

ORDINANCE 2001-12

ORDINANCE NO. 01- 12

**AN ORDINANCE OF THE TOWNSHIP OF HANOVER,
NORTHAMPTON COUNTY, COMMONWEALTH OF PENNSYLVANIA,
AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF HANOVER,
COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, IN
ACCORDANCE WITH AMENDMENTS TO THE MUNICIPALITIES
PLANNING CODE CONTAINED IN ACT 68 OF 2000, AND REPEALING ALL
ORDINANCES AND PARTS OF ORDINANCES INCONSISTENT HEREWITH.**

BE IT ENACTED AND ORDAINED by the Supervisors of Hanover Township,
County of Northampton, Commonwealth of Pennsylvania, and it is hereby enacted and
ordained, by authority of the same and pursuant to the authority granted under the
“Second Class Township Code”, as amended, as well as other laws of the Commonwealth
of Pennsylvania, as follows:

SECTION 1. Section I. General Provisions, subsection 151, is hereby amended as
follows:

Section 151.2. In the event that the regulations set by this Ordinance
impose greater restrictions than those provisions contained in “The Clean Streams
Act”, “The Bituminous Mine Subsidence and Land Conservation Act”, “The Coal
Refuse Disposal Control Act”, “Oil and Gas Act”, “Agricultural Area Security
Law”, “An Act Protecting Agricultural Operations from Nuisance Suits and
Ordinances Under Certain Circumstances”, “Noncoal Surface Mining
Conservation and Reclamation Act”, and “Nutrient Management Act”, the
provisions contained in said Acts shall apply, but only to the extent they pre-empt
the regulations set by this Ordinance.

SECTION 2. Section II. Interpretations and Definitions, is hereby amended as

follows:

Section 225A. Agricultural Operation: an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged in by farmers or consistent with technological development within the agricultural industry.

Section 248A. 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.

Section 261A. Minerals: any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat, and crude oil and natural gas.

SECTION 3. Section III. Regulations: All Districts, subsection 393. Site Plan, is

hereby amended as follows:

Section 393.1.14. Identification of the age of any structure 100 years or older.

SECTION 4. Section III. Regulations: All Districts is hereby amended as follows:

Section 399. Historic Preservation: No structure over 100 years old shall be removed or substantially altered unless approved by the Board of Supervisors as part of the Site Plan review and approval.

SECTION 5. Section IV. Regulations: Agricultural District, subsection 411. Permitted Uses, 411.2, 411.4 and 411.5 shall be deleted and replaced as follows:

411.2. Agriculture and Agricultural Operations.

SECTION 6. Section IV-A. Regulations: Monocacy Creek Protection District, subsection 411-A. Permitted Uses, 411.4-A shall be deleted and replaced as follows:

411.4-A. Agriculture and Agricultural Operations.

SECTION 7. Section V. Regulations: Residential Districts, subsection 511. Permitted Uses, 511.3 shall be deleted and replaced as follows:

511.3. Agriculture and Agricultural Operations, but limited to the cultivation of soil and the raising and harvesting of products of the soil including but not limited to nursery, horticulture and forestry.

SECTION 8. Section V. Regulations: Residential Districts, subsection 521. Permitted Uses, 521.6 shall be deleted and replaced as follows:

521.6. Agriculture and Agricultural Operations, but limited to the cultivation of soil and the raising and harvesting of products of the soil including but not limited to nursery, horticulture and forestry..

SECTION 9. Section V. Regulations: Residential Districts, subsection 531. Permitted Uses, 531.3 shall be deleted and replaced as follows:

531.3. Agriculture and Agricultural Operations, but limited to the cultivation of soil and the raising and harvesting of products of the soil including but not limited to nursery, horticulture and forestry..

SECTION 10. Section VI. Regulations: Commercial Districts, subsection 611. Permitted Uses, 611.7 shall be deleted and replaced as follows:

611.7. Forestry.

SECTION 11. Section VI. Regulations: Commercial Districts, subsection 622. Permitted Uses, 622.2 shall be deleted and replaced as follows:

622.2. Forestry

SECTION 12. Section VI. Regulations: Commercial Districts, subsection 632. Permitted Uses, 632.7 shall be deleted and replaced as follows:

632.7. Forestry

SECTION 13. Section VII. Employment Districts, subsection 711. Permitted Uses, 711.8 shall be deleted and replaced as follows:

711.8. Forestry.

SECTION 14. Section VII. Employment Districts, subsection 722. Permitted Uses, 722.6 shall be deleted and replaced as follows:

722.6. Forestry.

SECTION 15. Section VII. Employment Districts, subsection 724. Conditional Uses, is hereby amended as follows:

724.19. Extraction of Minerals.

SECTION 16 Section VII. Employment Districts, subsection 730.4. Permitted Uses, shall be amended as follows:

730.4.7. Forestry.

SECTION 17 Section VII. Employment Districts, subsection 742. Permitted Uses, shall be amended as follows:

742.6. Forestry.

SECTION 18 Section VII. Employment Districts, subsection 750.4. Permitted Uses, 750.4.1 shall be deleted and replaced as follows:

750.4.1. Forestry.

SECTION 19 Section VIII. Special Conservation District, subsection 804.2. Permitted Uses, 804.2.1.2 shall be deleted and replaced as follows:

804.2.1.2. Agriculture and Agricultural Operations.

SECTION 20 Section IX. Aircraft Flight Path District, subsection 902. Permitted Uses, 902.1 shall be deleted and replaced as follows:

902.1. Agriculture and Agricultural Operations, except as may be limited by the use regulations of the primary district.

SECTION 21 Section XIII. Zoning Hearing Board, subsection 1360.
Conditional Uses, shall be amended as follows:

1360.5.14. Extraction of Minerals.

- 1360.14.1. The lot size shall be no smaller than 100 acres.
- 1360.14.2. There shall be a minimum 150 foot set back from all property lines for any mining, quarrying or stockpiling activities.
- 1360.14.3. The use shall only have access to an Arterial road.
- 1360.14.4. The use shall be surrounded by a secure fence with a minimum height of eight (8) feet.
- 1360.14.5. Site landscaping shall be provided to protect surrounding properties from litter, noise and lighting.
- 1360.14.6. Fourteen (14) foot landscaped berms are required along property lines abutting residential districts and any residential uses within the PIBD. Landscaping on berms shall conform to the requirements of Section VII, subsection 730.12.2.
- 1360.14.7. All government permits must be received and verified.

SECTION 22 SEVERABILITY

If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional, the same shall not affect the validity of the entire ordinance as a whole, or any part or provision hereof other than that part so adjudged to be invalid or unconstitutional.

SECTION 23 REPEALER

All ordinances, or parts of ordinances, inconsistent herewith be, and hereby are, repealed.

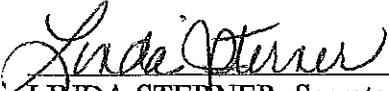
SECTION 24 EFFECTIVE DATE

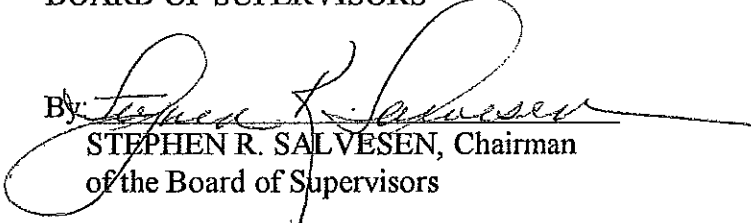
This Ordinance shall become effective upon enactment.

ENACTED AND ORDAINED at a regular meeting of the Board of Supervisors
of the Township of Hanover, County of Northampton on this 20 day of
November, 2001.

ATTEST:

HANOVER TOWNSHIP,
NORTHAMPTON COUNTY,
BOARD OF SUPERVISORS


LINDA STERNER, Secretary
of the Board of Supervisors

By: 
STEPHEN R. SALVESEN, Chairman
of the Board of Supervisors

ORDINANCE 2006-10

ORDINANCE NO. 06- 10

AN ORDINANCE ENACTED BY THE BOARD OF SUPERVISORS OF HANOVER TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA, ENACTING CERTAIN AMENDMENTS TO THE "HANOVER TOWNSHIP ZONING ORDINANCE" AND REPEALING ALL ORDINANCES INCONSISTENT HEREWITH.

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 Hanover Township Zoning Ordinance, as amended:

SECTION 1. Section 185-12 Definitions; Subsection C. Other Definitions is hereby amended by adding the following:

"ADULT ENTERTAINMENT FACILITY – An establishment open to the general public excepting minors under the age of 18, including, but not limited to, an adult book store, adult theater and any other facility whose purpose is to provide adult entertainment.

WELLNESS CENTER – A facility designed to promote health awareness and maintenance through a variety of programs and services tailored to a range of individual needs in which any combination of the following activities are provided.

- (1) Individual or group counseling.
- (2) Individual or group instruction on physical fitness and nutrition education.
- (3) Nutritional consultation.
- (4) Stress Management.
- (5) Classes on personal hygiene.
- (6) Other similar noninvasive health-related activities.
- (7) Physical therapy.
- (8) Message therapy.
- (9) Cardiac habilitation therapy
- (10) Fitness exercises.
- (11) Weight training.
- (12) Aerobics and other exercise programs
- (13) Similar therapy or exercise activities
- (14) Medical practice offices.
- (15) Retail shops, restaurants and specialty coffee shops, provided that such uses shall be limited to twenty-five percent (25%) of the total floor area of the permitted use and shall not exceed a combined total of 10,000 square feet of floor area."

SECTION 2. Section 185-38. Regulations applicable to AFHBD Aircraft

Flightpath Highway Business District is hereby amended in its entirety 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, and business parks along portions of arterial and collector highways within the L.V.I. Airport aircraft flightpath; to provide planned

development of this area of the Township that is compatible with the existing L.V.I. 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 Planning Commission and the Board of Supervisors that such use is or will be in compliance with § 185-20 of this chapter, and all other sections of this chapter.
- 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.
- 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:
 - (1) Forestry. [Amended 11-20-2001 by Ord. No. 01-12]
 - (2) 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.
- (3) Golf courses/driving ranges. This specifically does not include miniature golf.
- (4) General service and repair shops such as office equipment, computer, printer, telephone, watch, radio, television and other home appliance shops.
- (5) Professional practice offices such as law, medicine, architecture, engineering and the like.
- (6) Business offices consisting of administrative, sales office, executive, 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) Crop farming.
- E. Conditional uses. Only building types and uses shall be permitted pursuant to Board of Supervisor approval, in accordance with the review procedures and use restrictions described in §185-54, Conditional uses, of this chapter and the use restrictions described therein.
 - (1) Landscaping businesses, including wholesale/retail centers and nurseries.

- (2) Building materials sales and storage.
- (3) Mini-storage facilities for the specific purpose of storing the property of individuals or businesses within individual storage areas within closed building excepting, however, the storage of any chemicals, liquids or gases.
- (4) Lawn and garden equipment sales and services.

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

- (1) Retail shops as an accessory use to a permitted use, provided that such retail uses shall be limited to twenty-five percent (25%) of the total floor area of the permitted use if found in association with a permitted use and shall not exceed a combined total of 10,000 square feet of floor area.
- (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 twenty-five percent (25%) of the total floor areas of the permitted use if found in association with a permitted use and shall not exceed a combined total of 10,000 square feet of floor area.
- (3) Full service gasoline service station or automobile service shop, pursuant to § 185-21.
- (4) Wellness center.
- (5) Hotel convention center.

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) Warehousing, distribution and storage uses in excess of 25% of the square footage in a building.
- (5) Hospital, medical clinic, nursing home, convalescent home, home for the elderly.

- (6) Group homes.
- (7) Day-care centers.
- (8) Church or other place of worship.
- (9) Public or private school.
- (10) Library.
- (11) Car rental agencies.
- (12) Stand alone restaurant and/or bar.
- (13) Gasoline – convenience store.
- (14) Sales of vehicles, campers, boats, etc.
- (15) Adult entertainment facility.
- (16) 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, except nonconforming uses or buildings as provided for in Article XI:

- (1) Parking areas or loading areas, pursuant to §§ 185-17, 185-18 and 185-33C, 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, with the restriction that signs for any existing residential uses shall be regulated by the same restrictions on signs in a 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:

<u>Minimum Lot Area (acres)</u>	<u>Minimum Lot Width (feet)</u>	<u>Maximum Lot Coverage</u>		<u>Maximum Building²</u>	
		<u>Buildings</u>	<u>Total Impervious</u>	<u>Height (stories)</u>	<u>(feet)</u>
5	275	30%	50%	1	38 ¹

NOTES:

¹The maximum height of a building in a business park shall be one story, but not exceeding 38 feet unless the height dimension is otherwise agreed to by the Board of Supervisors at the time of site plan review process. The Board of Supervisors, however, do not have authorization to increase the number of stories.

²All 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:

<u>All Uses</u>	<u>Side Yard</u>			
	<u>Front Yard (feet)</u>	<u>One (feet)</u>	<u>Combined (feet)</u>	<u>Rear Yard (feet)</u>
5 acres	50	20	80	50 ¹

NOTES:

¹ A minimum twenty-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/or the Monocacy Creek Watershed Act 167 Stormwater Management Plan and as amended by Chapter 152, Stormwater Management, 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 trailer(s) is specifically not permitted. Maximum height of stored material is 10 feet.
- (3) Preservation of landscape. Preserve the landscape in its natural state by minimizing tree and soil removal. Insure that grade changes are compatible with the general appearance of neighboring developed areas.
- (4) Relation of proposed buildings to environment. Relate proposed structure(s) harmoniously to the terrain and to existing buildings that have a visual relationship to the proposed structure(s). To achieve this 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, 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, arrangement of safe and convenient parking areas. 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. 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. Remove and efficiently carry away all stormwater from all roofs, canopies and paved areas. 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. Place electric and telephone lines underground. Locate, paint and undertake any other treatment to ensure that all utilities which remain above ground will have a minimal adverse impact on neighboring properties.
- (8) Advertising features. 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. 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 criteria.
- (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 such 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 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.
 - [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 shall apply.
 - (14) Off-street loading regulations. The provisions of §§ 185-18 and 185-33C 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).
 - (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 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 areas and residential districts or areas."

SECTION 3. Section 185-54. Conditional Uses; Subsection E. Specific standards for conditional uses is hereby amended by adding the Following:

"(15) Specific Aircraft Flightpath Highway Business District (AFHBD) Zone conditional use requirements:

(a) Regulated Uses:

- [1] Landscaping businesses, including wholesale/retail centers and nurseries. Section 135-38E(1)
- [2] Building materials sales and storage. Section 185-38E(2)

[3] 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. Section 185-38E(3)

[4] Lawn and garden equipment sales and services. Section 185-38E(4)

(b) Specific regulations applicable to these conditional uses:

[1] The lot in which the use is situated shall not be closer at any point than 500 feet to any Suburban (R1-5S) Zoning District or a Township boundary line.

[2] The lot may not have direct access to Orchard Lane or Airport Road.

[3] The lot size shall be no smaller than five (5) acres and no larger than eight (8) acres in size, but otherwise be restricted by the shown setbacks and lot coverage criteria as specified for the AFHBD Zone.

[4] No more than one of these conditional uses may be located on a lot.

[5] The lot shall have no more than two (2) access points to public roads.

[6] The total land area of all lots in a continuous AFHBD Zoning District, being used for any of these uses, shall not exceed 10% of the total area of land within that continuous AFHBD Zoning District."

SECTION 4. If any section, clause, provision or portion of this Ordinance or regulation incorporated herein shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not effect any other section, clause, provision or portion of this Ordinance or regulation.

SECTION 5. All Ordinances and parts of Ordinances inconsistent herewith be and the same are hereby repealed.

SECTION 6. This Ordinance shall be effective five (5) days from the date of enactment.

ENACTED AND ORDAINED this 14th day of November, 2006, by the Board of Supervisors of Hanover Township, Northampton County, Pennsylvania.

ATTEST:

HANOVER TOWNSHIP,
NORTHAMPTON COUNTY,
PENNSYLVANIA

By: Stacy C. Milo
STACY C. MILO, Secretary

BY: John N. Diacogiannis
JOHN N. DIACOGLIANNIS,
Chairman
Board of Supervisors

ORDINANCE 2007-11

ORDINANCE NO. 07 - II _____

AN ORDINANCE ENACTED BY THE BOARD OF SUPERVISORS OF HANOVER TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA, ENACTING CERTAIN AMENDMENTS TO THE "HANOVER TOWNSHIP ZONING ORDINANCE" AND REPEALING ALL ORDINANCES INCONSISTENT HEREWITH.

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 Hanover Township Zoning Ordinance, as amended:

SECTION 2. Section 185-12 C, Other Definitions is hereby amended by adding the following definitions:

"Hotel Convention Center" – a building or group of buildings which includes (i) accommodations for transient guests, without regard to whether the building or groups of buildings contains one or more dwelling units, and (ii) facilities for trade, consumer and recreational shows, expositions, meetings, conferences, banquets, with or without food, and live entertainment events, concerts or similar events, but excluding Betting Parlors.

"Private Entertainment/Recreation Complex" – a building or group of buildings designed, intended or used primarily for athletic events and other performances including live entertainment events and containing seating for spectators of these events, concerts and similar events but specifically not including Betting Parlors.

SECTION 3. Section 185-38. Regulations applicable to AFHBD Aircraft

Flightpath Highway Business District is hereby amended in its entirety 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 L.V.I. Airport aircraft flightpath; to provide planned development of this area of the Township that is compatible with the existing L.V.I. 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 sections of this chapter.
- 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.
- 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:
 - (1) Forestry. [Amended 11-20-2001 by Ord. No. 01-12]
 - (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) Crop farming.

E. Conditional uses. Only building types and uses shall be permitted pursuant to Board of Supervisor approval, in accordance with the review procedures and use restrictions described in § 185-54, Conditional uses, of this chapter and the use restrictions described therein.

(1) Landscaping businesses, including wholesale/retail centers and nurseries.

(2) Building materials sales and storage.

(3) 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.

(4) Lawn and garden equipment sales and services.

(5) 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, 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 extraordinary 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.

- (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.
- (h) Wellness Center.
- (6) Professional practice offices such as law, medicine, architecture and engineering.
- (7) Business offices consisting of administrative, sales office, executive, other general business offices, including but not limited to, computer and data processing facilities, and other uses of the same general nature.
- (8) Real estate offices.
- (9) Insurance offices.
- (10) Wellness Center.
- (11) Hotel Convention Center.
- (12) Private Entertainment/Recreation Complex.
- (13) General service and repair shops such as office equipment, computer, printer, telephone, watch, radio, television and other home appliance shops of a size greater than 10,000 square feet.

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

- (1) Retail shops as an accessory use to a Permitted or Conditional Use, provided that such retail uses shall be limited to twenty-five percent (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 twenty-five percent (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.

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) Warehousing, distribution and storage uses in excess of 25% of the square footage in a building.
- (5) Hospital, nursing home, convalescent home, home for the elderly.
- (6) Group homes.
- (7) Day-care centers.
- (8) Church or other place of worship.
- (9) Public or private school.
- (10) Library.
- (11) Car rental agencies.
- (12) 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.
- (13) Gasoline – convenience store.
- (14) Sales of vehicles, campers, boats, etc.
- (15) Adult Entertainment Facility.

(16) Betting Parlor.

(17) 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, except nonconforming uses or buildings as provided for in Article XI:

- (1) Parking areas or loading areas, pursuant to §§ 185-17, 185-18 and 185-33C, 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, with the restriction that signs for any existing residential uses shall be regulated by the same restrictions on signs in a 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:

<u>Minimum Lot Area (acres)</u>	<u>Minimum Lot Width (feet)</u>	<u>Maximum Lot Coverage³</u>		<u>Maximum Building²</u>	
		<u>Buildings</u>	<u>Total Impervious</u>	<u>Height (stories)</u>	<u>(feet)</u>
5	275	30%	50%	2	38 ¹

NOTES:

¹ The maximum height of a building shall be two stories, but not exceeding 38 feet.

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

³ In an approved Business Park, the maximum lot building coverage is increased to 35% and total maximum impervious coverage is increased to 60%.

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

<u>Front Yard</u> <u>(feet)</u>	<u>Side Yard</u>		<u>Rear Yard</u> <u>(feet)</u>
	<u>One (feet)</u>	<u>Combined</u> <u>(feet)</u>	
50	30 ¹	80	50 ¹

NOTES:

¹ A minimum thirty-foot parking setback shall be required for side and rear yard setbacks except that in an approved Business Park this minimum parking setback shall be twenty feet. 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 thirty-five 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 four hundred 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, 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 trailer(s) is specifically not permitted. Maximum height of stored material is ten 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 insure 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, 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 aboveground 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 criteria.

(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 fourteen 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 one hundred 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 one hundred lineal feet of buffer, as measured parallel to the buffer yard:
 - [a] Ten evergreens.
 - [b] Three deciduous.
 - [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 twelve feet at the time of planting. Flowering trees shall be seven feet high at the time of planting. Shrubs shall be a minimum of thirty 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 shall apply.
- (14) Off-street loading regulations. The provisions of §§ 185-18 and 185-33C 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).
- (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 sixteen 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 sixteen 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 one hundred 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 two hundred 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.”

SECTION 4. Section 185-54. Conditional Uses; Subsection E. Specific standards for conditional uses is hereby amended by adding the following:

“(15) Specific Aircraft Flightpath Highway Business District (AFHBD) Zone conditional use requirements:

(a) Regulated Uses:

- [1] Landscaping businesses, including wholesale/retail centers and nurseries. Section 185-38E.(1)
- [2] Building materials sales and storage. Section 185-38E.(2)
- [3] 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. Section 185-38E.(3)
- [4] Lawn and garden equipment sales and services. Section 185-38E.(4)
- [5] Business Park allowing any of the following businesses or uses: [185-38E.[5]].
 - [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 extraordinary 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.
- [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.
- [h] Wellness Center.
- [6] Professional practice offices such as law, medicine, architecture and engineering. Section 185-38.(6).
- [7] Business offices consisting of administrative, sales office, executive, other general business offices, including but not limited to, computer and data processing facilities, and other uses of the same general nature. Section 185-38.(7).
- [8] Real estate offices. Section 185-38.(8).
- [9] Insurance offices. Section 185-38.(9).
- [10] Wellness Center. Section 185-38.(10).
- [11] Hotel Convention Center. Section 185-38.(11).
- [12] Private Entertainment/Recreation Complex. Section 185-38.(12).

- [13] General service and repair shops such as office equipment, computer, printer, telephone, watch, radio, television and other home appliance shops of a size greater than 10,000 square feet.

(b) Specific regulations applicable to these Conditional Uses:

- [1] The building in which the use is situated and any associated outdoor storage or truck parking shall not be closer at any point than five hundred feet to any Suburban (R1-S) Zoning District.
- [2] The lot containing the proposed Conditional Use shall not have direct access to Orchard Lane, Airport Road, Weaversville Road or Schoenersville Road except by an internal coordinated road system approved by the Board of Supervisors during the site plan review process..
- [3] The lot size shall be no smaller than five (5) acres and no larger than eight (8) acres in size, but otherwise be restricted by the shown setbacks and lot coverage criteria as specified for the AFHBD Zone.
- [4] The lot shall have no more than two (2) access points to public roads.
- [5] A traffic study shall be submitted with every application for a Conditional Use. This traffic study shall meet the requirement of Section 185-22E and shall evaluate, at a minimum the lanes and intersections of all roads to be used by vehicles accessing the development to the study limit of one (1) mile from the location where the proposed site driveway or road meets an existing public road. If the traffic study submitted with an AFHBD Conditional Use application indicates a decrease in intersection capacity or lane traffic capacity Level of Service within this one (1) mile, the developer must improve lane capacity and intersection capacity to provide a capacity Level of Service "C" or better service (for all lanes of the road and all legs of the intersection(s))."
- [6] A stormwater management study shall be submitted with every application for a Conditional Use under this Section. This stormwater management study shall meet the requirements of Section 152 and shall evaluate the capacity versus flow conditions of all stormwater conveyance

systems from the development, downstream to the Township boundary.

If the stormwater management study indicates that capacity of any downstream conveyance water course or facility is exceeded for the 25-year storm with or without the proposed development, the developer must provide conveyance capacity improvements to ensure a capacity of a postdevelopment 25-year storm without creating a condition of increasing the 100-year flood level of any downstream water course, along or adjacent to the path of runoff.

- (c) The provisions of Section 185-38 I., J., K., L. and M. and Section 185-54 E. (15) as they relate to Hotel Convention Center and Private Entertainment/Recreation Complex uses shall apply in each case unless otherwise agreed to by the Board of Supervisors after a recommendation from the Planning Commission and Township staff at the time of site plan review process.

SECTION 5. If any section, clause, provision or portion of this Ordinance or regulation incorporated herein shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not effect any other section, clause, provision or portion of this Ordinance or regulation.

SECTION 6. All Ordinances and parts of Ordinances inconsistent herewith be and the same are hereby repealed.

SECTION 7. This Ordinance shall be effective five (5) days from the date of enactment.

ENACTED AND ORDAINED this 24th day of July, 2007, by the
Board of Supervisors of Hanover Township, Northampton County, Pennsylvania.

ATTEST:

HANOVER TOWNSHIP.
NORTHAMPTON COUNTY,
PENNSYLVANIA

By: Stacy C. Milo
STACY C. MILO, Secretary

BY: John N. Diacogiannis
JOHN N. DIACOGIANNIS,
Chairman
Board of Supervisors

ORDINANCE 2012-12

ORDINANCE NO. 12- 2

AN ORDINANCE ENACTED BY THE BOARD OF SUPERVISORS OF HANOVER TOWNSHIP, NORTHAMPTON COUTNY, PENNSYLVANIA, ENACTING CERTAIN AMENDMENTS TO THE "HANOVER TOWNSHIP ZONING ORDINANCE" DEALING WITH THE AIRCRAFT FLIGHTPATH HIGHWAY BUSINESS DISTRICT (AFHBD) AND REPEALING ALL ORDINANCES INCONSISTENT HEREWITH.

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 Hanover Township Zoning Ordinance, as amended:

SECTION 2. Section 185-38. Regulations applicable to AFHBD Aircraft Flightpath Highway Business District Subsection 185-38 D. Permitted Uses, is hereby amended in its entirety to read as follows:

"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:

- (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), veterinary, architecture, engineering and the like.
- (6) Business offices consisting of administrative, sales office, executive, 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."

SECTION 3. Section 185-38. Regulations applicable to AFHBD Aircraft Flightpath Highway Business District, Subsection E. Conditional Uses, is hereby amended in its entirety to read as follows:

"E. Conditional uses. Only building types and uses shall be permitted pursuant to Board of Supervisor approval, in accordance with the review procedures and use restrictions described in §185-54, Conditional Uses, of this chapter and the use restrictions described therein.

- (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 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.
- (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 shall be prohibited.
- (5) Lawn and garden equipment sales and services.
- (6) Wellness Center.
- (7) Hotel convention center.
- (8) Private entertainment/recreation complex."

SECTION 4. Section 185-38 regulations applicable to AFHBD Aircraft Flightpath Highway Business District; Subsection I - Area and bulk regulations; paragraph (2) General criteria is hereby amended by deleting Note #3 in its entirety.

SECTION 5. Section 185-38 regulations applicable to AFHBD Aircraft Flightpath Highway Business District; Subsection J. Minimum yard requirements; Note #1 is hereby amended to read as follows:

" 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."

SECTION 6. Section 185-54 Conditional Uses; Subsection E. specific standards for conditional uses; paragraph (15) Specific Aircraft Highway Business District (AFHBD) Zone conditional use requirements is hereby amended in its entirety to read as follows:

"(15) Specific Aircraft Flightpath Highway Business District (AFHBD) Zone conditional use requirements: **[Added 11-14-2006 by Ord. No. 06-10; amended 3-13-2007 by Ord. No. 07-04; 7-24-2007 by Ord. No. 07-11]**

(a) Regulated uses:

- [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 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, §185-38E(1).
- [2] Landscaping businesses, including wholesale/retail centers and nurseries, §185-38E(2).
- [3] Building materials sales and storage, §185-38E(3).
- [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, §185-38E(4).
- [5] Lawn and garden equipment sales and services, §185-38E(5).
- [6] Wellness center, §185-38E(6).
- [7] Hotel convention center, §185-38E(7).
- [8] Private entertainment/recreation complex, §185-38E(8).

(b) Specific regulations applicable to these conditional uses:

- [1] The building in which the use is situated and any associated outdoor storage or truck parking shall not be closer at any point than 500 feet to any Suburban (R1-S) Zoning District.

- [2] The lot containing the proposed conditional use shall not have direct access to Orchard Lane, Airport Road, Weaversville Road or Schoenersville Road except by an internal coordinated road system approved by the Board of Supervisors during the site plan review process.
- [3] The lot size shall be no smaller than five acres and no larger than eight acres in size but otherwise be restricted by the shown setbacks and lot coverage criteria as specified for the AFHBD Zone.
- [4] The lot shall have no more than two access points to public roads.
- [5] A traffic study shall be submitted with every application for a conditional use. This traffic study shall meet the requirement of §185-22E and shall evaluate, at a minimum, the lanes and intersections of all roads to be used by vehicles accessing the development to the study limit of one mile from the location where the proposed site driveway or road meets an existing public road. If the traffic study submitted with an AFHBD conditional use application indicates a decrease in intersection capacity or lane traffic capacity level of service within this one mile, the developer must improve lane capacity and intersection capacity to provide a capacity level of service "C" or better service [for all lanes of the road and all legs of the intersection(s)].
- [6] Stormwater management study
 - [a] A stormwater management study shall be submitted with every application for a conditional use under this section. This stormwater management study shall meet the requirements of Chapter 152 and shall evaluate the capacity versus flow conditions of all stormwater conveyance systems from the development, downstream to the Township boundary.
 - [b] If the stormwater management study indicates that capacity of any downstream conveyance watercourse or facility is exceeded for the

twenty-five-year storm with or without the proposed development, the developer must provide conveyance capacity improvements to ensure a capacity of a postdevelopment twenty-five-year storm without creating a condition of increasing the one-hundred-year flood level of any downstream watercourse, along or adjacent to the path of runoff.

- (c) The provisions of §185-38 I,J,K, L and M and §185-54E(15) as they relate to hotel convention center and private entertainment/recreation complex uses shall apply in each case unless otherwise agreed to by the Board of Supervisors after a recommendation from the Planning Commission and Township staff at the time of site plan review process.

SECTION 7. If any section, clause, provision or portion of this Ordinance or regulation incorporated herein shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not effect any other section, clause, provision or portion of this Ordinance or regulation.

SECTION 8. All Ordinances and parts of Ordinances inconsistent herewith be and the same are hereby repealed.

SECTION 9. This Ordinance shall be effective five (5) days from the date of enactment.

ENACTED AND ORDAINED this 22 day of May, 2012, by the Board of Supervisors of Hanover Township, Northampton County, Pennsylvania.

ATTEST:

HANOVER TOWNSHIP,
NORTHAMPTON COUNTY,
PENNSYLVANIA

By: Lori A. Stranzel
Print Name: Lori A. Stranzel
Title: Twp. Secretary

BY: John N. Diacogiannis
JOHN N. DIACOGIANNIS,
Chairman
Board of Supervisors

ORDINANCE 2021-1

ORDINANCE NO. 2021 – 1

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 TO PROVIDE FOR NEW PERMITTED USES AND A NEW CONDITIONAL USE IN THE AFHBD-AIRCRAFT FLIGHTPATH HIGHWAY BUSINESS ZONING DISTRICT

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 amendment to the text of the Hanover Township Zoning Ordinance;

WHEREAS, the Board of Supervisors of Hanover Township desire to amend its Zoning Ordinance by providing for new permitted uses and a new conditional use in the AFHBD – Aircraft Flightpath Highway Business Zoning District.

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 amendments 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 is hereby amended by amending Section 185-12 Definitions, to add a new definition to read as follows:

“Beverage/Bottling Works - manufacturing and packaging of ready to drink (non-alcoholic) beverages such as carbonated soft drinks, water, flavored water, sparkling water, fruit juices, coffee, tea and similar beverages.”

SECTION 3: Chapter 185 Zoning of the Code of Ordinances of Hanover Township is hereby amended by amending Section 185-38 D. Permitted Uses, to add new subsections (12) Light Industrial, Light Manufacturing Plant and (13) Beverage/Bottling Works to read as follows:

“(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.”

SECTION 4: Chapter 185 Zoning of the Code of Ordinances of Hanover Township is hereby amended by amending Section 185-38 E. Conditional Uses, to add a new subsection (11) Warehouse and Storage Facilities in excess of 25% of the square footage of the building to read as follows:

“(11) Warehouse and Storage Facilities in excess of 25% of the square footage of the building.”

SECTION 5: Chapter 185 Zoning of the Code of Ordinances of Hanover Township is hereby amended by amending Section 185-38 G. Prohibited Uses, to delete subsection (4) Warehousing, distribution and storage uses in excess of 25% of the square footage in a building. and renumber the subsequent subsections.

SECTION 6: Chapter 185 Zoning, of the Code of Ordinances of Hanover Township is hereby amended by amending Section 185-54 E.(15)(a) Regulated Uses for conditional uses by adding a new subsection (a)[9] Warehouse and Storage Facilities in excess of 25% of the square footage of the building to read as follows:

“[9] Warehouse and Storage Facilities [§ 185-38E(11)] where such uses are accessory to or serve a principal use and where such warehouse or storage exceeds 25% of the square footage in a building.”

SECTION 7: Chapter 185 Zoning, of the Code of Ordinances of Hanover Township is hereby amended by amending Section 185-54 E.(15)(b) Specific regulations applicable to these conditional uses by adding a new subsection (b)(7) to read as follows:

“(b)(7) Warehouse and Storage Facilities where such uses are accessory to or serve a principal use and where such warehouse or storage exceeds 25% of the square footage in a building shall be limited to the storage of materials used and/or the products produced on site.”

SECTION 8: SEVERABILITY. If a court of competent jurisdiction declares any provisions of this Amendment 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 provision of this zoning Amendment shall continue to be separately and fully effective.

SECTION 9: 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 10: ENACTMENT. This Amendment shall be effective five (5) days after the date of passage.

THIS ZONING ORDINANCE IS HEREBY ORDAINED AND ENACTED this 23rd day
of February, 2021, by the Hanover Township Board of Supervisors.

ATTEST:

By: 

John J. Finnigan, Jr.
Township Manager

HANOVER TOWNSHIP
BOARD OF SUPERVISORS

By: 

John N. Diacogiannis
Chairman, Board of Supervisors