



Township of Salisbury

— LEHIGH COUNTY, PENNSYLVANIA —

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SALISBURY TOWNSHIP PLANNING COMMISSION MEETING AGENDA

Tuesday, May 11, 2021

Start Time: 7:00 PM

1. Call to Order.
2. Roll Call.
3. Review and approval of Planning Commission Meeting Minutes from April 13, 2021.
4. Review of Preliminary/Final site plan for the minor subdivision and request for waivers at 1453 Lehigh Avenue. Project proposes to subdivide one existing residential lot of 12,701 sq. ft. into two parcels (6,354 sq. ft. & 6,347 sq. ft.) for the development of one detached, single-family dwelling on each lot. The property is located within the R4, Medium Density Residential Zoning District.
5. Review of proposed changes to Salisbury Township Subdivision and Land Development Ordinance (Chapter 22) Part 2, "Definitions".
6. Review of proposed changes to Salisbury Township Subdivision and Land Development Ordinance (Chapter 22) Part 10, "Design Standards and Required Improvements".
7. Review of proposed changes to Salisbury Township Zoning Ordinance (Chapter 27) Part 2, "Definitions".
8. Review of proposed changes to Salisbury Township Zoning Ordinance (Chapter 27) Part 5, "Environmental Protection".
9. Adjournment.

***** The meeting may be recorded for record keep purposes. *****

Part 2
DEFINITIONS

§22-201 ~~—~~ **General Interpretation Definitions.**

1. ~~General Interpretation.~~ For the purposes of this ~~Chapter~~Part, words and terms used herein shall be interpreted as follows:

A. Words in the present tense shall include the future tense.

~~B.~~ "Used" or "occupied," as applied to any land or building, include the words "intended, arranged, or designed to be used or occupied".

~~C.~~ B. The singular shall include the plural, and the plural shall include the singular.

~~D.~~ D. The masculine gender shall include the feminine and the neuter, and vice-versa.

~~E.~~ E. The word "shall" is always mandatory, and the word "may" or "should" is always permissive.

~~F.~~ F. If a word is not defined in this Part, but is defined in the Township Zoning Ordinance [Chapter 27], as amended, the definition in that ordinance shall apply. Any word or term not defined in this ~~Part~~ chapter or the Zoning Ordinance [Chapter 27] shall be used with a common dictionary meaning of standard usage.

~~G.~~ G. The terms "person," "subdivider," "developer," and "landowner" shall include an individual, a corporation, an unincorporated association, a partnership, an organization, or other legal entity which is recognized by law as the subject of rights and duties.

§22-202 Terms Defined

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

~~ACCESS DRIVE OR~~ ACCESSWAY: A privately owned, constructed, and maintained vehicular access roadway accessing more than three one-dwelling units on the same lot, more

than two dwelling units on separate lots, or more than one any commercial, institutional, or industrial principal uses. The term “accessway” and its regulations shall also apply to the “pole” portion of a flag lot, regardless of the use or number of units on the lot. May also be referred to as “shared driveway” or “access drive”.

ACCESS EASEMENT: A paved or gravel access that is not a public street, and that legally and permanently guarantees the right for occupants of a certain lot(s) or building(s) to traverse such easement across property that such occupants may not own in order to reach a street.

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

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. An accessory use may or may be located within a principal structure.

ACRE: Forty-three thousand five hundred sixty (43,560) square feet.

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

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

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

APPLICANT: A landowner or developer, ~~as hereinafter defined,~~ who has filed an application ~~with the Township for a subdivision, resubdivision or land development,~~ including ~~all his~~ heirs, successors and assigns.

AVERAGE DAILY TRAFFIC (ADT): Average 24-hour traffic count based on day of week and month application. All ADT computations shall be in accordance with current PennDOT requirements.

BEST MANAGEMENT PRACTICE (BMP): PA DEP and Township requirements to maintain stormwater quality control.

BLOCK: Property bounded on one side by a street, and on the other three sides by a street, railroad right-of-way, public park, watercourse, Township line, ~~tract of land~~lots held in separate ownership, or any combination thereof. The length shall be measured from center line to center line of intersecting streets.

BOARD OF COMMISSIONERS: The Board of Commissioners of Salisbury Township, Lehigh County, Pennsylvania.

~~BUILDING: Any structure having a permanent roof and intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials that has a total volume under roof of greater than 50 cubic feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure." Any structure involving a permanent roof (such as a porch with a permanent roof or carport) that is attached to a principal building shall be considered to be a part of that principal building. Any structure, excluding a swimming pool, having a permanent roof and/or permanent walls, a footprint greater than or equal to 10 square feet, and a height greater than or equal to 6 feet. The term "permanent walls" includes, but is not limited to, screens, windows, glass, and lattice work. The term "permanent walls" does not include covering over footers or support poles for a deck or porch less than or equal to 3 feet high. All buildings are structures but only those structures that meet this definition shall be considered buildings.~~

BUILDING LINE OR BUILDING SETBACK LINE: See "Setback Line."

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

CANOPY: The total area of the tree or trees where the leaves and outermost branches

extend. When the tree canopy size cannot be calculated, it shall be assumed that a single tree has a canopy of seven hundred (700) square feet. May also be referred to "drip line" of the tree.

CARTWAY~~(ROADWAY)~~: The paved portion of a street right-of-way intended for vehicular use and on-street parking, but not including the shoulder of the street.

CENTRALIZED WATER SYSTEM: A utility operated by a Municipality or a company, regulated by the Public Utility Commission, which supplies potable, domestic water for use by more than one household, business or institution.

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

CLEAR SIGHT TRIANGLE: An area to be kept free of visual obstruction. Refer to §27-803, Subsection 3, of the Salisbury Township Zoning Ordinance [Chapter 27] for specific requirements.

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

~~A general plan for the future growth, protection and development of a municipality, County or region. The document titled "Salisbury Township Comprehensive Plan," or any part thereof, adopted by the Board of Commissioners.~~

CONSTRUCTION: Includes the placing of construction materials in a permanent position and fastening in a temporary or permanent position, or the demolition of a pre-existing building.

CONSTRUCTION AREA: The total land areas proposed to be used for and/or within any and all of the following:

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

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

- 2) Accessory structures or uses existing or proposed at the time of development of the principal building or structure.
- 3) An accessory building of more than 500 square feet of building coverage.
- B. Areas within the proposed lot that are within 10 feet of any existing or proposed gravel or paved areas (including driveways) serving nonresidential uses, other than walkways.
- C. Areas within the proposed lot that are within 40 feet of the rear of a principal building.
- D. Areas within a directly abutting portion of a proposed public or private street, from the center line inward to the closest lot line of the abutting lot.
- E. Gravel or paved areas (including driveways) serving residential uses other than walkways.
- F. Areas proposed to be graded.

COOKING FACILITY: An area or room equipped for the storage and preparation of food within a building. A cooking facility must contain a properly functioning sink, range, and refrigerator. A permanently-installed cooktop and oven may be included in lieu of a range. May also be referred to as a “kitchen”.

COUNTY: Lehigh County, Commonwealth of Pennsylvania.

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

~~CROSSWALK (INTERIOR WALK): A publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.~~

DEDICATION: An offer or tender of title to land by its owner for any public use.

DEED: A written instrument whereby real property is conveyed.

DEVELOPER: Any landowner, or agent of such landowner, or tenant with the permission of the landowner, who makes or causes to be made a subdivision, a land development or a resubdivision of land including the deletion of any lot line. May also be referred to as “subdivider”.

~~DEVELOPER'S IMPROVEMENTS AGREEMENT: An agreement, in a form and manner acceptable to the Township, requiring a developer to install and, for an eighteen month period after installation as approved by the Township, to maintain the improvements required by this chapter and any improvements or amenities which appear on the plan in accordance with the requirements of this chapter, and, further, to provide financial security for the construction of the improvements and to provide indemnification to the Township.~~

DRIVEWAY: A privately owned, constructed, and maintained vehicular access from a street or access drive to serve only one to three dwelling units on the same lot, commercial unit, institutional or industrial principal use. See also "Access Drive."

DWELLING: A building used as non-transient living quarters, but not including a boardinghouse, group home, hotel, motel, hospital, nursing home, dormitory, fraternity house, sorority house, or recreational vehicle. May also be referred to as a “residence”, “residential building”, or “residential structure”. This Chapter categorizes dwellings into the following types:

- A. DUPLEX – Two to three dwelling units, accommodating one family each, with all dwelling units within a single building on a single lot. The building shall have open areas on all sides. May also be referred to as a “two-family detached dwelling” or “multi-family detached dwelling” but does not include a “garden apartment”, “mid-rise apartment”, or “high-rise apartment”. This category shall also include mixed-use buildings with one permitted non-residential unit and up to three dwelling units.
- B. GARDEN APARTMENTS - Four or more dwelling units within a building that are separated by only horizontal floors or by a combination of horizontal floors and vertical walls. This shall include buildings with a maximum height of 3 1/2 stories or 35 feet, whichever is lesser. The building shall be on a single lot; however, the individual dwelling units may be leased or sold for condominium ownership.
- C. HIGH-RISE APARTMENTS – Four or more dwelling units within a building that are separated by only horizontal floors or by a combination of horizontal floors and vertical walls. This shall include only buildings that are higher than 60 feet of five stories (whichever is less). The building shall be on a single lot; however, the individual

dwelling units may be leased or sold for condominium ownership.

D. MID-RISE APARTMENTS - Four or more dwelling units within a building that are separated by only horizontal floors or by a combination of horizontal floors and vertical walls. This shall include only buildings that are higher than 35 feet or 3 1/2 stories and less than 60 feet or five stories (whichever is less). The building shall be on a single lot; however, the individual dwelling units may be leased or sold for condominium ownership.

E. MOBILE HOME - A type of single-family detached dwelling that meets all of the following requirements:

1) Is transportable;

2) Is designed for permanent occupancy;

3) Is contained in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for repeated towing;

4) Which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation; and

5) Is not a recreation vehicle.

F. SINGLE-FAMILY DETACHED DWELLING - One dwelling unit accommodating one family that is within a separate building and having open areas on all sides. The building shall contain no other dwelling units or uses, except home-based businesses as permitted within the Salisbury Township Zoning Ordinance.

G. TOWNHOUSE - One dwelling unit accommodating one family that is attached to two or more dwelling units, with each dwelling unit being completely separated from each other by vertical, unpierced walls. Each unit shall be on a separate lot with the property line running through the common walls. Side yards shall be adjacent to each end unit. May also be referred to as "rowhouse".

H. TWIN DWELLING - One dwelling unit, accommodating only one family, that is attached and completely separated by a vertical, unpierced, wall to one additional

dwelling unit. One side yard shall be adjacent to each dwelling unit. Each unit shall be on a separate lot with the property line running through the common wall. May also be referred to as a “single-family semidetached dwelling”.

DWELLING UNIT: A residential unit within a dwelling occupied by persons meeting the definition of "family". Each dwelling unit shall have its own sanitary, sleeping and cooking facilities as well as separate access to the outside, or access to a common hallway or balcony that connects to outside access at ground level. No dwelling unit shall include a separate habitable area that is completely separated by interior walls so as to prevent interior access from the remainder of the habitable area.

~~DWELLING (RESIDENCE, RESIDENTIAL STRUCTURE): A building used as nontransient living quarters and containing one or more dwelling units. The term dwelling shall not be deemed to include recreational vehicle, rooming or boarding house, bed and breakfast home, tourist home, hotel, motel, hospital, nursing home, dormitory, fraternity or sorority house. Refer to the Zoning Ordinance of Salisbury Township [Chapter 27] for definitions of specific types of dwellings or dwelling units.~~

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

ENGINEER: A licensed professional engineer registered in the Commonwealth of Pennsylvania.

FAMILY: One or more persons living in a single dwelling unit and functioning as a common household unit. A family shall not include more than three persons who are not related to each other by blood, government-sanctioned civil unions, official foster relationship, marriage, or adoption. The term “related” shall be limited to relationships such as father, mother, daughter son, grandparent, great-grandparent, sister, brother, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, mother-in-law, father-in-law, stepfather, stepmother, legal guardian, and first cousin. This term shall not include relationships such as second, third, or more distant cousins.

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

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.

GRADE: ~~T~~Describing the average ground elevation of the finished surface adjoining a structure or of an Engineering land development project, calculated as existing and/or proposed. ~~May and~~ also measure the rise or fall, in 100 feet increments, of horizontal distance such as along a roadway.

HISTORIC FEATURE: Any site, structure, or object that is listed or may be eligible to be listed on the National Register of Historic Places, on any officially adopted Municipal inventory of historic places, or is determined by a qualified historic preservation professional to be historically or architecturally significant.

IMPERVIOUS SURFACE: Any structure or man-made surface with a runoff factor of 0.80 or greater. For purposes of this Chapter, gravel/stone surfaces and pavers laid with a minimum of two (2) inches between each paver shall not be considered impervious.

IMPROVEMENTS AGREEMENT: An agreement, in a form and manner acceptable to the Township, requiring a developer to install and, for an eighteen-month period after installation as approved by the Township, to maintain the improvements required by this chapter and any improvements or amenities which appear on the plan in accordance with the requirements of this chapter, and, further, to provide financial security for the construction of the improvements and to provide indemnification to the Township.

LAND DEVELOPMENT: The following activities are regulated as a land development and subject to the land development approval requirements set forth in this Chapter. All sizes and numbers are calculated as an aggregate over the proceeding five years regardless of the permits and approvals issued for each proceeding activity:

1. A subdivision, resubdivision, or consolidation of land.
2. Construction of one or more principal, non-residential structures regardless of the number of occupants.
3. Construction of a non-residential addition or accessory structure with a footprint greater than or equal to 1,000 square feet.
4. Construction of two or more dwelling units on a single lot.

5. The conversion of an existing structure to increase the number of uses or occupants.
6. The conversion of an existing residential structure or dwelling unit into a non-residential structure or unit.
7. The conversion of an existing structure into condominiums.
8. Construction of a new, or expansion of an existing, parking area by 12 or more parking spaces.
9. Work involving 5,000 square feet or more of new impervious coverage, both on-lot and within the public right-of-way, regardless of use.
10. Work involving 10,000 square feet or more of site alterations, both on-lot and within the public right-of-way, regardless of use.

The following shall be excluded from the definition of “Land Development”:

- A. The construction of a single-family detached dwelling on an existing lot.
- B. The conversion of an existing single-family detached dwelling or a single-family semi-detached dwelling, into not more than three residential units, unless such units are intended to be condominiums.
- C. Commercial communication towers and their structures.
- D. Tree Harvesting.
- E. The subdivision of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or access easement.
- F. The reconfiguration and/or movement of site improvements previously approved as part of land development project as long as the proposed work does not meet any of the criteria listed in 1 through 10 above.

Any of the following activities:

- (1) ~~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.~~
 - (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.~~
- (2) ~~A subdivision of land.~~
- (3) ~~The following shall be excluded from the definition of "Land Development":~~
 - (a) ~~The conversion of an existing single family dwelling or a single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.~~
 - (b) ~~Commercial communication towers and their accessory structures.~~
 - (c) ~~The addition of an accessory building on a lot subordinate to an existing principal building.~~

LANDOWNER: The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), or a lessee if he is authorized under the lease to exercise the rights of the landowner, or any other person having a proprietary interest in land.

LOT: The designated area of land within the lot area. May also be referred to as "parcel".

LOT AREA: An area of land which is determined by the limits of the property lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot included

in a street right-of-way shall not be included in determining lot area. Property lines shall be bound by a singular tax parcel, as determined by the Lehigh County Tax Assessment Office and Lehigh County Geographic Information Systems Office. When a tax parcel spans more than one municipality, the taxing municipality shall have sole control over the development and use of the lot and its entire lot area shall be included when calculating lot area, setbacks, building coverage, and impervious coverage.

~~LOT: A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit. Refer to the Zoning Ordinance of Salisbury Township [Chapter 27] for specific definitions of "lot area," "lot depth," "corner lots," "interior lots," "flag lots," "through lots" and "reverse frontage lots."~~

~~LOT CONSOLIDATION: The deletion of a lot line for the purpose of joining or annexing a lot to an adjacent lot, parcel, or tract of land shall be deemed a lot consolidation. For any lot consolidation plan, a unification or consolidation deed, containing one perimeter property description of the united lots, shall be recorded in the Office of the Recorder of Deeds of Lehigh County following approval of the lot consolidation, and evidence of the recording shall be submitted to the Township.~~

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

- A. FRONT LOT LINE - A lot line separating the lot from the primary street right-of-way. When a lot abuts two or more streets, not including an alley, or there is no frontage along a street right-of-way, the front lot line shall be determined by reviewing previous development plans. If development plans are not available to determine which is the primary street right-of-way, it shall be the street in which the building is oriented towards and/or has its address along, unless the Zoning Officer determines that the front yard should follow the clearly predominant front yard orientation of the development of abutting lots.
- B. REAR LOT LINE - A lot line opposite and most distant from the front lot line.
- C. SECOND FRONT LOT LINE – A lot line separating the lot from the approved and/or dedicated secondary street right-of-way. If development plans are not available to

determine which is the secondary street right-of-way, it shall be the street in which the building is not oriented towards and/or does not have its address along, unless the Zoning Officer determines that the front yard should follow the clearly predominant front yard orientation of the development of abutting lots.

D. SIDE LOT LINE - Any lot line other than a front or rear lot line. A side street lot line is a side lot line separating a lot from a street.

LOT LINES: The property lines bounding the lot. Refer to the Zoning Ordinance of Salisbury Township [Chapter 27] for specific definitions of "front, side, and rear lot lines," "lot width" and diagrams of each.

LOT WIDTH: The distance measured between each side lot line or the side lot line and either the second front lot line or rear lot line, whichever is applicable when a second side lot line is not present. In the case of a curve, it is the arc distance along the curve. The measurement may be taken at either the street right-of-way or front setback line, whichever is applicable.

LOT, CORNER: A lot abutting two or more intersecting streets.

LOT, FLAG: An irregularly shaped lot characterized by an elongated extension from a street (the "pole") to the principal part of the lot. The flag shape of the lot is normally intended to provide for access to an otherwise landlocked interior parcel. On a flag lot, setbacks and width are measured within the principal part of the lot, beyond the "pole" section of the lot area. The front lot line shall be the lot line parallel to the nearest street and/or where the "pole" enters the lot. For a flag lot, the area of the "pole" portion of the flag lot shall not be included in the total lot area required for the "Minimum Lot Area" for lot size.

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

LOT, REVERSE-FRONTAGE: A lot that abuts two approximately parallel streets, not including an alley, but only has access onto one street.

LOT, THROUGH: A lot that abuts two approximately parallel streets, not including an alley, with access onto both streets.

MAINTENANCE AGREEMENT: An agreement, in a form and manner acceptable to

the Township, requiring the developer of public improvements to make any repairs or reconstructions and to maintain such improvements for a period not to exceed 18 months from the date of the developer's completion of such improvements to Township standards and the Township's inspection and certificate of acceptance of such improvements.

MAINTENANCE GUARANTEE: The financial security which is acceptable to the Township (including, but not limited to, irrevocable letters of credit, restrictive or escrow accounts) to secure the promise made by a developer in the maintenance agreement that dedicated improvements shall be maintained by the developer.

MONUMENT: A stone or concrete monument with a flat top at least four inches in diameter or square and at least 24 inches in length. Stone monument shall contain an indented cross or 1/4 inch drill hole. Concrete monuments shall contain a copper or brass dowel (plug).

OFFICIAL PLAN: Comprehensive Plan, Zoning Ordinance [Chapter 27], Official Street Map, Standard Construction Specifications and Details or any other plans formally adopted by the Township.

OPEN SPACE: The area of a lot unoccupied by principal or accessory structures, driveways, or parking areas, but may include areas occupied by walkways, patios and porches without roofs, and other areas occupied by outdoor recreation or play apparatus, gardens and trees.

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

- A. It is designed, intended and suitable for active or passive recreation by residents of a development or the general public.
- B. It is managed through by an approved system for perpetual maintenance.
- C. It is deed-restricted to permanently prevent the use of land for uses other than common open space.
- D. It does not include any of the following: street rights-of-way as approved or to be dedicated driveways, access drives that serve other uses, buildings (other than accessory buildings, such as recreational gazebos and pools, clearly intended for noncommercial recreation), off-street parking (other than that clearly intended and necessary to only

serve noncommercial recreation), any area needed to meet a requirement for any other individual lot, any area deeded over to an individual property owner for their own use, or land within 25 feet of overhead electrical transmission lines or towers of 35 kilovolts or greater capacity.

E. It does not include stormwater detention or retention basins and infiltration facilities, unless the applicant proves to the satisfaction of the Township that such area has been designed and will be maintained in a manner that it will be suitable for recreational uses during most times of the year and/or will serve as a scenic and ecological asset, such as having the appearance of a natural pond. An underground stormwater detention facility may be approved to serve as common open space only if the surface is improved to be usable for recreation and is not used for vehicle parking.

A parcel or parcels of land, or an area of water, or a combination of land and water within a tract:

- (1) ~~Designed, intended and suitable for active or passive recreation by residents of a development or the general public.~~
- (2) ~~Which has an approved system for perpetual maintenance.~~
- (3) ~~Is deed restricted to permanently prevent the use of land for uses other than common open space.~~
- (4) ~~Which does not include any of the following:~~
 - (a) ~~Street rights-of-way as approved or to be dedicated.~~
 - (b) ~~Accessways.~~
 - (c) ~~Buildings, (other than accessory buildings and pools clearly intended for noncommercial recreation).~~
 - (d) ~~Off-street parking, (other than clearly intended for nonecommercial recreation).~~
 - (e) ~~Any area needed to meet a requirement for an individual lot.~~
 - (f) ~~Any area deeded over to an individual property owner for their own use or land within 25 feet of overhead electrical transmission lines or towers of 35 kilovolts or greater capacity.~~

ORDINANCE: This chapter and any provisions or amendments thereof, enacted by the Board of Commissioners.

PARCEL: ~~See A tract, lot or area of land~~“lot”.

PARKING FACILITIES: Outdoor areas or specially designed buildings or garages used for the parking or temporary storage of vehicles.

PERFORMANCE GUARANTEE: Financial security which is acceptable to the Township (including, but not limited to, irrevocable letters of credit, restrictive or escrow accounts) to secure the promise made by a developer in the development improvement agreement that certain improvements shall be made by the developer.

PLAN (OR PLAT): A map of a land development, a subdivision, a resubdivision of land, or a lot consolidation or lot line deletion.

- (1) SKETCH PLAN — An informal plan, identified as such with the title Sketch Plan on the map, indicating existing features of a tract and its surroundings and the general layout of the proposed subdivision.
- (2) PRELIMINARY PLAN — A complete plan, identified as such with the title Preliminary Plan, accurately showing proposed streets and lot layout and such other information as is required by this chapter.
- (3) FINAL PLAN — A complete and exact plan, identified as such with the title final plan, prepared for official recording as required by this Part to define property rights and proposed streets and other improvements.
- (4) PRELIMINARY/FINAL PLAN — A complete and exact plan, identified as such with the title preliminary/final plan, prepared for official recording and review by the Planning Commission as required by this Part for minor subdivisions, resubdivisions or lot consolidation plans.
- (5) RECORD PLAN — The copy of the final plan which contains all the original required endorsements and certifications and which is recorded with the Lehigh County Recorder of Deeds.

- (6) AS-BUILT PLAN — A complete and exact plan, identified as such with the title "as-built plan," prepared for the Township's permanent streets, water lines, sanitary sewer, storm sewer mains and lines, and drainage facilities and any other public utilities which are to be conveyed or transferred to the Township.

PLANNING COMMISSION OR TOWNSHIP PLANNING COMMISSION: The Planning Commission of the Township of Salisbury, Lehigh County, Pennsylvania.

PROPERTY IMPROVEMENT: Physical changes to the land, including, but not limited to, buildings, streets, curbs, gutters, streetlights and signs, water mains and laterals, hydrants, sanitary sewer mains and laterals, stormwater drains and structures, open space improvements, shade trees and buffer plantings, and all other additions to the lot area which are required by the Ordinance or are deemed necessary to result in a complete subdivision or land development in the fullest sense of the term.

PROPERTY LINE: ~~Has the same meaning as "lot line."~~See "Lot Line"

RESIDENTIAL: A building which conforms to the definition of "dwelling".

~~RESUBDIVISION: Any replatting of land which involves a change of any existing lot line and does not involve the creation of any additional lot or lots, the creation of any new street or any extension of or improvements to an existing street. In any such resubdivision, a unification or consolidation deed, containing one perimeter property description for the new lots, shall be recorded in the Office of the Recorder of Deeds of Lehigh County following approval of the resubdivision, and evidence of the recording shall be submitted to the Township.~~

RIGHT-OF-WAY: Areas beyond each property's lot area which is not privately owned. ~~Areas of right-of-way include, but are not limited to, streets and alleys. Land reserved for the public or others for future use as a street or other public purpose. Unless otherwise stated, "right-of-way" shall mean the existing street right-of-way line that is dedicated or approved to be dedicated.~~

~~RIGHT-OF-WAY, EXISTING OR LEGAL: The line separating a lot from the established official street right-of-way that is owned by the Township, or will be owned by the Township or commonwealth after the completion of any proposed subdivision, land development or development of a use under this chapter.~~

~~RIGHT OF WAY, FUTURE: Land that is dedicated or is required to be defined or reserved for future dedication for use as a street and for related public improvements. The terms "ultimate right of way," "right of way reserved for future dedication" and "future right of way" shall have the same meaning. If a future right of way is not required to be defined, then "future right of way" shall have the same meaning as "existing right of way."~~

ROADWAY: See "cartway." The paved portion of a street right-of-way which includes both the cartway and the shoulder, when required.

SANITARY FACILITIES: All of the following: sink with piped water, a toilet, and a bathtub or shower with piped water.

SANITARY SEWAGE DISPOSAL, CENTRALIZED COMMUNITY: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and disposal plant generally serving a neighborhood area or development.

SANITARY SEWAGE DISPOSAL, CENTRALIZED PUBLIC: A sanitary sewerage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant operated via a public agency.

SANITARY SEWAGE DISPOSAL, ON-LOT: Any privately owned structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot.

SANITARY SEWER CONNECTION: The connection consisting of all pipes, fittings, and appurtenances from the drain outlet of a dwelling or building to the inlet of the street or main collector sewer pipe of the sewerage system serving the subdivision or land development.

SEPTIC TANK: A covered watertight settling tank in which raw sewage is biochemically changed into solid, liquid and gaseous states to facilitate further treatment and final disposal.

SETBACK LINE:

- A. The line within a lot defining the required minimum distance between any structure to be erected or use to be developed and the corresponding lot line. Such line shall be measured

at right angles from and parallel to the corresponding lot line.

B. Any building setbacks shall be measured from the foundation, exterior wall, roof overhang, or other component of a structure that is closest to the right-of-way line or lot line from which the setback is being measured.

C. Unless otherwise stated, setback distances are for both accessory and principal structures.

D. For a building setback measured from a private street, the setback shall be measured from the right-of-way of such a street, if a right-of-way exists. If a private street does not have a right-of-way, the setback shall be measured from the edge of the cartway.

SETBACK LINE:

- ~~(1) The line within a lot defining the required minimum distance between any structure to be erected or use to be developed and the adjacent street right-of-way or exterior lot line (when the property is not abutted by a right-of-way). Such line shall be measured at right angles from and parallel to the front lot line.~~
- ~~(2) Any building setbacks shall be measured from the foundation, exterior wall or other component of a structure that is closest to the right-of-way or lot line from which the setback is being measured. See exceptions for eaves and cornices in § 27-803, Subsection 2, of the Zoning Ordinance [Chapter 27].~~
- ~~(3) Unless otherwise stated, setback distances are for both accessory and principal structures.~~
- ~~(4) Private Streets. For a building setback measured from a private street, the setback shall be measured from the right of way of such a street, if a right-of-way exists. If a private street does not have a right-of-way, the setback shall be measured from the edge of the cartway.~~

SHOULDER: The portion of roadway adjacent to the cartway for accommodation of stopped vehicles for emergency use. Does not include areas of the cartway to be designated as on-street parking.

SIDEWALK: A pedestrian accessway which is adjacent to street, access drive, or driveway and conforms to the regulations of this chapter.

SIGHT DISTANCE: The distance along a roadway that an object of specified height is continuously visible to the driver. This distance is dependant on the height of the driver's eye above the road surface, the specified object height above the road surface, and the height of sight

obstructions within the line of sight.

SITE ALTERATION: All ground disturbance including, but not limited to: new or a change in impervious coverage; regrading existing topography; alterations to lakes, ponds, marshes, or floodplains; clearing vegetation; construction of a stormwater detention basin; and altering watercourses~~Includes regrading existing topography, filling lakes, ponds, marshes or floodplains, clearing vegetation or altering watercourses.~~

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

SOIL CONSERVATION DISTRICT: The Soil and Water Conservation District for Lehigh County.

SOIL PERCOLATION TEST: A field test conducted to determine the absorption rate of the soil at a given location and depth for on-lot sanitary sewage disposal facilities or stormwater infiltration facilities.

SOIL SURVEY: A scientific survey of soil conditions and characteristics prepared by an engineer or soil scientist and approved or certified by the U.S. Soil Conservation Service.

SOIL TEST PROBE: An excavation to determine whether sufficient suitable soils are present for an on-lot sanitary sewage disposal facility or stormwater infiltration facility.

STORMWATER CONTROL BASIN: Any of either stormwater detention, retention, infiltration, or sedimentation designed to control either volume, rate, or quality of stormwater runoff.

~~**STREET:** A public or private thoroughfare which affords the principal means of access to abutting property, including any avenue, boulevard, parkway, lane, highway, freeway, road and any other ways, except an alley, used or intended to be used by vehicular traffic or pedestrians.~~

~~**STREET CLASSIFICATION:**~~

- ~~(1) **ARTERIAL STREET**—A street designed to carry large volumes of through traffic for the connection of residential areas and for circulation outside the~~

~~residential area. Normally controlled by traffic signs and signals.~~

- (2) ~~COLLECTOR STREET—A street designed to carry moderate volumes of traffic between local streets and arterial streets, and provides only limited vehicular access to abutting properties. Traffic on these streets is normally controlled by signs~~
- (3) ~~LOCAL STREET—A street designed to carry low volumes of traffic and provide direct access from abutting properties to collector and arterial streets.~~
- (a) ~~CUL-DE-SAC STREET—A street which is designed to remain permanently closed at only one end. For the purpose of this definition, the length of a cul-de-sac shall be measured along the center line of the cul-de-sac from the point where the center line terminates within the turnaround to the right of way line of the street with which the cul-de-sac intersects. Where one cul-de-sac street connects with another street that has only one point of access with another public road besides the first cul-de-sac, both streets shall be considered to be one single cul-de-sac system. The length of the cul-de-sac system shall be equal to the longest length from the single point of access of the entire system to the public road system to any turn-around.~~
- ~~[Image]~~
- (b) ~~LOOP STREET—A loop street is a local street that has its only ingress and egress at two points on the same adjoining street. A loop shall not ultimately furnish access to more than 30 dwelling units.~~
- ~~[Image]~~
- (c) ~~MARGINAL ACCESS STREET—A marginal access street is a local street which is parallel and adjacent to collector or arterial streets and provides access to abutting properties.~~
- (4) ~~SERVICE STREET—A nondedicated minor right of way for public use providing primary or secondary access to nonresidential properties.~~
- (5) ~~STUB STREETS—To provide an integrated street system, all stub streets of abutting subdivisions shall be incorporated into the proposed street system. Stub streets greater than 200 feet in length shall be provided with a temporary turnaround to the standards required for culs-de-sac, unless otherwise approved by the Township Engineer. Guardrails, which meet Township specifications, shall be placed as barricades at the end of every stub street constructed as part of a subdivision.~~
- (6) ~~THROUGH STREETS—A street which is not a cul-de-sac or dead-end street, as those are defined within the Salisbury Township Subdivision and Land Development Ordinance [Chapter 22].~~

~~STREET, HALF OR PARTIAL: A street whose vertical cross section has not been completely constructed; e.g., the binder and wearing courses have not been provided.~~

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

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

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

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

- A. ALLEY - A street designed as a secondary access to properties, with a maximum width of 20 feet.
- B. ARTERIAL STREET - A street designed to carry large volumes of through traffic for the connection of residential areas and for circulation outside of residential areas.
- C. COLLECTOR STREET - A street designed to carry moderate volumes of traffic between local streets and arterial streets, and usually provides only limited vehicular access to abutting properties.
- D. CUL-DE-SAC STREET - A local street which is permanently terminated at one end by a vehicle turnaround and which intersects another street at the other end.
- E. LOCAL STREET - A street designed to carry low volumes of traffic and provide direct access from abutting properties to collector and arterial streets.
- F. LOOP STREET - A local street which intersects other streets on each end and may intersect a cul-de-sac street at some point between each end.
- G. REGIONAL HIGHWAY OR EXPRESSWAY - A street that provides direct links between metropolitan areas, which carries large volumes of high-speed traffic, that does

not permit on-street parking, and that has no at-grade intersections. Typically, this classification is for state roads.

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

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

STRUCTURE: Any man-made object having an ascertainable location on, below, or in land or water, whether or not affixed to the land. The term "structure" shall not include a child's playset or playhouse, as long as its design is clearly that for play and it will not be utilized as a storage shed or similar use.~~Any man-made object having an ascertainable, stationary location on, below, or in land or water, whether or not affixed to the land. The term "structure" shall, inter alia, include: building, sign, fence, wall, garage, carport, stadium, platform, walkways, storage sheds, tower, swimming pool, porch or deck that is covered by a roof and similar structures. "Structure" shall be interpreted as including the words "or part thereof."~~

SUBDIVIDER: See "Developer."

SUBDIVISION: The division or consolidation~~redivision~~ of a lot, tract or parcel of land, as defined by one of the following categories: 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 division of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access, or any residential dwelling, shall be exempt.

A. LOT CONSOLIDATION - The deletion of a lot line for the purpose of joining a lot to an adjacent lot, parcel, or tract of land.

B. LOT LINE ADJUSTMENT - Any replatting of land which involves a change of any existing lot line and does not involve the creation of any additional lot or lots, the creation of any new street or any extension of or improvements to an existing street. May also be referred to as "resubdivision".

C. MAJOR SUBDIVISION – Any subdivision which does not constitute a lot consolidation, lot line adjustment, or minor subdivision.

A.D. MINOR SUBDIVISION – Any subdivision which involves the creation of no more than four lots for residential purposes only and does not involve the creation of any new street of the extension or improvement of any existing street.

- (1) ~~MINOR SUBDIVISION—Any subdivision which involves the creation of no more than four lots for residential purposes only, and does not involve the creation of any new street or the extension or improvement of any existing street.~~
- (2) ~~MAJOR SUBDIVISION—Any subdivision which does not constitute a minor subdivision.~~

SUBDIVISION, NATURAL: Any tract or parcel of land divided into two or more separate areas by a natural feature or ~~one or more~~ a public streets.

SURVEYOR: A licensed surveyor registered by the Commonwealth of Pennsylvania.

TEMPORARY: Unless otherwise provided for regarding a specific provision, or unless otherwise approved by the Township, "temporary" shall mean not lasting or occurring more than 30 total days in any calendar year (January 1st through December 31st).

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

TOWNSHIP: The Township of Salisbury, Lehigh County, Pennsylvania.

TOWNSHIP COMMISSIONERS: The Township Board of Commissioners of Salisbury Township, Lehigh County, Pennsylvania.

TOWNSHIP SECRETARY: The person appointed by the Township Board of Commissioners to perform the duties of the Secretary of the Township, as set forth in Article IX of the First Class Township Code, or his duly authorized representative.

TRACT: The combination of lots that are submitted to be approved together as part of a single subdivision or land development project.~~A parcel of land, the dimensions and extent of which are determined by the latest official records or by the latest approved recorded map of a subdivision of which the tract is a part. A tract may include lands covered by more than one legal~~

~~description.~~

TREE HARVESTING: The portion of “forestry” which involves the cutting down of trees and removing logs for any type of business or other commercial purpose. Does not include trees permitted to be removed as part of an approved development or construction project nor does it include trees removed as part of an approved nursery and/or tree farm use. May also be referred to as “timber harvesting” or “logging”. “Tree harvesting” does not include other activities associated with the removed trees such as, but not limited to, on-site retail sales, manufacturing, and processing.

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

WATER CONNECTION: The connection consisting of all pipes, fittings and appurtenances from the water pipe to the inlet pipe to the distribution system within the dwelling or nonresidential unit.

WATER DISTRIBUTION SYSTEM, COMMUNITY: A system for supplying and distributing water to one or more dwelling units or buildings located on one or more lots from a common source and/or buildings, within a single neighborhood.

WATER DISTRIBUTION SYSTEM, ON-SITE: A system for supplying and distributing water to one or more dwelling units located on a lot from a source located on the same lot.

WATER DISTRIBUTION SYSTEM, PUBLIC: A system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one neighborhood.

WATERCOURSE: A discernible, definable natural course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations. A watercourse may originate from a lake or underground spring(s) and be permanent in nature or it may originate from a temporary source such as runoff from rain or melting snow. The term "watercourse" shall include rivers, streams, creeks, rivulets, channels, lakes, a ditch, a drain, a dry run, springs, ponds, dammed waters, wetlands and all other bodies or channels of conveyance of surface and underground waters.

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

YARD: An area between a specified lot line and the required setback line for each side. Such yard shall extend the full width between the two parallel lines. Includes “front yard”, “side yard”, and “rear yard”. See definition of “lot line” for further classifications regarding the determination of each yard.

~~YARD: An open space on the same lot with a structure (or a group of structures) which lies between the required building setback lines and the lot lines and which is unoccupied and unobstructed from the ground upward except as permitted in the Township Zoning Ordinance [Chapter 27].~~

- ~~(1) FRONT YARD — An open, unoccupied space, open to the sky, between the front property line and a line drawn parallel thereto at such distance therefrom as may be specified for any zoning district, and extending for the full width of the lot.~~
- ~~(2) SIDE YARD — An open, unoccupied space, open to the sky, between the side property line and a line drawn parallel thereto at such distance therefrom as may be specified for any zoning district and extending from the required front yard setback to the required rear yard setback.~~
- ~~(3) REAR YARD — An open, unoccupied space, open to the sky, between the rear property line and a line drawn parallel thereto at such distance therefrom as may be specified for any zoning district and extending the full width of the lot.~~

Part 10

DESIGN STANDARDS AND REQUIRED IMPROVEMENTS**§ 22-1001 Application**

1. Evaluating Plans. The design standards and improvements required in this chapter shall be the minimum requirements applied by the Planning Commission and the Board of Commissioners in evaluating plans for any proposed subdivision or land development.
2. Additional Improvements. Additional or more stringent improvements may be required in specific cases where, in the determination of the Board of Commissioners, or the Planning Commission, as the case may be, they are reasonably related to and necessitated by the subdivision and land developed in order to protect the public health, safety and welfare.

~~3. Modifications and Waivers. See §22-1202 of this chapter.~~

§ 22-1002 Required Improvements

The remainder of this Part sets forth the design and construction standards for required improvements. All improvements installed by the ~~subdivider or land~~ developer shall be constructed in accordance with ~~both~~ the design specifications noted in this ~~Chapter and the standard construction specifications and details of the Township.~~

§ 22-1003 Overall Requirements

- ~~1. Land shall be suited to the purpose for which it is intended to be subdivided or developed.~~
12. Hazardous Conditions. Land subject to hazardous conditions including, but not limited to, open quarries, unconsolidated fill, floods, excessive erosion, sinkhole prone soils or unsafe water supply shall not be subdivided until the hazards have been eliminated or overcome by adequate safeguards provided by the developer and approved by the ~~Board of Commissioners or Planning Commission, as applicable~~ Township. Such hazards and methods to eliminate or overcome each hazard shall be regulated by the appropriate state or federal agency that oversees each situation. The floodplain requirements of the Township zoning ordinance shall also apply as necessary.
23. Comprehensive Plan. The subdivision or land development shall generally be designed in ~~consideration of~~ accordance with the applicable provisions of the Township Comprehensive Plan.
34. Zoning. All aspects of a proposed subdivision or land development shall conform to the

Township zoning ordinance and floodplain regulations and all other Township ordinances and specifications.

45. Nearby Development. A subdivision or land development design, including its street pattern, shall be coordinated with existing or approved nearby developments or neighborhoods so that the area as a whole may be developed harmoniously and serious conflicts between neighboring developments may be prevented.
56. Safety. No subdivision or land development shall occur in such a way that would significantly threaten the public health and safety, including but not limited to, hazards of toxic substances, groundwater pollution, traffic hazards and explosive and fire hazards.
67. Erosion and Sedimentation Control. No earthmoving activity subject to the regulations of this Chapter ~~of any kind~~ shall take place prior to approval of an erosion and sedimentation control plan by the County Conservation District or the Salisbury Township Engineer, when applicable.
78. Agency Approvals. No construction activities shall take place that will affect any area of a subdivision or land development where state or federal agencies have jurisdiction and require permits for those activities until all necessary state and/or federal permits are received or evidence is provided demonstrating that no permit(s) is required.

§ 22-1004 Streets

1. General Standards.

- A. The location and width of all streets shall conform to the official plans, or to such parts thereof as may have been adopted by the Township.
- B. The proposed street system shall extend existing or recorded streets at the same width, but in no case less than the required minimum width, unless modified by the Township ~~Board of Commissioners~~.
- C. Where, in the opinion of the Township ~~Commissioners~~, it is desirable to provide for street access to adjoining property, street stubs shall be physically extended and dedicated to the boundary of such property. Temporary turnarounds with adequate right-of-way may be required.
- D. ~~New local streets shall be so designed as to discourage through traffic, but~~ the developers/subdivider shall give adequate consideration to provision for the extension and continuation of arterial, collector, and local streets into and from adjoining properties.

- E. Where a subdivision or land development abuts or contains an existing street of improper width or alignment, the Township may require the dedication of land sufficient to widen the street or correct the alignment.

(1) A deed description to convey land offered for dedication shall be provided along with an opinion of title from a title insurance company or an attorney which indicates that clear title exists for the land being dedicated are to be included with the final plan submission.

- F. Any street or streets adjacent to a subdivision or land development shall be improved to the width specified under the provisions of this Chapter as defined in §1003.4

- FG. Where feasible and desirable from a safety or traffic flow standpoint, at least two accesses to existing streets shall be provided for a proposed subdivision or land development.

- HG. ~~Accessways~~Private streets, where permitted under the Township Zoning Ordinance [Chapter 27], may be approved only if they are designed to meet minimum the Township specifications for alleys for an appropriately classified public street, including reservation of the required right-of-way for any street classification and a permanent access easement is recorded at the Lehigh County Courthouse for each property in which the accessway serves.

- (1) Accessways serving only residential uses may terminate with a dead-end and are not required to provide a paved circular turnaround as required in §22-1004.10.D.

- IH. ~~New half or partial~~Partially developed streets will not be permitted, except where essential for the reasonable development of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street and the posting of acceptable financial security is provided.

- J. The Township may, when existing site conditions determine it necessary, require submission to, and approval from, PennDOT for a traffic control plan appropriate to the conditions. The approved traffic control plan shall be utilized during construction operations.

2. Intersections.

- A. The center lines of streets, accessways, and/or driveways shall intersect at right

angles unless existing conditions dictate otherwise. In such case, the intersection shall be at right angles as nearly as possible, but in no case less than 75°.

- B. Intersections of more than two streets, accessways, and/or driveways at one point shall be prohibited. Where streets intersect other streets, the intersecting street shall be aligned directly across from any street intersecting on the other side, or be offset by the minimum distance stated in this subsection. This minimum offset shall also be the minimum distance between center lines of streets intersecting a cross street on the same side, as follows:

- (1) One hundred fifty feet along a local street.
- (2) Four hundred feet along a collector street.
- (3) One thousand feet along an arterial street.

The distances of this subsection shall be measured between the intersections of the center lines of the legal rights-of-way of the streets.

- C. Street-curb intersections shall be rounded by a tangential arc with a minimum radius of:

- (1) Twenty feet for intersections involving only local streets.
- (2) Thirty feet for intersections involving a collector street.
- (3) Forty feet for intersections involving an arterial street.

- D. Street right-of-way lines shall be concentric with curb arcs at intersections. Lot areas outside of this arc shall be marked to be dedicated as public right-of-way.

3. Arterial Street Frontage. Where a subdivision or land development abuts or contains an existing or proposed arterial street, the Board of Commissioners Township shall require one of the following methods of layout and site design to avoid increased traffic congestion and promote public safety:

- A. The use of ~~margin access or~~ reverse frontage lots streets for access only onto ~~side or interior~~ collector or local streets, to collect traffic from numerous driveways and direct it to a select few number of entrances to the arterial street.
- B. The minimization of the number of driveway cuts or street intersections onto an arterial street, which may include requiring the use of ~~shared driveways~~ accessways

between adjacent uses or lots.

- C. The restriction of ingress and egress involving left-hand turns onto or off of the arterial street.
- D. ~~The prohibition of driveways from individual dwellings entering directly onto an arterial street. If provided with no alternative, each driveway or accessway entering onto an arterial or collector street shall have adequate turn-around space provided within the lot so that vehicles must not back onto the street.~~

~~If provided with no alternative, each driveway entering onto an arterial street shall have adequate turn-around space provided within the lot so that vehicles must not back onto the street.~~

4. Street Design Standards.

- A. Minimum street right-of-way and cartway widths shall be as follows:

| <u>Street Type</u> | <u>Required Width (in feet)</u> |
|---|---------------------------------|
| <u>Arterial Streets</u> | |
| Right-of-way | 80 |
| Cartway | 48 |
| <u>Collector Streets</u> | |
| Right-of-way | 60 |
| Cartway | 36 |
| Local & Marginal Access Streets | |
| Right-of-way | 50 |
| Cartway | <u>See Section B30</u> |
| Service Street (nonresidential only) | |
| Right of way | 33 |
| Cartway | 24 |
| <u>Alleys</u> | |
| Right-of-way | 20 |

B. Local Street Cartway Width Options:

(1) No parking, no curb required – 24-foot cartway plus 4-foot shoulder on each side

(2) No parking, curb required – 26-foot cartway

(3) Parking on one side, curb required – 34-foot cartway

(4) Parking on both sides, curb required – 42-foot cartway with 60-foot right-of-way

C. On Street Parking Restrictions. On street parking is not permitted along arterial and collector streets as well as along alleys.

D. On Street Parking Sight Distances. On street parking shall be designed to meet the minimum sight distances required by Township Zoning Ordinance requirements. Proper signage and/or pavement markings must be installed to ensure that the required sight distances are met. Refer to §27-803, Subsection 1, of the Zoning Ordinance [Chapter 27] for sight distance restrictions.

E. On street parking shall be designed to allow for adequate access to existing and proposed driveways.

5. Street Grades. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient. The following regulations shall apply, unless PennDOT requirements supersede these regulations.

A. There shall be a minimum center-line grade of 1%.

B. Center-line grades shall not exceed the following:

(1) Local street: 10%.

(2) Collector street: 6%.

(3) Arterial street: 6%.

C. All street approaches to an intersection shall have a leveling area wherein the center line vertical slope is not greater than 4% grade for a distance of 25 feet measured from the ~~extended~~ right-of-way line of the intersecting street.

D. The maximum grade across the pavement surface of the cul-de-sac bulb is 5%.

- E. To provide for adequate drainage, the minimum grade of any projected street gutter shall be not less than 2% across an intersection unless storm sewer inlets are provided to collect stormwater prior to its crossing the intersection.
6. Horizontal Curves.
- A. Whenever street lines are deflected ~~in excess of 5°~~, connection shall be made by horizontal curves.
- B. To ensure adequate sight distance, minimum center-line radii for horizontal curves shall be as follows:
- (1) Local streets: 150 feet.
 - (2) Collector streets: 300 feet.
 - (3) Arterial streets: 500 feet.
- C. A tangent of at least 100 feet shall be introduced between all reverse horizontal curves.
- D. To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.
- E. Compound curves are prohibited.
7. Vertical Curves. Vertical curves shall be used at changes of center-line vertical grades exceeding 1%. The minimum length of the vertical curve shall be determined by multiplying the absolute difference in change of percent in grade by the following minimum factors, unless PennDOT requirements supersede these regulations:
- A. ~~A.~~ Arterial streets: ~~8160~~ feet.
- B. ~~B.~~ Collector streets: ~~1850~~ feet.
- C. ~~C.~~ Local and marginal access streets: 30 feet.
- D. Vertical curves should be designed to provide a maximum stopping sight distance of 200 feet for local streets and 300 feet for all other streets.
8. Sight Distance at Intersections.

- A. Refer to §27-803, Subsection 31, of the Zoning Ordinance [Chapter 27] for sight distance restrictions.
- B. The sight distance triangle shall be shown on development plans submitted to the Township and be shown on any plan required to be recorded. Such triangle shall serve as a permanent setback line for all such visual obstructions and shall be binding upon present and future owners of the land.
- C. For any existing residential driveway or accessway entrance to an arterial street that is proposed to be used for a new nonresidential principal use, the applicant shall prove to the satisfaction of the Township Engineer that such entrance will meet PennDOT sight distance requirements in both directions as would apply to a new driveway on such street. If such sight distance cannot be met, then the use shall be denied.

9. Streets With Only One Outlet.

- A. Dead-end streets, other than stub and cul-de-sac streets, shall be prohibited, ~~except as hereinafter provided.~~

B. Stub Streets.

- (1) All stub streets of abutting subdivisions shall be incorporated into the proposed street system of a subdivision or land development.
- (2) Stub streets shall be less than 250 feet in length measured from the intersection of the center lines of the stub and intersecting streets to the termination of the stub street and shall be provided with a temporary turnaround to the standards required for cul-de-sacs. The use of such turnaround shall be guaranteed to the public and appropriate easements or rights-of-way shall be provided and documented for the turnaround on the plan(s) to be recorded.
- (3) The turnaround right-of-way shall be placed immediately adjacent to the tract boundary.

C. Cul-de-sac Streets.

- (1) A cul-de-sac street must have a fully paved turnaround and a minimum cartway radius of 540 feet to the outside of the curb, except that such radius may be reduced to 35 feet if qualified by PennDOT for liquid fuels reimbursement and if adequate for emergency vehicle maneuverability. The

maximum radius of the right-of-way of the cul-de-sac bulb shall be 60 feet. The width between the edge of the cartway and the edge of the right-of-way along the stem of the street leading to the cul-de-sac bulb shall be maintained around the cul-de-sac bulb.

- (2) The paving of the cul-de-sac bulb shall join the approach road paving by an arc having a radius of not less than 25 feet.
- ~~(3) The Board of Commissioners, with consideration of the recommendation of the Planning Commission, may permit acceptable alternative turnaround designs, including turnarounds with acceptable radii having a parking court or a landscaped island (with acceptable provisions for private maintenance) within the cul-de-sac bulb.~~
- ~~(34) If stormwater runoff on a cul-de-sac street is directed toward the cul-de-sac bulb, stormwater shall be conveyed via an underground storm sewer.~~
- ~~(54) The gutter line slope around the cul-de-sac bulb shall be a minimum of 1%.~~
- ~~(56) Cul-de-sac streets shall have a maximum length of 8600 feet and furnish access to not more than 125 single family dwelling units including corner lots whether or not they front on the cul-de-sac. For every 50 feet of cul-de-sac length proposed which is greater than the six hundred foot length permitted, there shall be a corresponding reduction of one permitted dwelling unit. For instance, a permitted cul-de-sac of 650 feet in length shall be permitted a maximum of 14 dwelling units, a seven hundred foot cul-de-sac is permitted a maximum of 13 dwelling units, etc. The maximum number of dwelling units refers to all dwelling units on a cul-de-sac, existing and proposed, not just the number of dwelling units within the proposed subdivision.~~
- (67) The length of a cul-de-sac street shall be measured from the center of the cul-de-sac bulb to the point of center-line intersection of the cul-de-sac to an approved through street. For any cul-de-sac that ends in a loop rather than a bulb, the length of total roadway measured along its center line should not exceed the permitted cul-de-sac length.

~~10. Service Streets:~~

~~A. Service streets are prohibited in all residential subdivisions.~~

~~B. Service streets may be permitted in a nonresidential development, provided that the~~

~~subdivider or developer produces evidence satisfactory to the Township demonstrating the need for such service streets.-~~

~~C. No part of any structure shall be located within 20 feet of the center lines of a service street.-~~

~~D. Dead end service streets shall be avoided, but where this is demonstrated to be impossible, dead end service streets shall terminate with a paved circular turnaround constructed to Township specifications with a minimum radius to the outer pavement edge (curb line) of 50 feet.-~~

~~E. Service street intersections and sharp changes in alignment shall be avoided, but where necessary, shall be designed to public street local road standards to permit safe vehicular circulation.-~~

140. Street Design and Construction Standards.

A. General. Streets shall be graded, improved and surfaced to the grades and dimensions shown on the plans, profiles and cross sections submitted by the developer and approved by the ~~Board of Commissioners~~Township.-

B. Right-of-Way Grading.

(1) The entire right-of-way width shall be graded to the approved cross-section. All obstructions including, but not limited to, trees, stumps and other material deemed unsuitable by the Township Engineer shall be removed. The excavation shall be backfilled and suitably compacted to the satisfaction of the Township Engineer.

(2) The typical street section shall be crowned and shall be designed and constructed in accordance with the Salisbury Township Construction Code Standards.-

(3) Properly super-elevated curves (banked curves) shall be provided on arterial and collector streets and when required by the Township Engineer.

C. Grading Beyond Right-of-way.

(1) The subdivider or developer may be required to grade beyond the right-of-way line in order to provide continuous slope from the proposed right-of-way line elevation to the existing elevation of the abutting property.

- (2) Such grading beyond the right-of-way shall maintain the original drainage patterns except where stormwater runoff designs dictate or warrant improvement or alteration of the original slope and contours.
- (3) Approved plans, either preliminary or final, showing proposed grading, shall contain a note on the plan, which note shall state that the grading proposed on the plan shall be maintained, and that the note constitutes a covenant running with the land enforceable by the Township and binding upon the developer, his heirs, executors, administrators, successors-in-title, successors, and/or assigns, unless altered by written permission from ~~the Board of Commissioners after recommendation from the Township Lehigh County Conservation District.~~
- (4) In areas of earth excavation or earth fill, such grading shall be done to the maximum extent practical at a slope of ~~threefour~~ feet horizontal to one-foot vertical. If steeper slopes are required, permanent ground stabilization shall be accomplished with a maintenance free planting.

D. Drainage of Streets.

- (1) Parallel and cross drainage facilities shall be properly located, designed and installed to maintain proper drainage of the completed streets.
- (2) Proper design may require the use of curb and gutter or paved drainage swales to prevent erosion. Drainage facilities shall be designed in accordance with requirements of §22-1010.
- (3) Open pipe ends must be fitted with concrete end walls or prefabricated end sections and with protective safety gratings.
- (4) No open pipes shall be allowed to end within the Township street right-of-way, except in cases where new or existing driveways must cross deep swales adjacent to new or existing Township roads. In the case of these exceptions to the standard, the pipe shall be located as far off the edge of pavement as possible, and at least 20 feet from the road center line.
- (5) Energy dissipaters shall be placed at the outlets of all pipes where flow velocities exceed maximum permitted for the proposed channel lining. All pipe discharge facilities shall be designed in accordance with current Township Construction Code standards.
- (6) Consideration shall be given for subgrade drainage of those soils subject to

frost heave. Design of the road bed in such locations may require parallel drainage facilities and/or underdrains to properly stabilize the subgrade. The Board of Commissioners Township may require that such drainage facilities be provided. The requirement and design of such subgrade drainage facilities shall be subject to the recommendation, review and approval of the Township Engineer.

121. Required Traffic Improvements.

- A. Purpose. In recognition of the provisions of the Article V-A and § 503(2)(ii) and 503(3) of the MPC, this section is primarily intended to ensure that streets bordering a subdivision or land development are coordinated and of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic and to facilitate fire protection and to ensure that the access into and out of subdivisions and land developments is sufficiently safe.
- B. Process. Determinations under this Subsection 121 shall be made by the Board of Commissioners Township, after considering any recommendations of the Planning Commission, the Township Engineer, the applicant, the applicant's professional representatives, any comments from PennDOT that may be provided regarding a state road and any professional traffic studies that may have been submitted.
- C. On-Site Traffic Improvements. An applicant for a subdivision or land development shall be required to pay for and install, at his own expense, all requested on-site improvements as defined in Article V-A, § 502-A of the MPC. On-site improvements may include, but are not limited to, a new traffic signal or traffic control devices, the improvement of an abutting roadway or intersection, realignment of a curve in an abutting roadway or the widening of an abutting cartway or right-of-way.
- D. Widening of Abutting Street. An applicant for any land development or subdivision shall be required to widen the cartway and any shoulders of abutting streets to Township standards (or other specifications approved by the Board of Commissioners or PennDOT) and to a width determined to be adequate by the Board of Commissioners Township -as reasonably related to, and necessitated by, the land development or subdivision for the public health, safety, and welfare. The applicant shall only be responsible for improvements from the center line of the street right-of-way inward toward the project's lot lines, unless the Board of Commissioners Township determines that improvements on the other side of the center line are reasonably related to, and necessitated by the subdivision or land development for ingress and egress and are essential for public safety.

123. Maintenance of ~~Accessways~~Private Streets. Where ~~private streets~~accessways are permitted ~~under the Township Zoning Ordinance~~, the developer shall enter into a legally binding agreement (which agreement shall be recorded in the Office of the Recorder of Deeds of Lehigh County) specifying who shall be responsible for the improvement and perpetual maintenance of any ~~private street~~accessway as a condition of final plan approval.

134. Street Names.

- A. A proposed street which is obviously in alignment with an existing named street shall bear the name of the existing street ~~unless separated by an arterial street, in which case the proposed street may bear the name of the existing street.~~
- B. In no case shall the name of a proposed street duplicate or be similar with an existing street name in the Township, except as required in §22-1004.14.A, irrespective of the use of the suffix street, road, avenue, boulevard, drive, way, place, court, lane, etc.
- C. All street names shall be subject to the approval of the ~~Board of Commissioners~~Township.

§ 22-1005 **Blocks.**

1. Layout. The length, width, and shape of blocks shall be determined with due regard to:
 - ~~A.—Provision of adequate sites for buildings of the type proposed.~~
 - ~~B.—Zoning requirements.~~
 - ~~C.—Topography.~~
 - ~~D.—~~Requirements for safe and convenient vehicular and pedestrian circulation, including the impact of intersections with streets.
2. Length.
 - A. For residential subdivisions located in zoning districts which require a minimum lot size of less than 43,560 square feet, the block length shall not exceed 1,000 feet.
 - B. For residential subdivisions located in zoning districts which require a minimum lot size of 43,560 square feet or more, the block length shall not exceed 1,500 feet in length.

- C. Nonresidential blocks shall not be less than 800 feet in length.
 - D. Where practical, blocks along arterial streets shall not be less than 1,500 feet in length.
3. Depth. Residential blocks shall be sufficient depth to accommodate two tiers of lots, except where prevented by the size and topographical conditions of property, in which case the Township may approve a single tier of lots.
4. Crosswalks.
- A. Crosswalks shall be required wherever necessary to facilitate pedestrian circulation, and to give access to community facilities. Crosswalks shall be required in all stop controlled intersections ~~and in blocks of over 1,000 feet in length.~~
 - B. Such crosswalks shall ~~have a width of not less than 10 feet and a paved walk of not less than five feet meet PennDOT design requirements and . Access to crosswalks shall meet~~ Americans with Disabilities Act (ADA) standards.

5. Bus Stops.

- A. The developer of residential land developments or subdivisions that involve 15 or more dwelling units shall contact the school district to establish one or more acceptable and safe locations for a school bus stop within the proposed development. The location, and subsequent relocation, of this bus stop shall be permitted with approval from the Salisbury Township Director of Community Development or his/her designee upon recommendation of the Salisbury Township School District.
- B. The developer of a major subdivision or land development may be required by the Township to contact the local public transportation agency to seek an appropriate location for a public bus stop within the proposed development.

§ 22-1006 **Lots and Parcels.**

1. General Standards.
- A. Side lot lines shall be at right angles to straight street lines, or radial to curved street lines.

- B. Lot lines ~~shall~~ follow municipal boundaries rather than cross them in order to avoid jurisdictional problems.
- C. Except for single-family semi-detached and townhouse dwelling units, ~~T~~the depth of residential lots should be not less than one nor more than 2 1/2 times their width.

2. Lot Frontage.

- A. All lots shall have frontage on a public street or, when approved, an accessway which has been improved to Township standards, or for which such improvements have been insured by the posting of an acceptable performance guarantee under this ~~C~~chapter. ~~Where permitted in the Township Zoning Ordinance [Chapter 27] (e.g., townhouses and condominium apartments development), lots may have frontage on a private street improved as specified in §22-1004, Subsection 1G, of this chapter, or for which such improvements have been insured by the posting of an acceptable performance guarantee, provided the developer complies, inter alia, with §27-801, Subsection 1A(2), of the Township Zoning Ordinance [Chapter 27] and all other applicable provisions of this chapter.~~

3. Through Lots and Reverse Frontage Lots.

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~~A. A.~~ Through lots shall not be permitted for residential properties.

~~B. -~~ Through lots for non-residential properties, ordinarily shall not be created except as needed to avoid direct vehicular access onto an arterial street by individual driveways.

~~C. Reverse Frontage Lots.~~ On any reverse frontage lots, each lot shall include a fifteen-foot deep planting strip along one of the streets with access across this strip clearly prohibited by notes on any approved plan (see Figure C below).

~~A. .~~

~~B. —~~

~~(1) — On any through or reverse frontage lots, each lot shall include a fifteen-foot deep planting strip along one of the streets with access across this strip clearly prohibited by notes on any approved plan (see Figure C below).~~

Figure C - Through Lot

- ~~(12) In addition to the street trees required by § 22-10, Subsection 16, of this chapter, this planting strip shall meet the requirements of §27-803, Subsection 4, of the Township Zoning Ordinance [Chapter 27]. Any fencing in the rear of such lots shall be placed on the inner perimeter of such plantings.~~
- (23) This planting strip shall be placed along the street that the ~~Board of Commissioners~~Township determines will eventually serve the most through-traffic. (For example, if a lot abuts a collector and a local street, the planting strip shall be placed along the collector street and the lot shall only have vehicular access onto the local street).

4. Flag Lots.

- A. Flag lots are permitted for single family detached uses only.
- B. A tract shall not include more than three flag lots.
- C. If two or more flag lots are adjacent, regardless off if they are on the same tract or some are existing, they shall share a common accessway instead of having individual driveways.
- D. The “pole” portion of the flag lot shall be a minimum of 25 feet in width and a maximum of 250 feet in length.
- E. The proposed accessway or driveway shall be designed to meet the slope requirements of this Ordinance and shall be designed to allow for satisfactory emergency services access.
- F. No structures shall be allowed in the “pole” portion of the flag lot.
- G. The area of the “pole” portion of the flag lot shall not be included in the total lot area required for the “Minimum Lot Area” for lot size in the Zoning requirements.
45. If remnants of land (other than rights-of-way and areas designated as common open space) exist after subdividing, they shall be incorporated in existing or proposed lots. No lot shall be created that would not be suitable for a use permitted in that zoning district and meet all dimensional zoning requirements for that zoning district.

5. Bus Stops.

- ~~A. The developer of residential land developments or subdivisions that involve 15 or more dwelling units shall contact the school district to establish one or more acceptable and safe-~~

~~locations for a school bus stop within the proposed development.~~

~~B. The developer of a major subdivision or land development may be required by the Board of Commissioners to contact the local public transportation agency to seek an appropriate location for a public bus stop within the proposed development.~~

§ 22-1007 Sanitary Sewage Disposal Systems.

1. The developer shall provide the most effective type of sanitary sewage disposal consistent with the natural features, location, and proposed development of the site. The following types of sanitary sewage disposal are accepted:
 - A. Connection to existing centralized sanitary sewage collection and treatment system.
 - B. Provision for a centralized sanitary sewage collection and treatment system by the developer to be in accordance with the requirements of the Pennsylvania Department of Environmental Protection.
 - C. Capped sewers with temporary, approved on-lot facilities.
 - D. On-lot sewage disposal systems.
2. Connection to an existing centralized sanitary sewerage system shall be required where such a system can feasibly be provided to the proposed subdivision or land development tract and where such a system can adequately fulfill the sewage disposal needs of the project.
3. Where connection to an existing centralized sanitary sewerage system is not feasible, a centralized system with a treatment plant shall be designed and constructed according to current Pennsylvania Department of Environmental Protection regulations and reviewed by the Township Engineer. All treatment plants shall have a tertiary level of treatment.
4. Where a centralized sanitary sewerage system is not yet accessible to the site, but is planned for extension to the subdivision within a ten-year period, the developer shall install sewer lines, including lateral connections as may be necessary to provide adequate service to each lot when connection with the sewerage system is made. The sewer lines shall be suitably capped at the street right-of-way line. When capped sewers are provided, on-lot disposal facilities shall also be provided. Design of the capped system shall be in accordance with the standards of the Pennsylvania Department of Environmental Protection and shall be subject to approval by the Township Board of Commissioners.
5. Where neither connection to an existing centralized system nor the construction of a centralized system with a treatment plant is feasible, sewage disposal shall be provided on

individual lots.

- A. The Township Sewage Enforcement Officer's site and soils investigation and favorable report are required prior to approval of the preliminary plan.
 - B. Any use with an on-lot sewage disposal system that does not have capped sewers shall include a tested and suitable land area set aside and kept undisturbed for a second system that could be used if the first system failed.
6. When required by PA aDEP, a PA aDEP sewage facilities planning module shall be submitted pursuant to Act 537. Planning module approval must be obtained prior to the initiation of any earthmoving activities.
7. All methods of wastewater disposal shall meet requirements of the Department of Environmental Protection, Township construction standards and the Official Township Sewage Facilities Plan, as amended, as applicable.
 8. Recertification of On-Lot Systems. Any septic system is required to be reviewed and/or tested by the Sewage Enforcement Officer for adequacy if a change of use or expansion of use would cause an increase in sewage flows, or if there would be an increase in dwelling units.
 9. Backup/Alternate Septic Drain Field. See the Township ordinance regulating individual and community sewage systems, which requires a lot served by an on-lot septic system to include an alternate drainfield location meeting Department of Environmental Protection requirements.
 10. See § 27-403, Subsection 4M of the Salisbury Township Zoning Ordinance concerning the requirement for an alternative septic location for the additional impervious coverage on a lot of less than one acre or on a lot with three or more dwelling units.
 11. On-Lot Systems and Lot Area. A more-restrictive minimum lot area may be established by the Sewage Enforcement Officer based upon Department of Environmental Protection regulations.
 12. Nonresidential Septic Systems. A nonresidential use served by an on-lot septic absorption field shall not generate more average wastewater flow into such system than would be equal in flow to an average of one equivalent dwelling unit per acre of lot area.
 13. If impervious coverage is added to an existing residential lot, see also § 27-403,

Subsection 4M(10).

§ 22-1008 Water Supply, Distribution and Fire Protection.

1. Centralized Water System.

- A. Whenever an existing centralized water system is within 1/4 mile of the proposed lot, subdivision, or land development and geographically and economically accessible to a proposed subdivision or land development, a distribution system shall be designed with adequate main sizes to furnish an adequate supply of water to each lot and/or use and shall be connected to the existing system. Multiple connections shall be provided where feasible and when required by the Township Engineer.
- B. Where an existing system is not accessible, the average lot size is less than 30,000 square feet and more than 12 dwellings or one or more nonresidential buildings are proposed the applicant shall provide a centralized water supply and distribution system.
- C. All centralized systems shall be designed to meet the requirements of the Township, the Pennsylvania Department of Environmental Protection and other appropriate agencies. The minimum size of mains shall be eight inches, although six inches may be acceptable in a cul-de-sac when approved by the Township Engineer. The Township may, where necessary and appropriate, require larger mains to service the immediate subdivision or land development.
- D. Suitable agreements shall be executed for the design, specifications, construction, ownership and maintenance of such systems.
- E. Where a centralized water system is provided, the system shall also be designed with adequate capacity for fire-fighting purposes. Sufficient fire hydrants shall be installed so that all dwelling units and principal nonresidential buildings are no more than 300 feet from a fire hydrant.
- F. Fire hydrants shall deliver water at the minimum rates in the categories shown below.

| Type of Subdivision | Minimum Fire Flow at 20 psi Residual Pressure (GPM) | Minimum Duration of Sustained Minimum Flow Rate |
|---|--|--|
| Residential (Distance Between Units) | | |
| Over 100 | 500 | 2 |
| 31 to 100 | 750 | 2 |
| 11 to 30 | 1,000 | 2 |
| Less than 11 | 1,500 | 2 |
| Nonresidential and residential greater than two stories | 2,000 | 4 |

* Fire flow tests shall be conducted using the National Board of Fire Underwriters method of testing.

2. On-Lot Water System.

- A. Where individual on-site water supply system(s) are to be utilized, each lot so served shall be of a size and shape to allow the safe location of such a system.
- B. Where individual on-site water supply system(s) are to be utilized, it is required that the subdivider or land developer provide at least one test well for each 10 proposed dwelling units. Such wells shall be drilled, cased, and grout-sealed into bedrock at least 50 feet deep and shall have a production capacity of at least five gallons per minute (gpm) per proposed dwelling unit of safe, potable water meeting all maximum contaminant level (MCL) parameters of the PA aDEP new source drinking water standards as certified by the PA aDEP or a PA aDEP approved laboratory. The well(s) and appurtenances shall be located, drilled and installed in accordance with all applicable requirements of the PA aDEP. The contaminant, its test result, and its established MCL for a community water system as described by the PA aDEP, shall be included on the recorded plan for any contaminant which exceeds the established MCL. The test well(s) should be located such that they are remote from each other, and such that they may be utilized as permanent wells by future lot owners. The proposed location(s) shall be subject to review by the Township Engineer. During the drilling operation, straw bales and filter fabric shall be provided, placed and properly anchored as necessary for temporary control of silt-laden runoff and soil erosion. The test well(s) shall be subjected to drawdown tests (simultaneously if more than one test well) for a period of at least eight hours to confirm that the capacity is adequate and to determine the effects on existing wells adjacent to the land development. The pumping rate shall be constant throughout the

duration of the test and shall be based on a minimum of five gpm per proposed dwelling unit, with the resultant total rate distributed approximately evenly over the total number of test wells. The test well(s), along with existing wells adjacent to the land development, shall be monitored for drawdown. The location(s) of the existing well(s) which are to be monitored shall be subject to review by the Township Engineer and shall depend on site-specific conditions such as topography, soils, types, geology, test well pumping rate, etc. The pumping rate and water level of each test well, and the water level of each monitor well, shall be logged according to the following schedule.

Well Test Logging Requirements

| Elapsed Time to Test | Recording Frequency |
|-------------------------------|----------------------------|
| First 10 minutes | One every minute |
| From 10 minutes to two hours | One every 10 minutes |
| From two hours to end of test | One every hour |

Recovery Logging Requirements

| Elapsed Time of Test | Recording Frequency |
|---|----------------------------|
| First 10 minutes | One every minute |
| From 10 minutes to two hours | One every 15 minutes |
| From two to four hours, or to 90% of the initial level, whichever occurs sooner | One every 30 minutes |

After completion of the well testing, the developer shall install a watertight, overlapping locked cover on the top of the casing to prevent contamination of the test well(s).

§ 22-1009 Utilities Other Than Water and Sewer.

1. All electric power, telephone, cable television and natural gas distribution lines shall be placed underground in accordance with the current standards of the utility serving the subdivision or land development except where the Board of Commissioners, or Planning Commission, as the case may be, determine such placement is not feasible. When notifying public utilities of the opportunity to serve any new subdivision or land development, the developer shall also notify all cable operators licensed to operate a cable system in Salisbury Township of the opportunity to install cable facilities to serve the subdivision or land development. Each separate tract of land within a subdivision or land development shall have the opportunity to connect to any cable operator permitted in Salisbury Township. No public utility easements shall prevent any other cable operator authorized to operate in Salisbury Township, now or in the future, from using such easements to extend other and further lines to such subdivision or land development. Also refer to the Cable Television Franchise Ordinance [Chapter 13, Part 2] for further cable license agreement provisions. Also refer to §22-1015 for required easement width.

§ 22-1010 **Stormwater Drainage.**

1. General Requirements.

- A. ~~A.~~ Stormwater projects proposing less than 10,000 s.f. of increased runoff producing surfaces, including but not limited to buildings and pavement and other impervious surfaces, compacted stone and paver surfaces, and change in ground cover due to tree removal, are required to provide a Drainage Plan and Narrative meeting these sections for Township review and approval.
- B. Stormwater projects proposing 10,000 s.f. or more of increased runoff producing surfaces, including but not limited to buildings and pavement and other impervious surfaces, compacted stone and paver surfaces, and change in ground cover due to tree removal, are required to provide a Drainage Plan and Narrative meeting these sections for Township and Lehigh Valley Planning Commission review and approval for Act 167 compliance.
- C. All development projects creating increased runoff producing surfaces in excess of 2,000 square feet shall be required to attenuate the increased runoff from the site for the 2 year return period storm and meet the discharge requirements of the Act 167 Plan for the 10 year, 25 year and 100 year storms.
- D. The Storm Drainage Plan and Narrative shall analyze the impact of any increased storm water runoff discharged from the site for each storm, both rate and volume, on downstream property owners using Township and County Conservation District approved criteria. If the Drainage Plan and Narrative indicates the proposed development will aggravate or worsen existing downstream conditions on downstream properties, the Developer shall either revise the Drainage Plan and Narrative with detention or infiltration facilities to attenuate the increased runoff or obtain written permission via a drainage easement approved by the Township to allow the additional runoff.
- E. Storm sewers shall tie into reasonably accessible existing storm sewers if required by the Township and if adequate capacity exists in the existing system. When the development project proposes connecting to any Township storm drainage system, the Storm Drainage Plan and Narrative shall analyze the existing storm drainage system to verify sufficient capacity in the existing system to handle the increased flow to the system.
- A.F. Storm drainage facilities shall be designed and provided to permit unimpeded flow of natural water courses and proposed stormwater improvements without damage to persons or property.
- ~~B.G.~~ B. Storm drainage facilities should be designed not only to handle the

anticipated peak discharge from the property being subdivided or developed, but also to accommodate or receive the runoff that will occur from properties at higher elevations (i.e., which drain through the property being subdivided or developed).

~~C.H.~~ C.—Storm sewers shall tie into reasonably accessible existing storm sewers if required by the Township and if adequate capacity exists in the existing system.

~~D.I.~~ D.—All lots shall be laid out and graded to prevent cross lot drainage and to provide positive drainage away from proposed building areas and on-site sewage disposal facilities. A note to this effect shall be placed on all plans to be recorded.

~~E.J.~~ E.—An adequate storm sewerage system consisting of inlets and other underground drainage structures with approved outlets shall be constructed where the proper collection of stormwater runoff and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities.

~~F.K.~~ F.—Outlets shall be approved by the Township ~~Engineer and by the Board of Commissioners:~~

- (1) Natural drainage shall be maintained where reasonable.
- (2) The existing points of natural drainage discharge onto adjacent property shall not be altered nor shall the rate or discharge characteristics (sheet flow, channelization, etc.) of runoff be increased because of development without the written approval of all affected landowners.
- (3) No stormwater runoff or natural drainage water shall be so diverted as to overload drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without provisions deemed acceptable to the Township being made by the developer to satisfactorily handle such conditions.

~~G.L.~~ G.—Storm sewerage systems shall not be combined with sanitary sewerage systems.

~~H.M.~~ H.—Design of storm drainage systems shall be based at a minimum upon twenty-five-year return frequency storm flows and shall be prepared and sealed by a professional engineer licensed in the Commonwealth of Pennsylvania. Complete sealed calculations shall be submitted to the Township for review by the Township Engineer (see Appendix D). All designs must be approved by the Township Engineer.

2. Specific Requirements (refer to Appendix D for design criteria).

A. Collection Systems.

- (1) Stormwater runoff from streets shall not be permitted to flow across building lots but shall be collected with the street right-of-way and discharged in a controlled manner.
- (2) Inlets shall be placed at all low points, at points at points where the flow in gutters exceeds three inches, and at a distance appropriate to collect peak runoff expected from a twenty-five-year minimum return frequency storm. Inlets or manholes shall be placed, as appropriate, at points of change in the horizontal or vertical directions of the storm sewers. In streets, inlets shall normally be located along the curb line and at or beyond the curb radius points. For the purpose of inlet location at corners, the depth of flow shall be considered for each gutter. At intersections, flow across through streets shall be avoided but, if unavoidable, will not exceed one inch in depth. Pennsylvania Department of Transportation standard two-foot by four-foot Type C, M, S inlets or approved equivalents should be used. Inlets shall be depressed two inches below the grade of the gutter or ground surface. Manholes may be substituted for inlets at locations where inlets are not required to handle surface runoff.
- (3) Storm sewers shall have a minimum diameter of 15 inches and shall be coated, corrugated metal pipe with paved inverts, ~~or~~ reinforced concrete pipe, or HDPE (high density polyethylene) pipe. Concrete pipe shall be used within the street right-of-way and in other areas required by the Township Engineer. Minimum pipe slope shall be 1/2%.
- (4) Drainage structures that are located in state highway rights-of-way shall be approved by the PennDOT, and a letter from that office indicating such approval shall be directed to the Township before final plan approval or prior to the commencement of any earth-moving, grading or construction.
- (5) Vertical pipes, inlets, headwalls, endwalls, and other surface water receiving structures shall be installed with child-proof protection, bicycle safe grates, and trash racks where necessary.
- (6) Bridges and culverts shall be designed to support expected loads, to carry expected flows, and to be constructed to the full width of the right-of-way in accordance with Pennsylvania Department of Transportation Construction Standards. Hydraulic designs shall be based on criteria established by Pennsylvania Department of Environmental Protection and shall be designed

and certified by a licensed Professional Engineer.

- (7) Minimum slopes of all turf swales shall be 0.01 foot per foot. Concrete low flow channels must be provided within all open channels with slopes less than 1%.
- (8) Headwalls shall be used where storm runoff enters the storm sewer horizontally from a natural or man-made channel. The capacity of such storm sewers shall be calculated for both inlet and outlet control. The lower value of the two shall be used to determine the capacity of the storm sewer.

B. Detention, Retention, and Infiltration Basins.

- (1) Detention or retention basins shall be provided if the post-development peak rate of runoff exceeds the predevelopment rate, unless determined unnecessary by the Township Engineer. Basin designs shall be in accordance with any Act 167 Watershed Plan adopted in the area of development.
- (2) Storage facilities shall, at a minimum, be designed to contain the one-hundred-year frequency design storm. Maximum allowable discharge from the basin for the two-, ten-, twenty-five- and one-hundred-year storms shall be based upon the applicable Act 167 release rate criteria. If no Act 167 Watershed Act is adopted for the area of development the maximum allowable discharge shall not exceed the predevelopment rate for the respective storm events.

(3) Retention basins shall only be allowed as infiltration basins.

(4) Infiltration basins shall be designed in accordance with the current design requirements of the Act 167 Plan. Infiltration basins shall have a minimum infiltration rate of 0.5 inches per hour. (Note: This requirement supersedes the Act 167 requirements and shall govern.) All infiltration testing shall be performed in accordance with current Act 167 Plan testing requirements for surface stormwater infiltration. All infiltration testing shall be witnessed and approved by the Township Engineer.

(53) Method of design.

- (a) A generally accepted basin design procedure such as SCS Method, Penn State Runoff Model, or the Storage Indication Method shall be used for basin design.

- (b) The Modified Rational Method may be used for basin design only if the tributary area is less than 750 acres in size.

~~(64)~~ Discharge from the basin shall reproduce the existing drainage patterns from the site as closely as possible.

~~(75)~~ Detention, retention, and infiltration basins shall be designed to drain completely after every storm. Basins in residential areas should, to the extent practical, have slopes less than four horizontal to one vertical ~~and twenty-five-year stormwater depths less than 30 inches~~ both inside and outside of the basin.

~~(8)~~ Detention and infiltration basins shall be designed with an access path a minimum of 8 feet wide and with a maximum slope of 10%.

~~(96)~~ Fencing shall be required around detention, retention, and infiltration basins in the following cases:

- (a) The maximum depth of water in the basin for a twenty-five-year design storm is greater than 30 inches.

- (b) The side slopes of the basin are steeper than four horizontal to one vertical.

- (c) The time to empty basin is longer than three hours.

- (d) The detention basin is to be dedicated to Salisbury Township, and fencing is requested by the Township.

- ~~(de)~~ The Board of Commissioners determines that the public safety would be endangered if the basin is not fenced.

~~(107)~~ If fencing is required around any detention pond, then a buffer yard shall be installed which meets the requirements of §27-803, Subsection 24D and E, of the Salisbury Township Zoning Ordinance [Chapter 27].

~~(118)~~ The minimum basin bottom slope for detention basins shall be 2%. A paved low flow channel is required in basins with bottom slopes less than 2%. Infiltration basins may have a flat (0%) bottom slope.

~~(129)~~ Detention Bbasins shall be lined to restrict infiltration when proposed for construction in areas with sinkhole prone soils as determined by the Natural

Resources Conservation Service. The liner must have a maximum permeability rate of five times 10 to the negative sixth power centimeters per second. Infiltration basins are not required to provide an infiltration restriction liner.

C. Stormwater recharge pits shall be provided where subsoil conditions allow. All stormwater recharge pit testing, design, construction, and maintenance shall be in accordance with current Township Act 167 requirements and current Township constructions standards and specifications.

D. Storm Water Injection Wells

(1) Storm water injection wells shall be designed to meet the requirements of this Chapter and any requirements of the PA DEP and the US Army Corps of Engineers. Proof of permit approval from all State and Federal authorities with jurisdiction in this matter shall be provided to the Township prior to obtaining any plan or construction approvals.

(2) Storm water discharged to injection wells shall meet the PA DEP minimum storm water quality discharge requirements for stormwater discharged to waters of the Commonwealth. A report detailing the proposed stormwater quality discharge to the injection well is required. PA DEP review of the proposed surface water discharge to the stormwater injection well is required. No stormwater injection wells will be approved without PA DEP approval.

(3) Aquifer testing shall be provided to the Township that verifies that the accepting aquifer is capable of accepting the proposed volume of stormwater discharged without negatively affecting the aquifer water quality and the high-water elevation. No increase in the aquifer high-water elevation will be approved without written approval from all affected property owners.

(4) A best management practices operation and maintenance agreement with the Township is required to be recorded in the Lehigh County Courthouse for all stormwater injection wells.

(5) The following note is required to be added to the recorded plans and recorded in the property deed for any project that proposes stormwater injection wells: "Stormwater injection wells are provided for this project. The US Army Corps of Engineers has reviewed and permitted this installation under permit number ##### (insert permit number). The property owner, and all heirs and assigns, accepts full operation and maintenance responsibilities for all aspects of the stormwater

injection wells and agrees to hold Salisbury Township harmless for the stormwater injection wells and any associated aquifer water quality issues that may be caused by the stormwater injection well. This is a covenant that shall remain with the land in perpetuity or until the stormwater injection well is removed from service.”

E. Stormwater Quality Best Management Practices (BMPs)

(1) For projects that disturb greater than one acre of land, or when determined necessary by the County Conservation District, a PA Department of Environmental Protection NPDES permit is required. The approved NPDES project number shall be listed on the recorded plan.

(2) For projects less than one acre of land, or when a PA Department of Environmental Protection NPDES permit is not required, stormwater quality best management practice items, as required by the local Act 167 Stormwater Management Plan, shall be provided for all projects.

(3) The following notes are required to be added to the recorded plan and recorded in the property deed for any project that requires water quality best management practices:

(a) “Stormwater quality best management practices are provided for this project. The property owner, and all heirs and assigns, accepts full operation and maintenance responsibilities for all aspects of the stormwater quality best management practices and agrees to hold Salisbury Township harmless for the stormwater quality best management practices and any associated water quality issues that may be caused by the stormwater quality best management practices. This is a covenant that shall remain with the land in perpetuity or until the stormwater quality best management practice item is removed from service.”

(b) “Stormwater quality best management practices shall not be removed or altered without prior notification and approval of the Township. Removal or alteration of any approved or existing stormwater quality best management practices is prohibited unless prior Township approval of replacement facilities is obtained.”

(c) “A stormwater best management practices operation and maintenance agreement between the property owner and the Township is required to be recorded in the Lehigh County Courthouse for all developments that

propose and construct stormwater quality facilities.”

§ 22-1011 **Driveways.**

1. Access to all roads within the Township shall conform to the requirements set forth herein and any other applicable Township regulations. A PennDOT highway occupancy permit is required for each entrance of a driveway onto a legislative route.
2. ~~Location. Refer to §27-803, Subsection 1, of the Zoning Ordinance [Chapter 27] for minimum corner lot setbacks for driveways [Chapter 27]. Separation From Other Driveways, Accessways, or Street Intersections. Where an accessway enters onto a local road or collector street, the center line of the accessway shall be offset a minimum of 75 feet from the centerline of any other accessway, or street intersection on either side of the road. Where an accessway enters onto an arterial road, the centerline of the driveway or accessway shall be offset a minimum of 150 feet from the centerline of any other accessway or street intersection on either side of the road. If the above separation distances cannot be achieved on the property (either as proposed within a subdivision or on an existing lot), the accessway shall be located the greatest possible distance from the centerline of the nearby accessway or street intersection, based upon the recommendation of the Township Engineer.~~
3. Separation Between Driveways and Accessways Within One Lot. At least 75 feet shall be provided between the center lines of any two accessways or driveways along one street within one lot.
43. The following minimum separations shall be provided between side or rear lot lines and the near edge of a driveway curbcut:
 - A. ~~Nonresidential use or building, 25 feet. Residential, single-family detached dwellings – 6 feet.~~
 - B. ~~Common parking area(s) for more than 10 dwelling units, 20 feet.~~
 - CB. ~~For driveway setback requirements for other residential dwellings, refer to the Salisbury Township Zoning Ordinance [Chapter 27]. Residential, semi-detached and/or townhouse dwellings – 3 feet on detached side, 0 feet on attached side.~~
 - C. Residential, two to four dwelling units on a single lot – 10 feet.
 - D. Multi-family (over 4 dwelling units) and all nonresidential uses - 25 feet.

If the above separation distances cannot be achieved on the property (either as proposed

within a subdivision or on an existing lot), the driveway curbcuts shall be located the greatest possible distance from the side and rear lot lines based upon the recommendation of the Township Engineer.

~~4. For the purpose of servicing any property held under single and separate ownership, the number of driveways shall be limited to two along the frontage of any single street, and their center lines shall be spaced at least 80 feet apart. If the frontage of the lot or tract is greater than 300 feet, the center lines of driveways on the same tract shall be no closer to each other than 200 feet at the street right-of-way line.~~

5. Nonresidential Driveways and accessways shall intersect streets at right angles, where practicable, and in no case less than 75 degrees. ~~and shall provide adequate turnaround space so that cars will not be required to back out onto a street in order to leave a nonresidential lot.~~

6. Nonresidential driveways shall provide adequate turnaround space so that cars will not be required to back out onto a street in order to leave a nonresidential lot.

76. Grades. Driveway center line vertical grades shall not exceed the following:

- A. Seven percent when access is to an arterial or collector street.
- B. Ten percent when access is to a ~~collector or~~ local street.
- C. The grade of the initial 20 feet behind the right-of-way line curb or edge of roadway shall not exceed 4%.

87. Sight Lines at Intersections of Driveways with Streets. Refer to §27-803, Subsection 1, of the Zoning Ordinance [Chapter 27] for sight distance restrictions. No signs, except required traffic directional signs, shall be placed nor shall any vehicles be parked in such locations that would obstruct clear sight distance from any driveway.

- A. ~~At each point where a driveway for one or two dwelling units enters onto a local or collector street, a clear sight triangle area as defined below shall be maintained, within which vegetation and other visual obstructions shall not be located at a height between two feet and eight feet above the existing or theoretical top of curb. Such triangular area shall be bounded by the intersection of the edge of the driveway and the street right-of-way line and a diagonal line connecting two points. Each of the two points shall be 10 feet from the intersection of the two lines measured along the edge of the driveway and along the street right-of-way line. For any driveway serving more than two residential units or any nonresidential use, the sight distance requirements of §27-803, Subsection 3E, of the Township Zoning Ordinance shall~~

~~be met [Chapter 27]. If the Township determines that the sight distance should be increased, PennDOT standards for an appropriately classified driveway (i.e., high, medium or low volume) shall be applied.~~

~~B. By means of deed restriction and/or plan note constituting a covenant running with the land nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede the vision of drivers of vehicles utilizing the driveway.~~

~~C. No signs, except required traffic directional signs, shall be placed nor shall any vehicles be parked in such locations that would obstruct clear sight distance from any driveway.~~

8. Widths.

A. See §27-603, Subsection 4.A, of the Salisbury Township Zoning Ordinance [Chapter 27] for required widths for access drives and driveways.

B. When curb returns are required to define the driveway, the maximum width between the ends of the returns at the curb line may be up to 540 feet greater than the maximum width at the street right-of-way line. The curb returns shall be rounded at the following minimum radii:

(1) ~~Driveway and Accessway road~~ entrances for multi-family residential developments, mobile home parks, and all nonresidential subdivisions shall be rounded at minimum radius of 250 feet.

(2) Driveway and accessway entrances for a single-family residential subdivision shall be rounded at a minimum radius of 105 feet.

9. Drainage.

A. Provision shall be made to maintain uninterrupted parallel drainage along a street where it is intersected by an accessway or -driveway.

B. Only reinforced concrete culvert pipe or HDPE pipe may be used for all storm sewer lines to be constructed within the street right-of-way. All such pipes shall be installed and maintained by the property owner.

C. The minimum diameter of any drainage pipe shall be 15 inches.

D. The ends of all pipes shall be protected with a structure. At the minimum, pipe ends shall extend far enough from the driveway edge to produce a slope no steeper than

two horizontal to one vertical from the edge of the driveway down to the top of the structure. All drainage pipes and structures shall be approved by the Township Engineer prior to plan approval or construction.

E. If the depth of the roadside swale or gutter does not warrant the installation of a pipe, the channel may be extended across the driveway provided the following conditions are met:

(1) The top of the driveway is the same elevation as the invert of the swale.

(2) The anticipated depth of flow in the swale for a twenty-five-year frequency storm does not exceed ~~four~~six inches.

(3) The driveway channel shall be designed to meet Lehigh County Conservation District requirements for pipe capacity and design standards.

10. Construction Specifications. All driveways and accessways shall be graded, surfaced with ~~the bituminous concrete, or other~~ appropriate material approved by the Township, and drained to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining properties, ~~unless a driveway or parking area meets the exceptions listed in §27-603, Subsection 5, of the Township Zoning Ordinance [Chapter 27].~~

§ 22-1012 Sidewalks and Curbs.

The following regulations shall only apply if the proposed project meets the definition of “Land Development”. However, if the proposed project does not meet the definition of “Land Development” the developer may install curbs and/or sidewalks following the regulations stated in §22-1012.4 and §22-1012.5 below.

1. Sidewalks shall be installed along any existing or proposed ~~arterial or collector~~ street or within any nonresidential subdivision or land development. ~~Sidewalks may be required in residential areas and along streets other than arterial or collector streets, if deemed appropriate by the Board of Commissioners.~~
2. Curbs shall be installed along both sides of all streets. Adequate provisions shall be made for driveway entrances and shall include concrete driveway aprons across sidewalks.
- ~~2. The Board of Commissioners may, after receiving the recommendation of the Planning Commission, defer or waive a requirement for sidewalks on one or both sides of a street if the development is within an industrial area, where all the lots in a residential subdivision would be both greater than one acre and have greater than 150 feet of street frontage, or where a developer demonstrates a hardship unique to the development which makes the~~

~~installation of sidewalks impractical.~~

3. Sidewalks shall be a minimum of five feet wide, and shall ~~be located one foot from the right-of-way line~~ meet the current Salisbury Township requirements for sidewalk design as stated in Chapter 21.
4. All sidewalks and curbs at the intersection of two or more streets shall include a sloped curb cut and ramp suitable for use by wheelchairs and designed and installed in accordance with ADA requirements.
5. ~~Curbs shall be installed along both sides of all streets, except along service streets. Adequate provisions shall be made for driveway entrances and shall include driveway aprons across sidewalks.~~

§ 22-1013 Monuments and Markers.

The following regulations shall only apply if the proposed project meets the definition of “Land Development”. However, if the proposed project does not meet the definition of “Land Development” the developer may install monuments and markers following the regulations stated below.

1. Permanent concrete monuments or iron pins shall be accurately placed at all points marking changes in the direction of external boundary lines of a property subdivided.
2. Concrete mMonuments shall be made of reinforced concrete with minimum dimensions of four inches at the top, six inches at the bottom and be 30 inches long. The monument should be tapered and have at least 1/2 inch diameter, thirty-inch long steel reinforcing rod inserted vertically in the monument and protruding 1/2 inch above the top of the monument.
3. All monuments and pins shall be placed by or under the direction of a professional land surveyor so that the center of the top of the monument or pin, shall coincide exactly with the point of intersection of the property lines being monumented.
4. Monuments and pins shall be set with their top level with the proposed finished grade of the surrounding ground, except:
 - A. Monuments and pins which are placed within the lines of existing or proposed sidewalks shall be so located (preferably beneath the sidewalks) that their tops will not be affected by lateral movement of the sidewalks.-

~~B. Where monuments are located beneath a sidewalk, proper access shall be provided for their use.~~

BC. Where sidewalks are existing, a stone point (a four-inch square chisel cut in the sidewalk with a drill hole in center) may be substituted for a monument or pin.

5. All streets shall be concrete monumented on the street right-of-way lines at the following locations:
 - A. At least two monuments at each street intersection.
 - B. At changes in direction of street right-of-way lines, including ends of radii at street intersections.
 - C. At intermediate points wherever topographical or other conditions make it impossible to sight directly between two otherwise required monuments.
 - D. At such other places along the right-of-way lines of streets as may be determined by the Township Engineer to be necessary so that street rights-of-way will be readily defined.

§ 22-1014 Street Lights and Parking Lot Illumination.

1. Street lights are required to be installed in all subdivisions and land developments in accordance with the conditions agreed upon by the ~~subdivider or land~~ developer, the Township and the Pennsylvania Power and Light Company as a condition of final plan approval.
2. All off-street parking areas and driveways, except a driveway and off-street parking area accessory to a single-family detached dwelling, a semidetached dwelling (twin) or a ~~single-family attached townhouse~~ dwelling, ~~(townhouse)~~ which has individual rather than a shared or common parking area, shall be illuminated adequately during the hours between sunset and sunrise when the use is in operation. The lighting shall meet the requirements outlined in §27-511 of the Salisbury Township Zoning Ordinance [Chapter 27]. A street lighting and site lighting plan must be submitted with each major subdivision or land development plan.

§ 22-1015 Easements.

1. Easements with a minimum width of 20 feet plus an additional five foot width for each additional utility shall be provided for poles, wires, conduits, storm drainage, sanitary sewers, water mains and/or other utility lines intended to service the abutting lots.

2. To the fullest extent possible, easements shall be centered on or be adjacent to front, side, and rear lot lines. In cases deemed necessary by the Township, easements shall be formally dedicated to the Township via a deed of dedication in a form satisfactory to the Township Solicitor for the perpetual maintenance of the facilities contained therein.
3. A ~~one hundred foot wide~~drainage and flooding easement shall be provided along the banks of a stream ~~(50 feet on each side)~~, lake, pond, wetlands, or other watercourse. The easement shall extend 50 feet from the water's edge on all sides.
4. There shall be a minimum distance of 50 feet, measured in the shortest distance, between any proposed dwelling unit and any petroleum, petroleum products, or natural gas transmission line which traverses the subdivision or land development, unless a greater distance is recommended by the transmission line company.

§ 22-1016 ~~Streethade~~ **Trees and Landscaping.**

- ~~1.—Parking Lot Landscaping. All off street parking areas including more than 25 parking spaces are required to provide landscaped areas within the paved area which meet the requirements of §27-603, Subsection 8, of the Salisbury Township Zoning Ordinance [Chapter 27].-~~
- ~~2.—Buffer Yards. Required Buffer yards are to be installed as designated in §27-803, Subsection 4, of the Salisbury Township Zoning Ordinance [Chapter 27].-~~
13. ~~Shade and Street~~ Trees. ~~Shadestreet~~ trees of approved deciduous hardwood varieties shall be planted within the street right-of-way by the developer ~~or subdivider~~ for all subdivisions and land developments. Tree species and spacing for planting shall follow the guidelines of this section.
 - A. The shade ~~and street~~ trees shall be planted at minimum intervals of between 30 feet and 40 feet, depending upon the type of tree.
 - B. Trees shall be of a nursery stock quality, grown under the same climatic conditions as at the location of the development.
 - C. All planting shall be performed in conformance with good and accepted nursery and landscape practices.
 - D. All trees shall be balled and burlapped unless this requirement is waived by ~~the Board of Commissioners or Planning Commission, as the case may be~~ Township; for any specified variety.

- E. The requirement for shade ~~and street~~ trees may, upon just cause shown, be waived by the ~~Board of Commissioners, or the Planning Commission Township, as applicable~~. If there are existing trees along the street right-of-way which meet Township standards they may be considered in lieu of the required ~~shade street~~ trees.
- F. ~~Shade Street~~ trees shall be planted prior to the final inspection of public improvements for the subdivision or land development.
- G. Trees permitted shall be of symmetrical growth, free of insect, pests and disease.
- H. The size of the shade ~~and street~~ trees shall be three to 3 1/2 inches (caliper) measured six inches above the ground level. Trees shall have a minimum of a seven-foot single straight stem to the first lateral branches above ground level.
- I. In all subdivisions and land developments ~~shade street~~ trees shall be planted midway between the curb and sidewalk, with a width in accordance with the following standards:
 - (1) In a fifty-foot street right-of-way, with a ten-foot sidewalk area, the planting area is 3 1/2 feet.

FIGURE D

- (2) In a sixty-foot street right-of-way, with a twelve-foot sidewalk area, the planting area is 5 1/2 feet.

FIGURE E

- (3) In a situation where curbing and/or sidewalks are deferred or waived, the street trees shall still be planted in the same intervals as Subsections 3I(1) and (2) above, providing for the future installation of curb or sidewalk.

- J. The following is a list of trees recommended for planting as shade ~~or street~~ trees between the curb and sidewalk.
 - (1) Trees recommended for planting strips at minimum spacing of 30 feet between trees. All trees should be of single stemmed treeform:

Common Name

Botanic Name

Hedge maple

Acer campestre

Upright European hornbeam

Carpinus betulus fastigiata

Pyramidal singleseed hawthorn

Crataegus monogyna stricta

| | |
|--------------------------------|------------------------------------|
| Crimson Cloud hawthorn | Crataegus osyacantha Crimson Cloud |
| Washington hawthorn | Crataegus phaenopyrum |
| Tschonoskii crabapple | Malus tschonoskii |
| Rancho Columnar Sargent Cherry | Prunus sargentii Rancho |
| Kwanzan cherry | Prunus serrulata Kwanzan |

- (2) Trees recommended for planting strips at a minimum spacing of 40 feet between trees:

Common Name

European hornbeam
 Katsura tree
 Hop hornbeam
 Bradford Callery pear
 Korean mountain-ash
 Sugar maple
 Green Mt. sugar maple
 Ginkgo

Common Name

Shademaster Thornless honeylocust
 Skyline locust
 Sawtooth oak
 Littleleaf linden
 Greenspire linden
 Norway maples
 White ash
 Pin Oak
 American sycamore
 Red Maple
 Chinese Elm
 Green Ash (Marshall's seedless type)
 Fraxinus Pennsylvania lanceolata
 Scarlet oak
 Sour gum (Black tupelo, Black

Botanic Name

Carpinus betulus
 Cercidiphyllum japonicum
 Ostrya virginiana
 Pyrus calleryana Bradford
 Sorbus alnifolia
 Acer saccharum
 Acer saccharum Green Mt.
 Ginkgo biloba (male only)

Botanic Name

Gleditsia triacanthos inermis Shademaster
 Gleditsia triacanthos inermis Skyline
 Quercus acutissima
 Quercus imbricaria
 Tilia cordata
 Tilia cordata Greenspire
 Acer platanoides
 Fraxinus Americana
 Quercus palustris
 platanus occidentalis
 Acer Rubrum
 Quercus Coccinea
 Nussa Sylvatica

gum)

Red oak

Zelkova

Quercus rubra

Zelkova serrata

- (3) Additional varieties not listed above may be utilized as ~~shadestreet~~ trees if the applicant provides adequate reference material or a letter from a registered landscape architect to prove to the satisfaction of the ~~Board of Commissioners or Planning Commission Township, as the case may be,~~ that a substitute would be appropriate, but in no case shall the following species be utilized as street trees:

Common Name

Boxelder

Norway Maple

Silver Maple

Horsechestnut

Tree of Heaven

Silk Tree or Mimosa

Catalpa

Ginko (female)

Thorned Honeylocust

Black Walnut

Hopa, Eley and Almey and
Crabapple

Mulberry

Plane Tree or Sycamore

Black Locust

Willows

Regent Scholartree

European Mountain Ask

American Elm

Birch

Lussian Olive

Osage Orange

Apple

Poplar, Aspen

Coniferous Order

Fruit Trees

Botanic Name

Acer negundo

Acer platanoides

Acer saccharinum

Aesculus species

Tilanthus

Albizia julibrissin

Speciosa

Ginko biloba

Gleditsia triacanthos

Juglans nigra

Malus Hopa, Eley, Almey

Morus species

Plantanus species

Robinia pseudoacaia

Salix species

Sophora japonica

Sorbus aucuparia

Ulnus americana

Betula species

Elaeagnus species

Macluna pomifera

Malus pumila

Populus species

Coniferates ord.

Common Name

Botanic Name

Dogwood

Thorned Trees

- K. After expiration of the 18-month maintenance period, all shade trees shall be regulated by the Salisbury Township Tree Maintenance, Removal, and Replacement Ordinance (Chapter 25) the land owner, tenant, or his agent, if any, shall be jointly and severally responsible for maintaining all street tree or other required landscaping in good condition, free from refuse, debris, weeds, and undergrowth. All trees, shrubs, ground covers, and other plant materials must be replaced within 120 days if they die or become unhealthy because of accidents, drainage problems, disease, or other causes.

§ 22-1017 Open Space, Recreation Areas and Fees.

1. Salisbury Township adopts the Comprehensive Plan of Salisbury Township, Community Facilities Plan, Recreation and Open Space, adopted May 28, 1992, by the Board of Commissioners as the Recreation Plan for Salisbury Township.
 - A. Purpose. To provide adequate open spaces, recreation lands and recreation facilities to serve new residents of new developments, for both active and passive recreation, and to recognize and work to carry out the Recreation Plan for Salisbury Township. This section shall apply to any major subdivision, minor subdivision or residential land development reviewed and approved by the Township, but shall not apply to any resubdivision or lot consolidation plan.
 - B. Limitations on Use of Fees.
 - (1) Any fees collected under this section shall be accounted for separately from other Township funds.
 - (2) To ensure that the lands and facilities are accessible to the residents and employees of the developments that paid fees towards their cost, the Township designates two Recreation Fee Districts. These districts are the Eastern Recreation Fee District and the Western Recreation Fee District. Any fees collected under this section shall only be expended within the same recreation fee district as the subdivision or land development that contributed the fees.
 - (3) Such fees shall only be used for the following: acquisition of public open

space, development and/or redevelopment of existing or proposed public recreational facilities, landscaping of public open space and closely related engineering and design work.

C. Land Dedication. Any subdivision or ~~multi-family residential~~ land development regulated under this section shall be required to dedicate the specified amount of common open space, unless the ~~Board of Commissioners~~ Township determines that such land in that location would not be desirable or efficient based upon the standards of this section, in which case recreation fees-in-lieu of land shall be required.

- (1) Generally, it is the intent of this section that development of 10 or fewer dwelling units that do not include land that is adjacent to existing publicly-owned land should be required to pay recreation fees in lieu of dedicating land.
- (2) The land and fee requirements of this section shall be based upon the number of new dwelling units that would be permitted on the lots of a subdivision or land development after the plan is approved.
- (3) Prime Open Space. For the purposes of this section, the term Prime Open Space shall mean land proposed to be dedicated as common open space that would meet all of the following standards:
 - (a) Less than 6% slope.
 - (b) Not a wetland under federal and/or state regulations.
 - (c) Be part of a contiguous tract of at least two acres (which may include pre-existing common open space that is adjacent).
 - (d) Not be within the one-hundred-year floodplain, as defined by official floodplain maps of the Township.
- (4) Amount of Common Open Space. A subdivision or land development shall be required to dedicate the following amounts of common open space for each permitted new dwelling unit, unless the Board of Commissioners determines that recreation fees in lieu of the open space would be more in the public interest:

| Percentage of the Total Required Common Open Space that Would Meet the Definition of Prime Open Space | Minimum Required Common Open Space Per Permitted Dwelling Unit |
|--|---|
| 0% to 25.0% | 2,000 square feet |
| 25.1% to 75.0% | 1,500 square feet |
| 75.1% to 100% | 1,200 square feet |

- D. Fees for Residential Development. If the Board of Commissioners determines that a land dedication within a proposed subdivision or land development would not be in the public interest, the applicant shall be required to pay fees in lieu of dedicating open space. A notation stating that such fees are required shall be stated on the final record plan. This fee shall be established, per permitted dwelling unit, and is included in the Township Fee Schedule, which may be updated from time to time by resolution of the Board of Commissioners.
- E. Decision on Land vs. Fees. The ~~Board of Commissioners~~ Township shall determine whether a land dedication or the payment of fees shall, or a combination of the two shall be required. This determination should, but is not required to, be made at the time of sketch plan review. The ~~Board of Commissioners~~ Township should, at a minimum, consider the following in reaching its decision:
- (1) Whether the land in that location would serve a valid public purpose and be suitable for active or passive recreation.
 - (2) Whether there is potential to make a desirable addition to an existing public recreation area.
 - (3) Whether the proposed land would meet the objectives and requirements of this section and any relevant policies of the Township Comprehensive Plan.
 - (4) Whether the area surrounding the proposed development has sufficient existing recreation and open space land, and whether it is possible for pedestrians and bicyclists to reach those lands.
 - (5) Any recommendations that may be received from the Planning Commission, Township Engineer, the Recreation Advisory Committee and other Township staff.
 - (6) Whether the proposed open spaces would preserve important natural features

(such as woodlands or creek valleys) that might otherwise be negatively affected.

- (7) Whether it could be possible to combine common open space on this tract with the additional open spaces on an adjacent tract, when the tract is developed in the future.

F. Common Open Space to be Dedicated.

- (1) Land required to be dedicated shall be suitable for its intended purpose. The applicant shall state what improvements, if any, he/she intends to make to the land to make it suitable for its intended purpose, such as rough grading, landscaping or development of trails. Such land shall be free of construction and other debris at the time of dedication.
- (2) Required common open space shall be dedicated to the Township, unless the Board of Commissioners agree to allow a dedication to any of the following: the Salisbury Township School District, the County, a homeowner association or an environmental organization acceptable to the Board of Commissioners. In the case of a rental development, the Township may permit the common open space to be retained by the owner of the rental development.
- (3) If required common open space is to be owned by a homeowner association, the developer shall establish such association in a form that requires all property owners within the development to annually contribute to the maintenance of the common open space. Provisions of any homeowner association agreements regarding required common open space shall be subject to acceptance by the Board of Commissioners, based upon review by the Township Solicitor. The provisions of § 705(f) of the MPC should serve as a model for such agreement.
- (4) Any required common open space dedication shall include deed restrictions to permanently prevent the development of buildings, except buildings for noncommercial recreation or to support maintenance of the land for recreation.
- (5) Priority shall be given to dedication of land in approximate locations identified by the Township Comprehensive Plan.
- (6) Areas intended for active recreation shall be well-drained, of less than 4%

average slope and not require filling in of a wetland for use.

- (7) Land shall not be used to meet the minimum requirements for common open space if it has any of the following conditions:
- (a) Lacks adequate access for maintenance and for pedestrians.
 - (b) Is not suitable for either active or passive recreation.
 - (c) Is within a stormwater detention basin, unless the applicant proves to the satisfaction of the Board of Commissioners that such area would be designed so that it clearly would be usable on a regular basis for recreation.
 - (d) Is required to be provided under another section of this chapter or another Township Ordinance.
 - (e) Is within 15 feet of any principal building.
 - (f) Is within 15 feet of a parking area of more than six parking spaces (other than parking areas specifically developed to serve the open space).
 - (g) Would result in a total contiguous tract of common open space of less than one acre.
 - (h) Is within the right of way or easement of an overhead electric power line with a capacity of 35 KV or higher.
- (8) Residual Lands. If only a portion of a larger tract is currently proposed to be subdivided, or the applicant owns one or more adjacent tracts that are not currently proposed to be subdivided, the applicant shall provide a sketch of a possible future land dedication on these adjacent lands in case they would be developed in the future.
- (9) Coordination With Future Adjacent Dedication. The Board of Commissioners may require that a required land dedication within a property currently being subdivided be placed along an edge of the property so that it may, in the future, be combined with an open space dedication on the edge of an adjoining property when that adjoining property is subdivided or developed.

- G. Combination of Land and Fees. ~~Upon approval of the Board of Commissioners,~~
~~th~~Upon approval, ethe Township may accept a combination of common open space and fees in lieu of land to meet the requirements of this section for a residential subdivision or land development. This combination shall be based upon the common open space requirement that applies to a certain number of dwelling units and the fee in lieu of land requirement that applies to the remaining number of dwelling units.
- H. Timing of Fees. Fees required under this section shall be paid prior to the recording of the final plan, except as follows:
- (1) If the Township agrees to provisions in a binding development improvement agreement to require the payment of all applicable recreation fees prior to the issuance of any building permits within each clearly defined phase of the development, then the fees are not required to be paid prior to recording of the final plan but may instead be paid within the requirements of that development agreement.
 - (2) If the applicant agrees to pay such fees in installments, then all such fees shall not be considered to be paid, for the purposes of any applicable time limitations for utilization under the MPC, until all such fees are paid in full, including all installments and phases.
- I. Facilities in Place of Land or Fees. An applicant may seek a modification from the recreation fee or open space requirements of this section under the procedures of §22-1202 of this Cchapter by substituting for such fee the construction of permanent recreation facilities within the proposed subdivision or land development, on nearby public open space, and/or within existing nearby parks or Recreation areas. The applicant must demonstrate to the satisfaction of the Board of Commissioners that the value of the proposed permanent recreation facilities will be approximately equal or greater than the land or fees that would otherwise be required. Permanent recreation facilities may include any play equipment, courts, ballfields, picnic areas, pavilions, bike paths, parking areas or other facilities related or accessory to public recreation. The cost of improvements for any recreation facilities proposed under this section will be determined by the Township.

§ 22-1018 Traffic Impact Studies and Traffic Improvements.

1. Purposes. To allow the Township to determine the safety and congestion impacts, and related costs, of proposed major traffic generating uses. To require that applicants respond with reasonable proposals to resolve the negative traffic impacts that their proposed uses will cause on the public. To recognize that sufficient federal, state, and Township funds are

not available to resolve traffic problems caused by private development. To assist in carrying out §§ 502(2)(ii) and 503(3) of the Pennsylvania Municipalities Planning Code as amended. To ensure that streets bordering a subdivision or land development are coordinated and of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic and to facilitate fire protection. To ensure that the access into and out of subdivisions and land developments is reasonably safe.

2. Administration.

- A. The full cost of the traffic study shall be borne by the developerapplicant.
- B. The traffic study shall be reviewed by the Township Engineer or alternate Township Engineer, the cost of which shall be borne by the developerapplicant.
- C. The project manager for any traffic impact report shall be a registered professional traffic engineer.
- D. The Board of Commissioners Township shall require such on-site traffic improvements to be provided by the applicant, as ~~the Board~~ deemeds appropriate, in light of the traffic impact study as a specific condition of preliminary plan approval for all land developments, subdivisions, or conditional use applications for which a study has been required.
- E. Joint traffic studies between different developerapplicants are acceptable ~~and are strongly encouraged~~.

3. Contents of a Traffic Study.

- A. Project information containing the following data:
 - (1) DeveloperApplicant and project name.
 - (2) Site size and location.
 - (3) Identification of an appropriate transportation study area for the proposal. (Prior to the start of a traffic study, the applicant's traffic engineer shall meet with the Township Engineer or alternate Township Engineer to establish the limits of the study area and the streets and intersections to be studied).
 - (4) Identification of existing and proposed site use(s) and intensity of development (e.g., number and type of dwelling units, square footages, etc.).

- (5) Identification of current and proposed land uses within the identified study area.
 - (6) Any staging of development and completion date.
- B. Traffic Facilities Description. Existing traffic conditions shall be measured and documented for all streets and intersections in the identified study area. [See §22-1018, Subsection 3A(3).] Existing traffic volumes for average daily traffic, peak highway hour(s) traffic and peak development-generated hour(s) traffic shall be recorded. Traffic counts at designated intersections in the study area shall be conducted, encompassing the peak highway and peak development generated hour(s), and documentation shall be included in the report. A volume/capacity analysis based upon existing volumes shall be performed during the peak highway hour(s) for all designated streets and intersections in the study area. Levels of service shall be determined for each roadway segment to be studied and including all turning movements. Detailed traffic counts of existing local streets are not required, unless recommended by the Township Engineer ~~or Alternate Township Engineer~~. A tabulation of specific accident data including locations and types of accidents for the most recent four-year period shall be included in the analysis. This analysis will determine the adequacy of the existing roadway system to serve the current traffic demand. Roadways and/or turning movements experiencing levels of Service D, E, or F, as described in TRB Special Report 209: Highway Capacity Manual, Third Edition (1994), shall be noted as congestion locations.
- C. An analysis of future traffic conditions without proposed development. The total future traffic demand shall be calculated and analyzed. This demand shall consist of a combination of the existing traffic expanded to the proposed project build-out year and the traffic generated by other anticipated development within the study area. This analysis shall be performed for the peak hour(s) for all roadways and designated intersections in the study area. Level of service (LOS) calculations shall be provided for all designated intersections within the study area. All access points shall be examined as to the necessity of installing traffic signals. This evaluation shall compare the projected traffic to PennDOT warrant regulations for traffic signal installation.
- D. Traffic Impact of the Development. Estimation of vehicular trips resulting from the proposed project shall be completed for the peak highway and peak development-generated hour(s). Vehicular trip generation rates to be used for this calculation shall be obtained from the most recent Trip Generation Manual, published by the Institute of Transportation Engineers. These development generated traffic volumes shall be provided for the inbound and outbound traffic movements as estimated, and the

reference source(s) and methodology followed shall be documented. All turning movements shall be calculated. These generated volumes shall be distributed to the area and assigned to the existing streets and intersections throughout the study area. Documentation of all assumptions used in the distribution shall be provided. Traffic volumes shall be assigned to individual access points. Any characteristics of the site that will cause particular trip generation problems shall be noted. The impact of any diversion or rerouting of existing traffic by the proposal shall be analyzed. For retail sales uses, the increased traffic during the Christmas season and during weekends shall be forecast and analyzed.

- E. An analysis of future traffic conditions with proposed development. The total future traffic demand shall be calculated and analyzed. This demand shall consist of a combination of the existing traffic expanded to the proposed project build-out year, the proposed development-generated traffic, and the traffic generated by other proposed development within the study area. This analysis shall be performed for the peak hour(s) for all designated roadways and intersections within the study area. All access points shall be examined as to the necessity of installing traffic signals. This evaluation shall compare the projected traffic to PennDOT warrant regulations for traffic signal installation.
- F. Recommendations and Conclusions. Levels of service for all designated streets and intersections within the study area shall be listed. All streets and/or intersections showing a level of service below "C" shall be considered deficient and specific recommendations for the elimination of these problems shall be identified. This listing of recommended improvements shall include, but not be limited to, the following elements: internal circulation design, site access location and design, external roadway and intersection design and improvements, and traffic signal installation and operation including signal timing. All physical street improvements and existing traffic control devices shall be shown on plan drawings.
- G. An estimate of the costs of the required improvements. Approximate costs for all required improvements within the study area shall be developed.
- H. A statement about the financial responsibilities for the needed improvements. The applicant shall respond to the traffic impact report by stating what on-site improvements he/she proposes and to what degree he/she is willing to assist in funding any off-site improvements that are identified in the traffic study. The improvements financing must be consistent with the Pennsylvania Municipalities Planning Code, as amended, Article V-A, Municipal Capital Improvement.
- I. An improvement construction schedule. Such schedule shall include priority listing

of the needed improvements. The expected beginning and ending of construction for each improvement shall be identified.

4. **Timing of Required Traffic Improvements.** For developments not the subject of an improvements agreement under this chapter, no occupancy permit shall be granted for a use or uses until such traffic improvements that have been required by PennDOT and the Township to serve the use are in place and operating, unless the Board of Commissioners require or allow funds for a required traffic improvement to be placed in a dedicated escrow account to be used when such improvements are warranted.

§ 22-1019 Environmental Protection

1. If the Township has reason to believe that a portion of a site proposed to be altered may meet the state or federal definition of a wetland, the Township may require the applicant to provide an on-site study by a qualified professional delineating the locations of wetlands. However, the Township accepts no responsibility to identify all wetlands or to warn parties of such possibilities. The presence of hydric soils, hydric vegetation typically found in wetlands or other hydrological indicators may be indicators of an area needing more-detailed study. Sufficient information shall be provided to the Township for a thorough review.
2. Erosion. All Township permits are granted on the condition that state erosion and sedimentation regulations and any officially submitted erosion and sedimentation plan are in compliance. Failure to comply with such regulations or plan shall be cause for suspension of Township permits.
3. Slope Submittal Requirements. When the Township has reason to believe that a portion of the construction area has a slope of 8% or greater, the Township may require the applicant to provide a survey of the designated construction area to include slope identification and calculations. Such designated construction area shall be binding upon future owners of each lot, unless such applicant provides a revised site plan that proves to the satisfaction of the Township that a revised construction area location would not cause a larger lot area to be required and would meet all other requirements of this chapter. The following criteria is required for the survey:
 - A. Mapping of slopes, with identification of the following intervals:
 - 1) Eight percent or less.
 - 2) Over 8% and up to 12%.

3) Over 12% and up to 15%.

4) Over 15% and up to 25%.

5) Over 25%.

4. Steep Slopes. If slopes of greater than 15% are to be disturbed, the applicant shall submit to the Township and carry out an acceptable sedimentation and erosion control plan, regardless of the project size. The Township may require that such plan be submitted to and found acceptable by the Lehigh County Conservation District. There shall be compliance with all state sedimentation and erosion control regulations that are in effect at the time of the approval of the erosion and sedimentation control plan, and compliance with such regulations shall be a condition of all permits issued under this Chapter. Exceptions to this requirement are:

A. Small Area. If the areas of over 15% slope within the construction area total less than 400 square feet.

B. Existing Roads. The disturbance of sloped areas for widening, alignment, improvement or sight distance improvement of an existing street for public safety reasons or that is required by, approved by or accomplished by the Township or PennDOT.

C. Accessory Structures. The construction or placement of a customary accessory structure or use of up to 600 square feet of building coverage on a lot after the issuance of the original occupancy permit for a principal building or structure, provided that no earthmoving shall occur on areas of over 25% slope.

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

E. Building Expansion. The expansion of the building coverage of an existing permitted residential building up to 50% beyond the total building coverage that existed at the time of adoption of this Chapter. This 50% maximum shall apply to the cumulative total of all expansions over the life of the building. This exemption shall only apply if there is no earthmoving on areas with a natural slope of over 25% slope.

F. Recreation. The development of noncommercial open space recreation uses by a governmental agency or an established nature conservation organization, including,

but not limited to, parking to serve common open space or the development of public recreational facilities.

5. Earthmoving on Slopes. No earthmoving activities shall occur within a construction area or in preparation for or related to construction or development, on slopes of over 25% in any zoning district, except if the applicant proves to the satisfaction of the Township that all of the following conditions would be met:

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

B. That slopes of over 30% will not be altered or disturbed.

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

6. Increase of Slope.

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

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

7. Drainage. The ground adjacent to a building shall be graded so that surface water will be drained away from such building.

8. No grading shall be completed in such a way that soil, rocks, or other debris is left in an unsightly fashion nor in a fashion that interferes with drainage, streets, or utilities.

9. Fill. Materials used for fill as a future base for construction shall be nonbiodegradable, well-compacted and provide a suitable and secure base. The Township may require that an applicant fund appropriate underground testing of a proposed building site if there is reasonable doubt, in the opinion of the Township Engineer, that the subsurface is suitable and secure for a proposed use.

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

11. High Water Table Soils.

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

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

2) Wetlands are present on the property; or

3) There are other visual indicators of the presence of a high-water table.

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

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

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

Part 2
DEFINITIONS

§ 27-201 **General Interpretation.**

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

§ 27-202 **Terms Defined.**

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

ABUT: Areas of contiguous lots that share a common lot line, except not including lots

entirely separated ~~by a~~ by a street, alley, or waterway ~~street or a perennial waterway~~. See definition of "adjacent."

ACADEMIC CLINICAL RESEARCH CENTER: An accredited medical school within this commonwealth that operates or partners with an acute care hospital licensed within this commonwealth.

~~ACCESS DRIVE OR~~ ACCESSWAY: A privately owned, constructed, and maintained vehicular access roadway accessing more than three dwelling units on the same lot, more than two dwelling units on separate lots, or any commercial, institutional, or industrial principal uses. The term "accessway" and its regulations shall also apply to the "pole" portion of a flag lot, regardless of the use or number of units on the lot. May also be referred to as "shared driveway" or "access drive". ~~An existing or approved privately owned, constructed and maintained vehicular access roadway accessing more than one dwelling unit or more than one commercial, institutional or industrial principal use. See also "driveway."~~

ACCESS EASEMENT: A paved or gravel access that is not a public street, and that legally and permanently guarantees the right for occupants of a certain lot(s) or building(s) to traverse such easement across property that such occupants may not own in order to reach a street.

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

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

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

~~ACCESSORY STRUCTURE: A structure, such as a private garage, storage shed or private~~

~~swimming pool, serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.~~

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. An accessory use may or may be located within a principal structure.

ACRE: Forty-three thousand five hundred sixty (43,560) square feet.

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

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

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

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

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

ADULT STORE: A use that has over 10% of the total floor area occupied by items for sale or rent that are books, films, magazines, video, paraphernalia, novelties or other periodicals

which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities" (as defined in this Part).

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

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

AGE-RESTRICTED COMMUNITY: RETIREMENT VILLAGE: ~~A residential development limited exclusively to persons aged 55 years and older and their spouses.~~ May also be referred to as a "retirement village".

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

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

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

AMATEUR RADIO ANTENNA: A device, partially or wholly exterior to a building, that is used for receiving and/or transmitting electronic signals or short-wave or citizens-band radio frequencies. This includes any accessory supporting structures. This term shall not include an antenna that is mobile and attached to a state-licensed motor vehicle.

ANIMAL CEMETERY:

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

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

ANIMAL HUSBANDRY: See "livestock, raising of."

APARTMENT: See "dwelling types."

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

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

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

AUDITORIUM, COMMERCIAL: A commercial area or structure involving indoor or

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

AUTO RECONDITIONING: The completion of minor repairs to a motor vehicle for primarily cosmetic reasons, such as removal of scratches, small dents and fabric tears. Use may include auto detailing and non-automated auto wash; but ~~which shall doesnot~~ involve body work or engine repairs.

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

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

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

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

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

"story" and "floor area."

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

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

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

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

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

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

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

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

BOARDINGHOUSE OR ROOMING HOUSE: A residential use in which two or more individual rooms that do not meet the definition of a "dwelling unit" are rented for habitation or the occupancy of a dwelling unit by greater than the permitted maximum number of unrelated persons. This term includes uses commonly known as "single room occupancy housing." This term shall not include a use meeting the definition of a "hotel," "dormitory," "motel," "life care center," "personal care home," "assisted living facility," "bed-and-breakfast use," "group home"

or "nursing home." A college fraternity or sorority house used as a residence shall be considered a type of boardinghouse. A boardinghouse may either involve or not involve the providing of meals to residents. This use shall only involve renting living accommodations for minimum periods of five consecutive days. If a boardinghouse includes six or more units, an on-site manager shall be provided, who is not a temporary boarder.

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

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

BUILDING: Any structure, excluding a swimming pool, having a permanent roof and/or permanent walls, a footprint greater than or equal to 10 square feet, and a height greater than or equal to 6 feet. The term "permanent walls" includes, but is not limited to, screens, windows, glass, and lattice work. The term "permanent walls" does not include covering over footers or support poles for a deck or porch less than or equal to 3 feet high. All buildings are structures but only those structures that meet this definition shall be considered buildings.

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

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

BUILDING LENGTH: The horizontal, exterior measurement between the two most-distant portions, other than portions measured diagonally, of any ~~one building or of attached buildings,~~ typically measured in the general direction that is most closely parallel to the lot length.

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

BUILDING WIDTH: The horizontal, exterior measurement between ~~two~~ the two second most-distant portions, other than portions measured diagonally, of any building structural walls of one building that are generally parallel, typically measured in ~~one~~ the general direction that is most closely parallel to the required lot width. ~~For a townhouse, this width shall be the width of each dwelling unit.~~

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

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

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

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

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

CARE AND TREATMENT FACILITIES FOR YOUTH: A use involving residential and/or outpatient counseling and support facilities primarily for persons age 18 or younger who primarily need such special services because of emotional or behavioral concerns or because of inadequate care provided by families. Such facilities may also include counseling and support facilities for the families of the youth, as well as programs for persons of any age who have aged

out of the program. Such facilities may also include child day-care facilities, diagnostic assessment, residential group homes, on-site and off-site recreation programs and educational programs for such youth.

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

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

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

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

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

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

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

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

CLINICAL REGISTRANT: An entity that:

- A. Holds a permit both as a grower/processor and a dispensary; and

- B. Has a contractual relationship with an academic clinical research center under which the academic clinical research center or its affiliate provides advice to the entity, regarding, among other areas, patient health and safety, medical applications and dispensing and management of controlled substances.

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

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

COMMERCIAL DISTRICT: The C1, C2 and C3 Districts.

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

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

COMMISSION: The Planning Commission of Salisbury Township.

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

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

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

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

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

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

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

CONSTRUCTION AREA: The total land areas proposed to be used for and/or within any and all of the following:

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

- 1) Principal buildings or principal structures (other than the required rear yard in Subsection C below).
- 2) Accessory structures or uses existing or proposed at the time of development of the principal building or structure.
- 3) An accessory building of more than 500 square feet of building coverage.

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

- C. Areas within the proposed lot that are within 40 feet of the rear of a principal building.
- D. Areas within a directly abutting portion of a proposed public or private street, from the center line inward to the closest lot line of the abutting lot.
- E. Gravel or paved areas (including driveways) serving residential uses other than walkways.
- F. Areas proposed to be graded.

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

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

COOKING FACILITY: An area or room equipped for the storage and preparation of food within a building. A cooking facility must contain a properly functioning sink, range, and refrigerator. A permanently-installed cooktop and oven may be included in lieu of a range. May also be referred to as a "kitchen".

COUNTY: The County of Lehigh, Commonwealth of Pennsylvania.

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

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

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

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

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

A. The following types of day care are permitted by right without additional regulation by this chapter:

- 1) Care of children who are permanent residents of the dwelling.
- 2) Care of children within a place of worship during weekly religious services.
- 3) Care of one to three children within any dwelling unit.
- 4) Care of children after or before school within a lawful primary or secondary school.

B. **FAMILY DAY-CARE HOME** A type of day-care use that:

- 1) Provides care for four to six children at one time who are not permanent residents of the home.
- 2) Provides the care within a family dwelling unit.
- 3) Is registered as such by the Pennsylvania Department of Public Welfare, or its successor agency.

C. **GROUP DAY-CARE HOME** A type of day-care use that:

- 1) Provides care for between seven and 12 children at any one time who are not

permanent residents of the home.

- 2) Provides the care within a family dwelling unit.
- 3) Is registered as such by the Pennsylvania Department of Public Welfare, or its successor agency.

D. DAY-CARE CENTER A type of day-care use that:

- 1) Provides care for seven or more children at any one time who are not permanent residents of the home.
- 2) Does not provide the care within a family dwelling unit.
- 3) Is registered as such by the Pennsylvania Department of Public Welfare, or its successor agency.

DAYS: Calendar days.

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

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

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

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

- A. A juvenile detention facility as described and regulated in 62 P.S. § 2077.
- B. A minimum security prison facility - a jail, prison or detention facility operated by a county, state or federal government or its agents and used for the confinement of persons for safe custody. The term does not include a facility used for the detention or confinement of juveniles. Only "eligible offenders" or those who do not demonstrate a present or past pattern of violent behavior shall be incarcerated in a minimum security

prison. "Eligible offenders" do not include any person awaiting trial for, or convicted of, murder, voluntary manslaughter, rape, statutory rape, aggravated assault, robbery, burglary of the first degree as provided in 18 Pa.C.S.A. § 3502 (relating to burglary), involuntary deviate sexual intercourse, arson, extortion accompanied by threats of violence, assault by prisoner, assault by life prisoner, kidnapping, aggravated indecent assault, or escape, or drug trafficking. No person shall be incarcerated at a minimum security prison if such person's previous conviction history cannot be determined or has not yet been determined. No person shall be incarcerated in a minimum security prison unless such person has been evaluated to determine that no history of violent behavior exists and no present probability of violent behavior exists.

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

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

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

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

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

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

DRIVEWAY: A privately owned, constructed, and maintained vehicular access from a street or access drive to ~~serve only one to three dwelling units on the same lot, commercial unit,~~

~~institutional or industrial principal use. See also "access drive."~~

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

DWELLING: A building used as non-transient living quarters, but not including a boardinghouse, group home, hotel, motel, hospital, nursing home, dormitory, fraternity house, sorority house, or recreational vehicle. May also be referred to as a "residence", "residential building", or "residential structure". This Chapter categorizes dwellings into the following types:

- A. DUPLEX – Two to three dwelling units, accommodating one family each, with all dwelling units within a single building on a single lot. The building shall have open areas on all sides. May also be referred to as a "two-family detached dwelling" or "multi-family detached dwelling" but does not include a "garden apartment", "mid-rise apartment", or "high-rise apartment". This category shall also include mixed-use buildings with one permitted non-residential unit and up to three dwelling units.
- B. GARDEN APARTMENTS - Four or more dwelling units within a building that are separated by only horizontal floors or by a combination of horizontal floors and vertical walls. This shall include buildings with a maximum height of 3 1/2 stories or 35 feet, whichever is lesser. The building shall be on a single lot; however, the individual dwelling units may be leased or sold for condominium ownership.
- C. HIGH-RISE APARTMENTS – Four or more dwelling units within a building that are separated by only horizontal floors or by a combination of horizontal floors and vertical walls. This shall include only buildings that are higher than 60 feet of five stories (whichever is less). The building shall be on a single lot; however, the individual dwelling units may be leased or sold for condominium ownership.
- D. MID-RISE APARTMENTS - Four or more dwelling units within a building that are separated by only horizontal floors or by a combination of horizontal floors and vertical walls. This shall include only buildings that are higher than 35 feet or 3 1/2 stories and less than 60 feet or five stories (whichever is less). The building shall be on a single lot; however, the individual dwelling units may be leased or sold for condominium ownership.
- E. MOBILE HOME - A type of single-family detached dwelling that meets all of the

following requirements:

- 1) Is transportable;
- 2) Is designed for permanent occupancy;
- 3) Is contained in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for repeated towing;
- 4) Which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation; and
- 5) Is not a recreation vehicle.

F. SINGLE-FAMILY DETACHED DWELLING - One dwelling unit accommodating one family that is within a separate building and having open areas on all sides. The building shall contain no other dwelling units or uses, except home-based businesses as permitted within the Salisbury Township Zoning Ordinance.

G. TOWNHOUSE - One dwelling unit accommodating one family that is attached to two or more dwelling units, with each dwelling unit being completely separated from each other by vertical, unpierced walls. Each unit shall be on a separate lot with the property line running through the common walls. Side yards shall be adjacent to each end unit. May also be referred to as "rowhouse".

H. TWIN DWELLING - One dwelling unit, accommodating only one family, that is attached and completely separated by a vertical, unpierced, wall to one additional dwelling unit. One side yard shall be adjacent to each dwelling unit. Each unit shall be on a separate lot with the property line running through the common wall. May also be referred to as a "single-family semidetached dwelling".

DWELLING UNIT: A residential unit within a dwelling occupied by persons meeting the definition of "family". Each dwelling unit shall have its own sanitary, sleeping and cooking facilities as well as separate access to the outside, or access to a common hallway or balcony that connects to outside access at ground level. No dwelling unit shall include a separate habitable area that is completely separated by interior walls so as to prevent interior access from the remainder of the habitable area.

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

~~A. CONVERSION APARTMENT A new dwelling unit created within an existing building.~~

~~—EFFICIENCY UNIT A type of dwelling unit including sleeping and living areas within a single room and that also includes cooking facilities and a bathroom and that has a minimum of 400 square feet of habitable floor area, after deleting any area within a basement or cellar.~~

~~B. GARDEN APARTMENTS Three or more dwelling units within a building that are separated by only horizontal floors or by a combination of horizontal floors and vertical walls (see definition of "townhouses"). This shall include buildings with a maximum height of 3 1/2 stories or 35 feet, whichever is lesser. The individual dwelling units may be leased or sold for condominium ownership.~~

~~B. MID-RISE APARTMENTS Three or more dwelling units within a building that is higher than 35 feet or 3 1/2 stories and less than 60 feet or five stories (whichever is less).~~

~~B. SECTIONAL HOME A type of dwelling that meets a definition of "single family detached dwelling," "single family semidetached dwelling," "townhouse" or "garden apartment" that is substantially but not wholly produced in two or more major sections off the site and then is assembled and completed on the site, and that does not meet the definition of a "manufactured/mobile home," and that is supported structurally by its exterior walls, and that rests on a permanent foundation.~~

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

~~B. MANUFACTURED/MOBILE HOME~~

~~1) A type of single family detached dwelling that meets all of the following requirements:~~

~~1) Is transportable;~~

- ~~1) Is designed for permanent occupancy;~~
- ~~1) Is contained in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for repeated towing;~~
- ~~1) Which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation;~~
- ~~1) Is not a recreation vehicle; and~~
- ~~1) Includes a minimum of 300 square feet of interior floor space.~~
- ~~1) The terms "mobile home" and "manufactured home" have the same meaning. See the definition of "sectional home."~~

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

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

~~B. TWO FAMILY DETACHED DWELLING Two dwelling units accommodating one family each, with both dwelling units within a single building on a single lot, and without the dwelling units being completely separated by a vertical wall. The building shall have two side yards.~~

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

~~by interior walls so as to prevent interior access from the remainder of the habitable area.~~

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

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

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

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

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

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

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

FAMILY: One or more persons living in a single dwelling unit and functioning as a common household unit. A family shall not include more than three persons who are not related

~~(see definition)~~ to each other by blood, government-sanctioned civil unions, official foster relationship, marriage or adoption. The term "related" shall be limited to relationships such as father, mother, daughter son, grandparent, great-grandparent, sister, brother, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, mother-in-law, father-in-law, stepfather, stepmother, legal guardian, and first cousin. This term shall not include relationships such as second, third, or more distant cousins. See also the definitions and standards (in § 27-402) for a group home, or in § 27-112, Subsection 5I, which may allow a higher number of unrelated persons within a dwelling unit. A treatment center shall not be considered a family.

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

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

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

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

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

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

FOOTPRINT: The perimeter of a structure measured at the outer edge of the outside walls

of the structure, including cantilevered portions of the structure. When calculating the footprint of a structure, retractable and/or removable awnings shall not be included.

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

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

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

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

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

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

GARDEN APARTMENT: See under "dwellings."

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

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

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

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

GRADE: The average ground elevation of the surface adjoining a structure or land development project, calculated as existing and/or proposed. May also measure the rise or fall, in 100 feet increments, of horizontal distance such as along a roadway.

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

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

GROSS FLOOR AREA: See "floor area."

GROUP HOME:

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

- 5) Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

B. See also § 27-112, Subsection 5I, for allowed modifications.

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

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

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

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

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

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

A. **PUBLIC HELIPORT** A heliport that does not meet the definition of a "private heliport."

B. **PRIVATE HELIPORT** A heliport, other than a hospital heliport, limited to a maximum total of 15 flights or takeoffs in any seven-day period and that is not available for use by the general public. This is also known as a "helistop."

C. HOSPITAL HELIPORT A private heliport that is:

- 1) Owned by a hospital;
- 2) Operated by a hospital or third-party contractor under agreement with a hospital;
- 3) Situated on a health care campus; and
- 4) Used for medical services and not for general transportation.

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

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

HOSPICE: A special concept of care designed to provide comfort and support to patients and their families when a life-limiting illness no longer responds to cure-oriented treatments.

HOSPITAL: A use that includes facilities that are licensed as a "hospital" by the State Department of Health and that involves the diagnosis, treatment or other medical care of humans

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

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

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

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

IMPERVIOUS SURFACE: ~~Any structure or man-made surface with a runoff factor of 0.80 or greater. For purposes of this Chapter, gravel/stone surfaces and pavers laid with a minimum of two (2) inches between each paver shall not be considered impervious. Area covered by roofs, concrete, asphalt, stone or other man-made cover which has a coefficient of runoff of 0.8 or greater. Any dispute over whether an area is impervious shall be decided by the Township Engineer or Alternate Township Engineer.~~

INDUSTRIAL DISTRICT: The I Zoning District.

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

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

JUNK:

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

JUNK VEHICLE:

- A. Includes any vehicle or trailer stored out of doors that meets any of the following conditions:
 - 1) Does not display a license plate with a current registration sticker and does not have a valid state safety inspection sticker (except for licensed antique cars not required to have an inspection sticker). (Licenses or inspection stickers that expired less than 90 days ago shall be considered current for the purposes of this section.)
 - 2) Cannot be immediately moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs.
 - 3) Cannot be immediately towed, in regards to a vehicle designed to be towed.

- 4) Has been demolished beyond repair.
- 5) Has been separated from its axles, engine, body or chassis.
- 6) Includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

B. See also the separate Township ordinance on junk vehicles.

JUNKYARD:

A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of one or more of the following types:

- 1) Junk.
- 2) A greater number of junk vehicles than is permitted under § 27-604. This shall not apply to such vehicles allowed to be stored within the specific requirements of an auto repair garage or auto service station.
- 3) One or more manufactured/mobile homes that are not in habitable condition.

B. Junk stored as part of a business within a completely enclosed building shall be considered a warehouse and shall meet the requirements of that use instead of a junkyard.

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

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

the permits and approvals issued for each proceeding activity:

1. A subdivision, resubdivision, or consolidation of land.
2. Construction of one or more principal, non-residential structures regardless of the number of occupants.
3. Construction of a non-residential addition or accessory structure with a footprint greater than or equal to 1,000 square feet.
4. Construction of two or more dwelling units on a single lot.
5. The conversion of an existing structure to increase the number of uses or occupants.
6. The conversion of an existing residential structure or dwelling unit into a non-residential structure or unit.
7. The conversion of an existing structure into condominiums.
8. Construction of a new, or expansion of an existing, parking area by 12 or more parking spaces.
9. Work involving 5,000 square feet or more of new impervious coverage, both on-lot and within the public right-of-way, regardless of use.
10. Work involving 10,000 square feet or more of site alterations, both on-lot and within the public right-of-way, regardless of use.

The following shall be excluded from the definition of “Land Development”:

- A. The construction of a single-family detached dwelling on an existing lot.
- B. The conversion of an existing single-family detached dwelling or a single-family semi-detached dwelling, into not more than three residential units, unless such units are intended to be condominiums.

C. Commercial communication towers and their structures.

D. Tree Harvesting.

E. The subdivision of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or access easement.

F. The reconfiguration and/or movement of site improvements previously approved as part of land development project as long as the proposed work does not meet any of the criteria listed in 1 through 10 above.

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

LANDOWNER: The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

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

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

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

LIGHT HOME OCCUPATION:

A. A type of home occupation that is permitted by right in all residential districts and is

limited to only the following types of activities, within the restrictions of § 27-403:

- 1) Custom sewing, seamstress or dressmaker.
- 2) Tutor or music or voice instruction.
- 3) Tax preparation.
- 4) Photographer.
- 5) Artist or sculptor.
- 6) Drafting or graphics services.
- 7) Data processing or typing.
- 8) Home crafts for sale off site.
- 9) Mail order (not including retail sales from the site).
- 10) Product distribution through direct off-site sales (such as household items or cosmetics sold at off-site events).
- 11) Offices of the following: licensed physician, dentist, speech pathologist, audiologist, chiropractor, optometrist, podiatrist, architect, attorney, accountant, insurance agent, real estate agent or broker, tax collector, engineer, surveyor, vocational consultant, financial planning and investment services, interior design, computer programming, or consulting services.
- 12) Telephone soliciting and telephone answering services.

B. The business may not involve any illegal activity.

C. This term also includes, but is not limited to, a use meeting the definition of a "no-impact home-based business" within the Pennsylvania MPC.

LIGHTING, DIFFUSED: Illumination that passes from the source through a translucent

cover or shade.

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

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

LOGGING: See "tree harvesting."

LOT: The designated area of land within the lot area. May also be referred to as "parcel".

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

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

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

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

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

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

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

- A. FRONT LOT LINE - A lot line separating the lot from the primary street right-of-way. When a lot abuts two or more streets, not including an alley, or there is no frontage along a street right-of-way, the front lot line shall be determined by reviewing previous development plans. If development plans are not available to determine which is the primary street right-of-way, it shall be the street in which the building is oriented towards and/or has its address along, unless the Zoning Officer determines that the front yard should follow the clearly predominant front yard orientation of the development of abutting lots.
- B. REAR LOT LINE - A lot line opposite and most distant from the front lot line.
- C. SECOND FRONT LOT LINE – A lot line separating the lot from the approved and/or dedicated secondary street right-of-way. If development plans are not available to determine which is the secondary street right-of-way, it shall be the street in which the building is not oriented towards and/or does not have its address along, unless the Zoning Officer determines that the front yard should follow the clearly predominant front yard orientation of the development of abutting lots.
- D. SIDE LOT LINE - Any lot line other than a front or rear lot line. A side street lot line is a side lot line separating a lot from a street.

LOT LINE:

~~—FRONT LOT LINE (STREET LINE) A lot line separating the lot from the approved or dedicated street right-of-way.~~

~~A. REAR LOT LINE A lot line opposite and most distant from the front lot line. (A three-sided lot has no rear lot line.)~~

~~A. SIDE LOT LINE Any lot line other than a front or rear lot line. A side street lot line is a side lot line separating a lot from a street.~~

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

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

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

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

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

~~LOT WIDTH: The distance measured between each side lot line or the side lot line and either the second front lot line or rear lot line, whichever is applicable when a second side lot line is not present. In the case of a curve, it is the arc distance along the curve. The measurement may be taken at either the street right-of-way or front setback line, whichever is applicable. The distance measured between points where the front building setback lines meet side property lines. In the case of a curve, the arc distance along the curve.~~

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

~~LOT, FLAG: An irregularly shaped lot characterized by an elongated extension from a street (the “pole”) to the principal part of the lot. The flag shape of the lot is normally intended to provide for access to an otherwise landlocked interior parcel. This type of lot is prohibited, in effect, by the definition of “lot width.” On a flag lot, setbacks and width are measured within the principal part of the lot, beyond the “pole” section of the lot area. The front lot line shall be the lot line parallel to the nearest street and/or where the “pole” enters the lot. For a flag lot, the area of the “pole” portion of the flag lot shall not be included in the total lot area required for the “Minimum Lot Area” for lot size.~~

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

LOT, REVERSE-FRONTAGE: A lot that abuts two approximately parallel streets, not including an alley, but only has access onto one street.

LOT, THROUGH: A lot that abuts two approximately parallel streets, not including an alley, with access onto both streets.

LUMBERING: See "tree harvesting." _____

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

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

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

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

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

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

club or a high school or college athletic program.

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

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

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

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

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

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

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

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

MOTEL: See "hotel."

MPC: The Pennsylvania Municipalities Planning Code, as amended.

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

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

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

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

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

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

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

NURSING HOME: A facility licensed by the state as a nursing home for the housing and

intermediate or fully skilled nursing care of three or more persons. This shall only include facilities that primarily serve persons who need such care because of old age, illness or physical disability.

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

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

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

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

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

designed and will be maintained in a manner that it will be suitable for recreational uses during most times of the year and/or will serve as a scenic and ecological asset, such as having the appearance of a natural pond. An underground stormwater detention facility may be approved to serve as common open space only if the surface is improved to be usable for recreation and is not used for vehicle parking.

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

PA: Pennsylvania.

PARCEL: See "lot".

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

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

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

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

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

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

A. CONSTRUCTION PERMIT A permit indicating that a proposed construction, alteration, or reconstruction of a structure is, to the best knowledge of the Township staff, in accordance with the provisions of the Township Building Codes.

B. ZONING PERMIT OR A PERMIT UNDER THIS ORDINANCE A portion of a

building permit (unless a separate zoning permit may be established by the Township) that indicates that a proposed use, building or structure is, to the best knowledge of the Township staff, in accordance with this Chapter and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations.

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

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

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

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

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

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

PLACES OF WORSHIP: Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated

for nonprofit and noncommercial purposes. If such use is primarily residential in nature, it shall be regulated under the appropriate dwelling type.

PLANNED RESIDENTIAL DEVELOPMENT:

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

PLANNING COMMISSION: The Planning Commission of Salisbury Township.

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

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

PRD: See "planned residential development."

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

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

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

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

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

PUBLIC WATER SERVICE: See under "water system."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~RESIDENTIAL USE: A building which conforms to the definition of "dwelling". Includes those types of homes listed under the definition of "dwelling types" plus group homes but shall not include nursing homes, treatment centers or personal care centers, which shall be considered institutional uses.~~

RESTAURANT, FAST-FOOD:

- A. An establishment that sells ready-to-consume food or drink, that routinely involves the consumption of at least a portion of such food ~~offen~~ the premises, and that does not meet the definition of a "standard restaurant." This term shall also include a use that primarily involves pick up only and/or off-premises delivery of ready-to-eat food, other than a catering business.

- B. A fast-food restaurant may include the accessory sale of alcoholic beverages; however, if such sale is a primary or substantial portion of the total trade, the requirements of a tavern must be met.
- C. If a primary or substantial portion of the total trade is in admission charges for entertainment and the use has a capacity of more than 300 persons for such entertainment, the requirements for a nightclub shall be met.

RESTAURANT, STANDARD:

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

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

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

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

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

~~similar improvements for public benefit and enjoyment.~~

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

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

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

SANITARY LANDFILL (OR SOLID WASTE LANDFILL): A type of solid waste disposal area involving the depositing of solid waste on land, compacting the waste, covering the waste with soil and then compacting the soil, and which has a permit to operate as a sanitary landfill from the state.

SANITARY SEWAGE DISPOSAL, CENTRALIZED COMMUNITY: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and disposal plant generally serving a neighborhood area or development.

SANITARY SEWAGE DISPOSAL, CENTRALIZED PUBLIC: A sanitary sewerage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant operated via a public agency.

SANITARY SEWAGE DISPOSAL, ON-LOT: Any privately owned structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot.

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

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

of support.

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

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

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

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

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

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

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

SETBACK LINE:

- A. The line within a lot defining the required minimum distance between any structure to be erected or use to be developed and the corresponding lot line~~the adjacent street right-of-~~

~~way or exterior lot line (when the property is not abutted by a right-of-way).~~ Such line shall be measured at right angles from and parallel to ~~the front~~the corresponding lot line.

- B. Any building setbacks shall be measured from the foundation, exterior wall, roof overhang, or other component of a structure that is closest to the right-of-way line or lot line from which the setback is being measured. ~~See exceptions for eaves and cornices in § 27-309.~~
- C. Unless otherwise stated, setback distances are for both accessory and principal structures.
- D. For a building setback measured from a private street, the setback shall be measured from the right-of-way of such a street, if a right-of-way exists. If a private street does not have a right-of-way, the setback shall be measured from the edge of the cartway.

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

~~PUBLIC SEWER SERVICE Service at the time of occupancy of a use by a central sewage treatment plant that is owned by a municipality or a municipal or county authority.~~

~~ON LOT OR NONPUBLIC SEWER SERVICE Any form of sewage service permitted under local, state and federal law that does not meet the definition of "public sewer service."~~

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

SHOPPING CENTER:

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

B. Such a use may also include offices.

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

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

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

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

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

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

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

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

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

SOLID WASTE:

- A. Any garbage, refuse, sewage sludge or other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, public, household, commercial or mining activities.
- B. For the purposes of this chapter, the following materials shall not be considered to be solid waste:
 - 1) Portions of trees or shrubs, leaves, mulch and rocks;
 - 2) Substances legally disposed of into the air or water through a federal or state pollution discharge permit;
 - 3) Customary residual wastes from a permitted mineral extraction use; or
 - 4) Materials of a character such as paper, plastic, aluminum and metal that have been separated from the waste stream for recycling.

SOLID WASTE FACILITY:

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

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

SOLID-WASTE-TO-ENERGY FACILITY: A type of solid waste disposal facility that

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

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

SPECIFIED SEXUAL ACTIVITIES: One or more of the following:

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

STABLE, NONHOUSEHOLD: Any housing of more than two horses. This may include a commercial or private riding club. The housing of one or two horses shall be considered an accessory use under the "pets and accessory animals, keeping of" provisions (see § 27-403).

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

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

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

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

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

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

- 1) More than six feet (1,829 mm) above grade plane; or
- 2) More than 12 feet (3,658 mm) above the finished ground level at any point.

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

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

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

- A. ALLEY - A street designed as a secondary access to properties, with a maximum width of 20 feet.
- B. ARTERIAL STREET - A street designed to carry large volumes of through traffic for the connection of residential areas and for circulation outside of residential areas.
- C. COLLECTOR STREET - A street designed to carry moderate volumes of traffic between local streets and arterial streets, and usually provides only limited vehicular access to abutting properties.
- D. CUL-DE-SAC STREET - A local street which is permanently terminated at one end by a vehicle turnaround and which intersects another street at the other end.
- E. LOCAL STREET - A street designed to carry low volumes of traffic and provide direct access from abutting properties to collector and arterial streets.
- F. LOOP STREET - A local street which intersects other streets on each end and may intersect a cul-de-sac street at some point between each end.

G. REGIONAL HIGHWAY OR EXPRESSWAY - A street that provides direct links between metropolitan areas, which carries large volumes of high-speed traffic, that does not permit on-street parking, and that has no at-grade intersections. Typically, this classification is for state roads.

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

- ~~— ARTERIAL STREET A street designed to carry large volumes of through traffic for the connection of residential areas and for circulation outside of residential areas. Access onto these streets is normally controlled by stop signs restricting oncoming traffic and traffic signals.~~
- ~~— COLLECTOR STREET A street designed to carry moderate volumes of traffic between local streets and arterial streets, and usually provides only limited vehicular access to abutting properties. Traffic on these streets is normally controlled by signs.~~
- ~~— LOCAL STREET A street designed to carry low volumes of traffic and provide direct access from abutting properties to collector and arterial streets.~~
- ~~— CUL-DE-SAC STREET A local street which is permanently terminated at one end by a vehicle turnaround and which intersects another street at the other end.~~
- ~~— LOOP STREET A local street which intersects other streets on each end and may intersect a cul-de-sac street at some point between each end.~~
- ~~— MARGINAL ACCESS STREET A local street which is parallel or adjacent to collector or arterial streets and which provides access to abutting properties.~~
- ~~— REGIONAL HIGHWAY OR EXPRESSWAY A street that provides direct links between metropolitan areas, which carries large volumes of high-speed traffic, that does not permit on-street parking, and that has no at-grade intersections.~~
- ~~— SERVICE STREET A nondedicated minor right-of-way for public use, providing primary or secondary access to nonresidential properties.~~

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

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

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

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

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

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

SUBDIVISION: The division or consolidation of a lot, as defined by one of the following categories:

- A. LOT CONSOLIDATION - The deletion of a lot line for the purpose of joining a lot to an adjacent lot, parcel, or tract of land.
- B. LOT LINE ADJUSTMENT - Any replatting of land which involves a change of any existing lot line and does not involve the creation of any additional lot or lots, the creation of any new street or any extension of or improvements to an existing street. May also be referred to as “resubdivision”.
- C. MAJOR SUBDIVISION – Any subdivision which does not constitute a lot consolidation, lot line adjustment, or minor subdivision.
- D. MINOR SUBDIVISION – Any subdivision which involves the creation of no more than four lots for residential purposes only and does not involve the creation of any

new street of the extension or improvement of any existing street.

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

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

SWIMMING POOL, HOUSEHOLD OR PRIVATE: A ~~man-made area~~structure with walls of man-made materials intended to enclose water, at least ~~24~~18 inches deep for bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests.

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

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

SWIMMING POOL, NONHOUSEHOLD: A ~~man-made area~~structure with walls of man-made materials intended to enclose water at least ~~18~~24 inches deep for bathing or swimming and that does not meet the definition of a "household swimming pool."

A. A nonhousehold pool includes:

1) A ~~semipublic~~ pool that serves only residents of a development, guests/visitors of a non-residential use for which a swimming pool is an accessory structure, or members of a club and their occasional guests; ~~or~~

2) A ~~public~~ pool intended to serve the general public.

B. See also the provisions for recreational facilities limited to use by employees of a use or residents of a development as an accessory use, which may include a swimming pool, at the end of § 27-306.

TAVERN: A place where alcoholic beverages are served as a primary or substantial portion of the total trade. The sale of food may also occur. See also the definitions of "restaurants," "auditoriums" and "nightclubs."

TEMPORARY: Unless otherwise provided for in regards to a specific provision, or unless otherwise approved by the Township, "temporary" shall mean not lasting or occurring more than 30 total days in any calendar year (January 1st through December 31st). ~~See § 27-807.~~

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

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

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

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

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

TOWNHOUSE: See "dwelling types."

TOWNSHIP: Salisbury Township, Lehigh County, Pennsylvania.

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

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

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

housing, treatment and/or counseling and who need such facilities because of:

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

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

TREE HARVESTING: The portion of “forestry” which involves the cutting down of trees and removing logs for any type of business or other commercial purpose. Does not include trees permitted to be removed as part of an approved development or construction project nor does it include trees removed as part of an approved nursery and/or tree farm use. May also be referred to as “timber harvesting” or “logging”. “Tree harvesting” does not include other activities associated with the removed trees such as, but not limited to, on-site retail sales, manufacturing, and processing.~~The cutting down of trees for any type of business, development or commercial purpose. The term "tree harvesting" shall also include, but is not limited to, the definition of "forestry" in the Pennsylvania MPC.~~

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

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

facilities for truck drivers using the terminal.

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

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

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

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

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

WALL: See "fence."

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

WATER DISTRIBUTION SYSTEM, COMMUNITY: A system for supplying and distributing water to one or more dwelling units or buildings located on one or more lots from a

common source and/or buildings, within a single neighborhood.

WATER DISTRIBUTION SYSTEM, ON-SITE: A system for supplying and distributing water to one or more dwelling units located on a lot from a source located on the same lot.

WATER DISTRIBUTION SYSTEM, PUBLIC: A system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one neighborhood.

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

~~A. CENTRAL WATER SERVICE Service by a central water system that is owned and operated by a municipality; a municipal or county authority; or a water company regulated by the State Public Utility Commission, and which transmits water from a common source to more than 30 dwellings or principal uses.~~

~~B. PUBLIC WATER SERVICE Central water service by a system owned by a municipality or a municipal or county authority.~~

~~C. ON LOT OR NONPUBLIC WATER SERVICE Service by a water system that does not meet the definition of a "central water service." In most cases, this would involve an individual well serving an individual lot, but it may also include a common well or another duly approved system.~~

WATERCOURSE: A discernible, definable natural course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations. A watercourse may originate from a lake or underground spring(s) and be permanent in nature or it may originate from a temporary source such as runoff from rain or melting snow. The term "watercourse" shall include rivers, streams, creeks, rivulets, channels, lakes, a ditch, a drain, a dry run, springs, ponds, dammed waters, wetlands and all other bodies or channels of conveyance of surface and underground waters.

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

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

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

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

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

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

YARD: ~~An area between a specified lot line and the required setback line for each side. Such yard shall extend the full width between the two parallel lines. Includes "front yard", "side yard", and "rear yard". See definition of "lot line" for further classifications regarding the determination of each yard. An area open to the sky and not covered by buildings and that is on the same lot as the subject structure or use. Regulations of specific districts prohibit principal and accessory structures within specified required minimum yards.~~

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

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

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

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

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

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

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

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

Part 5
ENVIRONMENTAL PROTECTION

§ 27-501 Performance Standards.

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

§ 27-502 Nuisances and Hazards to Public Safety.

1. No landowner, tenant nor lessee shall use or allow to be used land or structures in a way that ~~seriously~~ threatens to or creates any of the following conditions:
 - A. Activities that encourage the breeding of rodents or disease-prone insects ~~or rodents~~.
 - B. Activity that creates a ~~significant~~ hazard to public health and safety because of serious explosive, fire, biological, biogenetic or toxic hazards. (See § 27-506, "Storage of Explosive and Hazardous Substances.")
 - C. Activity that causes or may causes serious pollution to groundwaters or surface waters. Activities covered include, but are not limited to, earth disturbance without Township or County Conservation District approved erosion control plan, storage of erodible materials such as soil or mulch, illegal dumping or discharge of non-potable fluids to surface waters or sub-surface aquifers, and storage of materials in a manner that might cause pollution of the surface or groundwater in storm conditions.

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

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

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

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

- ~~2-1.~~ 2-1. All permits of the Township are issued on the condition that the applicant complies with federal and state wetlands regulations, and such permits may be revoked or suspended by the Zoning Officer for noncompliance with such regulations.
- ~~3-2.~~ 3-2. Seeps, Vernal Pools, Wetlands, and Springs. In any area suspected of possibly including a spring, vernal pool, wetland,s or seep, the Zoning Officer may request the applicant to the applicant shall have field research conducted on the property to identify and map any seeps, vernal pools, wetlands, or springs.
- ~~4-3.~~ 4-3. Setbacks. A minimum setback of 50 feet shall be required between any new principal building for which a building permit is issued after the effective date of this Cchapter and any identified seep, vernal pool, or spring and any delineated "wetland." A minimum fifty-foot setback shall also apply between the cartway of a proposed street and any seep, vernal pool, spring or wetland.

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

1. Floodplains. All uses and structures shall comply with the Salisbury Township Floodplain Ordinance (Chapter 8) as a condition of this chapter.
- ~~2. A building shall not be constructed, placed or otherwise newly located within the one hundred year floodplain. A swimming pool that has sides that extend more than three feet above the ground shall not be constructed, placed or otherwise located within the one hundred year floodplain.~~
- ~~C. After requesting a review by the Township Engineer, the Zoning Officer may require an applicant to perform a study of the extent of the one hundred year floodplain along an alluvial soil area, intermittent stream, channel or swale where the one hundred year floodplain was not officially delineated previously. In areas determined to be subject to a one hundred year flood, the same Township regulations shall apply as if the area had been previously officially delineated as being within the one hundred year floodplain.~~
- ~~4. Purpose of Setbacks: to protect the water quality of surface waterways, preserve physical access to surface waters in case of future public acquisition, minimize erosion and sedimentation, preserve the natural stormwater drainage system of the area, conserve sensitive wildlife and aquatic habitats, preserve vegetation along waterways that will help screen out eroded soil and other pollutants, and provide for setbacks that can be used as required yard areas for a use.~~
- ~~5-2.~~ 5-2. Setbacks from Surface Waterways. No building, off-street parking or commercial or industrial storage or display area shall be located within 100 feet of the top edge of the primary bank of a major surface waterway and 75 feet of the top edge of a minor surface waterway. See the Township Floodplain Map in case a wider area is regulated under the Floodplain Ordinance (Chapter 8). If questionable, The exact location of the top edge of the primary bank shall be determined by the Township Engineer Current field generated topography for the site, including the top of embankment and the normal water surface elevations, shall be provided when requested by the Township to determine the actual setback locations. Major surface waters are defined as the Lehigh River. Major

surface waters are defined as the Lehigh River. Minor surface waters are defined as the Little Lehigh Creek, Trout Run Creek and Cedar Creek.

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

~~7.4.~~ 7.4. Setback Areas and Construction. During any filling, grading or construction activity, all reasonable efforts shall be made to leave the setback areas of this section undisturbed, except at approved approximately perpendicular crossings.

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

~~1. High Water Table Soils.~~

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

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

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

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

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

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

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

~~§ 27-505 Steep Slopes.~~

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

- ~~A. To avoid severe soil erosion and sedimentation, especially considering that most of the areas affected by this section have a severe vulnerability to erosion based upon information provided by the United States Natural Resources Conservation Service.~~
- ~~A. To avoid severely increased stormwater flows and speeds, especially recognizing the existing severe stormwater problems and overloaded sanitary sewer systems from stormwater infiltration downhill from most of the areas affected by this section, and especially recognizing the difficulty of regulating stormwater control on small developments and single lot construction, and the severe aggregate stormwater impact of numerous such small developments.~~
- ~~A. To recognize the recommendations of the Lehigh Valley Planning Commission's Comprehensive Plan for Lehigh and Northampton Counties regarding natural feature conservation.~~
- ~~A. To steer development to those areas that are more physically suited for it.~~
- ~~A. To avoid construction of steep roads that are difficult, time consuming and expensive for maintenance and snow removal.~~
- ~~A. To avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice and in wet conditions.~~
- ~~A. To recognize that, although there are areas that are not steep within the CR District, it usually is necessary to develop adjacent steep areas in order to develop the nonsteep areas.~~
- ~~A. To seek to conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats.~~
- ~~A. To recognize that many of the areas affected by this section include natural springs, wetlands and major drainage channels that are very important parts of the hydrological cycle, to protect water quality, water quantity, aquatic habitats and public water supplies (including the Little Lehigh Creek and Allentown's Crystal Spring).~~
- ~~A. To allow each property owner a reasonable use of their land, related directly to the natural features and location and accessibility of the land.~~
- ~~A. To recognize that the Township has allowed and continues to allow and direct a reasonable amount of intense growth in more physically suitable portions of the Township. This especially includes areas where public sewer service is efficiently available, thereby using less total land to accommodate the same number of dwelling units than if such development occurred in areas without public water service.~~
- ~~A. To base the permitted intensity of development upon the physical characteristics of a parcel to support development, especially the steepness of slopes.~~

- ~~A. To recognize that development of many of the less steep areas affected by this section would require increased use of existing steep roads that are not suitable for intense traffic because of slope, limited sight distance, horizontal and vertical alignment problems and limited width, and that it would be difficult to improve these roads to an acceptable level because of the cost, presence of wetlands, limited right-of-way and steep slopes.~~
- ~~A. To recognize that many of the areas affected by this section are difficult to efficiently serve with community facilities and services because of distances involved, steepness of roads and inaccessibility, including the following services: fire truck access, emergency medical response, police response, active recreation facilities, school busing, street maintenance, snow plowing and public water supply.~~
- ~~A. To recognize that most of the areas affected by this section are not served by a public water system; this limits amounts of water available for firefighting.~~
- ~~A. To minimize the necessity for state, municipal and private expenditures to correct soil erosion, subsidence and sedimentation problems.~~
- ~~A. To recognize that the Trout Creek and Little Lehigh Creek already suffer from severe silting problems after heavy rains.~~
- ~~A. To recognize that the open space option in § 27-310 provides an opportunity for economical development of a tract by clustering the units on the less steep areas, thereby lowering construction, grading, road and improvement costs.~~
- ~~A. To recognize that central sewage service is not expected to be available in the majority of the CR-District, and that on-lot septic systems frequently have a higher rate of failure on steep areas than less steep areas.~~
- ~~1. Definition of "Construction Area." For the purposes of this section, "construction area" shall mean the total land areas proposed to be used for and/or within any and all of the following:~~
 - ~~A. Areas within the proposed lot that are within 15 feet of any or all of the following existing or proposed features:
 - ~~1) Principal buildings or principal structures (other than the required rear yard in Subsection 2C below).~~
 - ~~1) Accessory structures or uses existing or proposed at the time of development of the principal building or structure.~~
 - ~~1) An accessory building of more than 500 square feet of building coverage.~~~~
 - ~~A. Areas within the proposed lot that are within 10 feet of any existing or proposed gravel or paved~~

~~areas (including driveways) serving nonresidential uses, other than walkways.~~

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

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

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

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

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

~~1. Exceptions to Slope Requirements.~~

~~A. Small Areas of Slope.~~

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

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

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

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

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

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

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

~~A. Building Expansion. The expansion of the building coverage of an existing permitted residential building up to 50% beyond the total building coverage that existed at the time of adoption of this section shall not by itself cause the requirements of this section to apply. This 50% maximum shall apply to the cumulative total of all expansions over the life of the building. This exemption shall only apply if there is no earthmoving on areas with a natural slope of over 25% slope.~~

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

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

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

- ~~8% or less~~
- ~~Over 8% and up to 12%~~
- ~~Over 12% and up to 15%~~
- ~~Over 15% and up to 25%~~
- ~~Over 25%~~

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

- ~~2 acres~~
- ~~2.5 acres~~
- ~~4 acres~~
- ~~5 acres~~
- ~~Earthmoving prohibited except as permitted by special exception by this section~~

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

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

- ~~15% or less~~
- ~~Over 15% and up to 25%~~
- ~~Over 25%~~

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

- ~~No additional requirements under this subsection~~
- ~~2 acres with a minimum lot width of 125 feet~~
- ~~Earthmoving prohibited except as permitted by special exception by this section~~

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

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

~~A. If the applicant proves to the satisfaction of the Zoning Hearing Board under the special exception~~

~~procedures that all of the following conditions would be met:~~

- ~~1) That disturbance of such slopes is necessary to allow development of a single permitted principal use or single principal building on an undeveloped existing lot of record of at least six acres. This shall not permit disturbance of slopes of greater than 25% for expansion of an existing use or building.~~
- ~~1) That slopes of over 30% will not be altered or disturbed.~~
- ~~1) That there are no areas of less than 25% slope on the lot that are reasonably physically suitable for the construction area.~~

~~1. Increase of Slope.~~

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

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

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

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

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

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

- ~~1) Eight percent or less.~~

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

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

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

~~1) Over 25%.~~

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

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

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

§ 27-506 Storage of Explosive and Hazardous Substances.

1. See the requirements of the State Fire Code, as amended.

~~2. Fencing. (See § 27-513.)~~

~~3-2.~~ Waterways.

A. No substance shall be stored in such a way that it could be washed into the groundwater or surface water, if such substance could ~~seriously~~ contaminate groundwater or surface water or seriously harm aquatic life of a waterway.

B. If a substance threatens groundwater or surface water contamination, it shall be stored within an impermeable containment. Such storage shall be surrounded, if needed, by a berm that would drain any spilled substance to an engineered collection area, or other method approved under Subsection 4 below.

~~3. Contingency Plans. An industrial use that will involve the manufacture, storage or handling of a total of 200 or more gallons or equivalent volume of hazardous substances (as defined in Part 2) over the course of a calendar year or that will involve the use of toxic substances shall only be developed if the applicant files a copy of a current preparedness, prevention and contingency plan (PPC) with the Township Zoning Officer or Emergency Management~~

4. Any use that will involve the manufacture, storage or handling of hazardous substances (as defined in Part 2) or that will involve the use of toxic substances shall only be allowed if the applicant files a copy of a current emergency preparedness, prevention and contingency plan (EPPC) with the Township Zoning Officer and Emergency Management Coordinator. The EPPC shall meet all state requirements for EPPC plan preparation and shall, at a minimum, protect the tributary waterway from uncontrolled discharges during the 100 year storm. The Township Zoning Officer may request the EPPC be reviewed by the Township Engineer for design adequacy if necessary.

~~Coordinator.~~

5. All hazardous substances shall be properly labeled.

4.6. All manufacture and/or storage of hazardous materials (current State of Pennsylvania definition) shall meet all State and Federal requirements.

~~§ 27-507 Sewage Disposal.~~

~~1. All methods of wastewater disposal shall meet requirements of the Department of Environmental Protection, Township construction standards and the Official Township Sewage Facilities Plan, as amended, as applicable.~~

~~2. Recertification of On-Lot Systems. Any septic system is required to be reviewed and/or tested by the Sewage Enforcement Officer for adequacy if a change of use or expansion of use would cause an increase in sewage flows, or if there would be an increase in dwelling units.~~

~~3. Backup/Alternate Septic Drain Field. See the Township ordinance regulating individual and community sewage systems, which requires a lot served by an on-lot septic system to include an alternate drainfield location meeting Department of Environmental Protection requirements.~~

~~A. See § 27-403, Subsection 4M, concerning the requirement for an alternative septic location for the additional impervious coverage on a lot of less than one acre or on a lot with three or more dwelling units.~~

~~4. On-Lot Systems and Lot Area. A more restrictive minimum lot area may be established by the Sewage Enforcement Officer based upon Department of Environmental Protection regulations.~~

~~5. Nonresidential Septic Systems. A nonresidential use served by an on-lot septic absorption field shall not generate more average wastewater flow into such system than would be equal in flow to an average of one equivalent dwelling unit per acre of lot area.~~

~~6. If impervious coverage is added to an existing residential lot, see also § 27-403, Subsection 4M(10).~~

§ 27-5087 Noise.

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

Sound Level Limits by Receiving Land Use/District

Land Use or Zoning District

Receiving the Noise

Hours/Days

Maximum Sound Level

At the lot line of a dwelling in a residential district 1)

7:00 a.m. to 9:00 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Year's Day, 4th of July,

65 dBA

Sound Level Limits by Receiving Land Use/District

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

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

Note — dBA means A-weighted decibel.

2. For any source of sound which emits a pure tone, the maximum sound level limits set forth in the above table shall be reduced by 5 dBA.
3. Noise Exceptions. The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:
 - A. Sound needed to alert people about an emergency.
 - B. Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7:00 a.m. and 9:00 p.m., except for clearly emergency repairs which are not restricted by time.
 - C. Household power tools and lawn mowers between the hours of 7:00 a.m. and 9:00 p.m.
 - D. Agricultural activities, including permitted raising of livestock, but not exempting a commercial kennel.
 - E. Railroads and aircraft.
 - F. Public celebrations specifically authorized by the Board of Commissioners or a county, state or federal government agency or body.
 - G. Unamplified human voices.
 - H. Routine ringing of bells and chimes by a place of worship or municipal clock.

§ 27-50~~98~~ Vibration.

No use shall generate vibration that is perceptible to an average person through his/her senses, without the use of measuring instruments, on private property beyond the exterior lot line of the use generating the

vibration. This requirement shall not apply to occasional nonroutine blasting or the use of construction equipment that may be necessary during construction of streets, structures, utilities, excavation and grading.

§ 27-5~~0940~~ **Odors, Dust and Air and Water Pollution.**

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

§ 27-5~~104~~ **Light, Glare and Heat Control.**

1. Streetlighting exempted. This section shall not apply to streetlighting that is owned, financed or maintained by the Township or the state.
2. All streets, off-street parking areas and driveways, except a driveway and off-street parking area accessory to a single-family detached dwelling, a semidetached dwelling (twin) or a single-family attached dwelling (townhouse), shall be illuminated adequately during the hours between sunset and sunrise when the use is in operation. Such minimum lighting on all parking spaces shall be one footcandle. A higher level of illumination may be required by the Township, based upon the most-current I.E.S. Lighting Handbook.
3. Adequate shielding on the luminaire or buffer planting shall be provided to protect adjacent residential properties from the glare of such illumination and from that of automobile headlights using such streets, off-street parking areas and driveways.
4. Parking lot and streetlighting standards luminaires that are within 300 feet of a residential lot line shall have a mounting height of 20 feet or less above finished grade. Elsewhere, lighting standards shall have a mounting height of 30 feet or less above finished grade.
5. Definitions. "Mounting height" is hereby defined as the distance that the bottom of the luminaire is above the finished grade. "Luminaire" is defined as the light unit on a lighting standard. The vertical dimension of the luminaire shall not exceed 36 inches.
6. At any property boundary which abuts a residential lot line, the illumination level from the luminaire shall not exceed 1/2 footcandle. No light source shall be visible at a point 50 feet from the lot line at a height of more than four feet above grade.
7. It shall be noted that additional approval by PPL is required for PPL installation, but Township approval shall not be contingent upon approval by PPL.

8. Spotlights shall not be directed from one property into an abutting dwelling or onto the porches of an abutting dwelling.

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

- ~~1. Erosion. All Township permits are granted on the condition that state erosion and sedimentation regulations and any officially submitted erosion and sedimentation plan are in compliance. Failure to comply with such regulations or plan shall be cause for suspension of Township permits.~~
- ~~2. Drainage. The ground adjacent to a building shall be graded so that surface water will be drained away from such building.~~
- ~~3. No grading shall be completed in such a way that soil, rocks or other debris is left in an unsightly fashion nor in a fashion that interferes with drainage, streets or utilities.~~
- ~~4. Fill. Materials used for fill as a future base for construction shall be nonbiodegradable, well-compacted and provide a suitable and secure base. The Zoning Officer, upon the advice of the Township Engineer, may require that an applicant fund appropriate underground testing of a proposed building site if there is reasonable doubt, in the opinion of the Township Engineer, that the subsurface is suitable and secure for the proposed use.~~
- ~~5. Dumping. Outdoor dumping of junk or solid waste in other than an approved solid waste disposal facility, composting facility or junkyard is prohibited.~~

§ 27-5131 **Placement and Screening of Waste Containers and Outdoor Machinery and Fencing of Storage.**

1. Placement. Whenever reasonable, commercial, industrial and institutional outdoor machinery that could create a noise nuisance shall be placed towards a side of a building that does not face an abutting existing dwelling, residential district, school or other noise-sensitive use.
2. Safety. General types of toxic, biological, electrical and other significant hazards involving stationary outdoor machinery and storage shall be marked with signs.
3. Solid Waste Containers.
 - A. Screening. All trash dumpsters shall be screened on at least three of four sides (not necessarily including the side it is to be emptied from) as needed to screen the dumpster from view from public streets or dwellings on abutting lots. A solid wooden fence, brick wall, evergreen plants or structure designed to be architecturally compatible with the principal building shall be used for such screening.
 - B. Setback from Dwellings. If physically possible, any solid waste container with a capacity of over 15 cubic feet shall be kept a minimum of 20 feet from a dwelling unit on an abutting lot.
 - C. Food Sales. Any use that involves the sale of ready-to-eat food for consumption outside of a

building shall provide and maintain adequate outdoor solid waste receptacles at convenient locations on the property for customer use.

4. Fencing of Outdoor Storage and Machinery. The following shall be secured by fencing or walls that are reasonably adequate to make it extremely difficult for children under the age of nine to enter, unless the applicant proves in writing to the satisfaction of the Zoning Officer that such fencing or walls are not needed:
 - A. Outdoor industrial storage areas involving storage covering more than 5,000 square feet of land.
 - B. Stationary hazardous machinery and equipment that are outdoors.
 - C. Outdoor bulk aboveground or surface storage of potentially explosive or hazardous liquids, gases or substances.

§ 27-51~~24~~ **Radioactivity and Electrical Disturbances.**

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

§ 27-51~~35~~ **Stripping of Topsoil.**

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

§ 27-51~~46~~ **~~Tree Harvesting, Woodland Preservation, and Cutting of Trees (includes but is not limited to "forestry" as defined by the MPC).~~**

- ~~1. Purpose. The presence of living trees in our surroundings is important and desirable from an ecological, environmental and aesthetic standpoint, to manage stormwater runoff and minimize flooding, to protect water quality, improve air quality, and to control erosion. Trees also help to regenerate groundwater supplies. Tree harvesting is allowed but should be regulated to ensure that environmental, forest management and aesthetic goals are realized.~~
- ~~2. Except as otherwise herein provided, it shall be unlawful for any person to cut down any tree in any zone in Salisbury Township which is six inches or more in diameter. For the purposes of this § 27-516, diameter shall be measured at a point 4 1/2 feet above the surrounding ground level prior to any earth disturbance.~~
- ~~3. It shall be lawful as a by-right use in any calendar year for a person to cut down, on each lot, a~~

~~maximum of three trees of six inches or more in diameter. If a lot includes more than one acre of forested land, then in any calendar year, up to three trees of six inches' or more diameter may be cut per forested acre. In addition, trees may be cut as provided in § 27-516, Subsection 4, or within an approved tree harvesting operation, or as provided below within a construction site.~~

- ~~4. Cutting of Trees. It shall be lawful to cut down such trees six inches or more in diameter only if:~~
- ~~A. The tree is significantly diseased, infested with carpenter ants or a similar destructive pest, damaged beyond recovery, or is dead. See Subsection 5 below.~~
 - ~~B. The tree is in such position or condition that it constitutes a danger to neighboring property, the property on which it is located, to public utility lines or to the public generally.~~
 - ~~C. The tree is located within an area that needs to be regraded and/or paved for a proposed street or curbing or sidewalk or utility, or is within five feet of the existing or proposed cartway of an uncurbed street.~~
 - ~~D. The tree meets the standards of § 27-516, Subsection 6, "Cutting Trees Prior to Construction."~~
 - ~~E. In case of emergency, the tree is removed within the following procedures:
 - ~~1) No more than one such tree shall be cut down unless and until a permit to do so has been obtained from the Zoning Officer.~~
 - ~~2) In an emergency where time does not allow the prior obtaining of such permit, a permit shall be applied for within 72 hours after the cutting down of any tree.~~~~
 - ~~F. This § 27-516 shall not regulate removal of invasive, poisonous or noxious species of vegetation. The Zoning Officer may approve the replacement of existing nonnative trees or other trees that the applicant shows to have low environmental value with newly planted trees with a higher environmental value.~~
- ~~5. Damaged and Diseased Trees. In nonemergency cases, unless otherwise stipulated by the Zoning Officer, site evaluations to determine or identify significantly diseased, infected, damaged or dead trees shall be made during a particular tree's growth period of the year; evaluations shall not be made while trees are in their dormant state. Trees so evaluated and marked during growth periods may subsequently be cut during dormant periods with the approval of the Zoning Officer.~~

6.1. Cutting Trees Prior to Construction.

- A. When a zoning permit is issued for a building, structure or use, it shall be lawful to cut down any trees which exist in the space to be occupied by such building, structure or use, any space within 15 feet of any such building or structure, any space to be occupied by, and all space within 10 feet of, all sides of any driveway, parking areas, water system or sewage disposal system, utilities,

basins, berms or other areas of earthwork, including areas for erosion and sedimentation control or post-construction stormwater management.

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

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

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

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

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

~~8-2.~~ 8-2. Tree Harvesting. Tree harvesting shall be permitted in all ~~zoning districts s indicated in~~ accordance with the provisions of the Salisbury Township Tree Maintenance, Removal, and Replacement Ordinance (Chapter 25) § 27-306, and all other provisions of this ~~e~~Chapter.

- ~~A. Plan Required. Tree harvesting shall be done only in accordance with a forest management plan prepared by a forester with a degree from a program accredited by the Society of American Foresters and after a permit has been issued by the Zoning Officer. A copy of such plan shall be filed with the Zoning Officer along with a permit application at least 30 days prior to the proposed start date of such tree harvesting. Before such a permit is issued, the Zoning Officer shall have had the plan reviewed by a forester with a degree from a program accredited by the Society of American Foresters. If the Zoning Officer deems it necessary, the plan shall be submitted to the Pennsylvania Department of Conservation and Natural Resources to request their review.~~
- ~~B. All forest management plans, and the tree harvesting operation itself, shall comply with the following requirements:~~
- ~~1) All tree harvesting methods shall be by an accepted silvicultural method. Clear-cutting is prohibited. "Clear-cutting" shall mean any procedure by which 70% or more of the merchantable timber is cut on any acre. A minimum of 30% of trees of six inches' or greater trunk diameter shall remain and shall be distributed across each acre, and such remaining trees shall include some trees of higher value species.~~
 - ~~2) A listing shall be provided of current stocking levels, species composition and tree quality and condition, as well as a descriptive narrative of the subject property. In addition, estimates must be provided as to the type and quantity of timber to be harvested and what the residual stocking levels should be. Where it appears that timber harvesting operations will result in lower or understocked stand density levels, justifications for such a harvesting must be included.~~
 - ~~3) Reforestation. The plan shall identify the reforestation process(es) to be employed and specifically identify, with respect to each principal variety of tree to be reforested, the method or methods of reforestation to be employed, and the recommended reforestation period shall be deemed to be an essential part of any forest management plan and, as such, will be deemed to be a continuing use until said period is completed. No other use may occur on the site until the reforestation period is complete, with the sole exception of the maintenance or construction of a single family residential dwelling.~~
 - ~~4) Harvesting Operations.~~
 - ~~a) Multiple lot tree harvesting is not allowed on lots which have been subdivided within five years of the submission date of a tree harvesting permit or application.~~
 - ~~b) Before a permit is issued to conduct a tree harvesting operation as part of a forest~~

~~management plan, the applicant/owner(s) shall submit to the Zoning Officer and the Township Solicitor, fully executed and acknowledged in duly recordable form, a restrictive covenant (along with a deposit for the cost of recording said restrictive covenant and required attachments in the county office for the recording of such instruments) wherein the landowner(s) acknowledge(s), covenant(s) and agree(s), on behalf of himself, herself or themselves and his/her/their respective heirs, assigns, grantees, vendees and successors, that:~~

- ~~i. All tree harvesting operations will be conducted only in accordance with this Part and the approved forest management plan. Such plan that was accepted by the Township shall be binding upon the applicant unless a revised plan that complies with this chapter is accepted by the Township.~~
- ~~ii. As soon as practical and consistent with sound forest management practices, after the conclusion of the tree harvesting operation, the applicant(s)/owner(s) shall cause to be implemented the reforestation portion of the approved forest management plan.~~
- ~~iii. Until the completion of the reforestation portion of the forest management plan, including the reforestation period set forth therein, the tract(s) or parcel(s) of land which was/were the subject of the tree harvesting operation shall be put to no other use except the maintenance or construction of a single family dwelling, including, but not limited to, any use which would otherwise be a permitted use for said land in the zoning district in question.~~
- ~~iv. In the event an unexpected or evasive or harmful situation arises which threatens the reforestation, then limited management activities may be allowed with the approval of the Zoning Officer.~~
- ~~e) An erosion and sedimentation control plan designed to prevent erosion and sedimentation during and after the tree harvesting operation shall be submitted at the same time the forest management plan is filed. The Zoning Officer may require that the plan also be submitted to the County Conservation District and that the applicant pay the district for the costs of any review they wish to provide.~~
- ~~d) If the tree harvesting involves 10 or more acres of land, a property boundary survey shall be required to be submitted to the Township, and the boundaries of the property shall be marked in the field during tree harvesting operations.~~
- ~~e) The landowner and operator shall be jointly responsible to ensure compliance with this section. The Zoning Officer may issue a stop work order if there is not compliance with this section.~~

~~5) Tree Harvesting Operations.~~

- ~~a) All cutting, removing, skidding, and transportation of trees shall be planned and performed in such a manner as to minimize the disturbance of or damage to other trees and vegetation and the land itself.~~
- ~~b) Roads and trails shall be constructed, maintained and abandoned in such a manner as to prevent soil erosion and permanent damage to soil and waterways.~~
- ~~c) Roads and trails shall be only wide enough to accommodate the type of equipment used, and grades shall be kept as low as possible.~~
- ~~d) A crossing of any waterway shall be avoided, unless no alternative exists. Where a waterway crossing is necessary, the number of crossings shall be minimized. Any crossing shall be made at a right angle across suitable culverts or bridges or other approved surfaces for crossing, and all state and federal permits shall be obtained where required.~~
- ~~e) Skidding across live or intermittent streams is prohibited, except over bridges or culverts.~~
- ~~f) All limbs and stubs shall be removed from felled trees prior to skidding.~~
- ~~g) All trees bent or held down by felled trees shall be released promptly.~~
- ~~h) No trees shall be left lodged in the processes of falling.~~
- ~~i) Felling or skidding on or across the property of others is prohibited without the express written consent of the owners of such property. Felling or skidding on or across any public street is prohibited without the express written consent of the Township in the case of Township streets or PennDOT in the case of state highways.~~
- ~~j) No tops or slash shall be left within:
 - ~~i. Fifty feet of any public street or adjoining property;~~
 - ~~ii. Seventy five feet of any waterway or historic or scenic trail; or~~
 - ~~iii. Ten feet of any drainage ditch.~~~~
- ~~k) The stumps of all felled trees shall remain in the soil for stabilization purposes, unless the site is actively planned for development or replanting. The stumps shall not be higher than two feet above ground level.~~
- ~~l) Wild grapevines may be cut or removed, but only to the extent that such cutting or removal does not qualitatively affect wildlife food supply.~~
- ~~m) Slash piles shall not be higher than four feet.~~

- ~~n) Any damage to a public street that occurs as a result of the timbering operation shall be repaired and/or funded by the entity completing the timbering.~~
 - ~~e) Timbering shall not occur between the hours of 8:00 p.m. and 7:00 a.m.~~
 - ~~6) Buffer Zones. See definition in Part 2. Tree harvesting shall not occur within 75 feet from street rights of way and abutting lot lines that are not in common ownership. Tree harvesting shall not occur within 100 feet from the top of the primary bank of any perennial rivers, creeks or other watercourses.~~
 - ~~7) All practical actions shall be accomplished to prevent damage or injury to young growth and trees not designated for cutting.~~
 - ~~8) Fire Hazards. During periods of abnormal forest fire danger, as determined by the Fire Chiefs Association of Salisbury Township, the Township shall have the right to order a suspension of tree harvesting operations until the danger subsides.~~
 - ~~9) Littering is prohibited; and during and upon completion of a tree harvesting operation, all cans, bottles, paper, garbage, and other litter of any type shall be removed from the property.~~
 - ~~10) Upon completion of a tree harvesting operation, all roads shall be graded to eliminate any wheel ruts. With the exception of easements, access to all such roads from any public street by motor vehicles of any kind shall be effectively blocked, by such means as the building of a mound or the installation of a gate; no cables shall be used for this purpose. As deemed necessary by the Zoning Officer, haul roads and landing areas must be stabilized and seeded.~~
 - ~~11) Tree harvesting shall not occur within wetlands.~~
- ~~C. Marking of Trees. Before the tree harvesting operation begins, all trees which are to be felled in connection therewith shall be clearly marked on the trunk 4 1/2 feet above the ground and marked numerically with either paint or tags on the stump so that the same may be easily identified both before and after a tree has been felled. In addition, a tally of all marked trees and, if necessary as determined by the Zoning Officer, a sketch of the affected area will be required. No tree shall be felled which has not been designated for removal on the forest management plan as finally approved by the Zoning Hearing Board.~~
- ~~D. Notification of Beginning, Suspension or Completion of Tree Harvesting.~~
- ~~1) The holder of a permit to conduct a tree harvesting operation shall notify the Township at least 48 hours before the cutting of trees is to begin in connection with the construction of roads or trails.~~
 - ~~2) The holder of a permit to conduct a tree harvesting operation shall notify the Township at least 48 hours before the cutting of trees for removal from the site is to begin.~~

- ~~3) The holder of a permit to conduct a tree harvesting operation shall notify the Township at least 48 hours in advance of the expected suspension of the tree harvesting operation for more than five successive working days for reasons other than weather conditions.~~
- ~~4) The holder of a permit to conduct a tree harvesting operation shall notify the Township at least one week in advance of the completion date of the tree harvesting operation and shall notify the Township immediately upon said operation's completion.~~
- ~~5) The applicant for a tree harvesting permit shall mail, deliver or provide written notice to the last known owner of record of all abutting lots that the application has been submitted, within five calendar days after such submittal. Such owners shall also be given at least 48 hours' advance written notice of when the initial tree harvesting will begin.~~

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

~~F. Township Inspections.~~

- ~~1) The Township may, by its own personnel or outside persons hired for the purpose, go upon the site of any proposed tree harvesting operation after an application to conduct such operation has been filed for the purpose of reviewing the plans for the proposed operation and thereafter recommending or opposing the proposed operation or recommending or requiring changes or modifications thereto.~~
- ~~2) After a permit for a tree harvesting operation has been issued, the Township shall have the right, by its own personnel or by outside persons hired for the purpose, to go upon the site before, during and after the tree harvesting operation to ensure and require compliance with the plans for said operation as finally approved and all of the terms and provisions of this chapter.~~

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

~~10. Woodland Protection.~~

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

- ~~B. Disturbance Limits. Clear-cutting of any woodland area shall be prohibited except to the minimum extent necessary to permit the implementation of an approved land development or building permit in conformance with this section. All woodland disturbance shall be subject to both maximum disturbance limitations and disturbance thresholds, beyond which woodland replacement shall be required, as set forth herein.~~
- ~~C. Measurement of Woodland Disturbance. Disturbance limitations shall be measured based on the extent of the woodland at the time of the effective date of this chapter and shall be indicated on applicable plan(s). The extent of any area of woodland disturbance shall be measured to include the entire area within the dripline of any tree where any part of the area within the dripline of said tree is subject to woodland disturbance. Any disturbance limitation shall run with the land, once established. Subsequent applications shall be subject to the initial determination of disturbance limitations and thresholds set forth in this section, regardless of intervening disturbance which may have occurred.~~
- ~~D. Maximum Disturbance Limits. Permitted woodland disturbance for any purpose (other than timber harvesting) on any lot or tract shall not exceed 30% of the total woodland areas on a lot. If a lot is proposed to be subdivided, the regulation shall apply to all of the total woodland areas prior to subdivision. Tree removal within the Hospital Overlay Zone referenced in Part 10 shall be in accordance with the approved and coordinated open land plan.~~
- ~~E. Protection During Construction. In areas of woodland disturbance and immediately adjacent areas, remaining trees shall be protected from damage using the following procedures during construction:~~
- ~~1) Where existing trees are to remain, no change in existing grade shall be permitted within the dripline of the trees. Appropriate fencing four feet in height shall be placed at the dripline of trees to remain, wherever adjacent to proposed construction. Such fencing shall be maintained in place throughout the duration of construction activity. Roots shall not be cut within the dripline of any trees to remain.~~
 - ~~2) Trees within 25 feet of a building, or bordering entrances or exits to building sites, shall be protected by a temporary barrier to be maintained in place throughout the duration of construction activity.~~
 - ~~3) No boards or other material shall be nailed or otherwise attached to trees during construction.~~
 - ~~4) Construction materials, equipment, soil and/or debris shall not be stored nor disposed of within the driplines of trees to remain.~~
 - ~~5) Tree trunks, limbs, and exposed roots damaged during construction shall be protected from further damage by being treated immediately in accordance with accepted professional landscape procedures.~~

- ~~6) Trees which die during or within 24 months after completion of construction because of failure to adhere to this section shall be replaced by a new tree of a similar species within nine months afterwards.~~

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

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

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

- ~~2. The Zoning Hearing Board, by special exception, may allow a driveway or accessway other than a street to have a slope greater than 15% but less than 20% if the applicant proves one of the following to the satisfaction of the Zoning Hearing Board:~~

~~A. That there is no reasonably physically suitable alternative for the development of an existing lot; or~~

~~B. That the development of a driveway with less than 15% slope would unavoidably result in a substantially more extensive and more severe total disturbance of slopes over 15% than if a steeper driveway would be permitted.~~

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

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

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

~~§ 27-51~~59 **Groundwater or Springwater Withdrawal.**

1. This § 27-5195 shall regulate new or increased groundwater or spring water withdrawals averaging more than 10,000 gallons per day from a lot for off-site consumption.
2. The regulations of this § 27-5195 shall not apply to any of the following:
 - A. Water used by a principal agricultural use within the Township or to on-site consumption; or
 - B. Water is being utilized for uses on adjacent lots or as part of a public water system.
3. If the water will be trucked off site, the applicant shall provide a written report by a professional engineer with substantial experience in traffic engineering. Such study shall analyze the suitability of the area street system to accommodate the truck traffic that will be generated.

4. If the water will be trucked off site, any area used for loading or unloading of tractor-trailer trucks shall be set back a minimum of 150 feet from any adjacent residential lot.
5. Any bottling or processing operations shall be considered a distinct use and shall only be allowed if "food or beverage manufacturing" is an allowed use under § 27-306.
6. Any zoning permit is conditioned upon receiving approval, as applicable, from the Delaware River Basin Commission.

draft

Chapter 9

GRADING AND DEVELOPMENT

§9-101 – Title

This chapter shall be known as the “Township of Salisbury Grading and Development Ordinance”.

§9-102 – Authority

1. All activities regulated by this Chapter must have a grading permit that has been reviewed and approved by the Salisbury Director of Community Development or his/her designee.

§9-103 – Definitions

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

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

BUILDING: Any structure, excluding a swimming pool, having a permanent roof and/or permanent walls, a footprint greater than or equal to 10 square feet, and a height greater than or equal to 6 feet. The term “permanent walls” includes, but is not limited to, screens, windows, glass, and lattice work. The term “permanent walls” does not include covering over footers or support poles for a deck or porch less than or equal to 3 feet high. All buildings are structures but only those structures that meet this definition shall be considered buildings.

BUILDING COVERAGE: The percentage obtained by dividing the maximum footprint covered by all principal and accessory buildings on a lot by the total lot area of the lot upon which the buildings are located.

CANOPY: The total area of the tree or trees where the leaves and outermost branches extend. When the tree canopy size cannot be calculated, it shall be assumed that a single tree has a canopy of seven hundred (700) square feet. May also be referred to "drip line" of the tree.

CONSTRUCTION AREA: The total land areas proposed to be used for and/or within any and all of the following:

- A. Areas within the proposed lot that are within 15 feet of any or all of the following existing or proposed features:
- 1) Principal buildings or principal structures (other than the required rear yard in Subsection C below).
 - 2) Accessory structures or uses existing or proposed at the time of development of the principal building or structure.
 - 3) An accessory building of more than 500 square feet of building coverage.
- B. Areas within the proposed lot that are within 10 feet of any existing or proposed gravel or paved areas (including driveways) serving nonresidential uses, other than walkways.
- C. Areas within the proposed lot that are within 40 feet of the rear of a principal building.
- D. Areas within a directly abutting portion of a proposed public or private street, from the center line inward to the closest lot line of the abutting lot.
- E. Gravel or paved areas (including driveways) serving residential uses other than walkways.
- F. Areas proposed to be graded.

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

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.

IMPERVIOUS COVERAGE: The total area of all impervious surfaces (including building coverage) on a lot divided by the total lot area.

IMPERVIOUS SURFACE: Any structure or man-made surface with a runoff factor of 0.80 or greater. For purposes of this Chapter, gravel/stone surfaces and pavers laid with a minimum of two (2) inches between each paver shall not be considered impervious.

LAND DEVELOPMENT: The following activities are regulated as a land development and subject to the land development approval requirements set forth in this Chapter. All sizes and numbers are calculated as an aggregate over the proceeding five years regardless of the permits and approvals issued for each proceeding activity:

1. A subdivision, resubdivision, or consolidation of land.
2. Construction of one or more principal, non-residential structures regardless of the number of occupants.
3. Construction of a non-residential addition or accessory structure with a footprint greater than or equal to 1,000 square feet.
4. Construction of two or more dwelling units on a single lot.
5. The conversion of an existing structure to increase the number of uses or occupants.
6. The conversion of an existing residential structure or dwelling unit into a non-residential structure or unit.
7. The conversion of an existing structure into condominiums.
8. Construction of a new, or expansion of an existing, parking area by 12 or more parking spaces.
9. Work involving 5,000 square feet or more of new impervious coverage, both on-lot and within the public right-of-way, regardless of use.
10. Work involving 10,000 square feet or more of site alterations, both on-lot and within the public right-of-way, regardless of use.

The following shall be excluded from the definition of “Land Development”:

- A. The construction of a single-family detached dwelling on an existing lot.
- B. The conversion of an existing single-family detached dwelling or a single-family semi-detached dwelling, into not more than three residential units, unless such units are intended to be condominiums.
- C. Commercial communication towers and their structures.
- D. Tree Harvesting.
- E. The subdivision of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or access easement.
- F. The reconfiguration and/or movement of site improvements previously approved as part of land development project as long as the proposed work does not meet any of the criteria listed in 1 through 10 above.

LOT AREA: An area of land which is determined by the limits of the property lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot included

in a street right-of-way shall not be included in determining lot area. Property lines shall be bound by a singular tax parcel, as determined by the Lehigh County Tax Assessment Office and Lehigh County Geographic Information Systems Office. When a tax parcel spans more than one municipality, the taxing municipality shall have sole control over the development and use of the lot and its entire lot area shall be included when calculating lot area, setbacks, building coverage, and impervious coverage.

RIGHT-OF-WAY: Areas beyond each property's lot area which is not privately owned. Areas of right-of-way include, but are not limited to, road, streets, and alleys.

SITE ALTERATIONS: All ground disturbance including, but not limited to: new or a change in impervious coverage; regrading existing topography; alterations to lakes, ponds, marshes, or floodplains; clearing vegetation; construction of a stormwater detention basin; and altering watercourses.

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

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

TREE HARVESTING: The portion of "forestry" which involves the cutting down of trees and removing logs for any type of business or other commercial purpose. Does not include trees permitted to be removed as part of an approved development or construction project nor does it include trees removed as part of an approved nursery and/or tree farm use. May also be referred to as "timber harvesting" or "logging". "Tree harvesting" does not include other activities associated with the removed trees such as, but not limited to, on-site retail sales, manufacturing, and processing.

§9-104 – Regulated Activities

1. Any of the following activities, unless classified as "Land Development" in §9-103, shall be governed by this Chapter. All sizes are calculated as an aggregate over the proceeding five years regardless of the permits and approvals issued for each proceeding activity:
 - A. Construction of a principal residential structure on an existing lot.
 - B. Construction of a non-residential addition or accessory structure with a footprint greater than or equal to 500 square feet.
 - C. Construction of a residential addition or accessory structure with a footprint greater than or equal to 500 square feet.

- D. Work involving 2,000 square feet or more of new impervious coverage, both on-lot and within the public right-of-way.
 - E. Work involving 5,000 square feet or more of site alterations, both on-lot and within the public right-of-way.
 - F. Construction of a new, or expansion of an existing, parking area by 5 or more paved parking spaces.
 - G. Change to existing topography including, but not limited to, construction of a drainage basin, retaining walls, and/or regrading of property, regardless of the size area.
 - H. Installation of a new, underground, public utility lateral or pipe, including storm water, sanitary sewer, and potable water service, whether on-lot or within the public right-of-way.
 - I. Replacement or repair of an existing, underground, public utility lateral or pipe, including storm water, sanitary sewer, and potable water service, whether on-lot or within the public right-of-way.
 - J. Installation of new on-lot septic system.
 - K. Installation of curbing, driveway curb-cuts, and sidewalks, when not previously approved as part of a land development or subdivision project.
 - L. Removal of trees with a canopy area of 10,000 square feet or greater, including those activities considered tree harvesting.
 - M. The reconfiguration and/or movement of site improvements previously approved as part of a land development project.
2. The following activities are exempt for all regulations in this chapter:
- A. Erection of a temporary structure, except when required by §9-105.1.E.
 - B. Site alterations to be completed as part of an approved tree harvesting permit, except when required by §9-105.1.L.
 - C. Resurfacing an existing, impervious parking area or driveway, including the relocation of parking space and driving aisle stripping.
3. All other permits, when applicable, shall not be issued until the grading permit application, or a revision to an existing grading permit, is approved by the Township.

§9-105 – Submission Standards

- 1. A grading permit application shall be submitted for review along with the appropriate application fee as approved by the Board of Commissioners.
- 2. When required, three copies of the grading plan and all design information shall be submitted with the application.
- 3. The final grading permit fee will be determined after review and/or approval of the application. The final fee, as approved by the Board of Commissioners, will be based on the amount of work proposed and/or inspections required.

4. Revised plans may be resubmitted with the appropriate fee up to 60 days after the denial letter, unless a time extension has been granted by either the Salisbury Township Director of Community Development or his/her designee.
5. Regulations of this Chapter do not exempt the activities from being subject to the requirements of the State Soil Erosion and Sedimentation Control Regulations, the Township Zoning Ordinance, the Township Subdivision and Land Development Ordinance, the Township Act 167 Ordinance, and the Township Floodplain Ordinance, when applicable.
6. It is the Applicants' responsibility to submit the plans to any outside agency for approval when determined applicable by the Director of Community Development.
7. Outside agency approvals, when applicable, shall be completed, and approval letters supplied to the Township, prior to Township approval of a grading permit application and issuance of a permit. Outside agency approvals include but are not limited to: PA DEP approval of Sewer Planning Module; PA DEP approval of NPDES permit; Salisbury Township Sewerage Enforcement Officer approval of on-lot septic system; Lehigh County Conservation District approval of an erosion control plan; and the Lehigh County Planning Commission approval of a stormwater drainage plan when required by Township Act 167.
8. For properties with disturbed slopes in excess of eight (8) percent, the applicant shall submit the plan to the Lehigh County Conservation District for review. Proof of submission shall be provided to the Township.

§9-106 – Plan Requirements

1. All plans shall meet the following requirements:
 - a. The plan shall be prepared by a professional engineer, land surveyor, or landscape architect registered in the State of Pennsylvania.
 - b. The plan shall be drawn at a scale of no less than one inch equals 20 feet, except for properties exceeding two acres where a smaller scale may be accepted;
 - c. The drawing size of the plan shall be no less than 8-1/2 inches by 11 inches, and not larger than 24 inches by 36 inches;
 - d. All elevations shall be based on field survey on the USGS datum, and benchmarks used shall be indicated;
 - e. The plan shall show spot elevations of all critical locations;
 - f. The plan shall show the elevations and location where drainage courses cross the property lines;
 - g. The plan shall show existing and proposed contours for the entire tract on two-foot contour intervals;
 - h. The plan shall show all existing and proposed site improvements;
 - i. The plan shall show all driveway gradients, if applicable;
 - j. If applicable, the plan shall show proposed building top of foundation; elevation of all entries; and elevations of proposed finished ground grade at all significant points around the proposed structure;

- k. If applicable, the plan shall show conformance to the Salisbury Township Floodplain regulations and Act 167 Ordinance;
 - l. If applicable, the plan shall show all existing public utilities, including water, sanitary sewer, storm sewer, gas, and other utilities, and proposed utilities, including connection to existing public facilities or private on-lot facilities. The plan shall include invert elevations and size and location of said utilities as necessary for construction. The plan shall also show the location and disposition of downspouts and footing drain discharge;
 - m. As necessary, the plan shall include information on adjacent properties to show contours, drainage courses, structure locations, and foundation elevations, within 50 feet of the subject property.
 - n. Plan and profile plans for all proposed underground utilities shall be provided as necessary.
 - o. Plan and profile plans for all driveways, access drives, and curb construction shall be provided as necessary.
 - p. The plan shall show all construction details necessary to construct the improvements. All construction within any Township public right-of-way or easement shall be completed in accordance with the approved Township Construction Standards, latest edition.
 - q. The plan shall show all appropriate soil erosion and sedimentation control requirements. All erosion control designs shall meet the current Lehigh County Conservation District and Pennsylvania Department of Environmental Protection requirements.
2. The following activities are exempt from the above plan requirements:
- a. Installation of a sidewalk within the Township right-of-way, when the site has existing curbing but no driveway curb cut.
 - b. Installation of a driveway curb cut within the Township right-of-way, when the site has existing curbing but no sidewalk.
 - c. Street openings when all proposed work is located within the right-of-way.

§9-107 – Review Standards

1. When a plan is not required, as stated in §9-106.2, or a waiver to the plan requirement is granted, a grading permit application shall be reviewed within fifteen (15) calendar days of submission and either approved or denied by the Salisbury Director of Community Development or his/her designee.
2. When a plan is required, a grading permit application shall be reviewed within thirty (30) calendar days of submission and either approved or denied by the Salisbury Director of Community Development or his/her designee.
3. If a permit application is denied, the Salisbury Township Director of Community Development or his/her designee shall submit a letter to the applicant detailing the reasons for denial.

4. All proposed activity shall be reviewed for compliance with the design standards stated in the Salisbury Township Streets and Sidewalks Ordinance (Chapter 21 of the Township Municipal Code), the Salisbury Township Sewers and Sewage Disposal Ordinance (Chapter 18 of the Township Municipal Code), Part 10 of the Salisbury Township Subdivision and Land Development Ordinance (Chapter 22 of the Township Municipal Code), and the Salisbury Township Water Ordinance (Chapter 26 of the Township Municipal Code), when applicable.
5. Proposed activities, and the issuance of all required permits, must commence within one year of approval of a grading permit. If permits have not been issued within one year of a grading permit approval, the application will be considered abandoned. A new application and application fee shall be submitted again if the applicant wishes to continue with the proposed activity.
6. Proposed activities must commence within one year of the issuing of a grading permit. If the activity has not commenced within one year the permit will be considered abandoned. A new application and application fee shall be submitted again if the applicant wishes to continue with the proposed activity.
7. A time extension for the requirements in §9-107.5 and §9-107.6 may be granted by the Salisbury Township Director of Community Development or his/her designee if a request has been submitted in writing and due diligence has been shown within the required timeframe.

§9-108 – Waiver Requests and Appeals

1. A request for a waiver from any regulation or requirement within this Chapter shall be addressed to the Salisbury Township Director of Community Development.
2. All waiver requests may be submitted with the initial submission of the plan, or no more than sixty (60) days from the Township's denial letter.
3. Waiver requests shall be in writing and accompanied with all necessary supporting documentation.
4. The Director of Community Development shall grant or deny each waiver request within thirty (30) days of submission of the waiver request. The decision of the Director of Community Development shall be communicated to the applicant in writing.
5. The applicant has the right to appeal the denial by the Director of Community Development of a waiver request by submitting an appeal application, the appropriate fee, and all required documents, to the Community Development Department. The appeal application must be submitted within thirty (30) days of the waiver denial letter.
6. All appeals will be heard by the Salisbury Township Planning Commission at a public meeting. All submission deadlines and announcement requirements for a public meeting of the Planning Commission, as outlined in the Pennsylvania Municipalities Planning Code and the Salisbury Township Subdivision and Land Development Ordinance, must be followed. The decision of the Planning Commission is final.

§9-109 – Inspections

1. The Applicant agrees that the Township may enter the property at any time during the plan approval and construction process to inspect the site and all grading and construction activities on site.
2. Upon issuance of a grading permit, the applicant will be provided with a list of all required inspections and the applicant shall contact the appropriate Township personnel, as stated on the inspection list, to arrange each inspection.
3. All required inspections are included in the final grading permit fee. Failed inspections and re-inspections are subject to additional fees as set by the Salisbury Township Board of Commissioners.
4. All failed inspection and re-inspection fees shall be paid to the Township before a Certificate of Occupancy and/or Certificate of Completion will be issued. Failure to pay any failed inspection or re-inspection fees within sixty (60) days will result in a lien on the property, plus interest and any legal fees, until all monies due are paid.

§9-110 – Improvements Agreement

1. All proposed work must be completed as stated on the approved grading permit application.
2. All proposed activity, as approved on the grading permit application, must be completed within one year of issuance of the permit. This time limit may be extended by the Salisbury Township Director of Community Development or his/her designee if a request has been submitted in writing and due diligence has been shown within the required timeframe.
3. If work has not been completed, or a time extension has not been granted, within one year of a permit being issued, the proposed activity will be considered abandoned and the Township, at the expense of the property owner, may complete all necessary improvements as shown on the approved permit application. Failure to repay the Township for its work within sixty (60) days will result in a lien on the property, plus interest and any legal fees, until all monies due are paid.
4. The property owner is responsible for maintaining all work, as approved on the grading permit application, for eighteen (18) months following the issuance of a Certificate of Occupancy and/or Certificate of Compliance. Failure to do so will result in a violation as outlined in §9-112 and subject to all penalties or costs as stated in such.

§9-111 – Emergency Situations

1. In case of emergency, where safety is concerned, a work may be completed without a permit; however, a permit must be applied for within 72 hours. Failure to be issued a permit for emergency work shall result in penalties as stated in §9-112 of this Chapter.

2. If work is completed due to an emergency situation, it does not void the requirement to submit a plan and complete inspections, as required within this Chapter.
3. In the case of an emergency, where safety is concerned, the Township may complete any required work. The property owner shall be liable to the Township for costs of all work. Such work shall be performed by the Township, or contracted by the Township, and the costs assessed to the property owner. The property owner may also be subject to the penalties as stated in §9-112 of this Chapter.

§9-112 – Violations

1. All penalties stated herein shall be issued as a citation filed with the District Magistrate's office.
2. Violations of this chapter shall be subject to a penalty not to exceed one thousand dollars (\$1,000) for each day a violation exists, with each day constituting a separate violation, subject to the penalties set forth herein.
3. Unless the violation requires immediate action for safety issues, the property owner and/or applicant may be issued a Notice of Violation by the Salisbury Township Director of Community Development or his/her designee and given five (5) days to correct the violation.
4. If a violation is a safety concern and requires immediate action, the Township, at the expense of the property owner, may take all appropriate steps to remediate the situation. Failure to repay the Township for its work within sixty (60) days will result in a lien on the property, plus interest, and any legal fees, until all monies due are paid.
5. A Certificate of Occupancy and/or Certificate of Completion will not be issued until all fines, penalties, and remediation fees are paid in full. A Certificate of Occupancy and/or Certificate of Completion may be issued, upon approval of the Salisbury Township Director of Community Development, if a payment plan is on file with the Township Finance Office.

Chapter 25

TREE MAINTENANCE, REMOVAL, AND REPLACEMENT

§25-101 – Title

This chapter shall be known as the “Township of Salisbury Tree Maintenance, Removal, and Replacement Ordinance”.

§25-102 – Authority

1. All tree removal activities within the Township are regulated by this Chapter.
2. The following activities are exempt for all regulations in this Chapter:
 - a. Trees to be removed by a utility company, or its authorized agents, in order to maintain the existing utilities.
 - b. Trees to be removed as part of an approved nursery and/or tree farm use.
 - c. Trees to be removed as part of an approved land development, subdivision, or construction project.
 - d. Trees to be removed and/or replaced within the required eighteen (18) month maintenance period of an approved land development, subdivision, or construction project, as regulated by the Salisbury Township Subdivision and Land Development Ordinance (Chapter 22).

§25-103 – Definitions

CALENDAR YEAR: January 1st through December 31st.

CANOPY: The total area of the tree or trees where the leaves and outermost branches extend. When the tree canopy size cannot be calculated, it shall be assumed that a single tree has a canopy of seven hundred (700) square feet. May also be referred to "drip line".

CYCLE YEAR: The time period in which a tree that was removed must be replaced. Each cycle year runs from October 1st through September 30th and is calculated based on the issuance of a tree permit, unless otherwise stated within this Chapter.

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.

INTERIOR LOT TREE: A tree located within the lot area of a property and not within a right-of-way.

LOT AREA: An area of land which is determined by the limits of the property lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot included

in a street right-of-way shall not be included in determining lot area. Property lines shall be bound by a singular tax parcel, as determined by the Lehigh County Tax Assessment Office and Lehigh County Geographic Information Systems Office. When a tax parcel spans more than one municipality, the taxing municipality shall have sole control over the development and use of the lot and its entire lot area shall be included when calculating lot area, setbacks, building coverage, and impervious coverage.

RIGHT-OF-WAY: Areas beyond each property's lot area which is not privately owned. Areas of right-of-way include, but are not limited to, streets and alleys.

SHADE TREE: All trees whose trunks, or part thereof, are situated within the right-of-way, typically between the edge of the roadway and the lot area. May also be referred to as "street tree".

SILVICULTURE: The art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands as outlined by Pennsylvania Department of Conservation and Natural Resources and Penn State College of Agricultural Sciences.

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

TREE HARVESTING: The portion of "forestry" which involves the cutting down of trees and removing logs for any type of business or other commercial purpose. Does not include trees permitted to be removed as part of an approved development or construction project nor does it include trees removed as part of an approved nursery and/or tree farm use. May also be referred to as "timber harvesting" or "logging". "Tree harvesting" does not include other activities associated with the removed trees such as, but not limited to, on-site retail sales, manufacturing, and processing.

§25-104 – Maintenance

1. All tree maintenance and tree removal shall be conducted in accordance with accepted silvicultural principles. Proper maintenance includes:
 - a. Removing dead, diseased, damaged, or decayed limbs.
 - b. Removing dead, diseased, damaged, or decayed trees.
 - c. Pruning.
 - d. Removal of fallen limbs and other debris.
2. The maintenance and removal of all shade trees is the responsibility of each adjacent, property owner. Maintenance includes, but is not limited to, keeping the shade tree in good condition, with its area free from refuse, debris, weeds, and undergrowth, and removing a shade tree when it is damaged, diseased, or hazardous.

3. To determine who is the adjacent, property owner, the right-of-way is to be divided down the middle and each adjacent, property owner is responsible for the trees located on his or her half of the right-of-way. When there is uncertainty as to who is responsible, the decision shall be made by the Salisbury Township Director of Community Development based on information from the Lehigh County Geographic Information Systems Office.
4. Property owners shall trim the branches of all shade trees, and those branches of interior lot trees which protrude into the right-of-way, to a minimum height of ten (10) feet above the sidewalk and fourteen (14) feet above the street, when applicable. These minimums may be increased if deemed necessary by the Township.
5. Property owners shall trim branches of all shade trees, and those branches of interior lot trees which protrude into the right-of-way, to a minimum height of 8 feet in areas designated as a sight distance triangle as regulated by the Salisbury Township Subdivision and Land Development Ordinance (Chapter 22) and the Salisbury Township Zoning Ordinance (Chapter 27). All shrubs and woody vegetation in this area or that part of any shrub or woody vegetation which extends over, upon, under, or within this area must be trimmed to a maximum height of two (2) feet.
6. No person shall:
 - a. Attach a guy wire, guy rope, cable, electric wire, or other fixture to any shade tree, tree guard, or support thereof, except those supports required for a newly planted tree.
 - b. Fasten or maintain any sign or advertisement on any shade tree, tree guard, or support thereof.
 - c. Lay any pavement, stone, gravel, or other impervious surface within an area of three (3) feet around the base of the trunk of a shade tree. This restriction excludes approved curbs, sidewalks, and driveways.
 - d. Cause or allow any boiler, heater, machine, or device generating fumes, fires, gas, smoke, or vapor to remain under or adjacent to any shade tree.
 - e. Authorize or procure any gas, hot water, steam brine water, oil, dye, or other substance deleterious to tree life to lie, pour, flow, leak or dip on or into the soil about the base of a shade tree.
 - f. Fasten a bicycle, carriage, animal, or motor vehicle of any kind to any shade tree.
 - g. Build or kindle a fire near any shade tree as to endanger the trunk, limbs, or foliage of such shade tree.
7. During construction or installation of any structure, driveway, parking area, water system, or sewage disposal system, or in the process of landscaping or grading the lot, the fill generated by such activity shall not be temporarily placed or stored in a manner which will potentially kill or damage shade trees. When there is uncertainty concerning the potential harm, the decision shall be made by the Salisbury Township Director of Community Development or other staff or professional designated by the Township.
8. It shall be unlawful to either willfully or negligently kill or damage a shade tree by artificial means, including, but not limited to, girdling, smothering or the application of poisonous chemicals. Any person who inflicts such damage to a shade tree, either willfully or negligently, shall be liable to the Township for costs of professional care in

the treatment of the tree wounds. If such damage contributes to the tree's death, or if the damaged tree shall be rendered unsuitable and condemned by the Township, then the person responsible for the damage shall pay all costs of removal of such tree and its stump and all costs of replacing it with a young tree of approved specifications. Such work shall be performed by the Township, or contracted by the Township, and the costs assessed to the responsible person. The responsible person may also be subject to the penalties as stated in §25-114 of this Chapter.

9. Branches and leaves of interior lot trees which extend or fall into the public right-of-way must be maintained by the adjacent property owner as regulated in §25-104.4 and §25-104.5.
10. Branches growing over private property lines and trees, branches, and leaves falling onto abutting lot areas are both regarded as civil matters between the property owners and not enforced by this Chapter.

§25-105 – General Tree Removal Requirements

1. Regardless of location, or if a tree permit is or is not required, when the canopy of trees to be removed is equal to or greater than 10,000 square feet, a grading permit shall be required, and the removal of those trees shall also be subject to all requirements of the Salisbury Township Grading and Development Ordinance (Chapter 9). Trees to be removed shall be calculated as an aggregate over the proceeding five years, regardless of the permits and approvals issued for each proceeding activity. Exemptions from this requirement are:
 - a. Trees to be removed by a utility company, or its authorized agents, in order to maintain the existing utilities.
 - b. Trees to be removed as part of an approved nursery and/or tree farm use.
 - c. Trees to be removed as part of an approved land development, subdivision, or construction project.
 - d. Trees to be removed and/or replaced within the required eighteen (18) month maintenance period of an approved land development, subdivision, or construction project, as regulated by the Salisbury Township Subdivision and Land Development Ordinance (Chapter 22).
2. All trees shall be removed on the condition that the applicant complies with federal and state wetlands regulations. Noncompliance with such regulations shall be subject to the appropriate federal and state penalties as well as those stated in §25-114 of this Chapter.
3. The property owner is responsible to ensure the work area has proper erosion and sediment protection. No sediment, chips, sawdust or any other material shall enter a waterway or municipal storm drain. Failure to comply with this requirement shall be subject to the penalties as stated in §25-114 of this Chapter.
4. All proposed work shall be completed as stated on the approved tree permit.

5. All required replacement trees must be planted within the current cycle year. This time limit may be extended by the Salisbury Township Director of Community Development or his/her designee if due diligence has been shown within the stated timeframe.
6. The property owner is responsible for maintaining all replacement trees, as approved on the tree permit. If a replacement tree were to die or be destroyed within eighteen (18) months of replanting by the Township, the owner must contact the Salisbury Township Director of Community Development or his/her designee to discuss other replacement options. Failure to do so will result in a violation as outlined in §25-114 and subject to all fines or costs as stated in such.

§25-106 – Shade Tree Removal

1. A tree permit is required for the removal of all shade trees.
2. Shade trees shall not be removed as part of a tree harvesting/logging plan.
3. Shade trees located within unopened streets or alleys shall be regulated as interior lot trees, with the right-of-way being divided down the middle and each adjacent property owner responsible for the trees located on his or her adjacent half. When there is uncertainty as to who is responsible, the decision shall be made by the Salisbury Township Director of Community Development based on information from the Lehigh County Geographic Information Systems Office.
4. All shade trees required as part of an approved land development, subdivision, or construction project must be removed and/or replaced by the developer during the required eighteen (18) month maintenance period for the project.
5. All shade trees, including those removed after the required eighteen (18) month maintenance period for an approved land development, subdivision, or construction project, shall be replaced by the Township during its next planting event. The applicant may request a particular species to be planted; however, the actual species and location will be determined by the Township.

§25-107 – Interior Lot Tree Removal

1. All tree harvesting activities shall be regulated by §25-108 of this Chapter and not this Part, §25-107.
2. Unless the interior lot tree was planted as part of a previously approved land development or subdivision project, a tree permit is not required for the removal of any interior lot tree and these interior lot trees are not required to be replaced although replacement is recommended to follow proper forestry methods and preserve the Township's woodlands.
3. A tree permit is required for the removal of all interior lot trees which were required to be planted as part of an approved land development, subdivision, or construction project.

4. Interior lot trees required as part of a land development, subdivision, or construction project must be replaced, as approved and recorded, in perpetuity, or until a new land development or subdivision project has been approved for the site. A waiver to this requirement is not permitted within the first twenty-five (25) years of the Certificate of Occupancy and/or Certificate of Completion being issued. Any change in the approved and/or recorded plan within the first twenty-five (25) years of the Certificate of Occupancy and/or Certificate of Completion being issued is subject to the requirements of the Salisbury Township Subdivision and Land Development Ordinance (Chapter 22) and/or the Salisbury Township Zoning Ordinance (Chapter 27), whichever was the authorizing Ordinance.
5. All interior lot trees which require replacement shall be replaced by the property owner within the current cycle year.

§25-108 – Tree Harvesting

1. A tree permit is required for all tree harvesting activities regardless of the zoning district, location of trees, or number of trees to be removed.
2. A copy of an approved tree harvesting permit issued by the Lehigh County Conservation District, and its corresponding logging plan, shall be submitted with each application.
3. The Township may have the logging plan reviewed by the Township Engineer and/or other professional and act on their recommendations.
4. Any permits required by federal and/or state laws and regulations are the responsibility of the applicant and must be obtained prior to the commencement of any tree harvesting activities. Issuance of a tree permit by the Township does not signify that required permits by federal and/or state laws and regulations have been met.
5. All structures required for tree harvesting activities, and all activities beyond the actual removing of trees, shall be regulated by the Salisbury Township Code Enforcement Ordinance (Chapter 5), the Salisbury Township On Lot Grading and Development Ordinance (Chapter 9), the Salisbury Township Subdivision and Land Development Ordinance (Chapter 22), and the Salisbury Township Zoning Ordinance (Chapter 27), when applicable.
6. The following requirements shall apply to all tree harvesting operations:
 - a. Tree harvesting activities shall not occur between the hours of 8:00PM and 7:00AM.
 - b. Felling or skidding on or across any public thoroughfare is prohibited without express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.
 - c. Felling or skidding on or across the property of others is prohibited without the express written consent of the owners of such property.
 - d. No trees shall be left lodged in the processes of falling.
 - e. Litter, garbage, and construction debris, not including tops, slashes, and other parts of trees and brush, resulting from a tree harvesting operation shall be removed from the site before it is vacated by the operator and/or developer.

- f. Upon completion of a tree harvesting operation, all roads shall be graded to eliminate any wheel ruts. As deemed necessary by the Township, haul roads and landing areas must be stabilized and seeded.

§25-109 – Emergency Situations

1. In case of emergency, where safety is concerned, a tree may be secured and/or removed by the property owner without a permit; however, a permit must be obtained within 72 hours after its removal. Additional shade trees and/or interior lot tree may be removed at the same time as the emergency work being conducted provided that the tree permit application lists all trees that were removed.
2. The removal of trees due to an emergency situation does not void the requirement to replace trees, as required within this Chapter. The replacement date is calculated from the date of removal, not the date a permit is issued.
3. In the case of an emergency, where safety is concerned, the Township may treat, secure, and/or remove any tree, regardless of its location. The property owner responsible for said tree shall be liable to the Township for costs of professional care in the treatment, security, and/or removal of the dangerous tree. Such work shall be performed by the Township, or contracted by the Township, and the costs assessed to the property owner. The property owner may also be subject to the penalties as stated in §25-114 of this Chapter.

§25-110 – Submission Standards for Permit Applications

1. A tree permit application shall be submitted for review along with an application fee of \$30 as established by this Chapter. This fee may be amended or revised from time to time by duly enacted resolution of the Board of Commissioners.
2. A site plan showing all trees to be removed and replaced, if required, shall be included with the application. Exemptions to this requirement are:
 - A. A tree harvesting permit as required in §27-108.2 of this Chapter.
3. Trees to be removed, except those as part of a tree harvesting activity, must be identified with a ribbon around its trunk or other distinguishable marking. This marking must be in place prior to the submission of the application and must remain in place until either the tree is removed, the application is denied, or the application is abandoned/withdrawn.
4. Revised plans may be resubmitted up to sixty (60) days after a denial letter has been issued unless a time extension has been granted by either the Salisbury Township Director of Community Development or his/her designee. The revised plans shall be submitted with a resubmission fee of \$15 as established by this Chapter. This fee may be amended or revised from time to time by duly enacted resolution of the Board of Commissioners.

§25-111 – Review Standards

1. A tree permit application, when required by this Chapter, shall be reviewed within thirty (30) calendar days of submission and either approved or denied by the Salisbury Director of Community Development or his/her designee.
2. If denied, the Salisbury Township Director of Community Development or his/her designee shall submit a letter to the applicant detailing the reasons for denial.
3. All permits must be issued within one year of approval. If permits have not been issued within one year of a tree permit approval, the application will be considered abandoned. A new application and application fee shall be submitted again if the applicant wishes to continue with the proposed activity.
4. Proposed activities must commence within one year of the issuing of a tree permit. If the activity has not commenced within one year the permit will be considered abandoned. A new application and application fee shall be submitted again if the applicant wishes to continue with the proposed activity.
5. A time extension for the requirements in §25-111.3 and §25-111.4 may be granted by the Salisbury Township Director of Community Development or his/her designee if a request has been submitted in writing and due diligence has been shown within the required timeframe.

§25-112 – Waiver Requests and Appeals

1. A request for a waiver from any regulation or requirement within this chapter shall be addressed in writing to the Salisbury Township Director of Community Development.
2. A waiver shall not be granted from the requirements stated in §25-107.4. Any change in the approved and/or recorded plan within the first twenty-five (25) years of the Certificate of Occupancy and/or Certificate of Completion being issued is subject to the requirements of the Salisbury Township Subdivision and Land Development Ordinance (Chapter 22) and/or the Salisbury Township Zoning Ordinance (Chapter 27), whichever was the authorizing Ordinance.
3. All waiver requests may be submitted with the initial submission of the tree permit application, or no more than 60 days from the denial letter.
4. Waiver requests shall be in writing and accompanied with all necessary supporting documentation including justification for the granting of the waiver requested.
5. The Director of Community Development shall grant or deny each waiver request within 30 days of submission of the waiver request. The decision of the Director of Community Development shall be communicated to the applicant in writing.
6. The applicant has the right to appeal any denial by the Director of Community Development of a waiver request by submitting an appeal application, the appeal fee, and all required documents, to the Community Development Department. The appeal must be received by the Community Development Department within thirty (30) days of the waiver denial letter. The appeal fee shall be \$150 as established by this Chapter. This fee may be amended or revised from time to time by duly enacted resolution of the Board of Commissioners.

7. All appeals will be heard by the Salisbury Township Planning Commission at their next scheduled public meeting. All submission deadlines and announcement requirements for a public meeting of the Planning Commission, as outlined in the Pennsylvania Municipalities Planning Code and the Salisbury Township Subdivision and Land Development Ordinance (Chapter 22) must be followed. The decision of the Planning Commission is final.

§25-113 – Inspections

1. Township staff may enter the property at any time to inspect all tree removal and replacement activities on site.
2. Township staff may enter the property at any time as part of a Violation inspection.

§25-114 – Violations

1. All penalties stated herein shall be issued as a non-traffic citation filed with the District Magistrate's office.
2. Failure to obtain a tree permit, when applicable, is considered a violation of this Chapter and the property owner shall be subject to a penalty of five hundred dollars (\$500) for each tree removed without first obtaining a permit. The property owner shall be sent a Notice of Violation stating the fine owed. In addition to the stated penalties, the property owner shall be responsible for all administrative and legal fees associated with each violation. The following are exempt from this violation and/or penalty:
 - a. Trees removed prior to April 1, 2021;
 - b. Trees removed in emergency situations as regulated in 25-109 of this Chapter.
3. Additional violations of this Chapter shall be subject to a penalty not to exceed three hundred dollars (\$300) per day or occurrence, with each day or occurrence constituting a separate violation, subject to the penalties set forth herein. In addition to the stated penalties, the property owner shall be responsible for all administrative and legal fees associated with each violation.
4. Unless the violation requires immediate action for safety issues, or a tree has previously been removed without first obtaining a tree permit, the property owner and/or applicant may, upon being issued a Notice of Violation by the Salisbury Township Director of Community Development or his/her designee, may be given fourteen (14) days to correct the violation without a penalty being imposed.
5. If a Notice of Violation has been issued, and remediation actions are not taken by the property owner within fourteen (14) days, the Township, at the expense of the property owner, may take all appropriate steps to remediate the situation. Failure to repay the Township for its work within sixty (60) days will result in a lien on the property, plus interested and any legal fees, until all monies due are paid. This cost is in addition to all penalties and fees incurred in §25-114.1.

6. Immediate remediation actions taken by the Township for safety issues shall be done at the expense of the property owner. Failure to repay the Township for its work within sixty (60) days will result in a lien on the property, plus interested and any legal fees, until all monies due are paid. This cost is in addition to all penalties and fees incurred in §25-114.1.
7. A Certificate of Occupancy and/or Certificate of Completion will not be issued until all penalties, remediation, administrative, and legal fees are paid in full. A Certificate of Occupancy and/or Certificate of Completion may be issued, upon approval of the Salisbury Township Director of Community Development, if a payment plan is on file with the Township Finance Office.

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