall comply with the area, height, bulk and setback standards imposed upon principal uses;
 2. All applications must include certification by a Commonwealth registered engineer that the proposed installation complies with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§403.1 – 403.142. Furthermore, written documentation of such compliance, including load distributions within the building's support structure, shall be furnished;
 3. All ground-mounted installations shall be screened from any adjoining properties. Such screening can be waived if the antenna is set back a distance at least five times its diameter from the adjoining property;
 4. Those ground-mounted installations used to transmit video format data shall be completely enclosed by an eight (8) foot high fence. Such fence shall include signs warning of dangerous radiation levels, must be screened from adjoining properties, and must be locked at all times. This screening requirement can be waived if the fence is set back a distance at least five times the diameter of the satellite dish antenna, from the adjoining property; and,

5. The allowance of a satellite dish antenna(s) shall in no way place any liability upon the Township for the obstruction of the antenna's reception window due to permitted construction on adjoining or nearby properties. Any arrangements made to protect the antenna's reception window shall be between private parties, and not the Township.

REVISION 11 – Section 487.A. is amended as follows:

- 487.A. Within the C and VC Zones veterinary offices and kennels are permitted by right, and within the A Zone animal hospitals and veterinary offices are permitted by right, subject to the following criteria:

REVISION 12 – Section 108 is amended as follows:

SECTION 108 ESTABLISHMENT OF ZONES

For the purpose of this Ordinance, Upper Saucon Township is hereby divided into Zones which shall be designated as follows:

Base Zones Mapped on the Zoning Map

- South Mountain Conservation Zone - SMC – Section 200
- Agricultural Preservation Zone - A – Section 201
- Open Space Residential Zone – OSR – Section 210
- Rural Residential Zone - R-1 – Section 211
- Suburban Residential Zone - R-2 – Section 212
- Multi-Family Residential Zone – R-3 – Section 213
- Commercial Zone - C – Section 220
- Industrial Zone - I – Section 230
- Enterprise Zone - E – Section 231

Overlay Zones Mapped on the Zoning Map

- Aged Qualified Community Overlay Zone -AQC – Section 214
- Village Commercial Overlay Zone – VC – Section 221

Overlay Zones mapped on the Natural & Cultural Features Map

- Floodplain Zone – Section 510
- Riparian Buffers – Section 511
- Wetland and Wetland Buffers – Section 512
- Steep Slopes – Section 513
- Pennsylvania Natural Diversity Inventory Sites – Section 514
- Carbonate Geology – Section 515
- Wellhead Protection - Section 518
- Suspected Archaeological Resources – Section 520

REVISION 13 – Section 306.A. is amended as follows:

- 306.A. Notwithstanding other provisions of this Ordinance, within the SMC, A, OSR, R-1, R-2, R-3, AQC and VC Zones fences and walls are permitted within required yard areas, provided that no fence or wall (except agricultural, required junkyard or tennis court walls or fences, or a retaining walls as noted below) shall be erected to a height of more than:

1. three (3) feet in a front yard unless said fence or retaining wall is located behind the required front yard setback for principal uses in which case the fence may extend up to a maximum height of four (4) feet; except that,
2. fences and retaining walls erected upon reverse frontage lots may extend up to height of six (6) feet within that front yard that does not contain vehicular access; and,
3. six (6) feet in any side or rear yard.

REVISION 14 – Section 310.F.2. is amended as follows:

3. In the C, VC, I and E Zones, any lighting used to illuminate an off-street parking area or other structure or area shall be arranged so as to deflect light away from any adjoining property or from the public street.

REVISION 15 - Section 312.A. is amended as follows:

- 312.A.** Except for agricultural, horticultural and forestry-related uses and as provided in Section 312.B. of this Ordinance, no use shall generate exterior noise levels in excess of those listed in the following table:

Measurement Taken Along An Adjoining Property that is Located Within the Following Zones	Time Period	Maximum Permitted Noise Level
SMC, OSR, R-1, R-2, R-3 and AQC	6 a.m. to 10 p.m.	50 dBA
SMC, OSR, R-1, R-2, R-3 and AQC	10 p.m. to 6 a.m.	45 dBA
C, VC or E	6 a.m. to 10 p.m.	60 dBA
C, VC or E	10 p.m. to 6 a.m.	55 dBA
A or I	Anytime	70 dBA

REVISION 16 - Section 322.C.31. is amended as follows:

31. Business signs in other than C, VC, I and E Zones shall not be illuminated when the business is closed.

REVISION 17 – The first paragraph of Section 901.C. is amended as follows:

- 901.C. **Application for Zoning Permit for Uses in the Commercial, Village Commercial Overlay, Industrial and Enterprise Zones** – In addition to the preceding requirements for all zoning permits, uses proposed within the Commercial, Village Commercial Overlay, Industrial Zones and/or Enterprise Zones shall provide the following information:

REPEALER

Any ordinance, or any part thereof, inconsistent herewith and any amendments thereof are hereby expressly repealed.

SEVERABILITY

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

EFFECTIVE DATE

This Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Upper Saucon Township, County of Lehigh, and Commonwealth of Pennsylvania.

DULY ENACTED AND ORDAINED this ____ day of _____, 2010, by the Board of Supervisors of Upper Saucon Township of Lehigh County, Pennsylvania, by a lawful session duly assembled.

BOARD OF SUPERVISORS OF UPPER SAUCON TOWNSHIP

By:

Miro A. Gutzmirtl, Chairman

Stephen Wagner, Vice Chairman

Joseph M. Horvath

John E. Gilda

Joaquim (Jack) DeMatos