

Part Two

- 1) §27-201.1.C – Added “and may” so both “should” and “may” can be used to strongly encourage but not mandate.
- 2) §27-202 -
 - a) Added definition for “Accessory Building or Structure” to match Grading and Subdivision Ordinances
 - b) Removed definition for “Accessory Building” - replaced with “accessory Building or Structure”
 - c) Removed definition for “Accessory Structure” - replaced with “accessory Building or Structure”
 - d) Added definition for “Addition” to match Grading and Subdivision Ordinances
 - e) Updated definition for “Adjacent” to include “May also be referred to as adjoining”.
 - f) Updated definition or “Auto Reconditioning” to include auto detailing and non-automated auto wash and to exclude body work or engine repairs.
 - g) Updated definition for “Building” to match Grading and Subdivision Ordinances
 - h) Updated definition for “Building Coverage” to match Grading and Subdivision Ordinances
 - i) Updated definition for “Christmas Tree Farm” to exclude it from the definition of “tree harvesting”.
 - j) Removed definition for “Clear Cutting” - added to Tree Ordinance
 - k) Updated definition for “Single-Family Semidetached Dwelling” to remove requirement for fire-resistant wall separation (covered under Building Code) and remove “1/2 of a duplex (duplex is a two-family detached dwelling)
 - l) Updated definition for “Two-Family Detached Dwelling” to include “May also be referred to as a duplex.
 - m) Added definition for “Footprint” to match Grading and Subdivision Ordinances
 - n) Removed definition of “Forester” – no longer required
 - o) Removed definition of “Forestry” – added to Tree Ordinance
 - p) Updated definition for “Impervious Coverage” to match Grading and Subdivision Ordinances
 - q) Updated definition for “Impervious Surface” to match Grading and Subdivision Ordinances
 - r) Updated definition for “Land Development” to match Grading and Subdivision Ordinances
 - s) Removed definition for “Land Disturbance” – no longer needed, covered under “Site Alteration” and Grading and Subdivision Ordinances
 - t) Removed definition of “Lot” – no longer needed, redundant with definition of “Lot Area”
 - u) Updated definition for “Lot Area” to match Grading and Subdivision Ordinances
 - v) Updated definition for “Lot Line” to match Grading and Subdivision Ordinances
 - w) Updated definition for “Front Lot Line” to remove “Street Line”
 - x) Updated definition for “Rear Lot Line” to remove “A three-sided lot has not rear lot line” – this contradicted §27-309.2.D
 - y) Removed definition for “Lot, Through” under “Lot Line” and moved it to its own listing

- z) Removed definition for “Lot Lines” and all subcategories – redundant with definition for “Lot Line”
- aa) Updated definition for “Lot, Flag” to further define it and state where setbacks and widths should be measured. Also identified where front lot line should be.
- bb) Removed definition for “Residential Accessory Building, Structure, or Use” – redundant with other sections of Ordinance
- cc) Removed definition for “Residential Lot Lines” – redundant with other sections of Ordinance and requirements for measurements will be moved to §27-803.2
- dd) Updated definition for “Residential Use” to match Grading and Subdivision Ordinances
- ee) Updated definition for “Right-of-Way” to match Grading and Subdivision Ordinances
- ff) Removed definition for “Right-of-Way, Legal Right-of-Way” – redundant
- gg) Removed definition for “Right-of-Way, Ultimate” – not required
- hh) Removed definition for “Selection Method” – no longer needed, covered in Tree Ordinance
- ii) Updated definition for “Site Alterations” to match Grading and Subdivision Ordinances
- jj) Removed definition for “Site Capacity Analysis” – this requirement will be removed from the Zoning Ordinance. Issues and concerns will be addressed in Flood, Grading, and Subdivision Ordinances
- kk) Updated definition for “Structure” to match Grading and Subdivision Ordinances
- ll) Updated definition for “Swimming Pool, Household or Private” to change requirement from 18 inches to 24 inches (this matches Building Code)
- mm) Updated definition for “Swimming Pool, Nonhousehold” to change requirement from 18 inches to 24 inches (this matches Building Code)
- nn) Added definition for “Temporary Structure” to match Grading and Subdivision Ordinances
- oo) Updated definition for “Tree Harvesting” to match Tree, Grading and Subdivision Ordinances

Part Five

- 1) §27-502.2 – Reference removed regarding Property Maintenance Code. Further numbers in section adjusted accordingly
- 2) §27-502.2 (new number) – removed “at the option of the Board of Commissioners” – this determination can be made by the Zoning Officer and/or Director of Community Development
- 3) §27-503.1 – section removed, covered under Flood Ordinance
- 4) §27-503.1 (new number) – removed “applicant shall” and updated with “the Zoning Officer may request the applicant to”
- 5) §27-504 – changed headline to be “Floodplain Areas and Setbacks from Surface Waterways”
- 6) §27-504.2 – removed section, covered under Flood Ordinance
- 7) §27-504.3 – removed section, covered under Flood Ordinance
- 8) §27-504.2 (new number) – removed reference to Flood Ordinance and added “If questionable... at the request of the Zoning Officer”
- 9) §27-504.7 – removed section, covered under Grading and Subdivision Ordinances

- 10) §27-504.8 – removed section, covered under Grading and Subdivision Ordinances
- 11) §27-505 – removed section, covered under Grading and Subdivision Ordinances
- 12) §27-512 – removed section, covered under Grading and Subdivision Ordinances
- 13) §27-516 – removed most of the section, covered under Grading and Tree Ordinances – updated headline to be “Woodland Preservation”
- 14) §27-516.1.B (new number) – removed requirement to mark trees
- 15) §27-516.1.D (new number) – moved section up from §27-516.7.A
- 16) §27-516.1.E (new number) – moved section up from §27-516.7.C
- 17) §27-516.7 – removed section, covered under Tree Ordinance or moved to §27-516
- 18) §27-516.2 (new number) – updated to say that tree harvesting is permitted in all zoning districts (required by MPC) and that it is regulated by the Tree Ordinance. Removed all other portions of this section.
- 19) §27-517 - removed section, covered under Grading and Subdivision Ordinances
- 20) §27-518 - removed section, covered under Tree Ordinance

Part 2
DEFINITIONS

§ 27-201 **General Interpretation.**

1. For the purposes of this chapter, words and terms used herein shall be interpreted as follows:
 - A. Words in the present tense shall include the future tense.
 - B. "Used" or "occupied," as applied to any land or building, include the words "intended, arranged, or designed to be used or occupied."
 - C. "Should" and "may" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
 - D. "Sale" shall also include rental.
 - E. The singular shall include the plural and vice versa. The masculine gender shall include the feminine and neuter, and vice versa.
 - F. If a word is not defined in this chapter but is defined in the Township Subdivision and Land Development Ordinance (Chapter 22), as amended, the definition in that chapter shall apply. If a word is not defined in this chapter but is defined in the applicable Stormwater Ordinance, as amended, the definition in that chapter shall apply. If a word is defined in both this chapter and another Township ordinance, each definition shall apply to the provisions of each applicable ordinance. If a term is not defined in this chapter but is defined in the Pennsylvania MPC (MPC), then the MPC definition shall apply.
 - G. Any word or term not defined in this chapter or the sources listed in Subsection F above shall have its plain and ordinary meaning within the context of the section. A standard reference dictionary may be consulted.
 - H. The words "such as," "includes" and "including" shall provide examples but shall not by themselves limit a provision only to items specifically mentioned if other items would otherwise comply with the provision.

§ 27-202 **Terms Defined.**

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

ABUT: Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street or a perennial waterway. See definition of "adjacent."

ACADEMIC CLINICAL RESEARCH CENTER: An accredited medical school within

this commonwealth that operates or partners with an acute care hospital licensed within this commonwealth.

ACCESS DRIVE OR ACCESSWAY: An existing or approved privately owned, constructed and maintained vehicular access roadway accessing more than one dwelling unit or more than one commercial, institutional or industrial principal use. See also "driveway."

ACCESS POINT: One combined vehicle ingress/egress point, or one clearly defined entrance point separated from another clearly defined exit point. This term shall not include accessways or driveways that are strictly and clearly limited to use by only emergency vehicles; such accesses are permitted by right as needed.

ACCESSORY BUILDING OR STRUCTURE: Any building or structure detached from and subordinate to a principal building or structure on the same lot and which is used for purposes that are clearly customarily incidental to the uses of the principal building or structure. Any portion of a principal building or structure used for an accessory use shall not be considered to be an accessory building or structure.

~~**ACCESSORY BUILDING:** A building which is subordinate and accessory to a principal building on the same lot and which is used for purposes that are clearly customarily incidental to the uses of the principal building. Any portion of a principal building used for an accessory use shall not be considered to be an accessory building.~~

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

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

ACRE: Forty-three thousand five hundred sixty square feet.

ADDITION: An extension or increase in floor area or height of an existing building or structure beyond the walls or roof of an existing building or structure.

ADJACENT: Includes contiguous lots that share a common lot line or that are separated only by a street or waterway. May also be referred to as "adjoining".

ADULT DAY-CARE CENTER: A use providing supervised care and assistance primarily to persons who are over age 60, handicapped or need such daily assistance because of their limited physical or mental abilities. This use shall not include a treatment center or the care of persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

ADULT LIVE ENTERTAINMENT USE: A use including live entertainment involving

persons (which may include, but are not limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or completely nude female breasts or engaging in simulated or actual specified sexual activities (see definition in this section) related to some form of monetary compensation paid to a person, company or organization operating the use or to persons involved in such activity.

ADULT MOVIE THEATER: A use involving the presentation, typically to three or more persons at one time, of motion pictures, videotapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of specified sexual activities (see definition in this section) for observation by patrons therein and that is related to some form of monetary compensation by the persons viewing such matter.

ADULT STORE: A use that has over 10% of the total floor area occupied by items for sale or rent that are books, films, magazines, video, paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities" (as defined in this Part).

ADULT USE: This shall include only the following: adult store, adult movie theater, massage parlor or adult live entertainment use.

AFTER-HOURS CLUB: A commercial use or membership club that permits the consumption of alcohol during and is routinely open between the hours of 2:00 a.m. to 4:00 a.m., in addition to any other hours. See also the applicable 1990 state law that generally prohibits this use if admission is charged. This term shall not regulate a use without a liquor license in which the premises are vacated by 2:30 a.m.

AGRICULTURE: Crop farming, plant nursery and animal husbandry. See definition of each.

AIRPORT: An area of land which is designated, used or intended to be used for the landing and takeoff of motorized fixed-wing aircraft weighing more than 50 pounds each, and any related aircraft support facilities such as for maintenance, refueling and parking. A public airport shall be one that does not meet the definition of a private airport. A private airport shall be one that is limited to a maximum total of 15 flights and/or takeoffs in any seven-day period and that is not available for use by the general public. See also "heliport."

ALLEY: A public or private minor right-of-way providing secondary access to the side or rear on one or more abutting properties, which has a maximum right-of-way width of 20 feet, and is not intended for general traffic circulation. Regardless of whether an alley is given a street name, no new principal building shall have its only frontage onto an alley.

AMATEUR RADIO ANTENNA: A device, partially or wholly exterior to a building, that is used for receiving and/or transmitting electronic signals or short-wave or citizens-band radio

frequencies. This includes any accessory supporting structures. This term shall not include an antenna that is mobile and attached to a state-licensed motor vehicle.

ANIMAL CEMETERY:

- A. Land or buildings used for the interment or burial of the remains of noncremated animals.
- B. This term shall not include the following, which shall be permitted by right as accessory uses in any district:
 - 1) The burial of one or two animals on a lot of less than 30 acres;
 - 2) The burial of up to nine animals on a lot of 30 or more acres; and
 - 3) The spreading of remains of animals cremated in a sanitary fashion.
- C. See also any applicable regulations of the Pennsylvania Department of Environmental Protection.

ANIMAL HOSPITAL: Any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include overnight boarding of animals, other than dogs, that are not sick or recovering. Any other boarding of dogs shall be regulated as a kennel.

ANIMAL HUSBANDRY: See "livestock, raising of."

APARTMENT: See "dwelling types."

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

ASSISTED LIVING FACILITY: A residential facility licensed as such by the Commonwealth of Pennsylvania and which provides meals, supervision and support services for four or more elderly persons or other persons needing such care. See the state definition and regulations in 55 Pa. Code Ch. 2800 or its successor section. For the purposes of this chapter, personal care homes and assisted living facilities are regulated in the same manner.

ATTIC: That part of a building which is immediately below and wholly or partly within the roof framing. See the definition of "floor area."

AUDITORIUM, COMMERCIAL: A commercial area or structure involving indoor or outdoor space for exhibits, meetings, live performances or sports events, but not including a use that meets the definition of an indoor theater, accessory meeting rooms of a hotel/motel or adult live entertainment use. See the definitions of "restaurant, standard" and "restaurant, fast-food."

AUTO RECONDITIONING: The completion of minor repairs to a motor vehicle for primarily cosmetic reasons, such as removal of scratches, small dents and fabric tears. Use may

include auto detailing and non-automated auto wash, but ~~which shall~~ does not involve body work or engine repairs.

AUTO REPAIR GARAGE: A building and/or land where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage may include, but not be limited to, any use that involves any of the following work: major mechanical or body work, grinding, straightening of body parts, spray painting, welding or rebuilding of transmissions. Any use permitted as part of an auto service station is also permitted as part of an auto repair garage. See restrictions on auto repair in residential districts in "Residential Accessory Structure or Use," § 27-403.

AUTO SERVICE STATION: A building and/or land where gasoline is sold, and where no repairs are conducted, except work that may be conducted that is similar in character to the following: sale and installation of oil, lubricants, antifreeze and similar accessories. This use may include the sale of ready-to-eat food for consumption off the lot and common household products as a clearly accessory use, provided that the total parking requirements of Part 6 are complied with. An accessory use providing motor fuel only to vehicles operated by that business shall not be considered to be a gasoline service station.

AUTO, BOAT AND/OR MOBILE/MANUFACTURED HOMES SALES: A building or area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use, provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park or a junkyard. The occasional sale of a single such vehicle on a lot is a permitted-by-right accessory use in all districts.

AVERAGE GROSS RESIDENTIAL DENSITY: In a PRD, the number of proposed and existing dwelling units divided by the number of acres in the PRD proposed for residential use.

BASEMENT: An enclosed floor area partly or wholly underground. See definitions of "story" and "floor area."

BED-AND-BREAKFAST: The use of a single-family detached dwelling which includes the rental of overnight sleeping accommodations and bathroom access to transient visitors to the area for a maximum of 10 temporary guests at any one time, and which does not provide any cooking facilities or meals other than breakfast to guests. This use shall only include a use renting facilities for a maximum of 14 days in any sixty-day period to any one person. The use shall not include the regular on-site provision of meals for compensation to persons who are not permanent residents or guests, unless the requirements for a restaurant are also met.

BEEKEEPING: The raising or keeping of bees within a man-made enclosure (beehive) for

hobby or business purposes.

BETTING USE: A use where lawful gambling activities are conducted, including, but not limited to, off-track betting or use of slots machines. This term shall not include betting under the state lottery programs or betting under the "Small Games of Chance" provisions of state law, which shall instead be regulated under the regulations applicable to the principal use of the property (such as a membership club). Such use may include a restaurant.

BILLBOARD: An off-premises sign with any total sign area greater than 50 square feet.

BLAST OR BLASTING: The explosion of dynamite, black powder, fuse, blasting cap, detonators, electric squibs or other explosives, other than lawful fireworks displays.

BOARD: Unless otherwise stated, the Zoning Hearing Board of Salisbury Township.

BOARD OF COMMISSIONERS: The Board of Commissioners of Salisbury Township.

BOARDER: An individual, other than a member of a family occupying a dwelling unit or owning a lodging facility, who, for compensation, is furnished sleeping accommodations within such dwelling unit or lodging facility and who also may be furnished meals or other domestic services in return for compensation.

BOARDINGHOUSE OR ROOMING HOUSE: A residential use in which two or more individual rooms that do not meet the definition of a "dwelling unit" are rented for habitation or the occupancy of a dwelling unit by greater than the permitted maximum number of unrelated persons. This term includes uses commonly known as "single room occupancy housing." This term shall not include a use meeting the definition of a "hotel," "dormitory," "motel," "life care center," "personal care home," "assisted living facility," "bed-and-breakfast use," "group home" or "nursing home." A college fraternity or sorority house used as a residence shall be considered a type of boardinghouse. A boardinghouse may either involve or not involve the providing of meals to residents. This use shall only involve renting living accommodations for minimum periods of five consecutive days. If a boardinghouse includes six or more units, an on-site manager shall be provided, who is not a temporary boarder.

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

BUFFER ZONE: In regards to cutting of trees, the land surrounding the immediate perimeter of a logging operation in which no cutting of trees or other vegetation shall occur, except for the isolated cutting of individual trees which are dead, damaged, sick, infected or constitute a danger to neighboring properties or the public in general.

BUILDING: Any structure having a permanent roof and/or permanent walls, a footprint

greater than or equal to 100 square feet, and a height greater than or equal to 5 feet. The term "permanent walls" includes, but is not limited to, screens, windows, glass, and lattice work. The term "permanent walls" does not include covering over footers or support poles for a deck or porch less than or equal to 3 feet high. All buildings are structures but only those structures that meet this definition shall be considered buildings.

~~Any structure having a permanent roof and intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total volume under roof of greater than 100 cubic feet and that has a height of six feet or greater. "Building" is interpreted as including "or part thereof." See the separate definition of "structure." Any structure involving a permanent roof (such as a porch with a permanent roof or a carport) that is attached to a principal building shall be considered to be part of that principal building.~~

~~BUILDING COVERAGE: The percentage obtained by dividing the maximum footprint covered by all principal and accessory buildings on a lot by the total lot area of the lot upon which the buildings are located. The percentage obtained by dividing the maximum horizontal area in square feet covered by all principal and accessory buildings on a lot by the total lot area of the lot upon which the buildings are located. For the purposes of determining building coverage, decks and porches covered by a permanent roof shall be counted as a building, while decks and porches that are not covered by a permanent roof shall not be counted as a building.~~

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

BUILDING LINE OR BUILDING SETBACK LINE: See "setback line."

BUILDING WIDTH: The horizontal measurement between two structural walls of one building that are generally parallel, measured in one general direction that is most closely parallel to the required lot width. For a townhouse, this width shall be the width of each dwelling unit.

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

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

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

BUSINESS SERVICES: A for-profit operation that provides building cleaning and maintenance, office equipment sales and service, photocopying, or similar work, and that mainly

serves other businesses.

CAMPGROUND: A use that is primarily recreational in nature that involves the use of tents or sites leased for recreational vehicles for transient and seasonal occupancy by persons recreating or travelers, or the use of tents or cabins for seasonal occupancy by organized groups of persons under age 18 and their counselors.

CARE AND TREATMENT FACILITIES FOR YOUTH: A use involving residential and/or outpatient counseling and support facilities primarily for persons age 18 or younger who primarily need such special services because of emotional or behavioral concerns or because of inadequate care provided by families. Such facilities may also include counseling and support facilities for the families of the youth, as well as programs for persons of any age who have aged out of the program. Such facilities may also include child day-care facilities, diagnostic assessment, residential group homes, on-site and off-site recreation programs and educational programs for such youth.

CAREGIVER: The individual designated by a patient to deliver medical marijuana.

CARPORT: A roofed building intended for the parking or storage of one or more motor vehicles, but which is not enclosed on all sides by walls or doors. If any portion of a carport is attached to a principal building, it shall be considered to be part of that building.

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

CEMETERY: Land or buildings used for the burial of deceased humans, but not animals. The interment or scattering of remains of properly cremated humans is not regulated by this chapter.

CERTIFIED MEDICAL USE: The acquisition, possession, use or transportation of medical marijuana by a patient, or the acquisition, possession, delivery, transportation or administration of medical marijuana by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized by certification by the commonwealth.

CHAIRPERSON: Includes Chairman, Chairwoman, Chair and Acting Chairperson (when applicable).

CHRISTMAS TREE FARM: A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale of trees from November 15 to December 30 that were produced on the premises. Shall not be included in the classification of "tree harvesting".

~~CLEAR CUTTING: The felling and/or removal of trees that results in 70% or more of the merchantable timber being cut on any acre.~~

CLINICAL REGISTRANT: An entity that:

- A. Holds a permit both as a grower/processor and a dispensary; and
- B. Has a contractual relationship with an academic clinical research center under which the academic clinical research center or its affiliate provides advice to the entity, regarding, among other areas, patient health and safety, medical applications and dispensing and management of controlled substances.

COLLEGE OR UNIVERSITY: An institution of higher learning licensed by the State Department of Education to provide academic or professional degrees or certificates and which primarily serves persons age 18 years and older. See also the definition of "trade school." Such use involving health care or dental training may occur as an accessory use to a hospital, provided that dormitories and other student residential facilities shall only be allowed where specifically permitted in the district regulations.

COMMERCIAL COMMUNICATIONS TOWER: A structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals. Commercial communications towers include, but are not limited to, a radio common carrier tower or an antenna used for transmitting commercial radio or television signals, microwave signals, cellular telephone communications and/or satellite communications. A commercial communications tower shall not include an amateur radio antenna or a satellite dish antenna (as defined by this section) or an emergency services radio antenna if such are accessory to a permitted use.

COMMERCIAL DISTRICT: The C1, C2 and C3 Districts.

COMMERCIAL OUTDOOR RECREATION: An area which has a total building coverage of less than 15%, is used principally for active or passive recreation and is used for a profit-making purpose. This term may include uses such as mini-golf and paintball courses but shall not include a motor vehicle racetrack.

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

COMMISSION: The Planning Commission of Salisbury Township.

COMMON OPEN SPACE: See "open space, common."

COMMUNITY CENTER: A noncommercial use that exists solely to provide leisure and educational activities and programs to the general public or certain age groups. The use also may include the noncommercial preparation and/or provision of meals to low-income elderly persons. This shall not include residential uses or a treatment center.

COMPREHENSIVE PLAN: The document entitled the "Salisbury Township Comprehensive Plan," or any part thereof, adopted by the Board of Commissioners, as amended.

CONDITIONAL USE: A use which is allowed or denied by the Board of Commissioners within the provisions of Part 1, after review by the Planning Commission.

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

CONSERVATION: The careful and sustainable management of any alterations to important natural features and/or the restoration of natural areas.

CONSTRUCTION: Includes the placing of construction materials in permanent position and fastening in a temporary or permanent position and/or the demolition of a preexisting building.

CONVENIENCE STORE, MAJOR: A use that primarily sells routine household goods, groceries and prepared ready-to-eat foods to the general public, but that is not primarily a restaurant, and that includes a building with a retail indoor floor area of greater than 1,500 square feet but less than 6,000 square feet, and which includes the sale of gasoline. Such use shall also meet the requirements for an auto service station. See "retail store" for similar uses that do not meet this definition.

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

COUNTY: The County of Lehigh, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION: The Lehigh Valley Planning Commission, Lehigh-Northampton Counties.

CROP FARMING: The cultivating, raising and harvesting of products of the soil and the storage of these products produced on the premises. The definition of "crop farming" shall also include orchards, vineyards and accessory wine processing, and Christmas tree farms, but shall not include animal husbandry, commercial forestry, riding academies or kennels. A principal crop farming use may also include customary accessory keeping of animals but shall not include a "kennel," unless the requirements for such use are also met.

CULTURAL CENTER: A building and/or land open to the public which primarily contains exhibits of clearly artistic or cultural interest, such as a museum, art gallery or indoor nature study area. This shall not include uses that are primarily commercial in nature.

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

DAY CARE: A use involving the supervised care of children under age 18 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also include educational programs that are supplementary to state-required education, including a nursery school. See also the definition of "adult day-care center."

- A. The following types of day care are permitted by right without additional regulation by this chapter:
- 1) Care of children who are permanent residents of the dwelling.
 - 2) Care of children within a place of worship during weekly religious services.
 - 3) Care of one to three children within any dwelling unit.
 - 4) Care of children after or before school within a lawful primary or secondary school.
- B. FAMILY DAY-CARE HOME A type of day-care use that:
- 1) Provides care for four to six children at one time who are not permanent residents of the home.
 - 2) Provides the care within a family dwelling unit.
 - 3) Is registered as such by the Pennsylvania Department of Public Welfare, or its successor agency.
- C. GROUP DAY-CARE HOME A type of day-care use that:
- 1) Provides care for between seven and 12 children at any one time who are not permanent residents of the home.
 - 2) Provides the care within a family dwelling unit.
 - 3) Is registered as such by the Pennsylvania Department of Public Welfare, or its successor agency.
- D. DAY-CARE CENTER A type of day-care use that:
- 1) Provides care for seven or more children at any one time who are not permanent residents of the home.
 - 2) Does not provide the care within a family dwelling unit.
 - 3) Is registered as such by the Pennsylvania Department of Public Welfare, or its successor agency.

DAYS: Calendar days.

DENSITY: The total number of dwelling units divided by the lot area, unless otherwise stated.

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

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

DETENTION FACILITY: Such use shall be limited to facilities owned and operated by a county, state or federal government or its agents and shall be limited to the following:

- A. A juvenile detention facility as described and regulated in 62 P.S. § 2077.
- B. A minimum security prison facility - a jail, prison or detention facility operated by a county, state or federal government or its agents and used for the confinement of persons for safe custody. The term does not include a facility used for the detention or confinement of juveniles. Only "eligible offenders" or those who do not demonstrate a present or past pattern of violent behavior shall be incarcerated in a minimum security prison. "Eligible offenders" do not include any person awaiting trial for, or convicted of, murder, voluntary manslaughter, rape, statutory rape, aggravated assault, robbery, burglary of the first degree as provided in 18 Pa.C.S.A. § 3502 (relating to burglary), involuntary deviate sexual intercourse, arson, extortion accompanied by threats of violence, assault by prisoner, assault by life prisoner, kidnapping, aggravated indecent assault, or escape, or drug trafficking. No person shall be incarcerated at a minimum security prison if such person's previous conviction history cannot be determined or has not yet been determined. No person shall be incarcerated in a minimum security prison unless such person has been evaluated to determine that no history of violent behavior exists and no present probability of violent behavior exists.

DEVELOPMENT: Construction, erection or expansion of a structure, mineral extraction, filling, grading (other than crop farming) or paving (other than repaving) operations. The term also includes any activities defined as land development under the Salisbury Township Subdivision and Land Development Ordinance [Chapter 22].

DISPENSARY: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health (DOH) of the commonwealth to dispense medical marijuana.

DISTRIBUTION: The processing of materials so as to sort out which materials are to be transported to different locations, and the loading and unloading of such materials. This term shall not include a trucking company terminal.

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

DOG DAY CARE: A use that involves the keeping of more dogs than are allowed under "pets and accessory animals, keeping of" in § 27-403, that is only operational between 6:00 a.m. and 10:00 p.m. (unless the regulations for a "kennel" are also met), and that provides recreational opportunities for the dogs. The facility may also include accessory care of cats, birds and similar domestic pets.

DORMITORY: Residential facilities that are only inhabited by faculty and/or full-time students of an accredited college, university or medical training facility or state-licensed teaching hospital or accredited public or private primary or secondary school.

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

DUMP: Any area used for solid waste disposal that does not operate under a valid solid waste permit issued by the Pennsylvania DEP and that is not a permitted junkyard under this chapter.

DWELLING: A building used as nontransient living quarters, but not including a boardinghouse, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a "sectional home." This chapter categorizes dwellings into the following types:

- A. **CONVERSION APARTMENT** A new dwelling unit created within an existing building.
- B. **EFFICIENCY UNIT** A type of dwelling unit including sleeping and living areas within a single room and that also includes cooking facilities and a bathroom and that has a minimum of 400 square feet of habitable floor area, after deleting any area within a basement or cellar.
- C. **GARDEN APARTMENTS** Three or more dwelling units within a building that are separated by only horizontal floors or by a combination of horizontal floors and vertical walls (see definition of "townhouses"). This shall include buildings with a maximum height of 3 1/2 stories or 35 feet, whichever is lesser. The individual dwelling units may be leased or sold for condominium ownership.
- D. **MID-RISE APARTMENTS** Three or more dwelling units within a building that is higher than 35 feet or 3 1/2 stories and less than 60 feet or five stories (whichever is less).
- E. **SECTIONAL HOME** A type of dwelling that meets a definition of "single-family detached dwelling," "single-family semidetached dwelling," "townhouse" or "garden apartment" that is substantially but not wholly produced in two or more major sections

off the site and then is assembled and completed on the site, and that does not meet the definition of a "manufactured/mobile home," and that is supported structurally by its exterior walls, and that rests on a permanent foundation.

F. SINGLE-FAMILY DETACHED DWELLING A dwelling unit accommodating a single family and having open area on all sides.

G. MANUFACTURED/MOBILE HOME

- 1) A type of single-family detached dwelling that meets all of the following requirements:
- 2) Is transportable;
- 3) Is designed for permanent occupancy;
- 4) Is contained in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for repeated towing;
- 5) 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 with or without a permanent foundation;
- 6) Is not a recreation vehicle; and
- 7) Includes a minimum of 300 square feet of interior floor space.
- 8) The terms "mobile home" and "manufactured home" have the same meaning. See the definition of "sectional home."

H. SINGLE-FAMILY SEMIDETACHED DWELLING One dwelling unit accommodating one family that is attached and completely separated by a vertical, unpierced, ~~fire-resistant~~ wall to only one additional dwelling unit. One side yard shall be adjacent to each dwelling unit. This use is commonly known as ~~1/2 of a duplex or~~ 1/2 of a twin home. Each unit may or may not be on a separate lot.

I. TOWNHOUSE One dwelling unit that is attached to two or more dwelling units, and with each dwelling unit being completely separated from each other by vertical fire-resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. Townhouses are also commonly referred to as "row houses" or "single-family attached dwellings."

J. TWO-FAMILY DETACHED DWELLING Two dwelling units accommodating one family each, with both dwelling units within a single building on a single lot, and without

the dwelling units being completely separated by a vertical wall. The building shall have two side yards. May also be referred to as a "duplex"

DWELLING UNITS: One dwelling occupied that is only occupied by persons meeting the definition of one "family" or a "group home" (see definitions). Each dwelling unit shall have its own sanitary, sleeping and cooking facilities and separate access to the outside, or access to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall have only one cooking facility within a single room or two abutting rooms that open into each other. No dwelling unit shall include a separate habitable area that is completely separated by interior walls so as to prevent interior access from the remainder of the habitable area.

E-MAIL: A system for sending and receiving messages electronically over a computer network as between personal computers.

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

EMERGENCY SERVICES STATION: A building for the housing of fire, emergency medical or police equipment and for related activities. A membership club may be included if it is a permitted use in that district. This may include housing for emergency personnel while on call.

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

ENVIRONMENTALLY SENSITIVE AREAS: Areas which include features which are sensitive to land disturbance activities and development, such as steep slopes, ponds, lakes, streams, stream corridors, springs, wetlands, hydric soils, prime farmland soils, highly erodible lands, vernal pools, floodplains, riparian buffer areas, significant stands of native, mature, and/or otherwise important vegetation, existing wellhead protection areas, aquifer recharge areas, and geologic fractures.

ESSENTIAL SERVICES: Utility or municipal uses that are necessary for the preservation of the public health and safety, and that are routine, customary and appropriate to the character of the area in which they are to be located. See standards in § 27-403. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power-generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

EXERCISE CLUB: A commercial facility or membership club that offers indoor or outdoor recreational facilities, such as the following: weight rooms, exercise equipment, nonhousehold pool, racquetball courts and training for these activities. This use may also be allowed as part of

an indoor commercial recreation use.

FAMILY: One or more persons living in a single dwelling unit and functioning as a common household unit. A family shall not include more than three persons who are not related (see definition) to each other by blood, government-sanctioned civil unions, official foster relationship, marriage or adoption. See also the definitions and standards (in § 27-402) for a group home, or in § 27-112, Subsection 5I, which may allow a higher number of unrelated persons within a dwelling unit. A treatment center shall not be considered a family.

FAMILY SUPPORT AND LODGING CENTER: A noncommercial use providing temporary housing and support services to persons with a relative actively undergoing significant medical care in Lehigh or Northampton County.

FEMA MAP: The latest mapping officially issued by the Federal Emergency Management Agency (FEMA) that shows the extent of the one-hundred-year floodplain, including any revisions or supplemental adjustments approved by FEMA.

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

FINANCIAL INSTITUTION: An establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public.

FLOODPLAIN (ONE-HUNDRED-YEAR): See definitions in the Township Floodplain Ordinance [Chapter 8].

FLOOR AREA OR GROSS OR TOTAL FLOOR AREA: The sum of the total horizontal area of each floor within a building(s) measured from the sides of exterior walls or from the center lines of walls separating buildings. Floor area shall only include areas that meet the definition of a "story" (see definition). Floor area specifically shall not include the following: elevator shafts, common lobbies and stairwells in a multi-tenant building, mechanical rooms, unenclosed porches or decks, or unenclosed breezeways or walkways, roof overhangs or similar features.

FOOTPRINT: The perimeter of a structure measured at the outer edge of the outside walls of the structure, including cantilevered portions of the structure. When calculating the footprint of a structure, retractable awnings shall not be included.

~~FORESTER:~~ ~~A person with a bachelor's or master's degree in forestry from a college or university program that at the time was fully accredited by the Society of American Foresters, and who has practical experience in wood lot management.~~

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

FORM OF MEDICAL MARIJUANA: The characteristics of the medical marijuana recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variety and quantity or percentage of medical marijuana or particular active ingredient.

FRATERNITY OR SORORITY: A type of boardinghouse, regulated as such, which is occupied by organized groups of higher education students, and which is officially recognized as a fraternity or sorority by such institution.

GARAGE SALE: The accessory use of any lot for the occasional sale or auction of items on a residential property or the auction of on-site land or buildings. See § 27-403.

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

GARDEN APARTMENT: See under "dwellings."

GAS OR OIL WELL: A well drilled into the ground to produce natural gas or petroleum products. See §§ 27-306 and 27-403.

GENERAL HOME OCCUPATION: A type of home occupation that does not involve a use specifically permitted as a light home occupation but which the applicant proves to the satisfaction of the Zoning Hearing Board as a special exception would be:

- A. Similar in impact to a permitted light home occupation; and
- B. Compatible with the surrounding residential area.

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

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

GREENHOUSE: A building, room or area, usually of glass, in which the temperature is maintained within a desired range, used for cultivating tender plants or growing plants out of season.

GROSS FLOOR AREA: See "floor area."

GROUP HOME:

- A. The use of any lawful dwelling unit which meets all of the following criteria:
- 1) Involves the care of the maximum number of persons permitted by the group home standards of § 27-402 and meets all other standards of such section.
 - 2) Involves residents clearly functioning as a common household.
 - 3) Involves providing nonroutine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental handicap or other handicap, as defined by applicable federal law, or because of needing to be separated from an abusive spouse.
 - 4) Does not meet the definition of a "treatment center," "boardinghouse," "dormitory," "motel," "institutional group home" or "membership club." See also the definition of "care and treatment facilities for youth," which may include group homes for youth.
 - 5) Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.
- B. See also § 27-112, Subsection 5I, for allowed modifications.

* NOTE: See definitions in the Federal Fair Housing Act amendments and the Americans with Disabilities Act.

GROWER/PROCESSOR: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the DOH to grow and process medical marijuana.

HAZARDOUS WASTE: Those wastes where significant potential exists for causing adverse public health or environmental impacts if the waste is handled, stored, transported, treated or disposed of in a manner customarily accepted for ordinary solid wastes. This also includes wastes subject to special state or federal licensing or regulation, including, but not limited to, the Pennsylvania Solid Waste Management Act, 35 P.S. § 6018.101 et seq.

HEALTH CARE CAMPUS: A property developed as a unified campus and including a hospital and other health care and health care support uses, developed with a coordinated internal infrastructure system that encourages the sharing of facilities such as parking and open space and provides coordinated access to the public street system.

HEIGHT: The vertical distance measured from the average elevation of the average proposed ground level along the front of the building to the highest point of a structure. For a building with a roof, such height shall be measured to the highest point of the roof. See exemptions for certain types of structures in § 27-802. For height of signs, see Part 7, "Signs."

HELIPORT: An area used for the takeoff and landing of helicopters, together with any related support facilities, such as for maintenance, refueling and storage. This chapter is not intended to regulate the nonroutine, emergency landing and takeoff of aircraft to pick up seriously injured or ill persons.

- A. **PUBLIC HELIPORT** A heliport that does not meet the definition of a "private heliport."
- B. **PRIVATE HELIPORT** A heliport, other than a hospital heliport, limited to a maximum total of 15 flights or takeoffs in any seven-day period and that is not available for use by the general public. This is also known as a "helistop."
- C. **HOSPITAL HELIPORT** A private heliport that is:
 - 1) Owned by a hospital;
 - 2) Operated by a hospital or third-party contractor under agreement with a hospital;
 - 3) Situated on a health care campus; and
 - 4) Used for medical services and not for general transportation.

HOME OCCUPATION: A routine, accessory and customary nonresidential use conducted within or administered from a portion of a dwelling or its permitted accessory building that:

- A. Only includes uses that are clearly incidental and secondary to the principal residential use.
- B. Is conducted primarily by a permanent resident of the dwelling.
- C. Meets the definition of this section and the standards and limitations of a home occupation in § 27-403.
- D. Does not include any retail or wholesale sales on the premises (other than over the phone and through the mail) nor any industrial use (other than custom crafts and sewing).
- E. Specifically does not include the following: hotel, motel, nursing home, boardinghouse, restaurant, stable, treatment center, kennel, auto repair, on-site retail sales, painting of vehicles, tractor repair, lawn mower and engine repair, manufacturing (other than custom crafts or sewing) or bulk welding.
- F. Only involves persons working on the premises who are permanent residents of the dwelling plus a maximum of one nonresident working on the premises at any one point in time.

HOSPICE: A special concept of care designed to provide comfort and support to patients

and their families when a life-limiting illness no longer responds to cure-oriented treatments.

HOSPITAL: A use that includes facilities that are licensed as a "hospital" by the State Department of Health and that involves the diagnosis, treatment or other medical care of humans and that involves some care requiring stays overnight. A hospital may also include clinical laboratories as accessory uses and outpatient medical care. A hospital may occur in combination with medical offices (see definition), provided that the requirements for medical offices are also met. A hospital may involve care and rehabilitation for medical, dental or mental health but shall not routinely involve the housing of the criminally insane and shall not primarily involve the housing or treatment of persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and education and training for health care professions. A hospital may only include dormitories and other student residential facilities if that use is specifically permitted in that district.

HOTEL OR MOTEL: A building or buildings including rooms (other than dwelling units) that are rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a boardinghouse and shall meet the requirements of that use. See also "bed-and-breakfast use."

IDENTIFICATION CARD: A document issued by the DOH that permits access to medical marijuana.

IMPERVIOUS COVERAGE: ~~The total area of all impervious surfaces (including building coverage) on a lot divided by the total lot area. The total area of all impervious surfaces (including building coverage) on a lot divided by the total lot area. Where a lot lies partially within Salisbury Township and partially within another municipality, the land outside the municipal boundaries of Salisbury Township shall not be considered in the impervious coverage calculation, i.e., the impervious coverage calculation for Salisbury Township shall be based solely on the portion of property located within Salisbury Township.~~

IMPERVIOUS SURFACE: ~~Any structure or man-made surface with a runoff factor of 0.85 or greater. Proposed stone surfaces shall be considered impervious. Existing stone surfaces shall be considered pervious. Any dispute over whether an area is impervious shall be decided by the Township Engineer. Area covered by roofs, concrete, asphalt, stone or other man-made cover which has a coefficient of runoff of 0.8 or greater. Any dispute over whether an area is impervious shall be decided by the Township Engineer or Alternate Township Engineer.~~

INDUSTRIAL DISTRICT: The I Zoning District.

INDUSTRIAL USE: Includes manufacturing, distribution, warehousing and other operations of an industrial and not primarily of a commercial, institutional or residential nature.

INSTITUTIONAL GROUP HOME: A use that meets the definition of a "group home" but that includes a higher number of residents than is permitted as a group home.

JUNK:

- A. Any discarded, scrap or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, appliances, motor vehicles, aircraft, glass, plastics, industrial waste, machinery, equipment, containers, structures, used building materials and building materials left on a site after completion of the portion of construction to which those building materials relate.
- B. Junk shall not include:
 - 1) Solid waste that is temporarily stored as is customary in an appropriate container that is routinely awaiting collection and disposed of in a manner consistent with state regulations;
 - 2) Toxic wastes;
 - 3) Grass clippings, leaves or tree limbs; or
 - 4) Items clearly awaiting imminent recycling at an approved recycling use.

JUNK VEHICLE:

- A. Includes any vehicle or trailer stored out of doors that meets any of the following conditions:
 - 1) Does not display a license plate with a current registration sticker and does not have a valid state safety inspection sticker (except for licensed antique cars not required to have an inspection sticker). (Licenses or inspection stickers that expired less than 90 days ago shall be considered current for the purposes of this section.)
 - 2) Cannot be immediately moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs.
 - 3) Cannot be immediately towed, in regards to a vehicle designed to be towed.
 - 4) Has been demolished beyond repair.
 - 5) Has been separated from its axles, engine, body or chassis.
 - 6) Includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.
- B. See also the separate Township ordinance on junk vehicles.

JUNKYARD:

- A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of one or more of the following types:
- 1) Junk.
 - 2) A greater number of junk vehicles than is permitted under § 27-604. This shall not apply to such vehicles allowed to be stored within the specific requirements of an auto repair garage or auto service station.
 - 3) One or more manufactured/mobile homes that are not in habitable condition.
- B. Junk stored as part of a business within a completely enclosed building shall be considered a warehouse and shall meet the requirements of that use instead of a junkyard.

KENNEL: The keeping or boarding of a greater number of dogs or cats on a lot or within a dwelling unit beyond that number permitted under the "pets and accessory animals, keeping of" provisions in § 27-402. A kennel may also include the temporary boarding of other types of pet animals. A kennel shall include any such use, regardless of whether: (A) the animals are or are not owned by the operator of the kennel; and (B) compensation is or is not paid for the care of the animals. A nonprofit animal shelter is a type of kennel. See also the definition of "pets, keeping of." See also "dog day care," which may be approved as a separate use.

LAND DEVELOPMENT: The following activities are regulated as a land development and subject to the land development approval requirements set forth in the Salisbury Township Subdivision and Land Development Ordinance (Chapter 22 of the Township Municipal Code). All sizes and numbers are calculated as an aggregate over the proceeding five years regardless of the permits and approvals issued for each proceeding activity:

1. A subdivision of land.
2. Construction of one or more principal, non-residential structures regardless of the number of occupants.
3. Construction of a non-residential addition or accessory structure with a footprint greater than or equal to 1,000 square feet.
4. The conversion of an existing structure to increase the number of uses or occupants by means of, or for, the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
5. Construction of a new, or expansion of an existing, parking area by 8 or more parking spaces.
6. Construction of a principal, multi-family dwelling or twin dwelling.
7. Work involving a change of 5,000 square feet or more of impervious coverage, work involving 5,000 square feet or more of new impervious coverage, or an aggregate of each, both on-lot and within the public right-of-way, regardless of use.

8. Work involving 10,000 square feet or more of site alterations, both on-lot and within the public right-of-way, regardless of use.
9. The following shall be excluded from the definition of "Land Development":
 - A. The construction of a single-family detached dwelling on an existing lot.
 - B. The conversion of an existing single-family detached dwelling or a single-family semi-detached dwelling, into not more than four residential units, unless such units are intended to be condominiums.
 - C. Commercial communication towers and their structures.
 - D. Tree Harvesting.

~~LAND DISTURBANCE: Any activity involving grading, tilling, digging, logging or filling or stripping of vegetation; or another activity which causes land to be exposed to the danger of erosion.~~

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.

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

LIFE CARE CENTER: A residential use designed and operated exclusively for retired or semiretired adults 55 years of age or older and/or physically handicapped persons and their spouses and that includes a nursing home and on-site health care, meal services, social services, recreation activities and similar support facilities intended specifically to serve the needs of these residents.

LIGHT BUSINESS CONVERSION: The conversion of an existing dwelling into a business use that meets the requirements for such use under § 27-402.

LIGHT HOME OCCUPATION:

- A. A type of home occupation that is permitted by right in all residential districts and is limited to only the following types of activities, within the restrictions of § 27-403:
 - 1) Custom sewing, seamstress or dressmaker.
 - 2) Tutor or music or voice instruction.
 - 3) Tax preparation.
 - 4) Photographer.

- 5) Artist or sculptor.
- 6) Drafting or graphics services.
- 7) Data processing or typing.
- 8) Home crafts for sale off site.
- 9) Mail order (not including retail sales from the site).
- 10) Product distribution through direct off-site sales (such as household items or cosmetics sold at off-site events).
- 11) Offices of the following: licensed physician, dentist, speech pathologist, audiologist, chiropractor, optometrist, podiatrist, architect, attorney, accountant, insurance agent, real estate agent or broker, tax collector, engineer, surveyor, vocational consultant, financial planning and investment services, interior design, computer programming, or consulting services.
- 12) Telephone soliciting and telephone answering services.
 - A. The business may not involve any illegal activity.
 - B. This term also includes, but is not limited to, a use meeting the definition of a "no-impact home-based business" within the Pennsylvania MPC.

LIGHTING, DIFFUSED: Illumination that passes from the source through a translucent cover or shade.

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

LIVESTOCK, RAISING OF: The raising and keeping of livestock, poultry or insects for any commercial purposes or the keeping of any animals for any reason beyond what is allowed under the "pets and accessory animals, keeping of" provisions of § 27-403 and beyond what is allowed within the definition of "crop farming." For the purposes of this chapter, the raising of livestock shall have the same meaning as animal husbandry. The raising of livestock shall not include a slaughterhouse or a stockyard used for the housing of animals awaiting slaughter.

LOGGING: See "tree harvesting."

~~**LOT:** A designated parcel, tract or area of land established by a plat that is recorded in the office of the County Recorder of Deeds or otherwise as permitted by law, having its principal frontage upon a street or officially approved place and to be used, developed or built upon as a unit.~~

LOT AREA: An area of land which is determined by the limits of the property lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in determining lot area. Property lines shall be bound by a singular tax parcel, as determined by the Lehigh County Tax Assessment Office and Lehigh County Geographic Information Systems Office. When a tax parcel spans more than one municipality, the taxing municipality shall have sole control over the development and use of the lot and its entire lot area shall be included when calculating lot area, setbacks, building coverage, and impervious coverage.

~~The contiguous horizontal land area contained within the lot lines of a lot (measured in acres or square feet), but excluding the following:~~

~~Areas within public street or alley rights-of-way that exist or are proposed to be dedicated.~~

~~Areas that are required to be dedicated as common open space.~~

~~For residential lots only, areas within rights-of-way intended for overhead electrical lines of 35 kilovolts or higher capacity.~~

LOT DEPTH: The average horizontal distance between the front and the rear lot lines.

LOT LINE: The recorded property lines bounding the lot as herein defined; however, any line that denotes an adjoining public or private street or railroad right-of-way shall be interpreted as the lot line for the purpose of determining the location of the setbacks

- A. **FRONT LOT LINE** ~~(STREET LINE)~~ A lot line separating the lot from the approved or dedicated street right-of-way.
- B. **REAR LOT LINE** A lot line opposite and most distant from the front lot line. ~~(A three-sided lot has no rear lot line.)~~
- C. **SIDE LOT LINE** Any lot line other than a front or rear lot line. A side street lot line is a side lot line separating a lot from a street.

~~D. LOT, THROUGH A lot that abuts two approximately parallel streets.~~

~~LOT LINES: The recorded property lines bounding the lot as herein defined; however, any line that denotes an adjoining public or private street or railroad right-of-way shall be interpreted as the lot line for the purpose of determining the location of the setbacks.~~

~~—LOT LINE, FRONT The lot line coincident with the right-of-way line of a street.~~

~~A. LOT LINE, REAR Lot lines that are formed at the outermost edge of any rear yard.~~

~~A. LOT LINE, SIDE Lot lines that are formed at the outermost edge of any side yard.~~

LOT WIDTH: The distance measured between points where the front building setback lines meet side property lines. In the case of a curve, the arc distance along the curve.

LOT, CORNER: A lot abutting on two or more intersecting streets which have an interior angle of less than 135° at the intersection of the right-of-way lines of the two streets. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersects at an angle of less than 135°.

LOT, FLAG: An irregularly shaped lot characterized by an elongated extension from a street (the "pole") to the principal part of the lot. The flag shape of the lot is normally intended to provide for access to an otherwise landlocked interior parcel. ~~This type of lot is prohibited, in effect, by the definition of "lot width."~~ On a flag lot, setbacks and width are measured within the principal part of the lot, beyond the "pole" section of the lot area. The front lot line shall be the lot line parallel to the nearest street and/or where the "pole" enters the lot.

LOT, INTERIOR: A lot other than a corner lot.

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

LOT, THROUGH: A lot that abuts two approximately parallel streets with access onto both streets.

LUMBERING: See "tree harvesting."

MANUFACTURE: The making, with substantial use of machinery, of some product for sale, and/or associated assembly, fabrication, cleaning, testing, processing, recycling, packaging, conversion, production, distribution and repair, with substantial use of machinery, of products for sale. This term shall not include the following: retail sales, personal services, solid waste disposal facility or truck terminal.

MANUFACTURED/MOBILE HOME: See under "dwelling types."

MANUFACTURED/MOBILE HOME PARK: A parcel of land under single ownership which has been planned and improved for the placement of two or more manufactured/mobile homes for nontransient residential use. The individual manufactured/mobile homes may be individually owned. A development of manufactured/mobile homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes and shall not be considered to be a manufactured/mobile home park.

MASSAGE: The performance of manipulative exercises using the hands and/or a mechanical or bathing device on a person's(s) skin other than the face or neck by another person(s) that is related to certain monetary compensation, and which does not involve persons who are related to each other by blood, adoption, marriage or official guardianship.

MASSAGE PARLOR: An establishment that meets all of the following criteria:

A. "Massages" are conducted.

- B. The person conducting the massage is not licensed as a health care professional or licensed massage therapist by the state.
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor.
- D. The massages are conducted within private or semiprivate rooms.
- E. The use is not clearly a customary and incidental accessory use to a permitted exercise club or a high school or college athletic program.

*Note — A use that involves state-licensed massage therapists is allowed as a "personal service use" and is not regulated as a massage parlor.

MEDICAL MARIJUANA: Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania with Act 16.

MEDICAL MARIJUANA DELIVERY VEHICLE OFFICE: Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processors and/or dispensaries.

MEDICAL MARIJUANA ORGANIZATION OR FACILITY: A dispensary or a grower/processor of marijuana for medical purposes.

MEDICAL OFFICE OR CLINIC: A use involving the treatment and examination of patients by state-licensed physicians or dentists or other state-licensed health care professionals, provided that no patients shall be kept overnight on the premises. This use may involve the testing of tissue, blood or other human materials for medical or dental purposes. This use shall not routinely involve treatment for addiction to illegal drugs. See "treatment center" or "hospital."

MEMBERSHIP CLUB: An area of land or building used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public. This use shall not include a target range for outdoor shooting, a boardinghouse, a tavern, a restaurant or auditoriums, unless that particular use is permitted in that district and the requirements of that use are met.

MINERAL EXTRACTION: The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. Mineral extraction includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, coal, clay, and shale and iron ore. The routine movement of and replacement of topsoil during construction shall not by

itself be considered to be mineral extraction.

MOBILE/MANUFACTURED HOME: See under "dwelling types"

MOTEL: See "hotel."

MPC: The Pennsylvania Municipalities Planning Code, as amended.

MUNICIPALITIES PLANNING CODE OR STATE PLANNING CODE: The Pennsylvania MPC, as amended, 53 P.S. § 10101 et seq.

NATURAL FEATURES: Components of the ecological, hydrological and geological environment, including soil types, geology, slopes, vegetation, surface water, groundwater, drainage patterns, aquifers, recharge areas, floodplains, aquatic life, and wildlife.

NATURE PRESERVE: A noncommercial preservation of land for providing wildlife habitats, forests or scenic natural features that involves no buildings other than a nature education and/or study center and customary maintenance buildings.

NIGHTCLUB: A tavern or restaurant that has a primary or substantial portion of the total trade in the sale of alcoholic beverages, which frequently charges admission or cover charges for entertainment or music for dancing and which has a capacity of more than 250 persons for such entertainment or dancing.

NONCONFORMING LOT: A lawful lot of record with lot area, lot width or other dimension that was lawful prior to the adoption or amendment of this chapter but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or zoning amendment, and which is not abutting other land owned by the same owner.

NONCONFORMING STRUCTURE: A structure or part of a structure not manifestly designed to comply with the applicable lot area, dimensional and other provisions in this chapter, as amended, where such structure lawfully existed prior to the enactment of such chapter or amendment. Such nonconforming structures include, but are not limited to, signs. Such nonconformity may include, but is not limited to, nonconforming setbacks, height, building coverage or impervious coverage.

NONCONFORMING USE: A use, whether of land or of a structure, which does not comply with the applicable use provisions in this chapter or previous or subsequent amendments, where such use was lawfully in existence prior to the enactment of this chapter or such amendment; provided, however, that an existing use shall not be considered nonconforming solely because it includes fewer than the required number of parking spaces.

NURSING HOME: A facility licensed by the state as a nursing home for the housing and intermediate or fully skilled nursing care of three or more persons. This shall only include facilities that primarily serve persons who need such care because of old age, illness or physical disability.

OFFICE: A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall not include retail or industrial uses but may include business offices, medical or dental offices, clinics or laboratories, photographic studios and/or television or radio broadcasting studios. A call center is also a type of office.

OFFICIAL MAP: Any "Official Map" that may be adopted as such or amended by the Board of Commissioners in accordance with the MPC, 53 P.S. § 10101 et seq.

OFFICIAL STREET CLASSIFICATION MAP: The map as adopted by the Board of Commissioners classifying the streets of the Township. See definition of "street classification." This map may be amended by resolution of the Board of Commissioners.

OPEN SPACE, COMMON: A parcel or parcels of land which meet all of the following requirements:

- A. It is designed, intended and suitable for active or passive recreation by residents of a development or the general public.
- B. It is managed through by an approved system for perpetual maintenance.
- C. It is deed-restricted to permanently prevent the use of land for uses other than common open space.
- D. It does not include any of the following: street rights-of-way as approved or to be dedicated driveways, access drives that serve other uses, buildings (other than accessory buildings, such as recreational gazebos and pools, clearly intended for noncommercial recreation), off-street parking (other than that clearly intended and necessary to only serve noncommercial recreation), any area needed to meet a requirement for any other individual lot, any area deeded over to an individual property owner for their own use, or land within 25 feet of overhead electrical transmission lines or towers of 35 kilovolts or greater capacity.
- E. It does not include stormwater detention or retention basins and infiltration facilities, unless the applicant proves to the satisfaction of the Township that such area has been designed and will be maintained in a manner that it will be suitable for recreational uses during most times of the year and/or will serve as a scenic and ecological asset, such as having the appearance of a natural pond. An underground stormwater detention facility may be approved to serve as common open space only if the surface is improved to be usable for recreation and is not used for vehicle parking.

ORDINANCE: The Salisbury Township Zoning Ordinance, including the Zoning Map and Official Street Classification Map, as amended.

PA: Pennsylvania.

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

PARKING STRUCTURE: A building for short-term storage of motor vehicles, having two or more tiers and with a top tier either roofed or not.

PAVED AREA: All areas covered by stone and/or impervious surfaces, other than buildings and concrete public sidewalks and other than stoned or concrete areas required for stormwater management.

PAWN SHOP: A commercial use that is regulated as a pawn shop by the Pennsylvania Department of Banking.

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

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

- A. **CONSTRUCTION PERMIT** A permit indicating that a proposed construction, alteration, or reconstruction of a structure is, to the best knowledge of the Township staff, in accordance with the provisions of the Township Building Codes.
- B. **ZONING PERMIT OR A PERMIT UNDER THIS ORDINANCE** A portion of a building permit (unless a separate zoning permit may be established by the Township) that indicates that a proposed use, building or structure is, to the best knowledge of the Township staff, in accordance with this chapter and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations.

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

PERSON: Any individual or corporation owning a tract of land within the Township, or his/her/their respective heirs, assigns, grantees, vendees and successors.

PERSONAL CARE HOME: A residential use providing residential accommodations, meals and support services to persons who need such assistance because of old age, physical disability and/or mental retardation and that is licensed as a personal care home or assisted living facility by the Commonwealth of Pennsylvania. For uses providing nursing care, see "nursing home."

PERSONAL SERVICE: An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, shoe repair shops, household

appliance repair shops and other similar establishments but shall not include a massage parlor.

PETS AND ACCESSORY ANIMALS, KEEPING OF: The keeping of domestic animals that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops. See limits on the numbers and types of permitted animals in § 27-403, which also allow the keeping of certain other animals, such as a limited number of chickens for egg production. A "domestic animal" shall be defined as an animal that is normally or ordinarily domesticated or raised as a household pet in the character and climate of Salisbury Township.

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

PLACES OF WORSHIP: Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. If such use is primarily residential in nature, it shall be regulated under the appropriate dwelling type.

PLANNED RESIDENTIAL DEVELOPMENT:

A type of development that complies with the requirements of the sections of this chapter and of the MPC, 53 P.S. § 10101 et seq., pertaining to PRDs. See Part 9.

PLANNING COMMISSION: The Planning Commission of Salisbury Township.

PLANT NURSERY: The indoor and/or outdoor raising of trees, plants, shrubs or flowers for sale, but not primarily including commercial forestry for lumber. A plant nursery may include the growth of trees for sale for internal decoration of homes, such as a Christmas tree farm.

PORTABLE STORAGE CONTAINER: A mobile rectangular box that is kept outside of a building and that is used for temporary storage, but which is not intended to be used for solid waste.

PRD: See "planned residential development."

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

PRINCIPAL USE: The dominant use(s) or single main use on a lot, as opposed to an accessory use.

PROPERTY LINE: Has the same meaning as "lot line."

PUBLIC NOTICE: Notice required by the Pennsylvania MPC, 53 P.S. § 10101 et seq.

PUBLIC UTILITY: An entity providing central water service, central sewage service,

electricity distribution service, natural gas distribution service, or central steam heat service to multiple lots and that is under the jurisdiction of the Pennsylvania Public Utility Commission and/or is owned or operated by a municipality or a municipal authority.

PUBLIC WATER SERVICE: See under "water system."

RECHARGE: The replenishment of groundwater through the infiltration of rainfall, other surface waters, or land application of water or treated wastewater.

RECHARGE AREA: An area where water is able to seep into the ground and replenish an aquifer because no confining layer is present.

RECREATION, COMMERCIAL: Leisure-time activities that are open to the general public and that are primarily operated for commercial purposes. This shall not include any adult uses. Indoor commercial recreation shall only include activities that occur within a completely enclosed building. See also the definition for "commercial outdoor recreation."

RECREATION, PRIVATE: Leisure-time activities that are only open to members, guests or some specific groups.

RECREATION, PUBLICLY OWNED: Land and/or facilities that are owned and/or operated by a government agency or the Township and are available for use by the general public for leisure and recreation.

RECREATIONAL VEHICLE: A vehicle which is designed mainly to serve a person for primarily recreational instead of transportation purposes, or a vehicle that serves as a mobile, temporary dwelling. This may include a vehicle that is self-propelled, towed or carried by another vehicle, but shall not include camper cabs that fit over pickup trucks. This term shall also include the following: watercraft with a hull longer than 15 feet, motor homes, travel trailers and all-terrain vehicles.

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

RECYCLING CENTER, BULK: See "bulk recycling center."

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

REGISTRY: The registry established by the DOH for all medical marijuana organizations and practitioners.

RELATED OR RELATIVES: Persons who are closely related by blood, marriage, adoption or formal foster relationship. This term shall be limited to relationships such as father, mother, daughter, son, grandparent, great-grandparent, sister, brother, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, mother-in-law, father-in-law, step-father, step-mother, legal guardian, first cousin and similar relationships. This term shall not include relationships such as second, third or more-distant cousins.

~~RESIDENTIAL ACCESSORY BUILDING, STRUCTURE OR USE: A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: garage (private), carport, tennis court, garage sale, basketball backboard, storage of a recreational vehicle, private swimming pool, nursery school/day care center (as an accessory use), volleyball court, home office, gazebo, storage shed, greenhouse, children's playhouse and children's play equipment.~~

RESIDENTIAL DISTRICT: The CR, R1, R2, R3, R4 and R5 Zoning Districts.

~~RESIDENTIAL LOT LINES: The lot line of a lot containing a primarily residential use or the lot line of undeveloped land zoned as a residential district, but not including lots or districts separated by an expressway. If a use required to provide buffers and/or additional setbacks is on a lot divided by a zoning district, requirements for buffers and setbacks shall not apply from such zoning district boundary but instead shall apply from the nearest residential lot line of any other lot.~~

RESIDENTIAL USE: Includes properties which only contain up to 4 dwelling units per lot. A permitted home occupation does not exempt a property from its residential use status. Shall not include institutional group homes, nursing homes, treatment centers, or personal care centers which shall be considered institutional uses. Includes those types of homes listed under the definition of "dwelling types" plus group homes but shall not include nursing homes, treatment centers or personal care centers, which shall be considered institutional uses.

RESTAURANT, FAST-FOOD:

- A. An establishment that sells ready-to-consume food or drink, that routinely involves the consumption of at least a portion of such food on the premises, and that does not meet the definition of a "standard restaurant." This term shall also include a use that primarily involves off-premises delivery of ready-to-eat food, other than a catering business.
- B. A fast-food restaurant may include the accessory sale of alcoholic beverages; however, if such sale is a primary or substantial portion of the total trade, the requirements of a tavern must be met.
- C. If a primary or substantial portion of the total trade is in admission charges for

entertainment and the use has a capacity of more than 300 persons for such entertainment, the requirements for a nightclub shall be met.

RESTAURANT, STANDARD:

- A. An establishment that serves ready-to-consume food or drink for compensation in which the clear majority of sales involve the following: the customers order their food while seated inside a building from a waiter or waitress and then the food is delivered to their table and consumed at the table.
- B. A standard restaurant may include the accessory sale of alcoholic beverages; however, if such sale is a primary or substantial portion of the total trade, the requirements of a tavern must be met.
- C. If a primary or substantial portion of the total trade is in admission charges for entertainment and the use has a capacity of more than 300 persons for such entertainment, the requirements for a nightclub shall be met.

RESTRICTIVE COVENANT: A provision in a deed limiting the use of a property and/or prohibiting certain uses and/or limiting the manner and/or locations of development.

RETAIL STORE: A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult store, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or restaurant. A retail store may include up to 25% of its total indoor and outdoor sales area for sale of lumber without being considered a lumberyard.

RETIREMENT VILLAGE: A residential development limited exclusively to persons aged 55 years and older and their spouses.

RIGHT-OF-WAY: ~~Areas beyond each property's lot area which is not privately owned. Areas of right-of-way include, but are not limited to, streets and alleys. An area secured for public use and which may, but need not, be improved with streets, utilities, stormwater management facilities, traffic control facilities, curbs, sidewalks, bicycle lanes or paths, streetlights, and similar improvements for public benefit and enjoyment.~~

~~RIGHT OF WAY, LEGAL RIGHT OF WAY: A term to define the existing street right of way, that is either shown on a plan or a deed of dedication or some other way that it has been dedicated to the municipality as an area that the municipality then owns or may operate or construct and maintain its streets thereon.~~

~~RIGHT OF WAY, ULTIMATE: The intended width of a street as established by the Township Comprehensive Plan or an adopted Official Map.~~

SALDO: The Salisbury Township Subdivision and Land Development Ordinance (Chapter

22), as amended.

SANITARY LANDFILL (OR SOLID WASTE 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.

SANITARY SEWAGE SERVICE, PUBLIC: See under "sewage service."

SATELLITE DISH ANTENNA OR SATELLITE ANTENNA: A device attached to the ground or a structure that incorporates a reflective surface (such as in the shape of a shallow dish, cone or cornucopia) to transmit or receive radio or electromagnetic waves between earth-based uses and satellites in space. This term shall include, but not be limited to, satellite earth stations and satellite microwave antennas. This term shall also include any pedestal or attached structure. A satellite antenna may be ground-mounted, roof-mounted or tower-mounted. Tower-mounted antennas are erected on a separate base but are attached to an adjacent structure by some means of support.

SCHOOL, PUBLIC OR PRIVATE, PRIMARY OR SECONDARY SCHOOL, TO INCLUDE CHARTER AND CYBER SCHOOL:

- A. A public, parochial or private educational institution licensed or accredited by the State Department of Education that primarily serves persons between the ages of five and 19 and that provides standards of instruction meeting requirements of the commonwealth.
- B. This term shall not include:
 - 1) Trade schools (such as privately operated schools of trade, vocation or business); or
 - 2) Care and treatment facilities for youth.

SCREENING: A year-round vegetative material of substantial height and density designed to buffer two uses from each other. See requirements in § 27-803, Subsection 2.

SEEPS AND SPRINGS: Areas where groundwater intersects at or near to the ground surface, either seasonally or permanently. Springs involve groundwater reaching the surface at a specific point, while seeps involve a more widespread area. These areas may or may not be considered wetlands under federal requirements. Hydrophytic vegetation is often dominant.

~~**SELECTION METHOD:** In regards to tree harvesting, a method of selectively removing trees from a wooded area either singly or in small groups according to age and size, with provision being made for natural or artificial revegetation.~~

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

SEPTAGE: Materials pumped from a residential on-lot septic treatment system that was installed and is maintained in compliance with DEP regulations.

SETBACK LINE:

- A. The line within a lot defining the required minimum distance between any structure to be erected or use to be developed and the adjacent street right-of-way or exterior lot line (when the property is not abutted by a right-of-way). Such line shall be measured at right angles from and parallel to the front lot line.
- B. Any building setbacks shall be measured from the foundation, exterior wall or other component of a structure that is closest to the right-of-way line or lot line from which the setback is being measured. See exceptions for eaves and cornices in § 27-309.
- C. Unless otherwise stated, setback distances are for both accessory and principal structures.
- D. For a building setback measured from a private street, the setback shall be measured from the right-of-way of such a street, if a right-of-way exists. If a private street does not have a right-of-way, the setback shall be measured from the edge of the cartway.

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

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

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

SHOPPING CENTER:

- A. A use combining either:
 - 1) Six or more retail or personal service uses or establishments; or
 - 2) Two or more retail or personal service uses or establishments where such uses involve a total of more than 40,000 square feet of total gross floor area.
- B. Such a use may also include offices.

SIGHT DISTANCE: An area required to be kept free of visual obstruction. See § 27-803, Subsection 1.

SIGN: Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from a street or beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. See the definitions for various types of signs in §§ 27-711 and 27-703.

SIGN AREA: The measurement of the square footage of a sign, as measured in compliance with § 27-711, Subsection 2.

SIGN, OFF-PREMISES: A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.

SITE ALTERATIONS: All ground disturbance including, but not limited to: new or a change in impervious coverage; regrading existing topography; alterations to lakes, ponds, marshes, or floodplains; clearing vegetation; construction of a stormwater detention basin; and altering watercourses. ~~The cutting of trees, construction of a stormwater detention basin, filling or draining of wetlands, relocation or alteration of a waterway, or other change to a natural feature that is regulated by this chapter.~~

~~**SITE CAPACITY ANALYSIS:** Site capacity analysis provides a mechanism for subtracting portions of a site inappropriate for development due to the presence of sensitive environmental receptors or land features. Consequently, the purpose of this analysis is to determine the extent to which a site may be utilized given its unique physical characteristics.~~

SLAUGHTERHOUSE: A use that routinely involves the killing and butchering of animals for use as meat, and which is not a customary accessory use to the on-site raising of animals.

SLOPE: The vertical increase in height of ground level divided by the horizontal length of that area of ground, measured in percent.

SOLICITOR: The Salisbury Township Solicitor, unless otherwise stated, unless a special solicitor is appointed for a specific matter.

SOLID WASTE:

A. Any garbage, refuse, sewage sludge or other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, public, household, commercial or mining activities.

B. For the purposes of this chapter, the following materials shall not be considered to be solid waste:

- 1) Portions of trees or shrubs, leaves, mulch and rocks;

- 2) Substances legally disposed of into the air or water through a federal or state pollution discharge permit;
- 3) Customary residual wastes from a permitted mineral extraction use; or
- 4) Materials of a character such as paper, plastic, aluminum and metal that have been separated from the waste stream for recycling.

SOLID WASTE FACILITY:

- A. Land or structures where solid waste is processed, incinerated or disposed of. This shall only include the following facilities, each of which shall be required to have all permits required by the state in place prior to initiation of the use: sanitary landfill, solid waste transfer facility or solid-waste-to-energy facility.
- B. The following uses, for the purposes of this chapter, shall not be considered to be a solid waste disposal facility: junkyard, recycling collection center, leaf composting, clean fill, or septage or sludge application.

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

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

SPECIAL EXCEPTION: A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this chapter, provided the use complies with the conditions and standards required by this chapter. See § 27-120.

SPECIFIED SEXUAL ACTIVITIES: One or more of the following:

- A. Human male genitals in a visible state of sexual stimulation.
- B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- C. Fondling or other erotic touching of human genitals.

STABLE, NONHOUSEHOLD: Any housing of more than two horses. This may include a commercial or private riding club. The housing of one or two horses shall be considered an

accessory use under the "pets and accessory animals, keeping of" provisions (see § 27-403).

STATE: Any references to Pennsylvania State should be referenced as "commonwealth."

STATE PLANNING CODE: The Pennsylvania MPC, Act 247 of 1968, as amended, 53 P.S. § 10101 et seq.

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

STORY: That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above (also see basement, building height, grade plane and mezzanine). It is measured as the vertical distance from the top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finished to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

A. BASEMENT A story that is not a story above grade plane. The definition of "basement" does not apply to the provisions of § 1612 of the IBC for flood loads.

B. STORY ABOVE GRADE PLANE Any story having its finished floor surface entirely above grade plane or in which the finished surface of the floor next above is:

1) More than six feet (1,829 mm) above grade plane; or

2) More than 12 feet (3,658 mm) above the finished ground level at any point.

STREET: A public or private thoroughfare which affords principal means of access to abutting properties or that is a regional highway/expressway, but not including an alley or a driveway. The terms "street," "highway" and "road" have the same meaning and are used interchangeably.

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

STREET CLASSIFICATION: The functional classification of streets into the following types, as shown in the Comprehensive Plan for existing streets and as determined by the Township Engineer for future streets:

A. ARTERIAL STREET A street designed to carry large volumes of through traffic for the connection of residential areas and for circulation outside of residential areas. Access onto these streets is normally controlled by stop signs restricting oncoming traffic and traffic signals.

B. COLLECTOR STREET A street designed to carry moderate volumes of traffic between local streets and arterial streets, and usually provides only limited vehicular access to

abutting properties. Traffic on these streets is normally controlled by signs.

- C. LOCAL STREET A street designed to carry low volumes of traffic and provide direct access from abutting properties to collector and arterial streets.
- D. CUL-DE-SAC STREET A local street which is permanently terminated at one end by a vehicle turnaround and which intersects another street at the other end.
- E. LOOP STREET A local street which intersects other streets on each end and may intersect a cul-de-sac street at some point between each end.
- F. MARGINAL ACCESS STREET A local street which is parallel or adjacent to collector or arterial streets and which provides access to abutting properties.
- G. REGIONAL HIGHWAY OR EXPRESSWAY A street that provides direct links between metropolitan areas, which carries large volumes of high-speed traffic, that does not permit on-street parking, and that has no at-grade intersections.
- H. SERVICE STREET A nondedicated minor right-of-way for public use, providing primary or secondary access to nonresidential properties.

STREET, PRIVATE: A street that does not meet the definition of a "public street."

STREET, PROPOSED: A street which is shown on a proposed subdivision or land development application or has been approved by the Board of Commissioners, but has not yet been open to traffic.

STREET, PUBLIC: A street that is owned and maintained by Salisbury Township or PennDOT.

STRUCTURE: Any man-made object having an ascertainable location on, below, or in land or water, whether or not affixed to the land. The term "structure" shall not include a child's playset or playhouse, as long as its design is clearly that for a child and it will not be utilized as a storage shed or similar. ~~Any man-made object having an ascertainable stationary location on, below or in land or water, whether or not affixed to the land, subject to the following specific standards:~~

~~The following specifically shall be considered to be structures: buildings; signs; stadiums; platforms; communications towers; walkways, porches or decks that are covered by a permanent structure; swimming pools (whether above or below ground); storage sheds; carports; and garages.~~

~~Any structure shall be subject to the principal or accessory setbacks of this chapter, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this chapter.~~

SUBDIVISION: See the definition in the Township Subdivision and Land Development Ordinance (Chapter 22).

SUBDIVISION ORDINANCE: The Salisbury Township Subdivision and Land Development Ordinance (Chapter 22), as amended.

SWIMMING POOL, HOUSEHOLD OR PRIVATE: A man-made area with walls of man-made materials intended to enclose water- at least ~~2418~~ inches deep for bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests.

- A. ABOVE-GROUND SWIMMING POOL A swimming pool in which the normal water level is at or above the elevation of the surrounding ground level.
- B. BELOW-GROUND SWIMMING POOL A swimming pool in which the normal water level is below the elevation of the surrounding ground level.

SWIMMING POOL, NONHOUSEHOLD: A man-made area with walls of man-made materials intended to enclose water at least ~~1824~~ inches deep for bathing or swimming and that does not meet the definition of a "household swimming pool."

- A. A nonhousehold pool includes:
 - 1) A semipublic pool that serves only residents of a development or members of a club and their occasional guests; or
 - 2) A public pool intended to serve the general public.
- B. See also the provisions for recreational facilities limited to use by employees of a use or residents of a development as an accessory use, which may include a swimming pool, at the end of § 27-306.

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. See also the definitions of "restaurants," "auditoriums" and "nightclubs."

TEMPORARY: Unless otherwise provided for in regards to a specific provision, or unless otherwise approved by the Township, "temporary" shall mean not lasting or occurring more than 30 total days in any calendar year. See § 27-807.

TEMPORARY STRUCTURE: Unless otherwise provided for in regards to a specific provision, or otherwise approved by the Township, any structure, as defined above, that will be situated on a lot for not more than 30 days in any calendar year (January 1st through December 31st).

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

THEATER, OUTDOOR DRIVE-IN: An outdoor area devoted primarily to the showing of motion pictures or theatrical productions to patrons seated in motor vehicles or outdoors.

TIRE STORAGE, BULK: The storage of more than 250 tires on a lot, except for manufacture or wholesale or retail sales of new tires.

TOPS: In reference to tree cutting, shall mean the part of a felled tree which is left above the part of the tree to be utilized by a logger.

TOWNHOUSE: See "dwelling types."

TOWNSHIP: Salisbury Township, Lehigh County, Pennsylvania.

TRACT: The combination of lots in common ownership that are submitted to be approved together as part of a single subdivision or land development.

TRADE SCHOOL: A facility that is primarily intended for education of a work-related skill or craft or a hobby and that does not primarily provide state-required education to persons under age 16 and that does not meet the definition of a "college" or "university." This shall include a dancing school, martial arts school or ceramics school.

TREATMENT CENTER: A use (other than a permitted prison or a permitted care and treatment facility for youth) providing housing facilities for persons who need specialized housing, treatment and/or counseling and who need such facilities because of:

- A. Criminal rehabilitation, such as a criminal halfway house or a treatment/housing center for persons convicted of driving under the influence of alcohol.
- B. Addiction to alcohol and/or a controlled substance.
- C. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others.
- D. See also § 27-112, Subsection 5I.

TREATMENT CENTER, OUTPATIENT: A use that primarily exists to provide medication (such as methadone) and/or repetitive counseling to multiple persons with addictions to illegal use of controlled substances as a principal use, and which does not include on-site residential facilities, and which is not licensed by the state as a hospital.

TREE HARVESTING: The portion of "forestry" which involves the cutting down of trees and removing logs for any type of business or other commercial purpose, aside from those trees permitted to be removed as part of an approved development or construction project. May also be referred to as "timber harvesting" or "logging". "Tree harvesting" does not include other activities associated with the removed trees including, but not limited to, retail sales, manufacturing, and processing. The cutting down of trees for any type of business, development or commercial purpose. The term "tree harvesting" shall also include, but is not limited to, the definition of "forestry" in the Pennsylvania MPC.

TRUCKING COMPANY TERMINAL: A use involving a large variety of materials, including materials owned by numerous corporations, being transported to a site to be unloaded primarily from tractor-trailer trucks and reloaded onto tractor-trailer trucks, and that does not involve substantial processing or repackaging of the materials.

- A. A use that primarily involves either loading materials from tractor-trailers onto smaller trucks or loading materials from smaller trucks onto tractor-trailers shall be considered a distribution use.
- B. A trucking company terminal may include the following as clearly accessory uses if they are closely related to the principal use: repair, washing, refueling and maintenance facilities for trucks using the terminal, administrative uses for the terminal, and rest facilities for truck drivers using the terminal.

UNIT FOR CARE OF RELATIVE: A separated living area especially created for and limited to occupancy by a relative of the permanent residents of the principal dwelling unit to provide needed care and supervision of such relative because of a handicap, disability, developmental disability, illness or old age. See standards listed under accessory apartment in § 27-403, Subsection 4A(9). See definition of "relative" in this section. If such area is entirely incorporated within a lawful dwelling unit without a separate kitchen, then such area shall be permitted by right.

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

VARIANCE: The granting of a specific waiver by the Zoning Hearing Board of a specific requirement of this chapter for a specific property. A variance shall only be granted if the applicant meets the variance standards of the Pennsylvania MPC, 53 P.S. § 10101 et seq. (See § 27-112, Subsection 5, of this chapter.)

VERNAL POOL: Areas that are low points topographically and are typically covered by shallow water for an average of two months during normal years, but which may be completely dry for the remainder of the year, and which are not man-made.

VETERINARIAN OFFICE: A building routinely used for the treatment of animals and related housing or boarding of sick animals. Treatment of small animals includes only small domestic animals, including, but not limited to, dogs, cats, rabbits, birds or fowl. Treatment of large animals includes all types of animals, including horses, cows and pigs. The housing primarily of healthy animals shall be considered a kennel and shall meet the requirements of that use.

WALL: See "fence."

WAREHOUSE: A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

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

- A. **CENTRAL WATER SERVICE** Service by a central water system that is owned and operated by a municipality; a municipal or county authority; or a water company regulated by the State Public Utility Commission, and which transmits water from a common source to more than 30 dwellings or principal uses.
- B. **PUBLIC WATER SERVICE** Central water service by a system owned by a municipality or a municipal or county authority.
- C. **ON-LOT OR NONPUBLIC WATER SERVICE** Service by a water system that does not meet the definition of a "central water service." In most cases, this would involve an individual well serving an individual lot, but it may also include a common well or another duly approved system.

WATERCOURSE: Any channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WETLAND BUFFERS: An area of protection around a wetland within which specific development, construction and other human activities are prohibited.

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

WHOLESALE: Sales that primarily involve transactions with other businesses and their agents and not the general public.

WIND TURBINE: A device exterior to a building that converts wind energy into electricity, such as by using rotors.

WOODLAND: A tree mass or plant community in which tree species are dominant or co-dominant, and the branches of trees form a complete, or nearly complete, aerial canopy. For the purposes of this chapter, the extent of any woodland plant community or any part thereof shall be measured from the outermost dripline of all the trees in the community. Woodland shall include any area where timber has been harvested within the previous three years and/or woodland disturbance has occurred within the previous three years which would have met the definition of "woodland" prior to timbering or disturbance. Woodlands do not include orchards or old fields.

YARD: An area open to the sky and not covered by buildings and that is on the same lot as the subject structure or use. Regulations of specific districts prohibit principal and accessory structures within specified required minimum yards.

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

- A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot.
- B. When a lot abuts onto two or more public streets, the applicant may choose the front yard, unless the Zoning Officer determines that the front yard should follow the clearly predominant front yard orientation of the development of abutting lots.
- C. No accessory or principal structure shall extend into the required front yard, except as provided in this chapter.

YARD, REAR: An area required to be open to the sky and not occupied by buildings between the rear lot line and a line drawn parallel to such rear lot line at a distance specified by a specific section of this chapter. Such yard shall extend the full width of the lot from side lot line to side lot line. A principal structure shall not extend into the required rear yard for a principal structure, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this chapter.

YARD, SIDE: An area required to be open to the sky and not occupied by buildings between each side lot line and a line drawn parallel to such side lot line at a distance specified by a specific section of this chapter. Such yard shall extend the full width of the lot from front lot line to rear lot line. A principal structure shall not extend into the required rear yard for a principal structure, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this chapter.

ZONING HEARING BOARD: Refer to § 27-112 of this chapter.

ZONING MAP: The Map is adopted as part of the zoning amendment approved by ordinance.

ZONING OFFICER: The administrative officer charged with the duty of enforcing the provisions of this chapter, or his or her officially designated assistant(s).

ZONING ORDINANCE: The Salisbury Township Zoning Ordinance [Chapter 27], as amended.

Part 5
ENVIRONMENTAL PROTECTION

§ 27-501 Performance Standards.

If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Part, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.

§ 27-502 Nuisances and Hazards to Public Safety.

1. No landowner, tenant nor lessee shall use or allow to be used land or structures in a way that seriously threatens to or creates any of the following conditions:
 - A. Activities that encourage the breeding of disease-prone insects or rodents.
 - B. Activity that creates a significant hazard to public health and safety because of serious explosive, fire, biological, biogenetic or toxic hazards. (See § 27-506, "Storage of Explosive and Hazardous Substances.")
 - C. Activity that causes serious pollution to groundwaters or surface waters.

~~2. See the provisions of the Property Maintenance Code regarding proper maintenance of buildings.~~

~~3.2.~~ 3.2. Township Removal of Hazards. If the Zoning Officer becomes aware of a serious threat to the public health and safety, the Zoning Officer may, but is not required to, order the property owner to resolve the hazard. If the hazard is not resolved within a reasonable specified period of time after such notice, the Township may ~~at the option of the Board of Commissioners,~~ remove the hazard or contract for its removal. In such case, the property owner shall be required to compensate the Township for all such expenses for such work and any reasonable accompanying legal and administrative costs. However, the Township does not take responsibility for identifying or removing all hazards.

§ 27-503 Wetlands, Seeps, Vernal Pools and Springs.

~~1. If the Zoning Officer or the Township Engineer has reason to believe that a portion of a site proposed to be altered may meet the state or federal definition of a wetland, the Zoning Officer may require the applicant to provide an on-site study by a qualified professional delineating the locations of wetlands. However, the Township accepts no responsibility to identify all wetlands or to warn parties of such possibilities. The presence of hydric soils, hydric vegetation typically found in wetlands or other hydrological indicators may be indicators of an area needing more detailed study. Sufficient information shall be provided to the Township for a thorough review.~~

~~2.1.~~ 2.1. All permits of the Township are issued on the condition that the applicant complies with federal and state wetlands regulations, and such permits may be revoked or suspended by the Zoning Officer for noncompliance with such regulations.

~~3.2.~~ 3.2. Seeps, Vernal Pools and Springs. In any area suspected of possibly including a spring, vernal pools or seep, the Zoning Officer may request the applicant to ~~the applicant shall~~ have field research conducted on the property to identify and map any seeps or springs.

~~4.3.~~ 4.3. Setbacks. A minimum setback of 50 feet shall be required between any new principal building for which a building permit is issued after the effective date of this ~~C~~chapter and any identified seep, vernal pool or spring and any delineated "wetland." A minimum fifty-foot setback shall also apply between the cartway of a proposed street and any seep, vernal pool, spring or wetland.

§ 27-504 **Floodplain Areas and; Setbacks from Surface Waterways; ~~High Water Table Soils.~~**

1. Floodplains. All uses and structures shall comply with the Salisbury Township Floodplain Ordinance (Chapter 8) as a condition of this chapter.

~~2. A building shall not be constructed, placed or otherwise newly located within the one hundred year floodplain. A swimming pool that has sides that extend more than three feet above the ground shall not be constructed, placed or otherwise located within the one hundred year floodplain.~~

~~C. After requesting a review by the Township Engineer, the Zoning Officer may require an applicant to perform a study of the extent of the one hundred year floodplain along an alluvial soil area, intermittent stream, channel or swale where the one hundred year floodplain was not officially delineated previously. In areas determined to be subject to a one hundred year flood, the same Township regulations shall apply as if the area had been previously officially delineated as being within the one hundred year floodplain.~~

~~4. Purpose of Setbacks: to protect the water quality of surface waterways, preserve physical access to surface waters in case of future public acquisition, minimize erosion and sedimentation, preserve the natural stormwater drainage system of the area, conserve sensitive wildlife and aquatic habitats, preserve vegetation along waterways that will help screen out eroded soil and other pollutants, and provide for setbacks that can be used as required yard areas for a use.~~

~~5.2.~~ 5.2. Setbacks from Surface Waterways. No building, off-street parking or commercial or industrial storage or display area shall be located within 100 feet of the top edge of the primary bank of a major surface waterway and 75 feet of the top edge of a minor surface waterway. See the Township Floodplain Map in case a wider area is regulated under the Floodplain Ordinance (Chapter 8). If questionable, ~~T~~the exact location of the top edge of the primary bank shall be determined by the Township Engineer at the request of the Zoning Officer. Major surface waters are defined as the Lehigh River. Minor surface waters are defined as the Little Lehigh Creek, Trout Run Creek and Cedar Creek.

~~6.3.~~ 6.3. Exemption. The setbacks of this section shall not apply to public utility facilities or publicly owned recreational facilities.

~~7.4.~~ 7.4. Setback Areas and Construction. During any filling, grading or construction activity, all

reasonable efforts shall be made to leave the setback areas of this section undisturbed, except at approved approximately perpendicular crossings.

~~1. Vegetation. Within a setback required under Subsection 3, the applicant shall describe natural vegetation and trees that will be removed or replaced. Where trees and natural vegetation are removed within such setback, the applicant shall plant new trees and other vegetation that will serve the same or better environmental effect to avoid erosion and to filter pollutants from runoff.~~

~~1. High Water Table Soils.~~

~~A. At the time of review of a proposed subdivision or land development, the Zoning Officer may require that an on-site investigation be conducted for the purpose of determining the location of a high water table if any of the following conditions exist:~~

~~1) Soil mapping of the United States Natural Resources Conservation Service or a more reliable source indicates that the area includes soils with a seasonal depth to water table of less than three feet below the surface;~~

~~1) Wetlands are present on the property; or~~

~~1) There are other visual indicators of the presence of a high water table.~~

~~A. The Township may require that test excavations be subject to observation by a representative from the Township. The determination of areas with high water table shall be made by a qualified soil scientist or other professional who is acceptable to the Township.~~

~~A. Areas that are to be permanently restricted against use for any buildings or parking through an easement or deed restriction are not required to be tested.~~

~~A. The lowest enclosed floor of a new principal building, including any basement, shall be built a minimum of six inches above the seasonal high water table elevation. Any new principal building shall be constructed to limit the need for groundwater pumping.~~

~~§ 27-505 Steep Slopes.~~

~~1. Purposes. This section is intended to serve the following purposes, to avoid problems that typically accompany development of steeply sloped and adjacent areas:~~

~~A. To avoid severe soil erosion and sedimentation, especially considering that most of the areas affected by this section have a severe vulnerability to erosion based upon information provided by the United States Natural Resources Conservation Service.~~

~~A. To avoid severely increased stormwater flows and speeds, especially recognizing the existing severe stormwater problems and overloaded sanitary sewer systems from stormwater infiltration downhill from most of the areas affected by this section, and especially recognizing the difficulty~~

~~of regulating stormwater control on small developments and single lot construction, and the severe aggregate stormwater impact of numerous such small developments.~~

- ~~A. To recognize the recommendations of the Lehigh Valley Planning Commission's Comprehensive Plan for Lehigh and Northampton Counties regarding natural feature conservation.~~
- ~~A. To steer development to those areas that are more physically suited for it.~~
- ~~A. To avoid construction of steep roads that are difficult, time-consuming and expensive for maintenance and snow removal.~~
- ~~A. To avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice and in wet conditions.~~
- ~~A. To recognize that, although there are areas that are not steep within the CR District, it usually is necessary to develop adjacent steep areas in order to develop the nonsteep areas.~~
- ~~A. To seek to conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats.~~
- ~~A. To recognize that many of the areas affected by this section include natural springs, wetlands and major drainage channels that are very important parts of the hydrological cycle, to protect water quality, water quantity, aquatic habitats and public water supplies (including the Little Lehigh Creek and Allentown's Crystal Spring).~~
- ~~A. To allow each property owner a reasonable use of their land, related directly to the natural features and location and accessibility of the land.~~
- ~~A. To recognize that the Township has allowed and continues to allow and direct a reasonable amount of intense growth in more physically suitable portions of the Township. This especially includes areas where public sewer service is efficiently available, thereby using less total land to accommodate the same number of dwelling units than if such development occurred in areas without public water service.~~
- ~~A. To base the permitted intensity of development upon the physical characteristics of a parcel to support development, especially the steepness of slopes.~~
- ~~A. To recognize that development of many of the less steep areas affected by this section would require increased use of existing steep roads that are not suitable for intense traffic because of slope, limited sight distance, horizontal and vertical alignment problems and limited width, and that it would be difficult to improve these roads to an acceptable level because of the cost, presence of wetlands, limited right-of-way and steep slopes.~~
- ~~A. To recognize that many of the areas affected by this section are difficult to efficiently serve with~~

~~community facilities and services because of distances involved, steepness of roads and inaccessibility, including the following services: fire truck access, emergency medical response, police response, active recreation facilities, school busing, street maintenance, snow plowing and public water supply.~~

~~A. To recognize that most of the areas affected by this section are not served by a public water system; this limits amounts of water available for firefighting.~~

~~A. To minimize the necessity for state, municipal and private expenditures to correct soil erosion, subsidence and sedimentation problems.~~

~~A. To recognize that the Trout Creek and Little Lehigh Creek already suffer from severe silting problems after heavy rains.~~

~~A. To recognize that the open space option in § 27-310 provides an opportunity for economical development of a tract by clustering the units on the less steep areas, thereby lowering construction, grading, road and improvement costs.~~

~~A. To recognize that central sewage service is not expected to be available in the majority of the CR District, and that on-lot septic systems frequently have a higher rate of failure on steep areas than less steep areas.~~

~~1. Definition of "Construction Area." For the purposes of this section, "construction area" shall mean the total land areas proposed to be used for and/or within any and all of the following:~~

~~A. Areas within the proposed lot that are within 15 feet of any or all of the following existing or proposed features:~~

~~1) Principal buildings or principal structures (other than the required rear yard in Subsection 2C below).~~

~~1) Accessory structures or uses existing or proposed at the time of development of the principal building or structure.~~

~~1) An accessory building of more than 500 square feet of building coverage.~~

~~A. Areas within the proposed lot that are within 10 feet of any existing or proposed gravel or paved areas (including driveways) serving nonresidential uses, other than walkways.~~

~~A. Areas within the proposed lot that are within 40 feet of the rear of a principal building.~~

~~A. Areas within a directly abutting portion of a proposed public or private street, from the center line inward to the closest lot line of the abutting lot.~~

~~A. Gravel or paved areas (including driveways) serving residential uses other than walkways.~~

~~A. Areas proposed to be graded.~~

~~1. Slope of Construction Area. The "slope of the construction area" shall be defined as the highest slope that is present within the construction area prior to disturbance. See the exceptions subsection of this section. The contours of land regulated by this section shall not be altered prior to documentation, submission and regulation under this section. The slope shall be based upon two-foot or five-foot contours within areas proposed to be disturbed, unless the Township Engineer preapproves a different contour interval.~~

~~1. Exceptions to Slope Requirements.~~

~~A. Small Areas of Slope.~~

~~1) If the areas of over 8% slope within the construction area total less than 400 square feet, that by itself shall not cause the requirements related to over 8% slope to apply.~~

~~1) If the areas of over 12% slope within the construction area total less than 400 square feet, that by itself shall not cause the requirements related to over 12% slope to apply.~~

~~1) If the areas of over 15% slope within the construction area total less than 400 square feet, that by itself shall not cause the requirements related to over 15% slope to apply.~~

~~1) If the areas of over 25% slope within the construction area total less than 400 square feet, that by itself shall not cause the requirements related to over 25% slope to apply.~~

~~A. Existing Roads. The disturbance of sloped areas for widening, alignment, improvement or sight distance improvement of an existing street for public safety reasons or that is required by, approved by or accomplished by the Township or PennDOT shall not by itself cause the requirements of this section to apply.~~

~~A. Accessory Structures. The construction or placement of a customary accessory structure or use of up to 600 square feet of building coverage on a lot after the issuance of the original occupancy permit for a principal building or structure shall not by itself cause the requirements of this section to apply, provided that no earthmoving shall occur on areas of over 25% slope.~~

~~A. Man-Made Slopes. The alteration of slopes that were clearly lawfully man-made (such as walls of a detention basin or quarry or excavated banks along a street) shall be regulated by a reasonable estimate of the natural slope of such land and not by the degree of such man-made slope.~~

~~A. Building Expansion. The expansion of the building coverage of an existing permitted residential building up to 50% beyond the total building coverage that existed at the time of adoption of this section shall not by itself cause the requirements of this section to apply. This 50% maximum~~

~~shall apply to the cumulative total of all expansions over the life of the building. This exemption shall only apply if there is no earthmoving on areas with a natural slope of over 25% slope.~~

~~A. Recreation. The development of noncommercial open space recreation uses by a governmental agency or an established nature conservation organization, including, but not limited to, parking to serve common open space or the development of public recreational facilities, shall not by itself cause the requirements of this section to apply.~~

~~1. Lot Area in CR or Without Public Sewer Service. The following shall apply: in the CR Zoning District; or in other zoning districts when the dwelling or principal uses will not be served by public sewer service. Whichever of the following is most restrictive shall apply:~~

~~**If the maximum slope within the construction site area is:**~~

~~8% or less~~

~~Over 8% and up to 12%~~

~~Over 12% and up to 15%~~

~~Over 15% and up to 25%~~

~~Over 25%~~

~~**The minimum lot area shall be:**~~

~~2 acres~~

~~2.5 acres~~

~~4 acres~~

~~5 acres~~

~~Earthmoving prohibited except as permitted by special exception by this section~~

~~1. Sloped Areas with Sewage Service. The following, whichever is most restrictive, shall apply for dwellings or principal uses using public sewer service in districts other than the CR District:~~

~~**If the maximum slope of the construction area is:**~~

~~15% or less~~

~~Over 15% and up to 25%~~

~~Over 25%~~

~~**The minimum lot area shall be:**~~

~~No additional requirements under this subsection~~

~~2 acres with a minimum lot width of 125 feet~~

~~Earthmoving prohibited except as permitted by special exception by this section~~

~~1. Earthmoving on Slopes. No earthmoving activities shall occur within areas of a construction area or in preparation for or related to construction or development, on slopes of over 25% in any zoning district, except:~~

~~A. As provided for by the exceptions subsection of this section; and~~

~~A. If the applicant proves to the satisfaction of the Zoning Hearing Board under the special exception procedures that all of the following conditions would be met:~~

~~1) That disturbance of such slopes is necessary to allow development of a single permitted principal use or single principal building on an undeveloped existing lot of record of at least six acres. This shall not permit disturbance of slopes of greater than 25% for expansion of an existing use or building.~~

~~1) That slopes of over 30% will not be altered or disturbed.~~

~~1) That there are no areas of less than 25% slope on the lot that are reasonably physically suitable for the construction area.~~

~~1. Increase of Slope.~~

~~A. If more than 5,000 square feet of land area is increased in slope so that the average resulting slope is greater than 15% and more than 6% above the pre-existing slope, the applicant must prove to the satisfaction of the Township Engineer that stormwater will be adequately managed to prevent increased flooding or erosion to other properties.~~

~~A. The maximum slope resulting from excavation or earth fill shall be three feet horizontal to one foot vertical, unless the applicant provides professional engineering certification acceptable to the Township Engineer that the finished slopes will be safe and stable.~~

~~1. Maximum Slope of Streets. See the "streets" section of the "design standards" part of the Township Subdivision and Land Development Ordinance (Chapter 22).~~

~~1. Erosion Control. If slopes of greater than 15% are to be disturbed, the applicant shall submit to the Township and carry out an acceptable sedimentation and erosion control plan. The Township may then require that such plan be submitted to and found acceptable by the County Conservation District. There shall be compliance with all state sedimentation and erosion control regulations that are in effect at the time of the approval of the erosion and sedimentation control plan, and compliance with such regulations shall be a condition of all permits issued under this chapter.~~

~~1. Slope Submittal Requirements. Applicants proposing uses affected by this section shall provide the following information to the Township as part of preliminary subdivision or land development plans or on a separate site plan where a SALDO plan is not required. Such designated construction area shall be binding upon future owners of each lot, unless such applicant provides a revised site plan that proves to the satisfaction of the Zoning Officer that a revised construction area location would not cause a larger lot area to be required and would meet all other requirements of this chapter.~~

~~A. Mapping of slopes, with identification of the following intervals:~~

~~1) Eight percent or less.~~

~~1) Over 8% and up to 12%.~~

~~1) Over 12% and up to 15%.~~

~~1) Over 15% and up to 25%.~~

~~1) Over 25%.~~

~~A. Location, width and maximum slope (if greater than 12%) of proposed driveways.~~

~~A. Location of proposed construction area.~~

~~1. See also the site capacity analysis regulations in § 27-308.~~

§ 27-506 Storage of Explosive and Hazardous Substances.

1. See the requirements of the State Fire Code, as amended.
2. Fencing. (See § 27-513.)
3. Waterways.
 - A. No substance shall be stored in such a way that it could be washed into the groundwater or surface water, if such substance could seriously contaminate groundwater or surface water or seriously harm aquatic life of a waterway.
 - B. If a substance threatens groundwater or surface water contamination, it shall be stored within an impermeable containment. Such storage shall be surrounded, if needed, by a berm that would drain any spilled substance to an engineered collection area, or other method approved under Subsection 4 below.
4. Contingency Plans. An industrial use that will involve the manufacture, storage or handling of a total of 200 or more gallons or equivalent volume of hazardous substances (as defined in Part 2) over the course of a calendar year or that will involve the use of toxic substances shall only be developed if the applicant files a copy of a current preparedness, prevention and contingency plan (PPC) with the Township Zoning Officer or Emergency Management Coordinator.
5. All hazardous substances shall be properly labeled.

§ 27-507 Sewage Disposal.

1. All methods of wastewater disposal shall meet requirements of the Department of Environmental Protection, Township construction standards and the Official Township Sewage Facilities Plan, as amended, as applicable.
2. Recertification of On-Lot Systems. Any septic system is required to be reviewed and/or tested by the Sewage Enforcement Officer for adequacy if a change of use or expansion of use would cause an increase in sewage flows, or if there would be an increase in dwelling units.
3. Backup/Alternate Septic Drain Field. See the Township ordinance regulating individual and community sewage systems, which requires a lot served by an on-lot septic system to include an alternate drainfield location meeting Department of Environmental Protection requirements.
 - A. See § 27-403, Subsection 4M, concerning the requirement for an alternative septic location for the

additional impervious coverage on a lot of less than one acre or on a lot with three or more dwelling units.

4. On-Lot Systems and Lot Area. A more-restrictive minimum lot area may be established by the Sewage Enforcement Officer based upon Department of Environmental Protection regulations.
5. Nonresidential Septic Systems. A nonresidential use served by an on-lot septic absorption field shall not generate more average wastewater flow into such system than would be equal in flow to an average of one equivalent dwelling unit per acre of lot area.
6. If impervious coverage is added to an existing residential lot, see also § 27-403, Subsection 4M(10).

§ 27-508 **Noise.**

1. No use shall generate a sound level exceeding the limits established in the table below, when measured at the specified locations:

Sound Level Limits by Receiving Land Use/District

**Land Use or Zoning District
Receiving the Noise**

	Hours/Days	Maximum Sound Level
At the lot line of a dwelling in a residential district	1) 7:00 a.m. to 9:00 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Year's Day, 4th of July, Labor Day and Memorial Day	65 dBA
	2) 9:00 p.m. to 7:00 a.m., plus all day Sundays, Christmas Day, Thanksgiving Day, New Year's Day, 4th of July, Labor Day and Memorial Day	55 dBA
10 feet inside an industrially zoned lot	All times and days	75 dBA
10 feet inside any lot line not listed above	All times and days	70 dBA

Note — dBA means A-weighted decibel.

2. For any source of sound which emits a pure tone, the maximum sound level limits set forth in the above table shall be reduced by 5 dBA.
3. Noise Exceptions. The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:
 - A. Sound needed to alert people about an emergency.
 - B. Repair or installation of utilities or construction of structures, sidewalks or streets between the

hours of 7:00 a.m. and 9:00 p.m., except for clearly emergency repairs which are not restricted by time.

- C. Household power tools and lawn mowers between the hours of 7:00 a.m. and 9:00 p.m.
- D. Agricultural activities, including permitted raising of livestock, but not exempting a commercial kennel.
- E. Railroads and aircraft.
- F. Public celebrations specifically authorized by the Board of Commissioners or a county, state or federal government agency or body.
- G. Unamplified human voices.
- H. Routine ringing of bells and chimes by a place of worship or municipal clock.

§ 27-509 Vibration.

No use shall generate vibration that is perceptible to an average person through his/her senses, without the use of measuring instruments, on private property beyond the exterior lot line of the use generating the vibration. This requirement shall not apply to occasional nonroutine blasting or the use of construction equipment that may be necessary during construction of streets, structures, utilities, excavation and grading.

§ 27-510 Odors, Dust and Air and Water Pollution.

1. Odors and Dust. No use shall generate odors or dust that is significantly offensive to persons of average sensitivities beyond the boundaries of the subject lot. This restriction shall not apply to odors or dust created by permitted agricultural uses that are using normal farming practices within: (A) Act 133 of 1982, as amended, the State Right to Farm Act, 3 P.S. § 951 et seq.; or (B) an official agricultural security area. This odor restriction shall apply to uses that do not follow the farming practices referenced in those state laws, such as if manure is not plowed under within a reasonable period of time.
2. Air and Water Pollution. All uses shall comply with federal and state air and water pollution regulations as a condition of any Township permit.

§ 27-511 Light, Glare and Heat Control.

1. Streetlighting exempted. This section shall not apply to streetlighting that is owned, financed or maintained by the Township or the state.
2. All streets, off-street parking areas and driveways, except a driveway and off-street parking area accessory to a single-family detached dwelling, a semidetached dwelling (twin) or a single-family attached dwelling (townhouse), shall be illuminated adequately during the hours between sunset and sunrise when the use is in operation. Such minimum lighting on all parking spaces shall be one footcandle. A higher level of illumination may be required by the Township, based upon the most-current I.E.S. Lighting Handbook.

3. Adequate shielding on the luminaire or buffer planting shall be provided to protect adjacent residential properties from the glare of such illumination and from that of automobile headlights using such streets, off-street parking areas and driveways.
4. Parking lot and streetlighting standards luminaires that are within 300 feet of a residential lot line shall have a mounting height of 20 feet or less above finished grade. Elsewhere, lighting standards shall have a mounting height of 30 feet or less above finished grade.
5. Definitions. "Mounting height" is hereby defined as the distance that the bottom of the luminaire is above the finished grade. "Luminaire" is defined as the light unit on a lighting standard. The vertical dimension of the luminaire shall not exceed 36 inches.
6. At any property boundary which abuts a residential lot line, the illumination level from the luminaire shall not exceed 1/2 footcandle. No light source shall be visible at a point 50 feet from the lot line at a height of more than four feet above grade.
7. It shall be noted that additional approval by PPL is required for PPL installation, but Township approval shall not be contingent upon approval by PPL.
8. Spotlights shall not be directed from one property into an abutting dwelling or onto the porches of an abutting dwelling.

~~§ 27-512 Filling, Excavating and Grading.~~

- ~~1. Erosion. All Township permits are granted on the condition that state erosion and sedimentation regulations and any officially submitted erosion and sedimentation plan are in compliance. Failure to comply with such regulations or plan shall be cause for suspension of Township permits.~~
- ~~1. Drainage. The ground adjacent to a building shall be graded so that surface water will be drained away from such building.~~
- ~~1. No grading shall be completed in such a way that soil, rocks or other debris is left in an unsightly fashion nor in a fashion that interferes with drainage, streets or utilities.~~
- ~~1. Fill. Materials used for fill as a future base for construction shall be nonbiodegradable, well-compacted and provide a suitable and secure base. The Zoning Officer, upon the advice of the Township Engineer, may require that an applicant fund appropriate underground testing of a proposed building site if there is reasonable doubt, in the opinion of the Township Engineer, that the subsurface is suitable and secure for the proposed use.~~
- ~~1. Dumping. Outdoor dumping of junk or solid waste in other than an approved solid waste disposal facility, composting facility or junkyard is prohibited.~~

§ 27-513 Placement and Screening of Waste Containers and Outdoor Machinery and Fencing of Storage.

1. Placement. Whenever reasonable, commercial, industrial and institutional outdoor machinery that could create a noise nuisance shall be placed towards a side of a building that does not face an abutting existing dwelling, residential district, school or other noise-sensitive use.
2. Safety. General types of toxic, biological, electrical and other significant hazards involving stationary outdoor machinery and storage shall be marked with signs.
3. Solid Waste Containers.
 - A. Screening. All trash dumpsters shall be screened on at least three of four sides (not necessarily including the side it is to be emptied from) as needed to screen the dumpster from view from public streets or dwellings on abutting lots. A solid wooden fence, brick wall, evergreen plants or structure designed to be architecturally compatible with the principal building shall be used for such screening.
 - B. Setback from Dwellings. If physically possible, any solid waste container with a capacity of over 15 cubic feet shall be kept a minimum of 20 feet from a dwelling unit on an abutting lot.
 - C. Food Sales. Any use that involves the sale of ready-to-eat food for consumption outside of a building shall provide and maintain adequate outdoor solid waste receptacles at convenient locations on the property for customer use.
4. Fencing of Outdoor Storage and Machinery. The following shall be secured by fencing or walls that are reasonably adequate to make it extremely difficult for children under the age of nine to enter, unless the applicant proves in writing to the satisfaction of the Zoning Officer that such fencing or walls are not needed:
 - A. Outdoor industrial storage areas involving storage covering more than 5,000 square feet of land.
 - B. Stationary hazardous machinery and equipment that are outdoors.
 - C. Outdoor bulk aboveground or surface storage of potentially explosive or hazardous liquids, gases or substances.

§ 27-514 Radioactivity and Electrical Disturbances.

1. No use shall routinely cause electrical, radio or electromagnetic disturbances to equipment on other lots, except for overhead electric lines that comply with Pennsylvania Public Utility Commission standards.
2. No radioactive wastes shall be disposed of in any district, and no radioactive wastes shall be stored on a lot for longer than 90 days after their active use is completed. See also Pennsylvania Department of Environmental Protection regulations.

§ 27-515 **Stripping of Topsoil.**

The permanent stripping and removal of more than 50% of the topsoil from any lot is prohibited, except on portions of a lot for which approval has been received to construct a building or paving. This section shall not restrict the temporary stockpiling of topsoil during construction, nor routine crop farming practices. This 50% restriction shall apply to any individual action, as well as to the total removal of topsoil from the lot over any length of time (such as 25% one year, and 25% the next year).

§ 27-516 ~~Tree Harvesting, Woodland Preservation, and Cutting of Trees (includes but is not limited to "forestry" as defined by the MPC).~~

- ~~1. Purpose. The presence of living trees in our surroundings is important and desirable from an ecological, environmental and aesthetic standpoint, to manage stormwater runoff and minimize flooding, to protect water quality, improve air quality, and to control erosion. Trees also help to regenerate groundwater supplies. Tree harvesting is allowed but should be regulated to ensure that environmental, forest management and aesthetic goals are realized.~~
- ~~2. Except as otherwise herein provided, it shall be unlawful for any person to cut down any tree in any zone in Salisbury Township which is six inches or more in diameter. For the purposes of this § 27-516, diameter shall be measured at a point 4 1/2 feet above the surrounding ground level prior to any earth disturbance.~~
- ~~3. It shall be lawful as a by-right use in any calendar year for a person to cut down, on each lot, a maximum of three trees of six inches or more in diameter. If a lot includes more than one acre of forested land, then in any calendar year, up to three trees of six inches' or more diameter may be cut per forested acre. In addition, trees may be cut as provided in § 27-516, Subsection 4, or within an approved tree harvesting operation, or as provided below within a construction site.~~
- ~~4. Cutting of Trees. It shall be lawful to cut down such trees six inches or more in diameter only if:
 - ~~A. The tree is significantly diseased, infested with carpenter ants or a similar destructive pest, damaged beyond recovery, or is dead. See Subsection 5 below.~~
 - ~~B. The tree is in such position or condition that it constitutes a danger to neighboring property, the property on which it is located, to public utility lines or to the public generally.~~
 - ~~C. The tree is located within an area that needs to be regraded and/or paved for a proposed street or curbing or sidewalk or utility, or is within five feet of the existing or proposed cartway of an uncurbed street.~~
 - ~~D. The tree meets the standards of § 27-516, Subsection 6, "Cutting Trees Prior to Construction."~~
 - ~~E. In case of emergency, the tree is removed within the following procedures:
 - ~~1) No more than one such tree shall be cut down unless and until a permit to do so has been obtained from the Zoning Officer.~~~~~~

~~2) In an emergency where time does not allow the prior obtaining of such permit, a permit shall be applied for within 72 hours after the cutting down of any tree.~~

~~F. This § 27-516 shall not regulate removal of invasive, poisonous or noxious species of vegetation. The Zoning Officer may approve the replacement of existing nonnative trees or other trees that the applicant shows to have low environmental value with newly planted trees with a higher environmental value.~~

~~5. Damaged and Diseased Trees. In nonemergency cases, unless otherwise stipulated by the Zoning Officer, site evaluations to determine or identify significantly diseased, infected, damaged or dead trees shall be made during a particular tree's growth period of the year; evaluations shall not be made while trees are in their dormant state. Trees so evaluated and marked during growth periods may subsequently be cut during dormant periods with the approval of the Zoning Officer.~~

~~6.1.~~ 6.1. Cutting Trees Prior to Construction.

- A. When a zoning permit is issued for a building, structure or use, it shall be lawful to cut down any trees which exist in the space to be occupied by such building, structure or use, any space within 15 feet of any such building or structure, any space to be occupied by, and all space within 10 feet of, all sides of any driveway, parking areas, water system or sewage disposal system, utilities, basins, berms or other areas of earthwork, including areas for erosion and sedimentation control or post-construction stormwater management.
- B. In such case, the construction area of all buildings or structures, driveways, parking areas, water systems and sewage disposal systems shall be properly surveyed and staked, and no such trees shall be cut down until the Zoning Officer has issued a permit ~~for the marked trees to be cut down in such a manner that it can be determined after the cutting that only those trees for which the permit was issued have been cut down.~~
- C. If trees are cut down as stated in Subsection 6B above, either the permitted construction or the replanting of the same density of trees must be completed within four years of the issuance date of the permit.
- D. During the construction or installation of any structure, driveways, parking area, water systems or sewage disposal systems, or in the process of landscaping or grading the lot, the fill generated by such construction, installation, landscaping or grading shall not be temporarily placed or stored in a manner which, as determined by the Zoning Officer, will potentially kill or seriously damage trees on the tract of land.
- E. Temporary fencing shall be required by the Township to be placed by the applicant in an area five feet beyond the dripline of any trees intended to be preserved, during activities that may result in damage to the trees or compaction of the root system. Vehicles shall not drive under the dripline and materials shall not be stored under the dripline during construction or tree harvesting

operations.

~~7. Killing or Damaging of Trees.~~

~~A. During the construction or installation of any structure, driveways, parking area, water systems or sewage disposal systems, or in the process of landscaping or grading the lot, the fill generated by such construction, installation, landscaping or grading shall not be temporarily placed or stored in a manner which, as determined by the Zoning Officer, will potentially kill or seriously damage trees on the tract of land.~~

~~B.A. It shall be unlawful to purposefully kill a tree by artificial means, including, but not limited to, girdling, smothering or the application of poisonous chemicals.~~

~~C. Temporary fencing shall be required by the Township to be placed by the applicant in an area five feet beyond the dripline of any trees intended to be preserved, during activities that may result in damage to the trees or compaction of the root system. Vehicles shall not drive under the dripline and materials shall not be stored under the dripline during construction or tree harvesting operations.~~

~~8.2. Tree Harvesting. Tree harvesting shall be permitted in all zoning districts indicated in accordance with the provisions of the Salisbury Township Tree Maintenance, Removal, and Replacement Ordinance (Chapter 25) § 27-306, and all other provisions of this ~~e~~Chapter.~~

~~A. Plan Required. Tree harvesting shall be done only in accordance with a forest management plan prepared by a forester with a degree from a program accredited by the Society of American Foresters and after a permit has been issued by the Zoning Officer. A copy of such plan shall be filed with the Zoning Officer along with a permit application at least 30 days prior to the proposed start date of such tree harvesting. Before such a permit is issued, the Zoning Officer shall have had the plan reviewed by a forester with a degree from a program accredited by the Society of American Foresters. If the Zoning Officer deems it necessary, the plan shall be submitted to the Pennsylvania Department of Conservation and Natural Resources to request their review.~~

~~B. All forest management plans, and the tree harvesting operation itself, shall comply with the following requirements:~~

~~1) All tree harvesting methods shall be by an accepted silvicultural method. Clear cutting is prohibited. "Clear cutting" shall mean any procedure by which 70% or more of the merchantable timber is cut on any acre. A minimum of 30% of trees of six inches' or greater trunk diameter shall remain and shall be distributed across each acre, and such remaining trees shall include some trees of higher value species.~~

~~2) A listing shall be provided of current stocking levels, species composition and tree quality and~~

~~condition, as well as a descriptive narrative of the subject property. In addition, estimates must be provided as to the type and quantity of timber to be harvested and what the residual stocking levels should be. Where it appears that timber harvesting operations will result in lower or understocked stand density levels, justifications for such a harvesting must be included.~~

- ~~3) Reforestation. The plan shall identify the reforestation process(es) to be employed and specifically identify, with respect to each principal variety of tree to be reforested, the method or methods of reforestation to be employed, and the recommended reforestation period shall be deemed to be an essential part of any forest management plan and, as such, will be deemed to be a continuing use until said period is completed. No other use may occur on the site until the reforestation period is complete, with the sole exception of the maintenance or construction of a single family residential dwelling.~~
- ~~4) Harvesting Operations.~~
 - ~~a) Multiple lot tree harvesting is not allowed on lots which have been subdivided within five years of the submission date of a tree harvesting permit or application.~~
 - ~~b) Before a permit is issued to conduct a tree harvesting operation as part of a forest management plan, the applicant/owner(s) shall submit to the Zoning Officer and the Township Solicitor, fully executed and acknowledged in duly recordable form, a restrictive covenant (along with a deposit for the cost of recording said restrictive covenant and required attachments in the county office for the recording of such instruments) wherein the landowner(s) acknowledge(s), covenant(s) and agree(s), on behalf of himself, herself or themselves and his/her/their respective heirs, assigns, grantees, vendees and successors, that:
 - ~~i. All tree harvesting operations will be conducted only in accordance with this Part and the approved forest management plan. Such plan that was accepted by the Township shall be binding upon the applicant unless a revised plan that complies with this chapter is accepted by the Township.~~
 - ~~ii. As soon as practical and consistent with sound forest management practices, after the conclusion of the tree harvesting operation, the applicant(s)/owner(s) shall cause to be implemented the reforestation portion of the approved forest management plan.~~
 - ~~iii. Until the completion of the reforestation portion of the forest management plan, including the reforestation period set forth therein, the tract(s) or parcel(s) of land which was/were the subject of the tree harvesting operation shall be put to no other use except the maintenance or construction of a single family dwelling, including, but not limited to, any use which would otherwise be a permitted use for said land in the zoning district in question.~~~~

- ~~iv. In the event an unexpected or evasive or harmful situation arises which threatens the reforestation, then limited management activities may be allowed with the approval of the Zoning Officer.~~
- ~~e) An erosion and sedimentation control plan designed to prevent erosion and sedimentation during and after the tree harvesting operation shall be submitted at the same time the forest management plan is filed. The Zoning Officer may require that the plan also be submitted to the County Conservation District and that the applicant pay the district for the costs of any review they wish to provide.~~
- ~~d) If the tree harvesting involves 10 or more acres of land, a property boundary survey shall be required to be submitted to the Township, and the boundaries of the property shall be marked in the field during tree harvesting operations.~~
- ~~e) The landowner and operator shall be jointly responsible to ensure compliance with this section. The Zoning Officer may issue a stop work order if there is not compliance with this section.~~
- ~~5) Tree Harvesting Operations.~~
 - ~~a) All cutting, removing, skidding, and transportation of trees shall be planned and performed in such a manner as to minimize the disturbance of or damage to other trees and vegetation and the land itself.~~
 - ~~b) Roads and trails shall be constructed, maintained and abandoned in such a manner as to prevent soil erosion and permanent damage to soil and waterways.~~
 - ~~c) Roads and trails shall be only wide enough to accommodate the type of equipment used, and grades shall be kept as low as possible.~~
 - ~~d) A crossing of any waterway shall be avoided, unless no alternative exists. Where a waterway crossing is necessary, the number of crossings shall be minimized. Any crossing shall be made at a right angle across suitable culverts or bridges or other approved surfaces for crossing, and all state and federal permits shall be obtained where required.~~
 - ~~e) Skidding across live or intermittent streams is prohibited, except over bridges or culverts.~~
 - ~~f) All limbs and stubs shall be removed from felled trees prior to skidding.~~
 - ~~g) All trees bent or held down by felled trees shall be released promptly.~~
 - ~~h) No trees shall be left lodged in the processes of falling.~~
 - ~~i) Felling or skidding on or across the property of others is prohibited without the express~~

~~written consent of the owners of such property. Felling or skidding on or across any public street is prohibited without the express written consent of the Township in the case of Township streets or PennDOT in the case of state highways.~~

- ~~j) No tops or slash shall be left within:
 - ~~i. Fifty feet of any public street or adjoining property;~~
 - ~~ii. Seventy five feet of any waterway or historic or scenic trail; or~~
 - ~~iii. Ten feet of any drainage ditch.~~~~
- ~~k) The stumps of all felled trees shall remain in the soil for stabilization purposes, unless the site is actively planned for development or replanting. The stumps shall not be higher than two feet above ground level.~~
- ~~l) Wild grapevines may be cut or removed, but only to the extent that such cutting or removal does not qualitatively affect wildlife food supply.~~
- ~~m) Slash piles shall not be higher than four feet.~~
- ~~n) Any damage to a public street that occurs as a result of the timbering operation shall be repaired and/or funded by the entity completing the timbering.~~
- ~~e) Timbering shall not occur between the hours of 8:00 p.m. and 7:00 a.m.~~
- ~~6) Buffer Zones. See definition in Part 2. Tree harvesting shall not occur within 75 feet from street rights of way and abutting lot lines that are not in common ownership. Tree harvesting shall not occur within 100 feet from the top of the primary bank of any perennial rivers, creeks or other watercourses.~~
- ~~7) All practical actions shall be accomplished to prevent damage or injury to young growth and trees not designated for cutting.~~
- ~~8) Fire Hazards. During periods of abnormal forest fire danger, as determined by the Fire Chiefs Association of Salisbury Township, the Township shall have the right to order a suspension of tree harvesting operations until the danger subsides.~~
- ~~9) Littering is prohibited; and during and upon completion of a tree harvesting operation, all cans, bottles, paper, garbage, and other litter of any type shall be removed from the property.~~
- ~~10) Upon completion of a tree harvesting operation, all roads shall be graded to eliminate any wheel ruts. With the exception of easements, access to all such roads from any public street by motor vehicles of any kind shall be effectively blocked, by such means as the building of a~~

~~mound or the installation of a gate; no cables shall be used for this purpose. As deemed necessary by the Zoning Officer, haul roads and landing areas must be stabilized and seeded.~~

~~11) Tree harvesting shall not occur within wetlands.~~

~~C. Marking of Trees. Before the tree harvesting operation begins, all trees which are to be felled in connection therewith shall be clearly marked on the trunk 4 1/2 feet above the ground and marked numerically with either paint or tags on the stump so that the same may be easily identified both before and after a tree has been felled. In addition, a tally of all marked trees and, if necessary as determined by the Zoning Officer, a sketch of the affected area will be required. No tree shall be felled which has not been designated for removal on the forest management plan as finally approved by the Zoning Hearing Board.~~

~~D. Notification of Beginning, Suspension or Completion of Tree Harvesting.~~

~~1) The holder of a permit to conduct a tree harvesting operation shall notify the Township at least 48 hours before the cutting of trees is to begin in connection with the construction of roads or trails.~~

~~2) The holder of a permit to conduct a tree harvesting operation shall notify the Township at least 48 hours before the cutting of trees for removal from the site is to begin.~~

~~3) The holder of a permit to conduct a tree harvesting operation shall notify the Township at least 48 hours in advance of the expected suspension of the tree harvesting operation for more than five successive working days for reasons other than weather conditions.~~

~~4) The holder of a permit to conduct a tree harvesting operation shall notify the Township at least one week in advance of the completion date of the tree harvesting operation and shall notify the Township immediately upon said operation's completion.~~

~~5) The applicant for a tree harvesting permit shall mail, deliver or provide written notice to the last known owner of record of all abutting lots that the application has been submitted, within five calendar days after such submittal. Such owners shall also be given at least 48 hours' advance written notice of when the initial tree harvesting will begin.~~

~~E. Insurance. The holder of a permit to conduct a tree harvesting operation shall secure appropriate and acceptable levels of liability and workers' compensation insurance for all employees working in the tree harvesting operation.~~

~~F. Township Inspections.~~

~~1) The Township may, by its own personnel or outside persons hired for the purpose, go upon the site of any proposed tree harvesting operation after an application to conduct such operation has been filed for the purpose of reviewing the plans for the proposed operation and thereafter~~

~~recommending or opposing the proposed operation or recommending or requiring changes or modifications thereto.~~

~~2) After a permit for a tree harvesting operation has been issued, the Township shall have the right, by its own personnel or by outside persons hired for the purpose, to go upon the site before, during and after the tree harvesting operation to ensure and require compliance with the plans for said operation as finally approved and all of the terms and provisions of this chapter.~~

~~9. Tree Cutting Enforcement. If trees are cut, harvested or killed in violation of any of the provisions of this section, or are wantonly or negligently injured, a fine shall be levied not in excess of \$500 per tree so affected, plus all court costs, including reasonable attorneys' fees incurred by the Township, in addition to a requirement to replant a new tree of three inches' minimum caliper for each tree that was removed without approval.~~

~~10. Woodland Protection.~~

~~A. Applicability. The additional regulations in this section shall apply to tree cutting (other than approved "timber harvesting") when a lot or tract includes 20,000 square feet or more of woodland which is proposed to be disturbed, based upon the land area of an existing lot before any subdivision.~~

~~B. Disturbance Limits. Clear cutting of any woodland area shall be prohibited except to the minimum extent necessary to permit the implementation of an approved land development or building permit in conformance with this section. All woodland disturbance shall be subject to both maximum disturbance limitations and disturbance thresholds, beyond which woodland replacement shall be required, as set forth herein.~~

~~C. Measurement of Woodland Disturbance. Disturbance limitations shall be measured based on the extent of the woodland at the time of the effective date of this chapter and shall be indicated on applicable plan(s). The extent of any area of woodland disturbance shall be measured to include the entire area within the dripline of any tree where any part of the area within the dripline of said tree is subject to woodland disturbance. Any disturbance limitation shall run with the land, once established. Subsequent applications shall be subject to the initial determination of disturbance limitations and thresholds set forth in this section, regardless of intervening disturbance which may have occurred.~~

~~D. Maximum Disturbance Limits. Permitted woodland disturbance for any purpose (other than timber harvesting) on any lot or tract shall not exceed 30% of the total woodland areas on a lot. If a lot is proposed to be subdivided, the regulation shall apply to all of the total woodland areas prior to subdivision. Tree removal within the Hospital Overlay Zone referenced in Part 10 shall be in accordance with the approved and coordinated open land plan.~~

~~E. Protection During Construction. In areas of woodland disturbance and immediately adjacent areas, remaining trees shall be protected from damage using the following procedures during construction:~~

- ~~1) Where existing trees are to remain, no change in existing grade shall be permitted within the dripline of the trees. Appropriate fencing four feet in height shall be placed at the dripline of trees to remain, wherever adjacent to proposed construction. Such fencing shall be maintained in place throughout the duration of construction activity. Roots shall not be cut within the dripline of any trees to remain.~~
- ~~2) Trees within 25 feet of a building, or bordering entrances or exits to building sites, shall be protected by a temporary barrier to be maintained in place throughout the duration of construction activity.~~
- ~~3) No boards or other material shall be nailed or otherwise attached to trees during construction.~~
- ~~4) Construction materials, equipment, soil and/or debris shall not be stored nor disposed of within the driplines of trees to remain.~~
- ~~5) Tree trunks, limbs, and exposed roots damaged during construction shall be protected from further damage by being treated immediately in accordance with accepted professional landscape procedures.~~
- ~~6) Trees which die during or within 24 months after completion of construction because of failure to adhere to this section shall be replaced by a new tree of a similar species within nine months afterwards.~~

~~§ 27-517 Maximum Slope and Width of Driveways.~~

- ~~1. No portion of a driveway or accessway other than a street shall have a maximum finished slope greater than 15%. No driveway shall be developed that does not have sufficient leveling area as it enters into a street, as determined by the Zoning Officer, upon the advice of the Township Engineer.~~

~~See also the regulations of the Subdivision and Land Development Ordinance (Chapter 22) governing slope of driveways at approaches to streets.~~

- ~~2. The Zoning Hearing Board, by special exception, may allow a driveway or accessway other than a street to have a slope greater than 15% but less than 20% if the applicant proves one of the following to the satisfaction of the Zoning Hearing Board:~~
 - ~~A. That there is no reasonably physically suitable alternative for the development of an existing lot;~~
~~or~~
 - ~~B. That the development of a driveway with less than 15% slope would unavoidably result in a substantially more extensive and more severe total disturbance of slopes over 15% than if a~~

~~steeper driveway would be permitted.~~

- ~~3. No driveway of greater than 100 feet in length in a CR District that was approved to serve a dwelling unit shall have a paved or stoned width of greater than 15 feet for more than 50 feet.~~

~~§ 27-518 Clearance Height of Tree Limbs.~~

~~For any tree within or extending within the existing right of way of a public street, the owner of such tree (or the abutting property if such tree is within the right of way) shall keep the limbs of such tree trimmed so that the growth does not obstruct light from any streetlight and so that there shall be a clear minimum height of 10 feet above the cartway of a street and eight feet above a sidewalk.~~

§ 27-519 Groundwater or Springwater Withdrawal.

1. This § 27-519 shall regulate new or increased groundwater or spring water withdrawals averaging more than 10,000 gallons per day from a lot for off-site consumption.
2. The regulations of this § 27-519 shall not apply to any of the following:
 - A. Water used by a principal agricultural use within the Township or to on-site consumption; or
 - B. Water is being utilized for uses on adjacent lots or as part of a public water system.
3. If the water will be trucked off site, the applicant shall provide a written report by a professional engineer with substantial experience in traffic engineering. Such study shall analyze the suitability of the area street system to accommodate the truck traffic that will be generated.
4. If the water will be trucked off site, any area used for loading or unloading of tractor-trailer trucks shall be set back a minimum of 150 feet from any adjacent residential lot.
5. Any bottling or processing operations shall be considered a distinct use and shall only be allowed if "food or beverage manufacturing" is an allowed use under § 27-306.
6. Any zoning permit is conditioned upon receiving approval, as applicable, from the Delaware River Basin Commission.