

Chapter 440. Zoning

Article II. Terminology

§ 440-30. 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:

ABUT or ABUTTING

Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street or a perennial waterway. See definition of "adjacent."

ACCESS DRIVE or ACCESSWAY

A type of driveway that serves two or more principal or accessory commercial, institutional or industrial buildings, structures or uses.

ACCESS POINT

One combined entrance/exit 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 STRUCTURE (includes "accessory building")

A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include but are not limited to a household garage, household storage shed, private playhouse, detached carport, household greenhouse, a household swimming pool, or an accessory storage building to a business use. An "accessory building" is any accessory structure that meets the definition of a "building." A portion of a principal building used for an accessory use shall not be considered an accessory 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. An example would be a home occupation that is accessory to a dwelling.

ACRE

Is 43,560 square feet.

ACTIVE ADULT RESIDENTIAL COMMUNITY

A residential development that is age-qualified in accordance with federal regulations as provided in § 440-43, including that 100% of the residences of the community shall be occupied by at least one resident age 55 or older and none under the age of 19, and which involves a unified development operated under common rules with private internal streets, landscaped areas along public streets and private on-site recreational facilities.

[Added 11-15-2006 by Ord. No. 2006-2; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

ADJACENT

Two or more lots that share a common lot line or that are separated only by a street or waterway from each other.

ADULT BOOKSTORE

A use with a significant portion of the market value of, or over 15 square feet of total floor area occupied by, items for sale or rent being books, films, magazines, videotapes, coin- or token-operated films or videotapes, 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. This shall include, but not be limited to, materials that would be illegal to sell to persons under age 18 under state law.

ADULT DAY-CARE CENTER

A use providing supervised care and assistance primarily to persons who are over age 60 and/or mentally retarded and/or physically handicapped who need such daily assistance because of their limited physical abilities, Alzheimer's disease, mental abilities or mental retardation. This use shall not include 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 FACILITY

A use including live entertainment involving persons (which may include waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual "specified sexual activities" 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 in a room of motion pictures, videotapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of "specified sexual activities" for observation by patrons therein and that is related to some form of monetary compensation by the persons viewing such matter.

ADULT USE

This term shall include any of the following uses: adult bookstore, adult movie theater, massage parlor or adult live entertainment facility/use.

AFTER-HOURS CLUB

A commercial use or membership club that permits the consumption of alcohol and is routinely open between the hours of 2:00 a.m. to 4:00 a.m., in addition to any other hours. See State Act 219 of 1990, which generally prohibits this use.

AGRICULTURAL INDUSTRY

This term shall include the original processing, treating, packing or storing of agricultural products as a principal use. In addition, such activities may occur as an accessory use to a lawful principal agricultural use if such accessory uses are clearly of a customarily incidental nature.

AGRICULTURE

"Crop farming," "plant nursery" and "raising of livestock." See definition of each.

AGRITAINMENT

An accessory use to a single-family dwelling or farming use which may include the rental of an accessory structure for purposes of weddings, family gatherings, reunions, or other similar events, subject to the additional regulations contained in this chapter.

[Added 12-6-2021 by Ord. No. 2021-6]

AGRITOURISM

easement established to meet a requirement of a Township ordinance shall restrict uses of the land in a manner closely similar to all of the following:

- A. The vast majority of the land shall be preserved in a near-natural or landscaped state or for agricultural uses;
- B. No new principal buildings may be constructed on the lot, other than for noncommercial recreation or as necessary to support on-site agricultural activities;
- C. The land shall not be used for any mineral extraction, commercial or industrial activities, other than agriculture or the growing of trees and plants for replanting or for Christmas tree sales or a lawful home occupation;
- D. The lot shall not be further subdivided; and
- E. Currently forested areas shall be maintained as forests, with only carefully selective cutting of trees in such a way as to preserve the character of such lands as forested lands, without any clear-cutting.

CONTIGUOUS

Unless otherwise stated, shall mean abutting.

CONVENIENCE STORE

A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant, and that includes a building with a floor area of not greater than 6,000 square feet in a C or C-2 Zone and not greater than 4,000 square feet in all other zones. A convenience store involving the sale of gasoline shall be regulated as an auto service station.

CONVERSION

To change from one use to another use, or to increase the number of dwelling units within a building, unless otherwise stated.

COUNTY

The County of Lehigh, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION

The Lehigh Valley Planning Commission.

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 and Christmas tree farms, but the term shall not by itself include raising of livestock as a principal use, commercial forestry, riding academies or kennels.

- A. If a crop farming lot includes more than five acres, it may also include the keeping of numbers and types of animals so as to be a clearly incidental and customary accessory use, in addition to what is permitted under the keeping of pets in § 440-42.
- B. Crop farming may include commercial raising of fish in ground-level ponds. Any other type of bulk commercial raising of fish as a principal use shall be considered an industrial use under food processing.

CROP STORAGE, COMMERCIAL

A use involving the bulk storage of crops grown by numerous farmers as a wholesale use.

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, library, art gallery or indoor nature study area. This shall not include uses that are primarily commercial in nature.

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Article IV. Additional Requirements for Specific Uses

§ 440-41. Additional requirements for specific principal uses.

A. Each of the following uses shall meet all of the following requirements for that use:

- (1) Adult use. (This term is limited to the following: adult bookstore, adult movie theater, massage parlor or adult live entertainment use):
 - (a) No such use shall be located within:
 - [1] Five hundred linear feet of the lot line of any library, public park, existing dwelling, or any site marked as a proposed future park location on any Township Official Map; nor
 - [2] One thousand linear feet of the lot line of any primary or secondary school, place of worship, day-care center or child nursery.
 - (b) No such use shall be located within 1,000 linear feet of any existing "adult use."
 - (c) A thirty-foot buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines in accordance with § 440-79, but with plantings of an initial minimum height of five feet.
 - (d) No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
 - (e) No such use shall be used for any purpose that violates any federal, state or Township law.
 - (f) See § 440-72, Prohibited signs.
 - (g) No such use shall be allowed in combination with the sale of alcoholic beverages.
 - (h) The use shall not include the sale or display of "obscene" materials, as defined by state law, as may be amended by applicable court decisions.
 - (i) These uses are specifically prohibited in all districts except where specifically permitted by Article III.
 - (j) A minimum lot area of two acres is required.
 - (k) For public health reasons, private or semiprivate viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers. No room of any kind accessible to customers shall include less than 150 square feet.
 - (l) No use may include live actual or simulated sex acts or any sexual contact between entertainers or between entertainers and customers.

- (m) Only lawful massages as defined by state court decisions shall be performed in a massage parlor.
 - (n) All persons within any adult use shall wear nontransparent garments that cover their genitals and the female areola, except within a permitted lawful adult live entertainment use.
 - (o) Any application for such use shall state the names and home addresses of a) all individuals intended to have more than a 5% ownership in such use or in a corporation owning such use, and b) an on-site manager responsible to ensure compliance with this chapter on a daily basis. Any changes to such information shall be updated at the beginning of each year, in writing, to the Zoning Officer.
- (2) Adult day-care center.
- (a) Shall be fully licensed by the state, if required by the state.
 - (b) Shall include constant supervision during all hours of operation.
 - (c) Shall not meet the definition of a "treatment center."
- (3) After-hours club. See State Act 219 of 1990, which generally prohibits this use.
- (4) Agricultural business/industry as a principal use.
- (a) The applicant shall describe, in writing, measures that will be used to control odors, dust and any explosive hazards.
 - (b) Minimum lot area: five acres.
 - (c) This use may be on the same lot as other permitted agricultural uses, provided that the requirements for each use are met.
- (5) Airport or heliport (other than a heliport as an accessory use to a hospital that is used for purely emergency medical uses).
- (a) Minimum lot area for airport: 25 acres for a private airport and 50 acres for a public airport.
 - (b) Minimum lot area for heliport: two acres in an industrial district and 15 acres in any other district.
 - (c) Airplane runways shall be oriented to minimize the hazards and disturbance posed by aircraft during takeoff and landing.
 - (d) The site and its design shall be approved by the Pennsylvania Bureau of Aviation and the Federal Aviation Administration.
 - (e) The proposed expected flight paths shall be designed to minimize noise hazards to existing residences or approved residential developments.
 - (f) The end of any runway shall be a minimum of 1,000 feet and the landing pad of a heliport shall be a minimum of 300 feet from any existing dwelling which the applicant for the airport or heliport does not own or have an agreement of sale. Any portion of a runway or heliport shall be 75 feet from any other lot line.
 - (g) Conditions. The Zoning Hearing Board may place such necessary and reasonable conditions on the use to carry out the objectives of this chapter, including to avoid noise nuisances. These include limiting the types and sizes of aircraft, the hours of operations, the numbers of flights and the general direction of approach. However, such Board shall not place any conditions on the use that will seriously interfere with the safety of the operations.
- (6) Animal cemetery.

ZONING

440 Attachment 1

Township of North Whitehall

Table of Permitted Uses
§ 440-36

[Amended 11-8-2021 by Ord. No. 2021-4; 12-6-2021 by Ord. No. 2021-6; at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]

- KEY:
- P = Permitted by right (zoning decision by Zoning Officer)
 - C = Conditional use (zoning decision by the Board of Supervisors with review by Planning Commission)
 - SE = Special exception use (zoning decision by Zoning Hearing Board)
 - N = Not permitted
 - (§ 440-41) = See additional requirements in § 440-41
 - (§ 440-42) = See additional requirements in § 440-42
 - (SW) = Approved central sewer and public water service both required for a new use
 - (S) = Approved central sewer service required for a new use
 - (SW) = Public water service required for a new use

Types of Uses (See definitions in Ch. 440, Art. II)	Residential Districts				
	CR	AR and AR-L	AR-I	SR	VR
AGRICULTURAL USES					
Agricultural industry as a principal use or sales of farm implements and farm supplies	N	SE	N	N	N
Crop farming	P	P	P	P	P
Crop storage, commercial as principal use (§ 440-41) (other than uses occurring on the same lot as a principal crop farming use)	N	N in ARN P in AR-L		N	N
Commercial forestry (§ 440-41) (see definition and § 440-57 for permitted by right types of tree cutting)	P	P	P	P	P
Composting as a principal or accessory use, see the requirements of § 440-42					
Raising of livestock (§ 440-41)					
Intense	P	P	N	N	N
Other	P	P	P	P	P
Forestry	P	P	P	P	P
Retail sales of agricultural products as an accessory use (§ 440-42)	P	P	P	P	P
Sale or mixing of agricultural fertilizers, seeds or animal feed with a 10-acre minimum lot area as an accessory to a principal crop farming use (not involving bulk manufacturing for sale)	P	P	P	P	P

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Types of Uses (See definitions in Ch. 440, Art. II)	Residential Districts				
	CR	AR and AR-L	AR-I	SR	VR
Sewage sludge, land application of (§ 440-41)	SE	SE	N	N	N
RESIDENTIAL USES					
Single-family detached dwelling (including manufactured/mobile home [§ 440-41])	P	P	P	P	P
Cluster development complying with Article IX	C	C	C	C	C
Semidetached dwelling (twin)	N	N	N	P	P
Two-family detached dwelling	N	N	N	N	P
Boardinghouse (§ 440-41)	N	N	N	N	N
Conversion of an existing building into one or more dwelling units (see also under accessory uses: development of one accessory apartment within an existing single-family detached dwelling) (§ 440-41)	SE ²	SE ²	N	N	SE
Low-rise apartment (SW) (§ 440-41)	N	N	N	N	P
Group home within a permitted dwelling unit, not including a treatment center (§ 440-41)	P	P	P	P	P
Manufactured/mobile home park (SW)	N	N	N	N	C
Townhouse (SW) (§ 440-41)	N	N	N	P ¹	P
COMMERCIAL AND INDUSTRIAL USES					
Airport, public (§ 440-41)	N	N	N	N	N
Airport, private (§ 440-41)	SE	SE	N	N	N
Bed-and-breakfast use (§ 440-41)	SE	SE	N	N	SE
Campground (§ 440-41)	SE	N	N	N	N
Communications tower, commercial (§ 440-41)	SE	N	N	N	N
Fairgrounds (§ 440-41) on a 15-acre minimum tract, a portion of which is within 300 feet of the future right-of-way of a major arterial street	N	SE in AR N in AR-L	N	N	N
Golf course (§ 440-41) with minimum lot area of 35 acres	P	P	P	P	P
Limited business option (§ 440-41)	N	C in AR N in AR-L	N	N	N
No-impact home-based business	P	P	P	P	P
Picnic grove, private	N	N	N	N	N
Plant nursery (which may include a Christmas tree farm)					
With on-site retail sales limited to items primarily grown on the premises (§ 440-41), and with a 5% maximum building coverage, and which does not involve on-site storage of substantial heavy equipment for primarily off-site use within 300 feet	P	P	P	P	P

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Article III. Districts

§ 440-37. Table of Lot And Setback Requirements by district.

A. For the purposes of this § 440-37, the following abbreviations shall have the following meanings:
 [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

KEY		
sq. ft.	=	Square feet
ft.	=	Linear feet
SFD	=	Single-family detached dwelling
Central sewer	=	Service at the time of occupancy by central sewage service, as defined in Article II
Public water	=	Service at the time of occupancy by public water service, as defined in Article II, except the Board of Supervisors may approve nonpublic central water service in place of public water service if central water service is needed because of a public health hazard and if public water service reasonably cannot be extended; in which case the central water system shall be designed so that it can be incorporated into the public water system in the future when available
Central water	=	Service at the time of occupancy by central water service, as defined in Article II
NA	=	Not applicable

B. The following requirements shall apply for each respective district, unless a more restrictive requirement is listed for a particular use in § 440-41 or 440-42 or elsewhere in this chapter. For a cluster development, which is an option allowing smaller lots in certain residential districts, see Article IX. See also the steep slope regulations of § 440-48, which may require larger lots in areas of 15% or greater slope.

(1) Table of Lot And Setback Requirements for the CR, AR, AR-L, AR-I, SR and VR Districts (see also cluster option in Article IX) for uses other than townhouses, low-rise apartments or manufactured/mobile home parks (for those uses see § 440-41).
 [Amended 1-17-2007 by Ord. No. 2007-3]

Type of Requirement (See definition of terms in Article II)	CR District	AR, AR-I and AR-L Districts	SR District	VR District
a. Minimum lot area (sq. ft.) (per dwelling unit for residential purposes)				
1) SFD without either central sewer or public water	1) All lots: 87,120, except as pro-	1) 50,000	1) 50,000	1) 50,000

Type of Requirement (See definition of terms in Article II)		CR District	AR, AR-I and AR-L Districts	SR District	VR District
		vided by note "A" below Also see note "B" below.			
2)	SFD with public water but not central sewer		2) 40,000	2) 30,000	2) 30,000
3)	SFD with central sewer but not public water		3) 40,000	3) 30,000	3) 30,000
4)	SFD with both central sewer and public water		4) 25,000	4) 10,000	4) 8,000
5)	Semidetached dwelling or 2-family detached dwelling with both central sewer and public water		5) NA	5) 7,000	5) 5,000
6)	Other permitted principal uses		6) 40,000	6) 40,000	6) 40,000, except 15,000 with both central water and central sewage
b.	Minimum lot width at the minimum front yard building setback line (feet) See exceptions below				
1)	Lot required to be 40,000 square feet or larger	1) 250	1) 150	1) 120	1) 120
2)	Lot required to be 20,000 square feet or larger, but less than 40,000 square feet	2) NA	2) 120	2) 100	2) 100
3)	Lot permitted to be less than 20,000 sq. ft. (other than semidetached dwelling)	3) NA	3) NA	3) 80	3) 80
4)	Semidetached dwelling (per dwelling unit)	4) NA	4) NA	50	40
	Exceptions:				
1)	On the curve of a cul-de-sac street, this minimum width may be reduced by 40%				
2)	On the outside of curves over 300 feet radius but less than 600 feet radius, this minimum lot width may be reduced by 10%				
3)	On the outside of curves of up to 300 feet radius, this minimum lot width may be reduced by 20%				
c.	Minimum lot width at the street right-of-way line (feet) (after development)				
	For a lot that will have direct vehicle access onto an arterial street	200	200	150	150
	For any other lot (may be 30-foot minimum for a lot on the curve of a cul-de-sac street)	50	50	40	30
d.	Minimum width and length of a dwelling (feet)	20	20	14	14
e.	Minimum setback for principal structure (feet)				

Type of Requirement (See definition of terms in Article II)		CR District	AR, AR-I and AR-L Districts	SR District	VR District
1)	Front yard	1) 30	1) 30	1) 30	1) 30
2)	Side yard, each ¹	2) 20	2) 20	2) 10	2) 10
3)	Rear yard	3) 50	3) 50	3) 40	3) 30
4)	Absolute minimum for any yard adjacent to a public street	4) 30	4) 30	4) 30	4) 30
5)	For any permitted new or expansion of a nonresidential principal building from a residential lot line (see definition in Article II)	5) 50	5) 50	5) 50	5) 30
6)	For any new principal dwelling from existing buildings currently being used for the housing of livestock on another lot, unless a written and signed waiver from this setback is provided by the owner of the lot, including the livestock buildings. This setback requirement shall not apply to additions to an existing dwelling.	6) 100	6) 100	6) 100	6) 100
f.	Minimum setback for accessory structures (feet) Accessory structures are not permitted within the required minimum front yard setback for principal buildings.				
1)	For a vehicle garage with a maximum floor area of 1,000 sq. ft. from the right-of-way of an existing or proposed street or alley along a side or rear lot line	1) 15	1) 15	1) 15	1) 15
2)	For a storage shed with a maximum floor area of 200 sq. ft. and a maximum of 1 story ² from any side or rear lot line ¹	2) 5	2) 5	2) 5	2) 5
3)	For any other permitted accessory building or structure from a side or rear lot line not listed above ¹	3) 15	3) 15	3) 10	3) 5
	See § 440-61D concerning minimum driveway setbacks.				
g.	Maximum height (feet) See exceptions in § 440-78 and in definition of "height".				
	Principal building	40	40	35	35
	Accessory building, plus an additional nonhabitable floor that shall be restricted to storage	25	25	25	25
h.	Maximum number of stories				
	Principal building	2 1/2	2 1/2	2 1/2	2 1/2*
	Accessory building	1	1	1	1
i.	Maximum building coverage				
		15%	20%	30%	35%

Type of Requirement (See definition of terms in Article II)		CR District	AR, AR-I and AR-L Districts	SR District	VR District
j.	Maximum impervious coverage for lots with permitted nonresidential principal uses	30%	40%	50%	65%

NOTES:

- A If a lot, as of December 6, 1995, included 10 acres or greater of lot area, then a maximum of 10% of such parent lot may be subdivided into lots with a minimum lot area of 43,560 square feet (one acre). Unless otherwise stated on approved final subdivision plans, in case of subdivision, any right to develop such one acre lot(s) shall be retained by the lot that retained the same county lot identification number as the original parent lot.
- B A lot existing and fronting on one or more public roads existing at the time of adoption of this chapter (2002) may be subdivided into a maximum of two new lots which front on those roads. All other lots shall front on new roads constructed by the developer. Lots fronting on these new roads and abutting existing public roads shall comply with the buffer yard requirements of § 440-79D(1).
- 1 Except zero feet at a lot line along which two semidetached dwellings are attached.
- 2 All storage sheds shall be durably constructed and neatly maintained.
- * Except that 3 1/2 stories are permitted for townhouses and low-rise apartments in the PC District.

(2) Table of Lot and Setback Requirements for the VC, C-2, PC, LI/B and ME/I Districts.

Type of Requirement (See definition of terms in Article II)		VC District ¹	C and C-2 District ¹	LI/B District	ME/I District	PC District ^{1, 2}
a.	Minimum lot area (sq. ft.)					
1)	Without central sewage or public water	1) 43,560 (1 acre)	1) 43,560	87,120, except 43,560 for a lot that is permanently deed restricted to nonindustrial uses	87,120, except 130,000 for any conditional or special exception industrial use	1) 43,560
2)	With central sewage but not public water	2) 25,000	2) 25,000			2) 30,000
3)	With public water but not central sewage	3) 40,000	3) 40,000			3) 40,000
4)	With both public water and central sewage	4) 8,000	4) 12,000			4) 20,000
b.	Minimum lot width at the minimum front yard building setback line (feet)					
1)	For a lot required to have a lot area of 1 acre or greater	1) 120	1) 120	1) 150	1) 200	1) 120
2)	For a lot permitted to have a lot area of less than 1 acre	2) 80	2) 100	2) 120	2) NA	2) 100
c.	Minimum lot width at the post-development street right-of-way line (feet)					
	For a lot that will have direct vehicle access involving left-hand turns onto or off of an arterial street	200	250	250	250	250
	For any other lot	50	50	50	50	50
d.	Minimum setback for principal structure except as provided in "e." below (feet)					
1)	Front yard	1) 50	1) 50	1) 50	1) 50	1) 50
2)	Side yard, each	2) 10	2) 15	2) 25	2) 40	2) 20

Type of Requirement (See definition of terms in Article II)		VC District ¹	C and C-2 District ¹	LI/B District	ME/I District	PC District ^{1, 2}
3)	Rear yard	3) 30	3) 30	3) 30	3) 40	3) 30
4)	For any yard adjacent to a public street	4) 50	4) 50	4) 50	4) 50	4) 50
e.	Minimum setback for principal structure (feet)					
	For a portion of a building used for manufacturing or an area routinely used for the parking, storage or loading/unloading of tractor trailer trucks or refrigerated trucks to an abutting a) residential lot line (see definition in Article II); or b) lot line of a primary or secondary school	80	120	150	150	120
	For any nonresidential principal structure other than a portion of a building used for manufacturing to an abutting lot line of a) a residential lot line (see definition in Article II); or b) a primary or secondary school	50	60	75	75	75
f.	Minimum setback for accessory structures (feet)					
	Accessory structures are not permitted within a required minimum front yard setback for principal buildings, including any such yard abutting a public street.					
1)	Side yard	1) 5	1) 5	1) 20	1) 20	1) 100
2)	Rear yard	2) 5	2) 5	2) 20	2) 20	2) 100
3)	For a nonresidential accessory structure to an abutting a) residential lot line (see definition in Article II); or b) lot line of a primary or secondary school	3) 30	3) 30	3) 75	3) 75	3) 75
g.	Maximum height (feet) See exceptions in § 440-78.					
1)	Principal building or accessory building meeting the required setbacks for a principal building	1) 35	1) 35	1) 50	1) 50; see note "2" below	1) 35
2)	Other accessory building	2) 25	2) 25	2) 50	2) 50; see note "2" below	2) 35
h.	Maximum number of stories					
1)	Principal building or accessory building meeting the required setbacks for a principal building	1) 2 1/2	1) 3	1) 4	1) 4	1) 3
2)	Other accessory building	2) 1	2) 1	2) 1	2) 1	2) 1
i.	Maximum building coverage					
		40%	40%	40%	40%	40%
j.	Maximum impervious coverage					
1)	A lot that existed of record as of January 1, 1995, with a lot area of less than 2 acres ³	1) 80%	1) 80%	1) 80%	Any lot: 75%	1) 80%
2)	Any other lot	2) 75%	2) 75%	2) 75%		2) 75%

NOTES:

- ¹ In the VC and C Districts, residential uses shall be permitted under the same standards, limitations, lot and setback requirements (and with the same accessory residential uses) as the VR District instead of the regulations of the VC or C District, except mobile/manufactured home parks shall be prohibited in the VC and C Districts.
- ² Except a maximum height of 120 feet shall apply to machinery and structures as part of a permitted mineral extraction use or construction materials plants.
- ³ If such lot is subdivided after January 1, 1995, then the above right to develop at the 80% impervious coverage may apply to any parent and/or new lot created from such original lot.

C. See also *additional requirements in the following sections:*

- (1) Additional requirements for specific types of principal uses. § **440-41**.
- (2) Additional requirements for specific types of accessory uses. § **440-42**.
- (3) Off-street parking. Article **VI** (including paved area setbacks in § **440-61**).
- (4) Signs. Article **VII**.
- (5) Buffer yards. § **440-79**.
- (6) Steeply sloped areas. § **440-48**.
- (7) Environmental protection. Article **V**.
- (8) Temporary structures. § **440-83**.
- (9) Site plan review for certain uses. §§ **440-23** and **440-24**.
- (10) Exceptions to setbacks. See § **440-79**.
- (11) Areas subject to flooding. See Article **X**.