

ORDINANCE NO. 23 - _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HANOVER, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA TO AMEND THE CODE OF ORDINANCES BY AMENDING THE TEXT OF THE “HANOVER TOWNSHIP ZONING ORDINANCE” CHAPTER 185, ZONING; ARTICLE VIII EMPLOYMENT DISTRICTS AND SECTION 185-38 REGULATIONS APPLICABLE TO AFHBD AIRCRAFT FLIGHTPATH HIGHWAY BUSINESS DISTRICT BY AMENDING SAME IN ITS ENTIRETY AND REPEALING ALL ORDINANCES INCONSISTENT HEREWITH

WHEREAS, the Supervisors of Hanover Township, Northampton County, Pennsylvania, under the powers vested in them by the “Second Class Township Code” of Pennsylvania and the authority and procedures of the “Pennsylvania Municipalities Planning Code,” as amended, as well as other laws of the Commonwealth of Pennsylvania, do hereby enact and ordain the following amendments to the text of the Hanover Township Zoning Ordinance; and

WHEREAS, the Board of Supervisors of Hanover Township desires to amend its Zoning Ordinance by amending Article VIII Employment Districts and Section 185-38 Regulations applicable to AFHBD Aircraft Flightpath Highway Business District in its entirety.

NOW, THEREFORE, be it enacted and ordained by the Board of Supervisors of Hanover Township, Northampton County, Pennsylvania, and the same is hereby ordained and enacted as follows, to wit:

SECTION 1: The Supervisors of Hanover Township, Northampton County, Pennsylvania, under the powers vested in them by the “Second Class Township Code” and the “Pennsylvania Municipalities Planning Code”, as amended, as well as other laws of the Commonwealth of Pennsylvania, do hereby ordain and enact the following amendment to the text of the Hanover Township Zoning Ordinance Chapter 185 Zoning, of the Code of Ordinances, as amended.

SECTION 2: Chapter 185 Zoning, of the Code of Ordinances of Hanover Township, Article VII Employment District Section 185-38 Regulations applicable to AFHBD Aircraft Flightpath Highway Business District is hereby amended to read as follows:

“§ 185-38 Regulations applicable to AFHBD Aircraft Flightpath Highway Business District

- A. General. The purpose of this District is to allow the design and development of carefully selected businesses, business parks and recreation/entertainment facilities along portions of arterial and collector highways within the LVI Airport aircraft flightpath; to provide planned development of this area of the Township that is compatible with the existing LVI Airport aircraft flightpath and that serves existing and foreseeable needs of the Township and surrounding areas; and to encourage the planning and utilization of the land and the harmonious design, erection and use of buildings within the aircraft flightpath in a diversified nonresidential area of the community that will contribute to the economic base of the Township. This development shall conform to Chapter 159, Subdivision and Land Development, as it is applicable. Further, it shall conform to all applicable Federal Aviation Administration regulations, including Part 77, Objects Affecting Navigable Airspace.
- B. No Aircraft Flightpath Highway Business District use shall be permitted unless evidence has been submitted to the satisfaction of the Board of Supervisors that such use is or will be in compliance with §185-20 of this chapter and all other applicable sections of this Chapter 185-Zoning.
- C. A Site Plan review by the Planning Commission and Board of Supervisors and approval by the Board of Supervisors is required for all proposed uses. Site Plans shall be submitted showing location, size and orientation of the buildings within the lot and in accordance with §185-22C, Site plan, of this Chapter 185-Zoning.
- D. Permitted Uses. Only the following building types or uses shall be permitted in this District, except nonconforming uses or buildings as provided for in Article XI of this Chapter 185-Zoning:
 - (1) Forestry.
 - (2) Golf courses/driving ranges. This specifically does not include miniature golf.
 - (3) General service and repair shops, such as office equipment, computer, printer, telephone, watch, radio, television and other home appliance shops, of 10,000 square feet in size or smaller.
 - (4) Agriculture, including orchards and sod farms, but excluding animal husbandry and commercial logging.

- (5) Professional practice offices, such as law, medicine (but not a hospital, nursing home, group home or similar use), veterinary, architecture, engineering and the like.
- (6) Business offices, consisting of administrative, sales, executive and other general business offices, including, but not limited to, computer and data processing facilities and other uses of the same general nature.
- (7) Real estate offices.
- (8) Insurance offices.
- (9) Printing, publishing, and lithographic plants.
- (10) Light assembly, consisting of assembly of previously manufactured components such as furniture, clothing, computers, phones, copiers, electronic devices, office equipment, scientific instruments, watches, clocks, photographic and optical goods or similar products; excepting, however, the manufacturing of and/or assembly of chemicals or chemical components.
- (11) Business park allowing only the following businesses or uses:
 - (a) Printing, publishing, and lithographic plants.
 - (b) Professional practice offices such as law, medicine (but not a hospital, medical clinic, nursing home, group home or similar uses) architecture, engineering, and the like.
 - (c) Research laboratories engaged in scientific investigation, testing or the production of factual information for industrial, commercial or institutional clients, where no physical or tangible product for general marketing is directly produced therein, and provided that the Board of Supervisors determined that no potential danger, hazard or nuisance shall exist to the employees, building occupants or surrounding areas, and provided that the Board of Supervisors determine that no waste, other than normal domestic sewage, is discharged into any sewage disposal system. Chemical or biochemical research, however, are specifically prohibited.
 - (d) Light assembly consisting of assembly of previously manufactured components such as furniture, clothing, computers, phones, copiers, electronic devices, office equipment, scientific instruments, watches, clocks, photographic and optical goods or similar products, excepting, however, the manufacturing of and/or assembly of chemicals or chemical components. Hours of operation are from 6:00 a.m. until 10:00 p.m. unless otherwise approved by the Board of Supervisors.

- (e) Business offices consisting of administrative, sales office, executive, other general business offices, including but not limited to computer and data processing facilities, sales and service of high technology business and medical equipment and other uses of the same general nature.
 - (f) Real estate offices.
 - (g) Insurance offices.
- (12) Light industrial, light manufacturing plant; excepting, however, those whose primary uses involve chemical manufacturing or whose primary use involves hazardous chemicals or materials.
- (13) Beverage/bottling works.
- (14) Master Planned Flex Center but only allowing for the following permitted businesses or uses and in accordance with the criteria and regulations of §185-38.N (§ 185-38.M shall not apply) of this Chapter 185-Zoning. In the case of a conflict between this Section and any other sections of this Chapter 185-Zoning, the provisions of this Section shall prevail.
- (a) Research laboratories engaged in scientific investigation, testing or the production of factual information for industrial, commercial or institutional clients, where no physical or tangible product for general marketing is directly produced therein, and provided that the Board of Supervisors determined that no potential danger, hazard or nuisance shall exist to the employees, building occupants or surrounding areas, and provided that the Board of Supervisors determine that no waste, other than normal domestic sewage, is discharged into any sewage disposal system. Chemical or biochemical research, however, are specifically prohibited.
 - (b) Light assembly consisting of assembly of previously manufactured components such as furniture, clothing, computers, phones, copiers, electronic devices, office equipment, scientific instruments, watches, clocks, photographic and optical goods or similar products, excepting, however, the manufacturing of and/or assembly of chemicals or chemical components.
 - (c) Light industrial, light manufacturing plant, excepting, however, those whose primary uses involve chemical manufacturing or whose primary use involves hazardous chemicals.
 - (d) Business offices consisting of administrative, sales office, executive, other general business offices, including but not limited to computer and data processing facilities, sales

and service of high technology business and medical equipment and other uses of the same general nature.

- (e) Showroom space including that associated with a light assembly, light manufacturing, or light industrial use.
- (f) Data center used primarily for the storage, management processing, and transmission of digital data, which houses computer and/or network equipment, system servers, appliances, and other associated components related to digital data operation. Such facilities may also include systems for managing property performance and infrastructure to support sustained operations.
- (g) Indoor agricultural grower/processor facility, excluding marijuana grower/processor.
- (h) Airport related uses which value proximity to Lehigh Valley International Airport (LVIA), including but not limited to, design and/or manufacturing of aircraft parts and interiors, airport, and aviation support services (e.g., parts suppliers, catering, etc.), businesses that handle goods carried in airplanes utilizing LVIA (e.g., freight forwarders, consolidators and cargo handlers).
- (i) Vehicle charging station.
- (j) Solar Energy System, including rooftop, ground mounted and carport solar canopies.
- (k) Agriculture, including orchards, community gardens and sod farms, but excluding animal husbandry and commercial logging.
- (l) Mini storage facilities for the specific purpose of storing the property of individuals or businesses within individual storage areas within closed buildings; excepting, however, the storage of any chemicals, liquids or gases which shall be prohibited.
- (m) Beverage/bottling works.
- (n) Printing, publishing, or lithography.

E. Conditional Uses. Only the following building types and uses shall be permitted pursuant to Board of Supervisors approval, in accordance with the review procedures and use restrictions described in §185-54, Conditional Uses, of this Chapter 185-Zoning and the use restrictions described therein unless modified by §185-38.N.7 of this Chapter 185-Zoning. herein or allowed by right in a Business Park or a Master Planned Flex Center.

- (1) Research laboratories engaged in scientific investigation, testing or the production of factual information for industrial, commercial or institutional clients, where no physical or tangible product for general marketing is directly produced therein, and provided that the Board of Supervisors determines that no potential danger, hazard or nuisance shall exist to the employees, building occupants or surrounding areas, and provided that the Board of Supervisors determines that no waste other than normal domestic sewage is discharged into any sewage disposal system. Chemical or biochemical research, however, is specifically prohibited.
- (2) Landscaping businesses, including wholesale/retail centers and nurseries.
- (3) Building materials sales and storage.
- (4) Mini storage facilities for the specific purpose of storing the property of individuals or businesses within individual storage areas within closed buildings; excepting, however, the storage of any chemicals, liquids or gases which shall be prohibited.
- (5) Lawn and garden equipment sales and services.
- (6) Wellness center.
- (7) Hotel convention center.
- (8) Private entertainment/recreation complex.
- (9) Grower/processor facility.
- (10) Medical marijuana delivery vehicle office.
- (11) Warehouse and storage facilities in excess of 25% of the square footage of the building.
- (12) Warehousing and storage facilities in a Master Planned Flex Center in excess of 25% of the square footage of the building, pursuant to §185-38.N.7 of this Chapter 185-Zoning.

F. Special Exceptions. Only the following building types or uses shall be permitted, pursuant to Zoning Hearing Board review requirements of Article XIV of this Chapter 185-Zoning:

- (1) Retail shops as an accessory use to a permitted or Conditional Use, provided that such retail uses shall be limited to 25% of the total floor area of the permitted or Conditional Use if found in association with a permitted or Conditional Use, up to a limit of a combined total of 10,000 square feet of floor area for these retail uses.

- (2) Personal service shops, including dry-cleaning and laundry pickup establishments, laundromat, barbershop and beauty parlor, and shoe repair shop, provided that such uses shall be limited to 25% of the total floor area of the permitted or conditional use if found in association with a permitted or conditional use, up to a limit of a combined total of 10,000 square feet of floor area for these personal service uses.
- (3) Full service gasoline service station or automobile service shop, pursuant to §185-21 of this Chapter 185-Zoning.

G. Prohibited Uses. The following are strictly prohibited within the AFHBD District:

- (1) Residential buildings.
- (2) Commercial parking lots.
- (3) Truck terminals for storage or transit.
- (4) Hospital, nursing home, convalescent home, home for the elderly.
- (5) Group homes.
- (6) Day-care centers.
- (7) Church or other place of worship.
- (8) Public or private school.
- (9) Library.
- (10) Car rental agencies.
- (11) Stand-alone restaurant and/or bar unless it forms a part of the overall plan for a private entertainment/recreation complex or hotel convention center.
- (12) Gasoline - convenience store.
- (13) Sales of vehicles, campers, boats, etc.
- (14) Adult entertainment facility.
- (15) Betting parlor.
- (16) Truck Maintenance/Fueling Facility

(17) Parcel Hub/Package Sorting Facility

(18) Cold Storage Facility

(19) All other uses not specifically permitted in the AFHBD District.

H. Accessory Uses. Only the following accessory building types and uses shall be permitted in this District and within a Business Park or Master Planned Flex Center development, except nonconforming uses or buildings as provided for in Article XI of this Chapter 185-Zoning:

(1) Parking areas or loading areas, pursuant to §185-17, 185-18 and 185-33C of this Chapter 185-Zoning, which specifically does not include a parking garage or parking deck.

(2) Warehouse and storage facilities where such uses are accessory to or serve a principal use. The warehouse or storage shall not exceed 25% of the square footage in a building.

(3) Customary accessory uses to a permitted principal use of the land, on the same parcel of land.

(4) Signs, pursuant to §185-19 of this Chapter 185-Zoning, with the restriction that signs for any existing residential uses shall be regulated by the same restrictions on signs in an R1-S District.

I. Area and bulk regulation. The following requirements shall be observed:

(1) Minimum size of a business park development: 50 acres.

(2) General criteria:

Maximum Lot Coverage				Maximum Building Height ¹	
Minimum Lot Area (acres)	Minimum Lot Width (feet)	Buildings	Total Impervious	(stories)	(feet)
5	275	30%	50%	4	45

NOTES:

¹ All buildings must comply with Federal Aviation Administration regulations for the maximum building height within any portion of the AFHBD.

J. Minimum yard requirements. The following yard requirements shall be observed:

	Side Yard		
Front Yard	One	Combined	Rear Yard
(feet)	(feet)	(feet)	(feet)
50	30 ¹	80	50 ¹

NOTES:

¹ A minimum thirty-foot parking setback shall be required for side and rear yard setbacks. Where buffer yards are required for side and/or rear yards, no parking may occur within the required buffer yard.

K. Minimum distance between structures. The minimum distance between principal use structures on the same lot shall be 35 feet unless otherwise approved by the Board of Supervisors during the Site Plan review process.

L. Maximum length of a structure. The maximum length of a nonresidential structure shall be 400 feet unless otherwise approved by the Board of Supervisors during the Site Plan review process.

M. Other regulations.

- (1) Stormwater detention, as required to meet the release rates as published in the Catasauqua Creek Watershed and Lehigh River Sub-Basin 4 Act 167 Stormwater Management Plan and as amended by Chapter 152, Stormwater Management Ordinance, shall be provided either on-lot, regionally, or in a combination of the above.
- (2) Open air storage, where permitted, shall be within fenced or walled-in areas, and outside storage within a trailer(s) is specifically not permitted. Maximum height of stored material is 10 feet.
- (3) Preservation of landscape. The owner shall preserve the landscape in its natural state by minimizing tree and soil removal. The owner shall also ensure that grade changes are compatible with the general appearance of neighboring developed areas.
- (4) Relation of proposed buildings to environment. The owner shall relate proposed structure(s) harmoniously to the terrain and to existing buildings that have a visual relationship to the proposed structure(s). The owner shall provide a favorable relationship between existing and proposed uses, create focal points with respect to avenues of approach, terrain, features of other buildings and relate open space between all existing and proposed buildings, when applicable.

- (5) Drive, parking and circulation. For vehicular and pedestrian circulation, including walkways, interior drives and parking, the owner shall give special attention to the location and number of access points to public streets, width of interior drives and access to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of safe and convenient parking areas. The owner shall further design these vehicular and pedestrian areas to enhance the appearance of and access to the proposed buildings and structures and to the neighboring properties.
- (6) Surface water drainage. The owner shall give special attention to proper site surface drainage to ensure that removal of surface water will not adversely affect either neighboring properties or the public storm drainage system. The owner shall remove and efficiently carry away all stormwater from all roofs, canopies and paved areas and collect surface water in all paved areas in such a way that stormwater does not create a problem for vehicular and pedestrian movement.
- (7) Utility service. The owner shall place electric and telephone lines underground. Locate, paint and undertake any other treatment to ensure that all utilities which remain above the ground will have a minimal adverse impact on neighboring properties.
- (8) Advertising features. The owner shall ensure that the size, location, lighting and materials of all permanent signs and outdoor advertising structures or features will enhance rather than detract from the design of proposed buildings and structures and the neighboring properties.
- (9) Special features. The owner shall provide needed setbacks, screen plantings and other screening methods for exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures to help make them compatible with the existing or contemplated site design and with neighboring properties.
- (10) Solar access. Solar access to buildings should be considered in the proposed layout of buildings.
- (11) Sound buffering noise of exterior origins. All portions of buildings which are to be occupied by employees more than two hours per day shall be constructed so that the noise criterion for internal noise of exterior origin is Leg (24)S40dB. Prior to issuance of a building permit and prior to issuance of an occupancy permit, the design architect, builder or owner must provide a certification letter to the Township Zoning Administrator indicating the building compliance with this criterion.
- (12) Buffer yards. Buffer yards shall be required at specific locations within this District. A one-hundred-fifty-foot-wide raised berm buffer yard shall be constructed between any proposed

development within this District and any contiguous residentially zoned district, except where the adjoining property within any contiguous residentially zoned district is owned by the Lehigh Valley International Airport Authority. A fifty-foot-wide raised berm buffer yard shall be constructed along any nonresidential development side and/or rear yard where the adjoining lot within the AFHBD Zoning District includes an existing residential use or municipally owned facility. The buffer yards shall include a landscaped berm and shall comply with the following:

(a) The buffers shall consist of evergreen and deciduous trees, flowering trees, shrubs and raised berms.

(b) One-hundred-fifty-foot buffer yards.

[1] This buffer yard shall be measured from the district boundary line or from the near street line where a street serves as the district boundary line. The buffer yard may not be part of the street right-of-way but shall be in addition to that right-of-way. The buffer yard may include the required side or rear yards, and in case of conflict the larger yard shall apply.

[2] This buffer yard shall be a landscaped area free of roads, sidewalks, driveways, parking lots, storage, buildings and structures of any kind except for emergency access roads or pathways and/or sidewalks as may be required by Township ordinances or fire or safety regulations and/or as may be required and/or approved by the Board of Supervisors.

[3] The raised berm in the buffer yard shall be a minimum height of 14 feet measured from existing grade or the finished first-floor grade of the closest AFHBD building, whichever is higher, or as otherwise approved by the Board of Supervisors during site or land development plan review.

[4] The trees and shrubs shall be planted in the following minimum amounts per 100 linear feet of buffer, as measured parallel to the buffer yard:

[a] Ten evergreens.

[b] Five deciduous trees.

[c] Three flowering trees.

[d] Ten shrubs.

[5] The toe of the slope of the berm shall begin, at a minimum, 25% of the width of the buffer yard away from any residentially zoned district.

[6] Berms shall not be constructed within side or rear yard drainage and utility easements.

[7] The berm shall have a minimum six-foot flat area at the top.

(c) Fifty-foot buffer yards.

[1] This buffer yard shall be measured from the property line. The buffer yard may not be part of the street right-of-way but shall be in addition to that right-of-way. The buffer yard may include the required side or rear yards, and in case of conflict the larger yard shall apply. The toe of the slope of the berm shall begin at a minimum 25% of the width of the buffer yard away from any residence or municipally owned facility within the AFHBD.

[2] This buffer yard shall be a landscaped area free of roads, sidewalks, driveways, parking lots, storage, buildings and structures of any kind except for emergency access roads or pathways and/or sidewalks as may be required by Township ordinances or fire or safety regulations and/or as may be required and/or approved by the Board of Supervisors.

[3] The raised berm shall be a minimum average height of three feet measured from the existing grade or the finished first-floor grade of the closest AFHBD building, whichever is higher.

[4] The trees and shrubs shall be planted in the following minimum amounts per 100 lineal feet of buffer, as measured parallel to the buffer yard:

[a] Ten evergreens.

[b] Three deciduous trees.

[c] Two flowering trees.

[d] Five shrubs.

[5] Berms shall not be constructed within side or rear yard drainage and utility easements.

[6] The berm shall have a minimum three-foot flat area at the top.

- (d) Plants shall be arranged on berms to provide a visual barrier. A minimum of 1/2 of the shrubbery and flowering trees shall be planted on the residential side of the berm.
 - (e) The height of evergreen trees shall be a minimum of eight feet at the time of planting, measured from finished grade. The average size of deciduous trees shall be two inches caliper measured three feet above finished grade, and deciduous trees shall also have a minimum height of 12 feet at the time of planting. Flowering trees shall be seven feet high at the time of planting. Shrubs shall be a minimum of 30 inches in height at the time of planting.
 - (f) Berms within the buffer yards shall have a maximum slope of 3:1.
 - (g) Variations in the sizes and shapes of the berms are strongly encouraged. The unnaturally graded appearance of uniform, linear mounding shall be avoided. As an alternative to the possibly linear appearance which could result from the minimum requirements, applicants are encouraged to provide innovative, freeform screening buffers which need not be located entirely within the required buffer.
 - (h) When abutting property is already effectively screened by existing topography or vegetation, located on AFHBD property, the Board of Supervisors may waive the above requirements. Where partial screening exists, the Board of Supervisors may require additional planting or berming to supplement the existing screen.
 - (i) In all buffer yards, the exterior width beyond the planting screen shall be planted with grass seed, sod or ground cover and shall be maintained and kept clean of all debris, rubbish, weeds, and tall (no more than six inches) grass. All plant material which dies shall be replaced by the owner.
- (13) Off-street parking regulations. The provisions of §§185-17 and 185-33C of this Chapter 185-Zoning shall apply.
- (14) Off-street loading regulations. The provisions of §§185-18 and 185-33C of this Chapter 185-Zoning shall apply.

(15) Exterior lighting.

- (a) Plan. Each building site shall have adequate exterior lighting for its intended use, minimizing glare and without creating lighting which would be annoying to other sites and meeting the requirements of §185-20C(6) of this Chapter 185-Zoning.
- (b) Color; type. No neon lights and no traveling, flashing or intermittent lighting of any kind shall be permitted.
- (c) Pole height. All pole-mounted exterior lighting fixtures shall be on poles no higher than 16 feet unless otherwise approved by the Board of Supervisors during Site Plan review, but in no case shall the exterior lighting fixtures be higher than 16 feet.
- (d) Hours of operation. Except in parking areas and drives used between the hours of 12:00 midnight and 6:00 a.m., full exterior lighting may only be fully operated each night from dusk until 12:00 midnight and from 6:00 a.m. to dawn. Reasonable levels of lighting, for security only, may be operated all night.
- (e) Underground wiring. All outside wiring for exterior lighting shall be installed underground.

(16) Special building setbacks. No nonresidential buildings shall be constructed within 100 feet of the property used for residential purposes at the time of filing of a preliminary plan application for the approval of such a nonresidential building.

(17) Special off-street loading area screening requirements.

- (a) Any off-street loading area, truck storage or outdoor storage area proposed within 200 feet of an existing residentially used property (if such residential use exists at the time of the application of a preliminary plan for the approval of such off-street loading area) shall be totally screened from view from the residentially used property. This screening shall be accomplished with building orientation, or a solid wall constructed in such a way as to block the entire view of the vehicles and loading dock areas from all existing residential dwelling units located on that adjacent residentially used property.
- (b) For all nonresidential development, the site should be planned to minimize sound and adverse visual impact transfer between off-street loading and truck storage areas and residential districts or existing residentially used property.

N. Master Planned Flex Center general criteria and development standards. In the case of a conflict between this Section and any other Sections of this Chapter 185-Zoning, the provisions of this Section shall prevail.

- (1) Minimum tract size of Master Planned Flex Center: 200 acres.
- (2) A Master Planned Flex Center is meant to allow for greater flexibility of employment uses over a large master-planned tract of land, while reducing impacts to neighboring properties via building orientation, large buffers, berms, and new plantings.
- (3) An overall Master Plan shall be submitted that depicts the entire development tract which may include non-contiguous parcels, providing however, that they are adjacent, including immediately across the street. Master Planned Flex Centers may be developed either at one time or in phases. An approximate schedule of phasing shall be provided as part of the Master Plan. The Master Plan shall be considered a preliminary plan and prepared in accordance with the Hanover Township Subdivision and Land Development Ordinance provisions.
- (4) General tract criteria for a Master Planned Flex Center:

Master Planned Flex Center - Tract Criteria			
Maximum Tract Coverage¹			Maximum Building Height ²
Minimum Tract Area (acres)	Buildings	Total Impervious	(feet)
200	30%	55%	45-55 ³

NOTES:

¹ The coverage is based on the average over the entire Master Plan tract area, excluding ultimate rights-of-way for existing public roads, and not each individual legal parcel. As each phase is submitted an updated running total of the tract impervious coverage shall be shown on the plans. Impervious coverage shall be all areas that are paved or covered with a building. Notwithstanding the foregoing, no building lot shall exceed 90% impervious coverage. Detailed assumptions of impervious cover and storm water flow direction shall be provided with the master preliminary plan submittal as well as with each phase, consistent with §185-38.N.(6).(f) of this Chapter 185-Zoning.

² All buildings must comply with Federal Aviation Administration regulations for the maximum building height within any portion of the AFHBD.

³ Building height is the vertical distance as measured from the interior floor elevation of

the building's ground floor to the highest point of the roof. Maximum height shall be 45-feet when a building is less than 500 feet from a residential zoning district. When a building is 500 feet or more from residentially zoned land, the maximum height shall be 55 feet. Attachments to the top of the roof may extend five (5) feet above the highest point of the roof, or up to ten (10) feet above the highest point of the roof if screened.

Maximum size of a structure. The maximum footprint of any building shall not exceed 395,000 square feet, except for one building that shall not exceed 675,000 sf.

- (5) Lot criteria for a Master Planned Flex Center. All building lots shall conform to the following standards:

Minimum Lot Area (acres)	Minimum Lot Width (feet)	Front Yard (feet)	Side Yards		
			One (feet)	Combined (feet)	Rear Yard (feet)
5	275	50	30 ¹	80	50 ^{1,2}

NOTES:

¹ A minimum 30-foot parking setback shall be required for side and rear yard setbacks to the Master Plan tract perimeter. Where a perimeter buffer is required, no parking may occur within the required buffer.

² Where the rear property line is along the 300' landscape buffer, even if buffer is proposed as its own lot, this requirement shall not apply.

- (6) Additional Master Planned Flex Center Regulations.
- (a) Open air storage. The owner shall provide fenced or walled areas or orient the buildings to screen exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures to help make them compatible with neighboring properties. The maximum height of stored material is 14 ft. Open air storage is not permitted in required buffer yards.
 - (b) Buffer Yards. A buffer shall be provided along portions of the perimeter of the Master Planned Flex Center development as required below.

[1] Minimum buffer location and width.

[a] Between a Master Planned Flex Center development and a residential zoning district the minimum buffer shall be 300 feet.

- [b] Between a Master Planned Flex Center development and an existing non-conforming residential use, the minimum buffer shall be 50 feet.
- [2] Buffers shall not contain any buildings or parking areas. Access driveways and storm water management features may be located within the buffer.
- [3] Composition of the 300-foot Buffers. The buffer may be composed of a combination of the following:
 - [a] Berms. Berms shall be required where 300-foot buffers are required, except where utilities, easements, or rights-of-ways restrict their construction; however when such exceptions exist, the berm shall be modified and/or plantings may be substituted to provide the intended screening, as practicable. The height of the berm may vary depending on site conditions and the elevation of surrounding properties, provided that in no case shall the height of a berm be less than 7 feet nor more than 21 feet unless mutually agreed upon by the applicant and the Board of Supervisors. The berm shall be measured from the toe of slope on the residentially zoned side. When requested, sections through the berm showing sight-lines shall be submitted to demonstrate screening to the satisfaction of the Board of Supervisors.
 - [b] The toe of the slope of the berm shall begin, at a minimum, 20 feet away from any residentially zoned district.
 - [c] New trees and shrubs shall be planted in the following average minimum amounts per 100 lineal feet of buffer, as measured parallel to the buffer yard (on average for the entire buffer length):
 - i. Ten evergreens, a minimum of 5-6 feet tall at the time of planting, measured from finished grade.
 - ii. Five deciduous trees, an average size shall be two inches caliper measured three feet above finished grade, and also have a minimum height of 5-6 feet at the time of planting.
 - iii. Three flowering trees, an average of 5-6 feet high at the time of planting.

- iv. Ten shrubs, minimum of 18-24 inches in height at the time of planting.
- [d] The berm shall have a minimum six-foot flat area at the top.
- [e] Design of Berms. The new tree and shrubs shall be arranged on berms so that a minimum of 1/2 of the shrubbery and flowering trees shall be planted on the top and residential side of the berm.
- [4] Composition of the 50-foot Buffers. The buffer may be composed of a combination of the following:
 - [a] Berms. Berms shall be required where 50-foot buffers are required. The height of the berm shall be a minimum average of 3 feet.
 - [b] New trees and shrubs shall be planted in the following minimum amounts per 150 lineal feet of buffer, as measured parallel to the buffer yard:
 - i. Ten evergreens, a minimum of 5-6 feet tall at the time of planting, measured from finished grade.
 - ii. Three deciduous trees, an average size shall be two inches caliper measured three feet above finished grade, and also have a minimum height of 5-6 feet at the time of planting.
 - iii. Two flowering trees, an average of 5-6 feet high at the time of planting.
 - iv. Five shrubs, minimum of 18-24 inches in height at the time of planting.
 - [c] The berm shall have a minimum three-foot flat area at the top.
 - [d] Design of Berms.
 - i. The new tree and shrubs shall be arranged on berms so that a minimum of 1/2 of the shrubbery and flowering trees shall be planted on the top and residential side of the berm.
- [5] In all buffer yards, the berm and flat areas shall be planted with grass seed, sod, meadow or ground cover and shall be maintained and kept clean of all debris, rubbish and weeds. All

plant material which dies shall be replaced by the applicant for a period of 5 years.

[6] Berms within the buffer yards shall have a maximum slope of 3:1.

[7] Berms shall not be constructed within side or rear yard drainage and utility easements.

(c) Off-street parking regulations for Master Planned Flex Centers. A Master Planned Flex Center development shall comply with §185-17 of this Chapter 185-Zoning, except as modified by subsection (k) below, and the off-street car parking spaces required shall be as follows:

[1] For light assembly, light industrial and light manufacturing buildings there shall be no less than 1.94 car parking spaces per 1,000 square feet of building footprint.

[2] For warehousing and storage buildings there shall be no less than 1.11 car parking spaces per 1,000 square feet of building footprint. No spaces shall be required per employee.

[3] For the above-mentioned categories, no less than 1:1,500 car parking spaces shall be dedicated stalls, and the remainder may be shown on a parking compliance plan as striped in a building's truck court.

[4] The applicant shall record a covenant to address compliance with the provisions of Sections (c)[1], (c) [2], and (c) [3] above.

(d) Off-street loading and storage regulations.

[1] Off-street loading shall mean a dock door or other paved areas measuring at least 12 feet by 40 feet, with a minimum vertical clearance of 14 feet. The minimum number of loading spaces shall be 2 per 10,000 square feet of office area.

[2] All buildings shall be oriented so that dock doors do not directly face any residentially zoned land.

[3] All dock doors shall be located at least 500 feet from residentially zoned land.

(e) Exterior lighting.

[1] Plan. Each building site shall have adequate exterior lighting for its intended use, minimizing glare and without creating lighting

which would be annoying to other sites and meeting the requirements of §185-20.C.(6) of this Chapter 185-Zoning.

- [2] Color; type. No neon lights and no traveling, flashing or intermittent lighting of any kind shall be permitted.
 - [3] Pole height. Pole-mounted exterior lighting fixtures between the buildings and the residentially zoned land shall be on poles no higher than 16 feet, and poles away from the residentially zoned land shall not exceed the height of the closest building.
 - [4] Lighting. Lighting fixtures between the buildings and the residentially zoned land shall be no higher than 16 feet. Lighting fixtures away from the residentially zoned land shall not exceed the height of the closest building. All lighting fixtures shall have full cut offs to direct the light downward.
 - [5] Underground wiring. All outside wiring for exterior lighting shall be installed underground.
- (f) Stormwater detention, as required to meet the release rates as published in the Monocacy Creek Watershed, Catasauqua Creek Watershed and Lehigh River Sub-Basin 4 Act 167 Stormwater Management Plans and as amended by Chapter 152, Stormwater Management, shall be provided either on-lot, regionally, as common facilities in a Master Plan, or in a combination of the above. Stormwater flows shall conform with DEP regulations.
- (g) Utility service. All electric and telephone lines shall be placed underground.
- (h) Special Conservation Districts. §185-39 of this Chapter 185-Zoning governing special conservation districts shall not apply to a Master Planned Flex Center property, provided the following two criteria are met:
- [1] The SCD is due to soil type only, and is not due to mines, quarries, steep slopes over 15%, marshes, bogs, high water table areas, ponds, flood-prone areas (100-year or greater), drainage swales, areas delineated as waterways on the Official Township Map, or major low areas in the topography which have no natural drainage outlet on the surface.
 - [2] A report has been prepared by a registered engineer and/or certified geologist providing sufficient geological and soil information and opinions as to confirm that such grading and drainage is acceptable.

- (i) Woodlands and trees. On a Master Planned Flex Center development woodlands shall be preserved along the perimeter of the Tract to the satisfaction of the Board of Supervisors. Given the extensive buffer areas, berms and plantings required, §185-22.F of this Chapter 185-Zoning shall not apply to a Master Planned Flex Center development.
- (j) General landscaping. For a Master Planned Flex Center development the following plantings may be used to fulfill the requirements of §185-22 G.3 of this Chapter 185-Zoning.; foundation plantings, parking lot plantings including pursuant to §185-38.N.(6)(k) of this Chapter 185-Zoning, decorative planting beds, and plantings in the buffer areas beyond the required buffer plantings. Detailed landscape design shall be shown on the preliminary land development plan for each phase, as submitted.
- (k) Parking lot landscaping. In furtherance of the standards required of §185-17.F. of this Chapter 185-Zoning, all car parking areas of more than 25 spaces shall include a landscaped islands with no more than 25 spaces between, except if such spaces are striped in a building's truck court in which case no landscape islands will be required. If such island includes a light pole or other structure then it shall only include ground cover and/or shrubs, however, if such island does not include any structure then it shall include a tree no smaller than 5-6 feet tall at time of planting as measured from ground level.
- (l) A Master Planned Flex Center development shall comply with §185-33 with the exception of subsection (F) of this Chapter 185-Zoning. In lieu of §185-33.(F) of this Chapter 185-Zoning, the following shall apply:
 - [1] Each and every building containing or converted to a use primarily concerned with the storage and/or distribution of goods shall have amenities for the truck drivers/operators of the vehicles using the facility in addition to any similar amenities provided to on-site storage/distribution employees ("amenity" or the "amenities"). The following provisions shall apply:
 - [a] The minimum number of amenities and amenity parking spaces shall be provided using the following criteria based on the building size.
 - (i) One amenity, and one truck parking space for each building with a footprint up to and including 400,000 square feet.

- (ii) Two amenities and two truck parking spaces for each building with a footprint over 400,000 square feet.
 - [b] Each amenity shall include, at a minimum, a unisex restroom with a sink, and a minimum one hundred square foot lounge, including a minimum of five seats for drivers/operators. Each such amenity may also include vending machines and other facilities.
 - [c] Truck parking for each amenity shall be provided in close proximity to the amenity and in a suitable, safe, and defined location.
 - [d] Trucks parked in amenity parking spaces shall not leave engines idling unless required for safety or weather-related reasons.
 - [e] All trucks awaiting access to a loading/unloading dock/doorway shall park in the designated amenity parking spaces unless all such spaces are already occupied.
 - [f] The applicant shall record a covenant prohibiting the following uses: truck terminals, truck maintenance / fueling facility, parcel hub package sorting facility, and cold storage facility.
- (m) Sound buffering noise of exterior origins. All portions of buildings which are to be occupied by employees shall comply with all applicable OSHA requirements. Prior to issuance of a building permit and prior to issuance of an occupancy permit, the design architect, builder or owner must provide a certification letter to the Township Zoning Administrator indicating the building compliance with this criterion.
- (n) Traffic study. A traffic impact study (TIS) shall be prepared for a Master Planned Flex Center development and submitted as part of the overall Master Plan. The traffic study shall be prepared by a

licensed traffic engineer in accordance with
§185-22.E of this Chapter 185-Zoning.

- (7) Conditional Uses. Only the following building types and uses shall be permitted pursuant to Board of Supervisors approval, in accordance with the review procedures and use restrictions described in this Subsection (§185-54 of this Chapter 185-Zoning shall not apply).
- (a) Warehouse and storage facilities in excess of 25% of the square footage of the building shall meet the following standards:
 - (b) Purpose. The following standards are intended to provide the Board of Supervisors with a guide for the purpose of reviewing certain uses not otherwise permitted in specified zones except under restrictions of this Section.
 - [1] The Board of Supervisors shall hear and decide requests for all Conditional Uses filed with the Board of Supervisors, in writing, by any landowner (or any tenant with the permission of such landowner), as provided in this Chapter 185-Zoning.
 - [2] In granting a Conditional Use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter 185-Zoning, as it may deem necessary to implement the purposes and intent of this Chapter 185-Zoning.
 - (c) Procedures.
 - [1] The Zoning Administrator shall not approve a zoning permit for proposed development that requires a Conditional Use until written approval of the Board of Supervisors is obtained pursuant to this Chapter 185-Zoning.
 - [2] All applicants for a Conditional Use shall make application with the Township on forms provided by the Township Secretary-Treasurer and shall submit site plans in accordance with §§§185-38.N.7(d) of this Chapter 185-Zoning. Conditional Use shall be applied for on an individual lot basis, as building construction is proposed.

- [3] The Board of Supervisors shall not approve or deny the Conditional Use without reviewing the Site Plans and the recommendation of the Planning Commission (if available).
 - [4] The Board of Supervisors shall review the Application for a Conditional Use of the Site Plan and approve or disapprove the Conditional Use within 45 days after the last hearing before the Board of Supervisors.
 - [5] The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision.
- (d) Submission Requirements. All applicants for a Conditional Use for a warehouse or storage facility in excess of 25% of the square footage of the building as part of a Master Planned Flex Center development shall submit a plan showing the following information:
- [1] Location, size, direction of true North of the tract to be developed (hereinafter cited as "tract").
 - [2] Location and direction of all abutting property lines within 50 feet of the property lines of the tract.
 - [3] The location and dimensions of all existing and proposed streets, roads, highways and motor vehicle access and egress points, driveways, parking areas, utilities, structures, and buildings.
 - [4] Site contours at a minimum of two-foot intervals.
 - [5] Significant physical features including, but not limited to floodplain, steep slopes, woodlands, wetlands, and existing structures, which may impact or limit the proposed use of the property.
 - [6] Name and Address of the applicant.
 - [7] Zoning District Information.

[8] Name and Address of the engineer, surveyor, or architect, if applicable.

- (e) Approval of Conditional Uses. The Board of Supervisors shall approve any proposed Conditional Use if they find adequate evidence that any proposed use will meet:

[1] All of the general standards listed in Subsection (f); and

[2] All of the specific standards for the proposed use listed in Subsection (g).

- (f) General Standards.

[1] In conformance with the spirit, purposes, intent, and all applicable requirements of this Chapter 185-Zoning.

[2] In conformance with all applicable provisions of all other Township ordinances.

[3] In accordance with the Township Comprehensive Plan.

[4] Suitable for the particular location in question.

[5] Not detrimental to the public health or welfare.

[6] No accessory uses shall be permitted except as may be specifically noted on the approved site plan of the proposed Conditional Use or in accordance with the specific provisions of this Chapter 185-Zoning.

- (g) Specific Standards. An application for a warehouse in excess of 25% of the square footage of the building when part of a Master Planned Flex Center Development shall comply with the following standards:

[7] The entire building shall be located 500 feet or greater from a Residential District.

[8] The building shall comply with all standards in §185-38.N of this Chapter 185-Zoning.

SECTION 5: SEVERABILITY. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid in whole or in part, the effect of such decision shall be limited to those provisions expressly stated in the decision to be invalid, and all other provisions of the Zoning Ordinance shall continue to be separately and fully effective.

SECTION 6: REPEALER. All provisions of Township ordinances and resolutions or parts thereof that are in conflict with the provisions of this Ordinance, are hereby repealed.

SECTION 7: ENACTMENT. This Ordinance shall be effective five (5) days after the date of passage.

THIS ZONING ORDINANCE AMENDMENT IS HEREBY ORDAINED AND ENACTED this ____ day of _____, 2023, by the Hanover Township Board of Supervisors.

ATTEST:

HANOVER TOWNSHIP
BOARD OF SUPERVISORS

By: _____
Christina M. Thomas, Secretary

By: _____
John N. Diacogiannis, Chairman