

**TOWNSHIP OF SALISBURY  
LEHIGH COUNTY, PENNSYLVANIA**

**Ordinance No. 03-2015-595**

(Duly Adopted March 26, 2015)

**AN ORDINANCE REPEALING THE CURRENT EXISTING ZONING ORDINANCE CODIFIED IN THE SALISBURY TOWNSHIP CODE OF ORDINANCES, CH. 27, IN ITS ENTIRETY AND ADOPTING A NEW ZONING ORDINANCE**

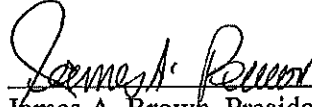
**WHEREAS**, the principal purpose of the New Zoning Ordinance is to address obsolete sections of the prior Ordinance, bring the Ordinance up-to-date with changing State and Federal requirements and to reflect the changes made in the new Salisbury Township Comprehensive Plan adopted in 2012; and

**WHEREAS**, the Board of Commissioners, after careful review and consideration, desires to adopt a new Zoning Ordinance as prepared and submitted by the Planning Commission with the assistance of the firm Urban Research and Development Corp., the professional consultant.

**NOW, THEREFORE**, be it **ORDAINED** and **ENACTED** by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania, that the Township hereby adopts the new Salisbury Township Zoning Ordinance in the form attached hereto and made a part hereof, effective immediately.

**DULY ORDAINED** and **ENACTED** by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania this 26<sup>th</sup> day of March, 2015, in lawful session duly assembled.

**BOARD OF COMMISSIONERS  
TOWNSHIP OF SALISBURY**

  
\_\_\_\_\_  
James A. Brown, President

Attest:

  
\_\_\_\_\_  
Randy Soriano, Secretary

**November 2014**

**SALISBURY TOWNSHIP**

**ZONING ORDINANCE**

### **Part 3**

#### **Districts**

- § 301. **Districts Designated**
- § 302. **Application of District Regulations**
- § 303. **Zoning Map**
- § 304. **District Boundaries**
- § 305. **Setbacks Across Municipal Boundaries**
- § 306. **Table of Permitted Uses by District**
- § 307. **Table of Lot and Setback Requirements by District**
- § 308. **Site Capacity Analysis for Lots within a Subdivision or Land Development**
- § 309. **Special Lot and Yard Requirements**
- § 310. **Open Space Development Option for land that is at least partly within the CR District.**

### **Part 4**

#### **Additional Requirements for Specific Uses**

- § 401. **Applicability**
- § 402. **Additional Requirements for Specific Principal Uses**
- § 403. **Additional Requirements for Accessory Uses**

### **Part 5**

#### **Environmental Protection**

- § 501. **Performance Standards**
- § 502. **Nuisances and Hazards to Public Safety**
- § 503. **Wetlands, Seeps, Vernal Pools and Springs**
- § 504. **Floodplain Areas; Setbacks from Surface Waters; High Water Table Soils**
- § 505. **Steep Slopes**
- § 506. **Storage of Explosive and Hazardous Substances**
- § 507. **Sewage Disposal**
- § 508. **Noise**
- § 509. **Vibration**
- § 510. **Odors, Dust and Air and Water Pollution**
- § 511. **Light, Glare and Heat Control**
- § 512. **Filling, Excavating and Grading**
- § 513. **Placement and Screening of Waste Containers and Outdoor Machinery and Fencing of Storage**
- § 514. **Radioactivity and Electrical Disturbances**
- § 515. **Stripping of Topsoil**
- § 516. **Tree Harvesting, Woodland Protection and Cutting of Trees**

- § 517. Maximum Slope and Width of Driveways
- § 518. Clearance Height of Tree Limbs
- § 519. Groundwater or Spring Water Withdrawal

## Part 6

### Off-Street Parking and Loading

- § 601. Required Number of Parking Spaces
- § 602. General Regulations for Off-Street Parking
- § 603. Design Standards for Off-Street Parking
- § 604. Parking and Storage of Junk and Unregistered Vehicles
- § 605. Off-Street Loading

## Part 7

### Signs

- § 701. Applicability
- § 702. Nonconforming Signs
- § 703. Miscellaneous Signs Not Requiring Permits
- § 704. Freestanding, Wall and Window Signs
- § 705. Abandoned or Outdated Signs
- § 706. Location of Signs
- § 707. Illumination of Signs
- § 708. Vehicles Functioning as Signs
- § 709. Prohibited Signs
- § 710. Construction of Signs
- § 711. Measurement of Major Types of Signs
- § 712. Off-Premise Signs (Including Billboards)

## Part 8

### General Regulations

- § 801. Frontage onto Improved Streets, Number of Uses or Buildings; Minimum Size of Dwellings
- § 802. Height Exceptions; Airport Approaches
- § 803. Sight Distance and Buffer Yards
- § 804. Landscaping
- § 805. Ultimate Street Right-of-Way Widths
- § 806. Non-conformities
- § 807. Temporary Structure or Use
- § 808. Recreation Land, Open Space and Fees Requirements
- § 809. Industrial and Commercial Driveways

**§ 515. Stripping of Topsoil.**

The permanent stripping and removal of more than 50 percent 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 percent 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 percent one year, and 25 percent the next year).

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

1. **PURPOSE.** The presence of living trees in our surroundings is important and desirable from an ecological, environmental and aesthetic standpoint, to manage stormwater runoff and minimize flooding, to protect water quality, improve air quality, and to control erosion. Trees also help to regenerate groundwater supplies. Tree harvesting is allowed but should be regulated to ensure that environmental, forest management and aesthetic goals are realized.
2. Except as otherwise herein provided, it shall be unlawful for any person to cut down any tree in any zone in Salisbury Township which is 6 inches or more in diameter. For the purposes of this § 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 3 trees of 6 inches or more in diameter. If a lot includes more than one acre of forested land, then in any calendar year, up to 3 trees of 6 inches or more diameter may be cut per forested acre. In addition, trees may be cut as provided in § 516.4, 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 re-graded and/or paved for a proposed street or curbing or sidewalk or utility, or is within 5 feet of the existing or proposed cart way of an uncurbed street.
  - D. The tree meets the standards of § 516.6 "Cutting of Trees for 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 § 516 shall not regulate removal of invasive, poisonous or noxious species of vegetation. The Zoning Officer may approve the replacement of existing non-native 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 non-emergency 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. **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 exists 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 that 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.
7. **KILLING OR DAMAGING OF TREES.**
  - A. During the construction or installation of any structure, driveways, parking area, water systems or sewage disposal systems, or in the process of landscaping or grading the lot, the fill generated by such construction, installation, landscaping or grading shall not be temporarily placed or stored

in a manner which, as determined by the Zoning Officer, will potentially kill or seriously damage trees on the tract of land.

- B. It shall be unlawful to purposefully kill a tree by artificial means including, but not limited to, girdling, smothering or the application of poisonous chemicals.
- C. Temporary fencing shall be required by the Township to be placed by the applicant in an area 5 feet beyond the drip line 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 drip line and materials shall not be stored under the drip line during construction or tree harvesting operations.

8. **TREE HARVESTING.** Tree harvesting shall be permitted in all zones indicated in accordance with the provisions of § 306, and all other provisions of this 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 percent or more of the merchantable timber is cut on any acre. A minimum of 30 percent of trees of 6 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 Ordinance 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.
  - c. 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.

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- 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 (50) of any public street or adjoining property;
    - (ii) Seventy-five feet (75) 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 2 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 4 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.
  - o. Timbering shall not occur between the hours of 8 pm and 7 am.
- (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.

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- (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 5 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 worker's 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 insure 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 attorney's fees incurred by the Township, in addition to a requirement to replant a new tree of 3 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. Clearcutting 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 Ordinance, 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 drip line of any tree where any part of the area within the drip line 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 percent 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 Chapter 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 drip line of the trees. Appropriate fencing 4 feet in height shall be placed at the drip line 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 drip line 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 drip lines 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 9 months afterwards.

**RESIDENTIAL**

**GENERAL HOME OCCUPATION - DAY CARE - ZONING HEARING BOARD APPEAL**

<b>\$500.00</b>	Owner-occupied - owner must apply for a Special Exception Permit Applk payable upon application.
<b>\$50.00</b>	Zoning Application - payable upon application

**TREE HARVESTING**

<b>\$750.00</b>	Permit Fee
<b>\$35.00</b>	Zoning Application - Residential - payable upon application
<b>\$50.00</b>	Zoning Application - Commercial - payable upon application
<b>\$500.00</b>	Escrow required for Tree Harvest Permit - payable upon application
<b>\$30.00</b>	Zoning Plan Revision Resubmission

**DEMOLITION RELEASE FORM (PERMIT APPLICATION)**

<b>\$50.00</b>	Application Fee
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**TEMPORARY ZONING APPLICATION**

<b>\$35.00</b>	Zoning Application - payable upon application
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**WATER & SEWER**

**RESIDENTIAL WATER LINE REPLACEMENT**

<b>\$150.00</b>	Requires a Plumbing Permit Application
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**RESIDENTIAL SEWER LINE REPLACEMENT**

<b>\$150.00</b>	Requires a Plumbing Permit Application
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**WATER TAPPING**

**RESIDENTIAL WATER TAPPING - NEW HOME CONSTRUCTION - 5/8" INCH METER**

<b>\$550.00</b>	Application Fee	
<b>\$150.00</b>	5/8" Inch Meter	
<b>\$50.00</b>	New Construction Fee	
<b>\$4.50</b>	PA State Fee	<b>TOTAL - \$754.50</b>

**RESIDENTIAL WATER TAPPING - NEW HOME CONSTRUCTION - 1" INCH METER**

<b>\$550.00</b>	Application Fee	
<b>\$285.00</b>	1" Inch Meter	
<b>\$50.00</b>	New Construction Fee	
<b>\$4.50</b>	PA State Fee	<b>TOTAL - \$889.50</b>