

LEHIGH TOWNSHIP
WAYNE COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF LEHIGH TOWNSHIP, WAYNE COUNTY, PENNSYLVANIA, REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A DEVELOPMENT PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH DEVELOPMENT PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSES TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

WHEREAS, It is the intent of the Board of Supervisors of Lehigh Township to regulate development and the construction of buildings and structures throughout the entire Township;

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors, of the Township of Lehigh, Wayne County, Pennsylvania, under the authority of the Second Class Township Code as follows:

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ARTICLE I
GENERAL PROVISIONS

Section 100 - Intent

The intent of this Ordinance is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Provide for orderly development in all areas of the Township by requiring that structures comply with minimum setbacks from property lines and road right-of-way lines.
- C. Encourage the use of appropriate construction and development practices throughout the Township in order to protect the public health, safety and welfare.

Section 101 - Title and Applicability

- A. Title - This Ordinance shall be known and may be cited as the *LEHIGH TOWNSHIP DEVELOPMENT PERMIT ORDINANCE*.
- B. Construction or Development - It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township unless the required development permit has been obtained from the Development Permit Officer.
- C. Trailer or Recreational Vehicle - Any trailer or recreational vehicle intended for human occupancy shall be considered a structure for the purposes of this Ordinance and shall require a permit for installation and use.
- D. Minor Repairs - A permit under this ordinance shall not be required for minor repairs to existing buildings or structures. However, a permit under the Pennsylvania Uniform Construction Code may be required.

- E. Floodplain Development - In addition to the requirements of this Ordinance, any construction or development within an identified floodplain area as defined by the Lehigh Township Floodplain Management Ordinance shall comply with the requirements of said Floodplain Management Ordinance.

Section 102 - Abrogation and Greater Restrictions

This ordinance supersedes any other conflicting provisions which may be in effect in the Township. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

Section 103 - Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Section 104 - Repealer

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed. The following specific Ordinances in Lehigh Township are hereby repealed:

- Ordinance No. _____ - Lehigh Township Development Permit Ordinance.

ARTICLE II ADMINISTRATION

Section 200 - Development Permits Required

Development Permits shall be required before any construction or development is undertaken within any area of the Township.

Section 201 - Application Procedures and Requirements

A. Conformance; Land Development

1. The Development Permit Officer shall issue a development permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this Ordinance and all other applicable codes and ordinances.
2. Certain developments meeting the definition of "land development" will also require approval pursuant to the Lehigh Township Subdivision and Land Development Ordinance.

- B. Other Required Permits - Prior to the issuance of any development permit, the Development Permit Officer shall review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

- C. Watercourses - No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township and until all required permits or approvals have been first obtained from the Pennsylvania Department of Environmental Protection. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development shall be notified by the Township prior to any alteration or relocation of any watercourse.

Section 202 - Applications

A. Required Information - Application for such a development permit shall be made, in writing, to the Development Permit Officer on forms supplied by the Township. Such application shall contain the following:

1. Name and address of applicant.
2. Name and address of owner of land on which proposed construction is to occur.
3. Name and address of contractor.
4. Site location and address.
5. Listing of other permits required.
6. Brief description of proposed work and estimated cost, including, if applicable, a breakout of the flood-related cost and the market value of the building before the flood damage occurred.
7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
8. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. north arrow, scale, and date;
 - b. topographic contour lines, if required by the Development Permit Officer if available;
 - c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - d. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
 - e. the location of all existing streets, drives, and other access ways; and
 - f. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
9. For lots of five thousand (5,000) square feet or less in area, a boundary survey completed and sealed by a Professional Land Surveyor in the past twenty-four (24) months. Such a boundary survey for lots of more than five thousand (5,000) square feet in area may be required by the Development Permit Officer if necessary to confirm compliance with this Ordinance.

B. Procedure

1. No application shall be considered accepted until the Development Permit Officer determines that it includes all required information and is complete.
2. The Development Permit Officer shall make such determination within seven (7) days of receipt of the application.
3. If the application is complete it shall be accepted and the Development Permit Officer shall issue or deny a

permit within fifteen (15) days. A permit shall be issued if the proposed development complies with this Ordinance. If the development does not comply with this Ordinance, the permit shall be denied, and the applicant shall be informed of the reasons for denial in writing.

4. If the application is not complete, the Development Permit Officer shall return the application to the Applicant along with a list of the deficiencies which must be addressed for re-submission.

- C. Floodplain Development Applications - If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for permits shall provide the additional information required by the Lehigh Township Floodplain Management Ordinance.

Section 203 - Review of Application by Others

A copy of all plans and applications for any proposed construction or may be submitted by the Development Permit Officer to any other appropriate agency and/or individual (e.g., planning commission, municipal engineer, etc.) for review and comment.

Section 204 - Changes

After the issuance of a development permit by the Development Permit Officer, no change of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Development Permit Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Development Permit Officer for consideration. The Development Permit Officer shall grant or deny the change within fifteen (15) days of receipt of the

Section 205 - Placards

In addition to the development permit, the Development Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the development permit, the date of its issuance and be signed by the Development Permit Officer.

Section 206 - Start of Construction

- A. Start and Completion - Work on the proposed construction and/or development shall be completed within twelve (12) months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Development Permit Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.
- B. Extensions - One (1) extension of twelve (12) months may be granted by the Development Permit Officer. Such extension shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Development Permit Officer to approve such request.

Section 207 - Inspection and Revocation

- A. Inspections - During the construction period, the Development Permit Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.
- B. Entry - In the discharge of his duties, the Development Permit Officer shall have the authority to enter any lot or parcel of land, upon presentation of proper credentials at any reasonable hour, to enforce the provisions of this Ordinance.

- C. Revocation - In the event the Development Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Development Permit Officer shall revoke the development permit and report such fact to the (Board of Supervisors for whatever action it considers necessary.
- D. Record - A record of all such inspections and violations of this ordinance shall be maintained by the Development Permit Officer.
- E. Building Code Requirements - The requirements of the 34 PA Code Chapter 401-405 and the IBC (Sections 109.3.3, 1612.5.1, 104.7 and 103.8) and the 2003 IRC (R106.1.3, 109.1.3 and R104.7) or latest revisions thereof pertaining to elevation certificates and record retention shall be considered.

Section 208 - Certificate of Use

No building or structure shall be occupied and/or used until such time as the Development Permit Officer has conducted a final inspection of the building, structure or development to determine full compliance with this Ordinance: and a "certificate of use" confirming such compliance has legally been Issued by the Development Permit Officer. It shall be the responsibility of the Applicant to notify the Development Permit Officer of construction completion.

Section 209 - Fees

The Board of Supervisors shall, by Resolution of the Board, establish a schedule of fees to be paid by the applicant to the Township at the time of application to the Development Permit Officer.

Section 210 - Enforcement

- A. Compliance - Failure to comply with any provision of this Ordinance shall be a violation of this Ordinance.
- B. Notices - Whenever the Development Permit Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Development Permit Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall:
1. be in writing;
 2. include a statement of the reasons for its issuance;
 3. allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
 4. be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State;
 5. contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.
- C. Fine - Any person who has violated or permitted the violation of any provisions of this Ordinance shall upon judgment thereof by any District Justice be judged to pay a civil fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00) per day of violation, together with reasonable attorneys' fees and the costs of suit. Each day of violation shall constitute a separate violation, for which a separate civil fine may be sought. All judgments, costs, interest and reasonable attorneys' fees collected for the violation of this Ordinance, shall be paid over to the Township.

D. Other Remedies - The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

Section 211 - Appeals

- A. Filing of Appeal - Any person aggrieved by any action or decision of the Development Permit Officer concerning the administration of the provisions of this Ordinance, may appeal to the Board of Supervisors. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Development Permit Officer.
- B. Hearing - Upon receipt of such appeal the Board of Supervisors shall set a time and place, within not less than ten (10) nor more than forty-five (45) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
- C. Relief - Any person aggrieved by any decision of the Board of Supervisors may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act.
- D. Fee - The person and/or the violator requesting the hearing shall pay the fee for such hearing as may be established by resolution of the Board of Supervisors.

**ARTICLE III
FLOODPLAIN AREAS**

Section 300 - Identification

The identified floodplain area shall be any area of Lehigh Township subject to the one hundred (100) year flood which is identified by the Lehigh Township Floodplain Management Ordinance.

Section 301 - Flood Plain Development Prohibited

Construction and development in any identified floodplain area shall, in addition to the requirements of this ordinance, comply with the requirements of the Lehigh Township Floodplain Management Ordinance.

**ARTICLE IV
DEVELOPMENT STANDARDS**

Section 400 - Compliance

All construction and development shall comply with the requirements of this Article IV.

Section 401 - Setbacks (See Section 409 for recreational vehicle requirements.)

A. Conforming Lots

- 1. Required Setbacks - All buildings and structures shall maintain the following setbacks:

Yard	Front	Side	Rear
Setback (feet)	35	20	20

- 2. Measurement - Front yard setbacks shall be measured from the edge of the abutting road right-of-way and side and rear yard setbacks from property lines. Setbacks shall be measured from that point of the building or structure nearest the abutting property line or road right-of-way.
- 3. Width, Depth, Occupancy - All yards shall extend the full width and depth of the lot, and yards shall not be occupied by any building or structure.

- 4. Road Frontage - In cases where a lot fronts on two or more roads, a front yard setback shall be provided along each road right-of-way.

B. Nonconforming Lots of Record - Setbacks on nonconforming lots shall comply with Sections 401.A.2, 401.A.3 and the following requirements:

- 1. Definition - A nonconforming lot of record is any lot legally created prior to the adoption of the Township Subdivision and Land Development Regulations (August 12, 1980) which does not conform with the minimum lot area, lot width or lot depth requirements of said regulations.

2. Required Setbacks on Lots More than 60 Feet Wide

- a. All buildings and structures on nonconforming lots of record with a lot width of more than sixty (60) feet shall maintain the following setbacks:

Yard	Front	Side	Rear
Setback (feet)	25	15	15

- b. In cases where such a nonconforming lot fronts on two (2) or more roads, one (1) of said frontages shall be designated as the front where the front yard setback shall be maintained, and a setback of fifteen (15) feet shall be maintained along each additional road right-of-way and property lines. In cases where such a nonconforming lot fronts on two (2) roads, but is not a corner lot, the front yard setback shall be provided on each road frontage.

3. Required Setbacks on Lots 60 Feet Wide or Less

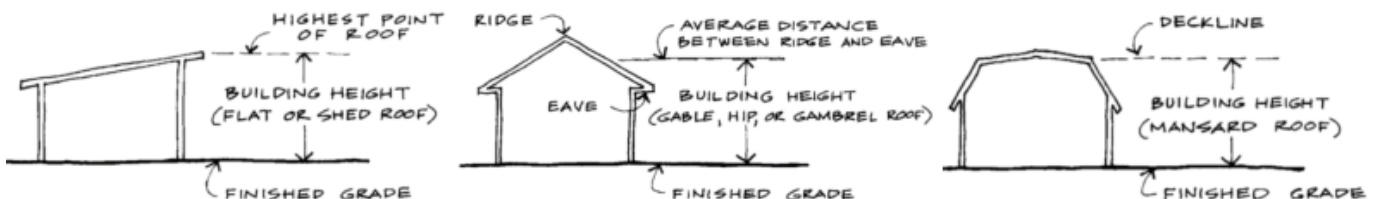
- a. All buildings and structures on nonconforming lots of record with a lot width of sixty (60) feet or less shall maintain the following setbacks:

Yard	Front	Side	Rear
Setback (feet)	25	10	10

- b. In cases where such a nonconforming lot fronts on two (2) or more roads, one (1) of said frontages shall be designated as the front where the front yard setback shall be maintained, and a setback of ten (10) feet shall be maintained along each additional road right-of-way and property lines. In cases where such a nonconforming lot fronts on two (2) roads, but is not a corner lot, the front yard setback shall be provided on each road frontage.

Section 402 - Building Height

No building shall exceed a height of thirty-five (35) feet measured as the average vertical distance from finished grade at the front and rear of the building to the top of the highest roof beams on a flat or shed roof, to the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs not including chimneys, spires, elevator shaft extensions, mechanical appurtenances, and similar projections.



Section 403 - Accessory Structures

- A. Use - Any structure, container, truck trailer body or other construction used as an accessory structure shall be considered an accessory structure subject to the requirements of this Ordinance including the requirement to obtain a permit.
- B. Unattached Accessory Structures
1. Unattached accessory structures shall only be located on the same lot as a principal building except that sheds and garages may be located on a separate lot in accord with the following:
 - a. The lots on which the principal building and shed or garage are located shall be under the same ownership.
 - b. The total number of sheds or garages on each separate lot shall not exceed two (2).
 - c. The total lot coverage of sheds or garages on any lot shall not exceed one thousand eight hundred (1,800) square feet.
 - d. The shed or garage shall maintain the setbacks in Section 403.B.2.
 - e. The building or structure shall not be located more than eight hundred (800) feet from the lot on which the associated principal building is located.
 - f. No shed or garage shall exceed the height limitations of §402.
 2. Unattached accessory structures shall comply with yard requirements for principal buildings. However, accessory structures which are not attached to a principal building and do not exceed twenty (20) in height and six hundred (600) square feet in total floor area may be erected within the required side and rear yards of a principal building, provided that no side or rear yard is reduced to less than ten (10) feet.
- C. Attached Accessory Structures - An accessory structure attached to a principal building shall be considered to be a part of the principal building and shall conform to the setbacks for principal buildings.
- D. Foundation Required - Accessory structures shall comply with the foundation requirements of the Pennsylvania Uniform Construction Code.
- E. Containers, Truck Trailers - Sea containers, storage containers, truck trailers with the wheels removed, and similar devices may be used as accessory structures and any such device located on a lot for more than thirty (30) days shall be considered an accessory structure.

Section 404 - Lot Coverage

- A. Definition - Building coverage is the percentage of the area of the lot covered or occupied by the total horizontal projected surface area of all buildings on the lot and including accessory buildings and structures including covered porches, carports and breeze ways, but excluding open and uncovered patios and decks.
- B. Maximum Lot Coverage - Maximum lot coverage shall not exceed the following:

Single-Family and Two-Family Dwellings	Lot Size			
	equal to or greater than:			less than:
	2.00 acres	1.00 acres	0.50 acres	0.50 acres
Maximum lot coverage	15%	20%	25%	35%
Commercial and Industrial - See Table 904.1.A of the Township Subdivision and Land Development Ordinance				

Section 405 - Water and Sewer

All buildings and recreational vehicles used for human occupancy, including, but not limited to, a residence, business, place of employment or assembly shall be provided with a potable water supply and a sewage disposal method meeting the requirements of the Pennsylvania Department of Environmental Protection, and the Lehigh Township Sewage Facilities Ordinance and the Lehigh Township Water Well Ordinance.

Section 406 - Soil Erosion Controls and Stormwater Management

All development activities involving earth disturbance shall comply with the applicable requirements of the Pennsylvania Department of Environmental Protection and the Wayne Conservation District. Soil erosion controls shall be installed and maintained as shown on the approved plan and/or permit. Stormwater management shall be provided in accord with the standards contained in the Township Subdivision and Land Development Regulations and Pennsylvania Department of Environmental Protection regulations and guidelines.

Section 407 - Access and Parking

All developments and uses shall be provided with a well defined entrance and exit to the adjoining road so that traffic is limited to the use of the entrance and exit. The applicable Township or State road encroachment permit shall be obtained by the Applicant prior to the issuance of any development permit.

Section 408 - Uniform Construction Code Coordination

The Standards and Specifications contained in 34 PA Code (Chapters 401-405), as amended, and not limited to the following provisions, shall apply to building and development in the Township to the extent that they are more restrictive and/or supplement the requirements of this Ordinance.

- A. International Building Code (IBC) 2003 or the latest edition thereof: Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
- B. International Residential Building Code (IRC) 2003 or the latest edition thereof: Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

Section 409 - Recreational Vehicles and Recreational Vehicle Parks and Campgrounds

409.1 Recreational Vehicles

No recreational vehicle shall be placed on any lot for use or habitation outside an approved or nonconforming recreational vehicle park or campground.

409.2 Proposed Recreational Vehicle Parks and Campgrounds

Any proposed recreational vehicle park or campground shall comply with the Article VIII and all other applicable provisions of the Lehigh Township Subdivision and Land Development Ordinance, and a permit for the placement of a recreational vehicle in any such recreational vehicle park or campground shall be required in accord with this Ordinance.

409.3 Preexisting Recreational Vehicle Parks and Campgrounds

The provisions of this Section 409.3 shall apply to any recreational vehicle park or campground which was developed prior to the adoption of recreational vehicle park and campground regulations by Lehigh Township.

A. Occupancy

1. Campsites shall be used only for camping purposes. No improvement or any recreational vehicle designed for permanent occupancy shall be erected or placed on any campsite. All recreational vehicles in the RV Park shall be maintained to meet Pennsylvania Department of Transportation vehicle/trailer registration requirements and in a road worthy, transportable condition at all times, and any action toward removal of wheels is hereby prohibited. Moreover, no campsite shall be occupied for more than twelve (12) consecutive months, and no campsite shall be the primary and principal residence of the owner or any other occupant; each campsite to be used and occupied (excepting occasional guests) for camping and recreational purposes only by a single household. The Township may require any owner to remove a recreational vehicle for a period of twenty-four (24) hours, unless such owner can establish a prior removal within the immediately preceding twelve (12) months. These requirements shall be attached to each campsite by restrictive covenant.
2. In order to prevent permanent occupancy and limit maintenance and policing problems, continuous occupancy of any campsite by one party, vehicle or tent shall be limited to one hundred eighty (180) days. The licensee shall be responsible for enforcing this provision.

B. Permits - Any recreational vehicle, shed, gazebo, tent platform, or similar structure placed on a recreational vehicle campsite, or the repair of any existing structure on a recreational vehicle campsite, shall require a permit. A copy of a valid motor vehicle title and current registration for the recreational vehicle shall be provided by the applicant prior to the issuance of any permit for the installation or replacement of any recreational vehicle.

C. Records - The management of every campground shall be responsible for maintaining accurate records concerning the occupancy of all campsites. The term *management* shall include associations of property owners when such are responsible for maintenance and operation of common facilities. The Township shall have access to, and the right to inspect, records for evidence of permanent residency or lack thereof. The Township Board of Supervisors shall, in addition, have the authority, when any provision of this Ordinance is violated, to prohibit the occupancy of any and all campsites in a campsite until the owners and/or management provide evidence of compliance with these provisions. If any campsite remains occupied seven (7) days following a Township order prohibiting occupancy, the vehicle or tent may be removed to the common storage area by order of the Board of Supervisors and at the expense of the individual occupant.

D. Setbacks

1. All recreational vehicles and structures shall maintain the following setbacks:

Yard	Front	Side	Rear
Setback (feet)	15	6	6

2. Front yard setbacks shall be measured from the edge of the abutting road right-of-way and side and rear yard setbacks from property lines. Setbacks shall be measured from that point of the recreational vehicle or structure nearest the abutting property line or road right-of-way.
3. All yards shall extend the full width and depth of the lot, and yards shall not be occupied by any recreational vehicle or structure.
4. In cases where a lot fronts on two or more roads, a front yard setback shall be provided along each road

right-of-way.

5. No shed, utility or other accessory building shall be located less than five (5) feet from any recreational vehicle.
 6. On combined lots, a separation of ten (10) feet shall be maintained between all recreational vehicles.
- E. Decks - One (1) deck shall be permitted accessory to a recreational vehicle in accord with the following:
1. Decks shall not be permanently affixed to the real estate or the recreational vehicle.
 2. The deck shall not exceed the following limits:
 - a. Length of trailer to a maximum of thirty-two (32) feet.
 - b. Ten (10) feet wide.
 - c. Maximum area of three hundred twenty (320) square feet including the step platforms.
 3. Floors shall be constructed of deck lumber. Sheet material, such as plywood, shall not be permitted and no floor covering except for outdoor or indoor/outdoor carpeting shall be permitted.
- F. Awnings - Factory produced awnings attached to the recreational vehicle and which cannot be enclosed shall be permitted.
- G. Roof-Overs , Enclosed or Covered Porches, or Screened Enclosures - The construction of roof-overs, enclosed or covered porches, or screened enclosures shall be prohibited.
- H. Repair of Preexisting Roof-Overs - Roofs and roof-overs shall not be repaired or replaced except in accord with the recreational vehicle manufacturers standards and the applicable Pennsylvania Department of Environmental Protection venting regulations for sewage hook-ups.
- I. Repair of Legally Preexisting Enclosed or Covered Porches or Screened Enclosures - The repair of legally preexisting enclosed or covered porches or screened enclosures shall comply with the following:
1. Any such structure which requires thirty-three (33) percent or less of its components to effect the repair may be repaired. Any such structure which requires the replacement of more than thirty-three (33) percent of its components shall be removed.
 2. Porches or screened enclosures shall not be permanently affixed to the real estate or the recreational vehicle and shall not be on a permanent foundation.
- J. Sewage and Water Supply - No individual on-site sewage systems or water supplies shall be permitted and all systems for the common use of occupants shall fully comply, as evidenced by approved plans, with the standard imposed by the Pennsylvania Department of Environmental Protection and the Township.
- K. Auxiliary Heating - No wood or coal burning units shall be placed or installed in any recreational vehicle unless installed by the manufacturer of the recreational vehicle. No heating units of any kind shall be installed or placed in any screened enclosure or accessory structure.
- L. Waste Disposal - No owner or occupant of any campsite shall permit or allow the dumping or placement of any waste anywhere upon any campsite or elsewhere within the development except in places designated. No outside

toilets shall be erected or maintained on any campsite. If sewer lines have been installed upon a campsite connecting to the central sewage disposal system constructed within the development, plumbing fixtures within the recreation vehicle placed upon the campsite shall be connected to that sewage disposal system.

- M. Refuse Disposal - The storage, collection and disposal of refuse shall be so managed as to create no health hazards or air pollution. All refuse shall be stored in fly-tight, watertight, rodent-proof containers, which shall be located not more than one hundred and fifty (150) feet away from any campsite space. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Protection. Rubbish shall be collected and disposed of at a facility approved by the Pennsylvania Department of Environmental Protection as frequently as may be necessary to insure that the containers shall not overflow.
- N. Fences - All property lines shall be kept free and open; and no fences, except as may be required by screening sections or may exist naturally, shall be permitted thereon.
- O. Nuisances - No noxious or offensive activities or nuisances shall be permitted on any campsite.
- P. Animals - No animals shall be kept or maintained on any campsite, except the usual household pets. Pets shall be kept confined so as not to become a nuisance.
- Q. Camping Accessories - Picnic tables, benches, storage sheds, fire boxes or fireplaces, and similar items of personal property, may be placed on a campsite. All personal property on a campsite shall be maintained in good condition so as not to become unsightly.
- R. Ditches and Swales - Each owner shall keep drainage ditches and swales located on his campsite free and unobstructed and in good repair, and shall provide for the installation of such culverts upon his campsite as may be reasonably required for proper drainage; and shall also prevent erosion on his campsite.
- S. Drilling and Mining - No drilling, refining, quarrying or mining operation of any kind shall be permitted on any campsite.

ARTICLE V VARIANCES

Section 500 General

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Board of Supervisors may, upon request, grant relief from the strict application of the requirements.

Section 501 Variance Procedures and Conditions

Requests for variances shall be considered by the Board of Supervisors in accord with the procedures contained in Section 211 and the following:

A. Floodplain Management

1. No variance shall be granted for any construction, development, use, or activity for which a variance is prohibited by the Lehigh Township Floodplain Management Ordinance.
2. Whenever a floodplain-related variance is granted, the Board of Supervisors shall notify the applicant in writing that:
 - a. The granting of the variance may result in increased premium rates for flood insurance.

- b. Such variances may increase the risks to life and property.
- B. Least Modification - If granted, a variance shall involve only the least modification necessary to provide relief.
- C. Conditions and Safeguards - In granting any variance, the Board of Supervisors shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
- D. Criteria - In reviewing any request for a variance, the Board of Supervisors shall consider, at a minimum, the following:
1. That there is good and sufficient cause.
 2. That failure to grant the variance would result in exceptional hardship to the applicant.
 3. That the granting of the variance will not:
 - a. result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense; or,
 - b. create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- E. Record, Report - A complete record of all variance requests and related actions shall be maintained by the Board of Supervisors. In addition, a report of all variances granted in any identified floodplain area during the year shall be included in the annual report to the Federal Emergency Management Agency.

ARTICLE VI DEFINITIONS

Section 600 General

Unless specifically defined below, words and phrases used in this Ordinance shall have the meaning as defined in Article II of the Lehigh Township Subdivision and Land Development Ordinance, as amended, and shall otherwise be interpreted so as to give this Ordinance its most reasonable application.

Section 601 Specific Definitions

Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or building. Playhouses, doghouse and animal pens shall be considered “accessory structures” for the purposes of this Ordinance. This shall not preclude the erection of a shed or garage located on a separate lot in accord with Section 403.B.

Basement - means any area of the building having its floor below ground level on all sides.

Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

Building coverage: The percentage of the area of the lot covered or occupied by the total horizontal projected surface area of all buildings on the lot and including accessory buildings and structures including covered porches, carports and breeze ways, but excluding open and uncovered patios and decks.

Development - any man-made change to improved or unimproved real estate, including but not limited to the

construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes and recreational vehicles; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

Development Permit Officer - the person appointed and duly authorized by the Board of Supervisors to administer this Ordinance. In the event of a temporary absence or Incapacity any other-person so designated by the Supervisors shall be deemed to be the Development Permit Officer.

Identified floodplain area - the floodplain area specifically identified by the Lehigh Township Floodplain Management Ordinance as being inundated by the one hundred (100) year flood.

Impervious surface - A surface that limits the percolation of water into the ground such as rooftops, pavement, sidewalks, driveways, gravel drives, roads and parking, and compacted fill or earth.

Land development - (1) A subdivision of land; (2) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- A. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,
- B. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

The definition of land development shall also include the expansion or addition to a nonresidential building which involves any of the following as measured cumulatively from the effective date of this provision:

- A. The addition of twenty-five (25) percent or more of floor area to the structure; or
- B. The increase by twenty-five (25) percent or more of impervious area (including building area) on the parcel; or,
- C. Any increase in impervious area which will result in the generation of storm water in such volume as will not be controlled by existing storm water facilities pursuant to the requirements of this Ordinance.

The definition of land development shall not include the following:

- A. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
- B. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

Lot coverage - That portion or percentage of the lot area which is covered by buildings; paved and unpaved walkways, roads, driveways and parking areas; pavement; or other impervious surfaces.

Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for habitation.

Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any

structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

New construction - structures for which the start of construction commenced on or after May 1, 1990, and including any subsequent improvements thereto.

One hundred year flood - a flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).

Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

Principal building - The building in which the primary or predominate use of a lot is conducted including any structure that is physically attached to the principal building.

Recreational vehicle - a vehicular type of unit initially designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted on, or drawn by, another vehicle; and is manufactured by an established company and bearing a vehicle identification number and/or manufacturer's identification tag. The basic types of recreational vehicles are:

- A. Camper trailer - a vehicular unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite.
- B. Motor home - a vehicular unit built on a self-propelled motor vehicle chassis.
- C. Travel trailer - a vehicular unit, mounted on wheels which is drawn by a motorized vehicle.
- D. Truck camper - a portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck.
- E. Self-contained unit - a unit which:
 - 1. can operate without connections to external sewer, water and electrical systems, and
 - 2. has a toilet and an onboard holding tank for liquid waste meeting manufacturer's specifications, and
 - 3. contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities connected to the holding tank.

Roof-Over - Any structure over the top of any part of a recreational vehicle which was not an original part of the recreational vehicle or which restricts the mobility of the recreational vehicle.

Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items.

Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Uniform Construction Code (UCC) - The statewide building code adopted by the Pennsylvania General Assembly

in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Pennsylvania Department of Labor and Industry. Applicable to residential and commercial buildings, the Code adopted the International Residential Code (IRC) and the International Building Code (IBC) by reference, as the construction standard applicable to the Commonwealth. For coordination purposes, references to the above are made specifically in this ordinance to various sections of the IRC and the IBC.

BE IT HEREBY ENACTED AND ORDAINED this ____ day of _____, 2010 by the Board of Supervisors of Lehigh Township, Wayne County, Pennsylvania to become effective immediately.

Supervisor

Supervisor

Supervisor

ATTEST:

_____, Secretary