

§ 185-38. Regulations applicable to AFHBD Aircraft Flightpath Highway Business District. [Amended 11-20-2001 by Ord. No. 01-12; 11-14-2006 by Ord. No. 06-10; 7-24-2007 by Ord. No. 07-11]

- A. General. The purpose of this district is to allow the design and development of carefully selected businesses, business parks and recreation/entertainment facilities along portions of arterial and collector highways within the LVI Airport aircraft flightpath; to provide planned development of this area of the Township that is compatible with the existing LVI Airport aircraft flightpath and that serves existing and foreseeable needs of the Township and surrounding areas; and to encourage the planning and utilization of the land and the harmonious design, erection and use of buildings within the aircraft flightpath in a diversified nonresidential area of the community that will contribute to the economic base of the Township. This development shall conform to Chapter 159, Subdivision and Land Development, as it is applicable. Further, it shall conform to all applicable Federal Aviation Administration regulations, including Part 77, Objects Affecting Navigable Airspace.
- B. No Aircraft Flightpath Highway Business District use shall be permitted unless evidence has been submitted to the satisfaction of the Board of Supervisors that such use is or will be in compliance with § 185-20 of this chapter and all other sections of this chapter.
- C. A site plan review by the Planning Commission and Board of Supervisors and approval by the Board of Supervisors is required for all proposed uses. Site plans shall be submitted showing location, size and orientation of the buildings within the lot and in accordance with § 185-22C, Site plan, of this chapter.
- D. Permitted uses. Only the following building types or uses shall be permitted in this district, except nonconforming uses or buildings as provided for in Article XI: **[Amended 5-22-2012 by Ord. No. 12-02]**
 - (1) Forestry.
 - (2) Golf courses/driving ranges. This specifically does not include miniature golf.
 - (3) General service and repair shops, such as office equipment, computer, printer, telephone, watch, radio, television and other home appliance shops, of 10,000 square feet in size or smaller.
 - (4) Agriculture, including orchards and sod farms, but excluding animal husbandry and commercial logging.
 - (5) Professional practice offices, such as law, medicine (but not a hospital, nursing home, group home or similar use), veterinary, architecture, engineering and the like.
 - (6) Business offices, consisting of administrative, sales, executive and other general business offices, including, but not limited to, computer and data processing facilities and other uses of the same general nature.
 - (7) Real estate offices.
 - (8) Insurance offices.

- (9) Printing, publishing and lithographic plants.
- (10) Light assembly, consisting of assembly of previously manufactured components such as furniture, clothing, computers, phones, copiers, electronic devices, office equipment, scientific instruments, watches, clocks, photographic and optical goods or similar products; excepting, however, the manufacturing of and/or assembly of chemicals or chemical components.
- (11) Business park allowing only the following businesses or uses: **[Added 1-9-2018 by Ord. No. 18-01]**
 - (a) Printing, publishing and lithographic plants.
 - (b) Professional practice offices such as law, medicine (but not a hospital, medical clinic, nursing home, group home or similar uses) architecture, engineering and the like.
 - (c) Research laboratories engaged in scientific investigation, testing or the production of factual information for industrial, commercial or institutional clients, where no physical or tangible product for general marketing is directly produced therein, and provided that the Board of Supervisors determined that no potential danger, hazard or nuisance shall exist to the employees, building occupants or surrounding areas, and provided that the Board of Supervisors determine that no waste, other than normal domestic sewage, is discharged into any sewage disposal system. Chemical or biochemical research, however, are specifically prohibited.
 - (d) Light assembly consisting of assembly of previously manufactured components such as furniture, clothing, computers, phones, copiers, electronic devices, office equipment, scientific instruments, watches, clocks, photographic and optical goods or similar products, excepting, however, the manufacturing of and/or assembly of chemicals or chemical components. Hours of operation are from 6:00 a.m. until 10:00 p.m. unless otherwise approved by the Board of Supervisors.
 - (e) Business offices consisting of administrative, sales office, executive, other general business offices, including but not limited to computer and data processing facilities, sales and service of high technology business and medical equipment and other uses of the same general nature.
 - (f) Real estate offices.
 - (g) Insurance offices.
- (12) Light industrial, light manufacturing plant; excepting, however, those whose primary uses involve chemical manufacturing or whose primary use involves hazardous chemicals or materials. **[Added 2-23-2021 by Ord. No. 21-1]**
- (13) Beverage/bottling works. **[Added 2-23-2021 by Ord. No. 21-1]**
- E. Conditional uses. Only the following building types and uses shall be permitted pursuant to Board of Supervisors approval, in accordance with the review procedures and use restrictions described in § 185-54, Conditional uses, of this chapter and the use restrictions described

therein: **[Amended 5-22-2012 by Ord. No. 12-02]**

- (1) Research laboratories engaged in scientific investigation, testing or the production of factual information for industrial, commercial or institutional clients, where no physical or tangible product for general marketing is directly produced therein, and provided that the Board of Supervisors determines that no potential danger, hazard or nuisance shall exist to the employees, building occupants or surrounding areas, and provided that the Board of Supervisors determines that no waste other than normal domestic sewage is discharged into any sewage disposal system. Chemical or biochemical research, however, is specifically prohibited.
- (2) Landscaping businesses, including wholesale/retail centers and nurseries.
- (3) Building materials sales and storage.
- (4) Mini storage facilities for the specific purpose of storing the property of individuals or businesses within individual storage areas within closed buildings; excepting, however, the storage of any chemicals, liquids or gases which shall be prohibited.
- (5) Lawn and garden equipment sales and services.
- (6) Wellness center.
- (7) Hotel convention center.
- (8) Private entertainment/recreation complex.
- (9) Grower/processor facility. **[Added 12-20-2016 by Ord. No. 16-08]**
- (10) Medical marijuana delivery vehicle office. **[Added 12-20-2016 by Ord. No. 16-08]**
- (11) Warehouse and storage facilities as an accessory use to store supplies utilized in the manufacturing process on-site or finished goods manufactured on-site in excess of 25% of the square footage of the building but not greater than 50% of the square footage of the building. **[Added 2-23-2021 by Ord. No. 21-1; amended 4-9-2024 by Ord. No. 24-02]**

F. Special exceptions. Only the following building types or uses shall be permitted, pursuant to Zoning Hearing Board review requirements of Article XIV:

- (1) Retail shops as an accessory use to a permitted or conditional use, provided that such retail uses shall be limited to 25% of the total floor area of the permitted or conditional use if found in association with a permitted or conditional use, up to a limit of a combined total of 10,000 square feet of floor area for these retail uses.
- (2) Personal service shops, including dry-cleaning and laundry pickup establishments, laundromat, barbershop and beauty parlor, and shoe repair shop, provided that such uses shall be limited to 25% of the total floor area of the permitted or conditional use if found in association with a permitted or conditional use, up to a limit of a combined total of 10,000 square feet of floor area for these personal service uses.
- (3) Full service gasoline service station or automobile service shop, pursuant to § 185-21.

G. Prohibited uses. The following are strictly prohibited within the AFHBD District:

- (1) Residential buildings.
- (2) Commercial parking lots.
- (3) Truck terminals for storage or transit.¹
- (4) Hospital, nursing home, convalescent home, home for the elderly.
- (5) Group homes.
- (6) Day-care centers.
- (7) Church or other place of worship.
- (8) Public or private school.
- (9) Library.
- (10) Car rental agencies.
- (11) Stand-alone restaurant and/or bar unless it forms a part of the overall plan for a private entertainment/recreation complex or hotel convention center.
- (12) Gasoline - convenience store.
- (13) Sales of vehicles, campers, boats, etc.
- (14) Adult entertainment facility.
- (15) Betting parlor.
- (16) All other uses not specifically permitted in the AFHBD District.

H. Accessory uses. Only the following accessory building types and uses shall be permitted in this district, except nonconforming uses or buildings as provided for in Article XI:

- (1) Parking areas or loading areas, pursuant to §§ 185-17, 185-18 and 185-33C, which specifically does not include a parking garage or parking deck.
- (2) Warehouse and storage facilities where such uses are accessory to or serve a principal use. The warehouse or storage shall not exceed 25% of the square footage in a building.
- (3) Customary accessory uses to a permitted principal use of the land, on the same parcel of land.
- (4) Signs, pursuant to § 185-19, with the restriction that signs for any existing residential uses shall be regulated by the same restrictions on signs in an R1-S District.

I. Area and bulk regulation. The following requirements shall be observed:

1. Editor's Note: Former Subsection G(4), regarding warehousing, distribution and storage uses, which immediately followed this subsection, was repealed 2-23-2021 by Ord. No. 21-1. This ordinance also renumbered former Subsection G(5) through (17) as Subsection G(4) through (16).

- (1) Minimum size of a business park development: 50 acres.
- (2) General criteria: **[Amended 5-22-2012 by Ord. No. 12-02; 9-22-2020 by Ord. No. 20-4]**

Maximum Lot Coverage				Maximum Building Height ¹	
Minimum Lot Area (acres)	Minimum Lot Width (feet)	Buildings	Total Impervious	(stories)	(feet)
5	275	30%	50%	4	45

NOTES:

¹ All buildings must comply with Federal Aviation Administration regulations for the maximum building height within any portion of the AFHBD.

- J. Minimum yard requirements. The following yard requirements shall be observed: **[Amended 5-22-2012 by Ord. No. 12-02]**

Front Yard (feet)	Side Yard		Rear Yard (feet)
	One (feet)	Combined (feet)	
50	30 ¹	80	50 ¹

NOTES:

¹ A minimum thirty-foot parking setback shall be required for side and rear yard setbacks. Where buffer yards are required for side and/or rear yards, no parking may occur within the required buffer yard.

- K. Minimum distance between structures. The minimum distance between principal use structures on the same lot shall be 35 feet unless otherwise approved by the Board of Supervisors during the site plan review process.
- L. Maximum length of a structure. The maximum length of a nonresidential structure shall be 400 feet unless otherwise approved by the Board of Supervisors during the site plan review process.
- M. Other regulations.
- (1) Stormwater detention, as required to meet the release rates as published in the Catasauqua Creek Watershed and Lehigh River Sub-Basin 4 Act 167 Stormwater Management Plan and as amended by Chapter 152, Stormwater Management, shall be provided either on-lot, regionally, or in a combination of the above.

- (2) Open air storage, where permitted, shall be within fenced or walled-in areas, and outside storage within a trailer(s) is specifically not permitted. Maximum height of stored material is 10 feet.
- (3) Preservation of landscape. The owner shall preserve the landscape in its natural state by minimizing tree and soil removal. The owner shall also insure that grade changes are compatible with the general appearance of neighboring developed areas.
- (4) Relation of proposed buildings to environment. The owner shall relate proposed structure(s) harmoniously to the terrain and to existing buildings that have a visual relationship to the proposed structure(s). The owner shall provide a favorable relationship between existing and proposed uses, create focal points with respect to avenues of approach, terrain, features of other buildings and relate open space between all existing and proposed buildings, when applicable.
- (5) Drive, parking and circulation. For vehicular and pedestrian circulation, including walkways, interior drives and parking, the owner shall give special attention to the location and number of access points to public streets, width of interior drives and access to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of safe and convenient parking areas. The owner shall further design these vehicular and pedestrian areas to enhance the appearance of and access to the proposed buildings and structures and to the neighboring properties.
- (6) Surface water drainage. The owner shall give special attention to proper site surface drainage to ensure that removal of surface water will not adversely affect either neighboring properties or the public storm drainage system. The owner shall remove and efficiently carry away all stormwater from all roofs, canopies and paved areas and collect surface water in all paved areas in such a way that stormwater does not create a problem for vehicular and pedestrian movement.
- (7) Utility service. The owner shall place electric and telephone lines underground. Locate, paint and undertake any other treatment to ensure that all utilities which remain above the ground will have a minimal adverse impact on neighboring properties.
- (8) Advertising features. The owner shall ensure that the size, location, lighting and materials of all permanent signs and outdoor advertising structures or features will enhance rather than detract from the design of proposed buildings and structures and the neighboring properties.
- (9) Special features. The owner shall provide needed setbacks, screen plantings and other screening methods for exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures to help make them compatible with the existing or contemplated site design and with neighboring properties.
- (10) Solar access. Solar access to buildings should be considered in the proposed layout of buildings.
- (11) Sound buffering noise of exterior origins. All portions of buildings which are to be

occupied by employees more than two hours per day shall be constructed so that the noise criterion for internal noise of exterior origin is Leg (24)S40dB. Prior to issuance of a building permit and prior to issuance of an occupancy permit, the design architect, builder or owner must provide a certification letter to the Township Zoning Administrator indicating the building compliance with this criterion.

(12) Buffer yards. Buffer yards shall be required at specific locations within this district. A one-hundred-fifty-foot-wide raised berm buffer yard shall be constructed between any proposed development within this district and any contiguous residentially zoned district, except where the adjoining property within any contiguous residentially zoned district is owned by the Lehigh Valley International Airport Authority. A fifty-foot-wide raised berm buffer yard shall be constructed along any nonresidential development side and/or rear yard where the adjoining lot within the AFHBD Zoning District includes an existing residential use or municipally owned facility. The buffer yards shall include a landscaped berm and shall comply with the following:

(a) The buffers shall consist of evergreen and deciduous trees, flowering trees, shrubs and raised berms.

(b) One-hundred-fifty-foot buffer yards.

[1] This buffer yard shall be measured from the district boundary line or from the near street line where a street serves as the district boundary line. The buffer yard may not be part of the street right-of-way but shall be in addition to that right-of-way. The buffer yard may include the required side or rear yards, and in case of conflict the larger yard shall apply.

[2] This buffer yard shall be a landscaped area free of roads, sidewalks, driveways, parking lots, storage, buildings and structures of any kind except for emergency access roads or pathways and/or sidewalks as may be required by Township ordinances or fire or safety regulations and/or as may be required and/or approved by the Board of Supervisors.

[3] The raised berm in the buffer yard shall be a minimum height of 14 feet measured from existing grade or the finished first-floor grade of the closest AFHBD building, whichever is higher, or as otherwise approved by the Board of Supervisors during site or land development plan review.

[4] The trees and shrubs shall be planted in the following minimum amounts per 100 linear feet of buffer, as measured parallel to the buffer yard:

[a] Ten evergreens.

[b] Five deciduous trees.

[c] Three flowering trees.

[d] Ten shrubs.

[5] The toe of the slope of the berm shall begin, at a minimum, 25% of the width of the buffer yard away from any residentially zoned district.

- [6] Berms shall not be constructed within side or rear yard drainage and utility easements.
- [7] The berm shall have a minimum six-foot flat area at the top.
- (c) Fifty-foot buffer yards.
 - [1] This buffer yard shall be measured from the property line. The buffer yard may not be part of the street right-of-way but shall be in addition to that right-of-way. The buffer yard may include the required side or rear yards, and in case of conflict the larger yard shall apply. The toe of the slope of the berm shall begin at a minimum 25% of the width of the buffer yard away from any residence or municipally owned facility within the AFHBD.
 - [2] This buffer yard shall be a landscaped area free of roads, sidewalks, driveways, parking lots, storage, buildings and structures of any kind except for emergency access roads or pathways and/or sidewalks as may be required by Township ordinances or fire or safety regulations and/or as may be required and/or approved by the Board of Supervisors.
 - [3] The raised berm shall be a minimum average height of three feet measured from the existing grade or the finished first-floor grade of the closest AFHBD building, whichever is higher.
 - [4] The trees and shrubs shall be planted in the following minimum amounts per 100 lineal feet of buffer, as measured parallel to the buffer yard:
 - [a] Ten evergreens.
 - [b] Three deciduous trees.
 - [c] Two flowering trees.
 - [d] Five shrubs.
 - [5] Berms shall not be constructed within side or rear yard drainage and utility easements.
 - [6] The berm shall have a minimum three-foot flat area at the top.
- (d) Plants shall be arranged on berms to provide a visual barrier. A minimum of 1/2 of the shrubbery and flowering trees shall be planted on the residential side of the berm.
- (e) The height of evergreen trees shall be a minimum of eight feet at the time of planting, measured from finished grade. The average size of deciduous trees shall be two inches caliper measured three feet above finished grade, and deciduous trees shall also have a minimum height of 12 feet at the time of planting. Flowering trees shall be seven feet high at the time of planting. Shrubs shall be a minimum of 30 inches in height at the time of planting.
- (f) Berms within the buffer yards shall have a maximum slope of 3:1.

- (g) Variations in the sizes and shapes of the berms are strongly encouraged. The unnaturally graded appearance of uniform, linear mounding shall be avoided. As an alternative to the possibly linear appearance which could result from the minimum requirements, applicants are encouraged to provide innovative, freeform screening buffers which need not be located entirely within the required buffer.
 - (h) When abutting property is already effectively screened by existing topography or vegetation, located on AFHBD property, the Board of Supervisors may waive the above requirements. Where partial screening exists, the Board of Supervisors may require additional planting or berming to supplement the existing screen.
 - (i) In all buffer yards, the exterior width beyond the planting screen shall be planted with grass seed, sod or ground cover and shall be maintained and kept clean of all debris, rubbish, weeds, and tall (no more than six inches) grass. All plant material which dies shall be replaced by the owner.
- (13) Off-street parking regulations. The provisions of §§ 185-17 and 185-33C shall apply.
- (14) Off-street loading regulations. The provisions of §§ 185-18 and 185-33C shall apply.
- (15) Exterior lighting.
- (a) Plan. Each building site shall have adequate exterior lighting for its intended use, minimizing glare and without creating lighting which would be annoying to other sites and meeting the requirements of § 185-20C(6).
 - (b) Color; type. No neon lights and no traveling, flashing or intermittent lighting of any kind shall be permitted.
 - (c) Pole height. All pole-mounted exterior lighting fixtures shall be on poles no higher than 16 feet unless otherwise approved by the Board of Supervisors during site plan review, but in no case shall the exterior lighting fixtures be higher than 16 feet.
 - (d) Hours of operation. Except in parking areas and drives used between the hours of 12:00 midnight and 6:00 a.m., full exterior lighting may only be fully operated each night from dusk until 12:00 midnight and from 6:00 a.m. to dawn. Reasonable levels of lighting, for security only, may be operated all night.
 - (e) Underground wiring. All outside wiring for exterior lighting shall be installed underground.
- (16) Special building setbacks. No nonresidential buildings shall be constructed within 100 feet of the property used for residential purposes at the time of filing of a preliminary plan application for the approval of such a nonresidential building.
- (17) Special off-street loading area screening requirements.
- (a) Any off-street loading area, truck storage or outdoor storage area proposed within 200 feet of an existing residentially used property (if such residential use exists at the time of the application of a preliminary plan for the approval of such off-street loading area) shall be totally screened from view from the residentially used

property. This screening shall be accomplished with building orientation or a solid wall constructed in such a way as to block the entire view of the vehicles and loading dock areas from all existing residential dwelling units located on that adjacent residentially used property.

- (b) For all nonresidential development, the site should be planned to minimize sound and adverse visual impact transfer between off-street loading and truck storage areas and residential districts or existing residentially used property.