

LEHIGH TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2023-1

**AN ORDINANCE ENACTED BY THE BOARD OF SUPERVISORS
OF LEHIGH TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA,
AMENDING THE TOWNSHIP ZONING ORDINANCE TO ADD DEFINITIONS OF
LANDSCAPING AND LANDSCAPING CONTRACTOR AND ADDING A
LANDSCAPING CONTRACTOR BUSINESS TO THE GENERAL COMMERCIAL
AND INDUSTRIAL ZONING DISTRICTS AS A SPECIAL EXCEPTION USE.**

WHEREAS, Lehigh Township desires to allow for the proper use of landscaping contractor businesses within the Township and to establish criteria for the regulation of and development of proper and reliable standards for landscaping businesses as a special exception use within the Township; and

WHEREAS, Lehigh Township desires to plan and accommodate for the use of landscaping contractor businesses within the Township to meet the needs of Lehigh Township residents and businesses; and

WHEREAS, Lehigh Township believes the most appropriate zoning districts to permit a landscaping business is in the General Commercial and Industrial zoning districts.

NOW, THEREFORE, be it enacted and ordained by the Board of Supervisors of Lehigh Township, Northampton County, Pennsylvania, and the same is hereby ordained and enacted as follows:

1. SECTION 180-15 entitled, Word Usage and Definitions is hereby modified by adding the underscored language below to the definitional Section at the appropriate alphabetized place:

A. Landscaping - refers to any activity that modifies the visible features of an area of land, including: living elements, such as flora or fauna; or what is commonly called gardening, the art and craft of growing plants with a goal of creating a beautiful environment within the landscape. Natural elements such as landforms, terrain shape and elevation, or bodies of water; and abstract elements such as the weather and lighting conditions.

B. Landscaping Business - a landscaping business is defined as a business concern which may operate to construct, install, and maintain lawns, trees, yards, shrubs, gardens, patios, related grounds and other outdoor areas which are owned by others. A landscaping business shall have but not be limited to the following characteristics:

1. May own or lease real and personal property, employ at least one employee and may own, lease, operate, and store more than one vehicle and or more than one

piece of landscaping equipment inside and or outside of an enclosed structure **reasonably** necessary for business operations.

2. May sell trees, shrubs, sod, seed, mulch and related materials.
3. May sell stone, stone dust, gravel pavers and related material, and landscape ornamentations as defined herein.
4. May sell related materials needed to implement a landscaping design.
5. May provide snow plowing and snow and ice removal services for third persons.
6. May cut grass and perform general yard maintenance, vegetation maintenance and shrubbery trimming.
7. May provide other related services such as fertilization, weed and lawn related insect control aeration, and seeding of lawns.

C. Landscaping Ornamentation - Something that decorates or adorns; an embellishment. An object or feature intended to beautify the appearance of that to which it is added or of which it is a part; embellishment; decoration.

D. Limited Landscaping Business - a Landscaping business which meets the "Home Occupation" exception criteria as set forth in Section 180-15.

2. Within all zones, a limited landscaping business is permitted by right subject to the following criteria.

A. The limited landscaping business meets the exception criteria as set forth in the Definitional Section for "Home Occupation" in Section 180-15 unless modified below.

B. The use shall be clearly incidental to the primary use of the premises as a dwelling for living purposes.

C. No more than one limited business or commercial activity as defined in Section 180-15 may be located **on the premises.**

D. The limited business or commercial accessory use shall not alter the appearance of the building as a dwelling unit.

E. The limited landscaping business shall have a maximum of one work vehicle, one **work trailer with two lawn mowers and handheld lawn maintenance tools.**

F. The limited landscaping business shall have no employees.

G. There shall be no display or sale of retail goods and no stock piling of inventory. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

H. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes.

I. No grass clippings, mulch or other materials either used in the landscaping process or the debris created in conducting a landscaping business offsite shall be stored on the property.

J. The work vehicle and work trailer shall be parked on an impervious surface a minimum distance of 15 feet from any property line. Subsection (3) of the Home Occupation exclusion criteria shall not apply and said work vehicle can be parked outside an enclosed structure.

K. The business activity may not generate any solid waste or sewage discharge which is not normally associated with residential use in the neighborhood.

3. SECTION 180-20 entitled the General Commercial Zone is hereby modified by adding the underscored language to Subsection C entitled special exception uses as follows:

(20) Landscaping Business. (See § 180- 108)

4. SECTION 180-22 entitled Industrial Zone is hereby modified by adding the underscored language to Subsection C entitled special exception uses as follows:

(24) Landscaping Business. (See Section 180- 108)

5. SECTION 4. ARTICLE V. Specific Criteria is hereby modified by adding the underscored language to new Subsection 180 - 108 entitled Landscaping Business:

Within the General Commercial and Industrial zones, landscaping business are permitted by special exception subject to Section 180-119 and as set forth below:

A. Off street parking spaces shall be provided at a rate of one space per employee plus retail parking requirements per Section 180-37.

B. In addition to the parking spaces required by the proceeding subsection, parking shall be provided by parking/driveway lanes adjacent to the building. The lane shall be in accordance with Section 180-37.

C. The required parking spaces cannot be utilized for vehicle storage. However, additional external storage area may be provided for the storage of landscaping equipment, provided the external storage area is screened from adjoining residentially zoned

land, parcels on which a residence exists, and said storage area is located behind the minimum front yard setback line.

This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or an un-operative vehicle and or landscaping equipment.

D. The servicing and or repair of the landscaping equipment and or the landscaping vehicles shall not be permitted except in an enclosed structure. Adequate retention facilities shall be installed to collect any gas and or oil and or such other liquids that could leak out of the equipment onto the ground.

E. Must have water and sewer service to the landscaping business facility.

F. Landscaping materials such as dirt, mulch, fertilizer, shrubs, trees, seed, sod, plants, stones, stone dust, gravel and other landscaping materials and or product used and or sold shall be contained on the property except for in the front yard in a neat and organized manner.

G. As part of the Special Exception review the Fire Marshall shall review the landscaping business facility in regards to fire safety, chemicals, oil and gasoline that will be utilized as part of the business.

H. Screening shall be in accordance with Section 180-33.

6. SECTION 5: Conflict.

Whenever the requirements of this Ordinance are in conflict with other requirements of the Ordinances of Lehigh Township, the most restrictive, or those imposing the highest standards shall govern. Privileges granted by this Ordinance do not constitute a waiver or impairment of the rights of the Township at law or equity now or henceforth existing to proceed versus Grantee for enforcement of the Ordinance or violation of this Ordinance or Ordinances of the Township.

7. SECTION 6: Severability.

It is hereby declared to be the intention of the Board of Supervisors of Lehigh Township that the parts, section, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any part, section, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a Court of competent jurisdiction, that invalidity shall not affect any of the remaining parts, sections, paragraphs, sentences, clauses or phrases or this Ordinances.

8. SECTION 7: Repealer.

All ordinances and parts of the ordinance inconsistent herewith are hereby repealed to the extent of such inconsistencies.

9. SECTION 8. EFFECTIVE DATE:

This Ordinance shall become effective upon enactment.

ENACTED AND ORDAINED this _____ day of _____, 2022.

ATTEST

LEHIGH TOWNSHIP

Secretary.

Chairman, Board of Supervisors