

ORDINANCE NO. 08-2020-630

**AN ORDINANCE
OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF
SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, AMENDING
SECTION 807 OF CHAPTER 27 (ZONING ORDINANCE) OF THE
SALISBURY TOWNSHIP CODE OF ORDINANCES WITH RESPECT TO
TEMPORARY TENTS, STRUCTURES OR USES**

WHEREAS, the Township's Department of Community Development has proposed some changes to the Zoning Ordinance to streamline the process for temporary structures, tents and uses; and

WHEREAS, the Planning Commission recommended approval of the proposed changes to the Zoning Ordinance at their meeting held on June 9, 2020; and

WHEREAS, a public hearing was held on July 23, 2020 for input from the public on the proposed Ordinance; and

WHEREAS, the Board of Commissioners has carefully reviewed and considered the proposed changes to the Township's Zoning Ordinance with respect to temporary tents, structures and uses.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania, that Section 807 of Chapter 27 of the Salisbury Township Code of Ordinances shall be amended in its entirety concerning temporary tents, structures or uses as follows:

ARTICLE I.

Section 27-807 shall be amended, to read as follows:

§27-807. Temporary Structure or Use.

1. Construction Vehicle Parking and Temporary Offices. See "essential services," a permitted-by-right accessory use, in § 27-306.

2. Temporary Tents, Structures and Uses. Unless regulated by another section of this Chapter, tents and other temporary structures erected for a routine and customary accessory use as well as temporary routine and customary accessory uses, are permitted a maximum of 30 days in any calendar year (January 1st through December 31st); subject to the following conditions:

- A. Routine and Customary Accessory Use. A routine and customary accessory use includes, but is not limited to:
- 1) A fundraising, charitable, or public service event held by a permitted-by-right, special exception, conditional, or lawfully existing nonconforming principle use of the property.
 - 2) A special event held only for the residents, employees, or members of a property.
 - 3) A sidewalk or tent sale where the permitted principle use is expanded outdoors, beyond the boundaries of the principle structure.
 - 4) Outdoor dining at a restaurant.
- B. Temporary tent or structure. A temporary tent or structure includes, but is not limited to:
- 1) A tent or membrane structure intended for residential use but does not include a swimming pool.
 - 2) A mobile food truck, wagon, or similar vehicle remaining in place and serving customers for more than forty-five (45) minutes on any given day.
- C. Statement from the Owner. The applicant shall present a statement from the owner of record of the land accepting responsibility to ensure that the temporary tent, structure, or use is removed once the permit expires.
- D. Removal. A temporary tent, structure, or use shall be removed completely upon expiration of the permit without cost to the Township. If the temporary tent, structure, or use is not removed in a timely fashion after proper notification, the Township may remove the temporary tent, structure, or use at the cost of the person who owns the land upon which it is located.
- E. Hours of Operation. Within a Residential Zoning District, a temporary tent, structure, or use may not operate outdoors between the hours of 10PM and 7AM.
- F. Parking. There shall be no additional parking requirements for a temporary tent, structure, or use, however; it is the responsibility of the applicant to ensure that parking is handled in a safe and efficient manner. If parking spaces will be removed to accommodate the temporary tent, structure, or use, the applicant must demonstrate that adequate parking arrangements have been arranged for the event.

- G. Notification of Authorities. Prior to the issuance of a permit, the applicant of a temporary tent, structure, or use shall notify the Township Police Department and the Township Fire Inspector so that proper safety requirements, if any are required, may be arranged with those authorities. Proof of this coordination must be provided to the Zoning Officer.
- H. Setback Requirements. All temporary tents and structures 1,000 sq.ft. of floor area or less are required to meet applicable setback requirements of this Chapter for accessory structures. Temporary tents and structures greater than 1,000 sq.ft. of floor area are required to meet principal structure setback requirements of this Chapter. All temporary tents and structures must be located outside of the designated fire lane and at least 10 feet from all permanent structures.
- I. Reoccurring Events. Multiple occurrences of a temporary tent, structure, or use may be approved provided that the same use or event does not exceed or repeat 30 days in a calendar year. A permit shall not be issued for multiple occurrences spanning more than one calendar year.
- J. Fire Inspections. All temporary tents, structures, and uses on non-residential properties and all temporary tents, structures, and uses over 1,000 sq. ft. on residential properties must adhere to all Township Fire Code requirements and be inspected by the Township Fire Inspector after installation and before usage begins.
- K. Bathroom Facilities. The applicant shall provide proof of adequate bathroom facilities at the discretion of the Zoning Officer.

3. Temporary Tents, Structures, and Uses by Special Exception. For temporary tents, structures, or uses which cannot meet the requirements stated in §27-807.2, and other than those uses that were lawfully occurring on a periodic basis prior to the adoption of this chapter, a temporary permit may be approved by the Zoning Hearing Board as a Special Exception Use, subject to the following additional provisions:

- A. Duration. The Zoning Hearing Board shall establish a limit on the duration of the use. The Zoning Hearing Board may grant a single approval once for numerous occurrences of an event. For reoccurring events, approval can be granted for a maximum of up to five consecutive years.
- B. Temporary Use. For a use not considered to be a routine and customary accessory use but still considered to be an accessory use to the permitted-

by-right, special exception, conditional, and lawfully existing nonconforming principle use of the property, the Zoning Hearing Board may approve the use as a Special Exception, regardless if the use is permitted in that zoning district or not.

- C. Fee. Upon written request, the Zoning Hearing Board may waive and/or return the required application fee if the applicant is an Internal Revenue Service recognized and well-established nonprofit organization and the applicant clearly shows that the proposed use is temporary and will be used to clearly primarily serve a charitable or public service purpose.
- D. Special Events. For a special event that will attract significant numbers of the public, the Zoning Hearing Board may deny the use if it determines that the proposed temporary tent, structure, or use will have a negative impact on the general health, safety, and welfare of the Township.

4. Portable Storage Containers.

- A. This section shall apply to a portable storage container that is kept outside of a building and which has a length greater than 10 feet and which is not currently attached to a motor vehicle or railroad and which is not part of a permitted principal industrial use.
- B. The following regulations shall apply on a principally residential lot:
 - 1) A portable storage container shall not be kept on a principally residential lot for a total of more than 60 days in any two-year period, unless it is necessary for storage as part of an active construction permit for the lot.
 - 2) A maximum of one portable storage container shall be allowed per lot.
 - 3) A portable storage container shall not be required to comply with minimum setbacks for accessory structures.
- C. On a lot that is not a principally residential lot, any portable storage container that is kept on a lot for more than 30 days shall meet the setbacks that apply to a principal building, unless it is necessary to temporarily hold materials for on-site construction.
- D. The following shall apply to any portable storage container:
 - 1) The container shall not obstruct safe sight distances at intersections.
 - 2) The container shall not obstruct travel lanes of a street or a public sidewalk or a handicapped ramp.

- 3) The container shall only be allowed to be placed within a street right-of-way if a permit for such placement is issued by the Township. Such permit shall specify a maximum number of days during which the container may be placed within the right-of-way.
- 4) The container shall not be used to store hazardous, explosive or toxic substances or putrescent garbage.
- 5) A facility that stores portable storage containers that have been leased by others or are available for lease shall be considered a warehouse.

5. Temporary Tents, Structures, and Uses During an Emergency Declaration. In the event of an Emergency Declaration by the United States Federal Government, the Commonwealth of Pennsylvania, or the Township of Salisbury, temporary tents, structures, and uses needed to adhere to regulations set by the Emergency Declaration, shall not be regulated by this Chapter provided that such temporary tents, structures, and uses, are removed and the property is restored to its original state within thirty (30) days after the Emergency Declaration has been lifted. If a property owner wishes to retain the temporary tent, structure, or use after the Emergency Declaration has been lifted, a zoning application must be submitted within thirty (30) days after the Emergency Declaration has been lifted and the application will be reviewed according to all regulations of this Chapter. This section does not exempt a property owner and/or applicant from any other Regulations or Code requirements of the Township of Salisbury.


ARTICLE II.

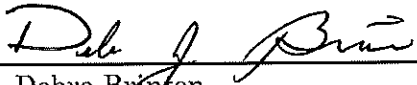
This Ordinance shall be effective immediately.

DULY ORDAINED and ENACTED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania this 13th day of August, 2020, in lawful session duly assembled.

Attested:

TOWNSHIP OF SALISBURY
(Lehigh County, Pennsylvania)


Cathy Bonaskiewich
Township Secretary

By: 
Debra Brinton
President, Board of Commissioners