

**ORDINANCE NO. 2026-4
LOWHILL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF LOWHILL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, FURTHER AMENDING THE LOWHILL TOWNSHIP ZONING ORDINANCE OF 2025, AS PREVIOUSLY AMENDED, TO ESTABLISH REGULATIONS FOR BULK STORAGE CONTAINERS AND RELATED DEFINITIONS; TO AMEND REQUIREMENTS FOR CONNECTIONS TO WATER AND SEWER SYSTEMS; TO CORRECT TYPOGRAPHICAL ERRORS; TO AMEND PROVISIONS RELATING TO NONCONFORMING USES AND STRUCTURES, TEMPORARY ZONING PERMITS, ELECTRONIC SUBMISSIONS, AND ONE PRINCIPAL USE PER LOT; AND TO AMEND THE DEFINITION OF LOT COVERAGE

SECTION 1 – STATEMENT OF LEGISLATIVE FINDINGS.

WHEREAS, Lowhill Township (the “Township”) is a township of the second class located within the County of Lehigh and Commonwealth of Pennsylvania duly organized and existing under and pursuant to The Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as reenacted and amended, 53 P.S. § 65101 *et seq.*, that exercises zoning powers through authority granted by the Pennsylvania Municipalities Planning Code Act of Jul. 31, 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. § 10101 *et seq.*, and various other laws of the Commonwealth of Pennsylvania;

WHEREAS, pursuant to Article VI of the MPC, the Township’s Board of Supervisors (the “Supervisors”) has adopted the Lowhill Township Zoning Ordinance of 2025, as amended (the “Zoning Ordinance”) and desire to amend the same to address certain zoning matters related to nonconforming uses and nonconforming buildings or structures; to establish standards for electronic submission of zoning, building, and land development applications and materials; to clarify requirements for connections to centralized water and sewer systems; to clarify that only one (1) principal use shall be permitted per lot except as otherwise expressly permitted by the Zoning Ordinance; to amend the definition of “Lot Coverage,” to regulate the use of bulk storage containers and to provide for a permit system to ensure compliance therewith; to make certain typographical corrections; to amend provisions (collectively, the “Amendments”) and

WHEREAS, the Supervisors find the Amendments to be in accordance with the powers granted to the Supervisors by Section 603(a) of the MPC, 53 P.S. § 10603(a), in that the Amendments are aimed at ensuring reliable, safe, and adequate water supplies to support land uses within the capacity of available water resources, encourage responsible and appropriate land use through the requirement to eliminate nonconforming uses and structures upon destruction by unforeseen casualties, and to regulate the density and intensity of uses on a per lot basis, and to provide for responsible management of stormwater runoff; and

WHEREAS, the Supervisors find that the Amendments promote orderly growth, environmental protection, and sound land-use planning consistent with the MPC and the public health, safety, and welfare of the residents of Lowhill Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Lowhill Township, Lehigh County, Pennsylvania, as follows:

SECTION 2 – AMENDMENTS RELATING TO BULK CONTAINER REGULATIONS.

1. Article 300 of the Zoning Ordinance is amended as follows:

a. To add a new Subsection 309O.a., defining the term “Bulk Container,” as follows:

“309O.a. BULK CONTAINER. An accessory use structure, whether or not affixed to land, which is or serves as a portable container unit in whole or in part to assist with the moving and/or storage of household or commercial goods or materials, including but not limited to portable on-demand storage devices. A container used for temporary storage and removal of refuse, garbage, junk, and other solid waste in connection with household, business, or construction activities shall not be considered a bulk container for the purpose of this definition.”

b. To add a new Subsection 323C.a., defining the term “Person,” as follows:

“323C.a. PERSON. Any individual, partnership, association, corporation, limited liability company, personal representative, receiver, trustee, assignor, society, unincorporated association, or entity of any character whatsoever and any other legal entity.”

2. Article 900, titled, “Supplementary Regulations,” is amended to add a new Subsection 912.30, titled, “Bulk Container,” reading as follows:

“912.30 Bulk Container. As used in this Section 912.30, the term ‘landowner’ shall have the same definition prescribed by Article I, Section 107 of the Pennsylvania Municipalities Planning Code.

912.30.01 Permit Required.

1. Any person who desires to use or place a bulk container on any lot or tract within the Township shall first obtain a zoning permit, which permit shall not exceed sixty (60) days. To authorize the use of a bulk container beyond sixty (60) days an additional permit shall be obtained for a duration determined by the Zoning Officer to be reasonably necessary considering the purpose and/or function of the bulk container. A permit issued hereunder shall apply to and authorize only a single bulk container. Upon the expiration of the permit or additional permit, as applicable, the landowner shall immediately cause the removal of the bulk container from the premises.

2. Application for a zoning permit shall be made on a form supplied by the Township. No permit will be issued without payment of the applicable fee,

which fee shall not exceed the reasonable cost to the Township to process and issue the permit.

3. The application shall include, among other things, a site plan evidencing compliance with the requirements of this Subsection 912.30.

4. The application shall be reviewed and approved or denied by the Township Zoning Officer or his or her designee. An application may be approved with conditions, which will be considered a denial if the applicant rejects any one or more of the conditions. A permit shall be denied if it violates any requirement of this or any other Township ordinance. The denial of a zoning permit may be appealed to the Township Zoning Hearing Board.

912.30.02 Location.

1. A bulk container shall be placed only on the lot or tract which it serves and shall be located on an existing driveway or other improved pad site outside the right-of-way of any street.

2. No bulk container shall be placed so as to violate required setbacks applicable to existing buildings in the Zoning District where the bulk container is to be located.

3. No bulk container shall be placed so as to violate any sight triangles or impede sight distances applicable to the location of the bulk container.

4. No bulk container shall be placed in a Township easement, in any location that impedes the function of stormwater management facilities, or in a location that impedes the natural flow of stormwater.

5. A bulk container shall not be placed in a location that diverts stormwater on to an abutting property or on to a public or private road or street.

6. No bulk container shall be placed so as to obstruct traffic or pedestrian travel or create a traffic hazard or hazard to pedestrians.

912.30.03 Other Conditions.

1. A bulk container may be used only in compliance with the terms and conditions of the permit authorizing the same.

2. A bulk container shall not be used to store hazardous, explosive, or toxic substances.

3. A bulk container shall not be used to store garbage, junk, or solid waste.

4. A bulk container shall not be used for the regular or permanent onsite storage of material utilized in the operation of a home business or home occupation operating on the lot or tract.

5. A bulk container shall be used for storage only by the landowner of the lot or tract on which the bulk container is located, and only materials owned by such landowner may be stored in the bulk container.

6. Any person utilizing a bulk container shall at all times keep the surrounding area free of litter and debris and take measures intended to prevent the spillage or escape of materials from the bulk container. The applicant and the supplier of the container shall be responsible for ensuring that the container is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, or other similar conditions.

7. The bulk container shall at a minimum display in a weatherproof manner the name, address, and telephone number of the supplier of the unit. Other than typical trade dress, advertising or signage of any kind is prohibited on a bulk container.

8. No electric supply shall be provided to or for a bulk container.

912.30.04 Emergency Use. When the use of a bulk container results from an emergency or natural disaster, such as a fire, flood, wind, or other similar event; the bulk container may remain on the lot or tract for the length of time necessary to remove debris, subject to receipt of a Township permit.”

SECTION 3 – CORRECTION OF TYPOGRAPHICAL ERRORS.

The following amendments are made throughout the Zoning Ordinance to correct typographical errors contained therein:

1. Section 308B, relating to ADULT USE, is amended by deleting the word “selling” after the word “selling” to avoid duplication;
2. Section 308D, relating to AGRICULTURAL OPERATION, NORMAL (AGRICULTURE), Subsection 2, is amended to change the word “binds” to “bins;”
3. Section 308D, relating to AGRICULTURAL OPERATION, NORMAL (AGRICULTURE), Subsection 3, is amended to change the word “principle” to “principal” throughout the Subsection;
4. Section 322A, relating to NET FLOOR SPACE is amended and restated as Section 321A and is further amended by deleting the word “accessibility” after the word “accessibility” to avoid duplication;

5. Section 323Q, relating to PUBLIC NOTICE, is amended by deleting the word “the” after the word “the” to avoid duplication;
6. Section 325H, relating to RETAIL, SMALL, is amended to change the word “principle” to “principal;”
7. Section 434, relating to Principal and Permitted Land Uses for all Lowhill Township Zoning Districts, introductory paragraph, is amended to change the word “Principle” to “Principal” and to add the following sentence at the end of the paragraph:

“Except as otherwise expressly permitted by this Ordinance, only one (1) principal use shall be permitted per lot;”

8. Section 917.04, relating to Sound Level Limits and specifically the Table included therein, is amended by deleting the word “Independent” and substituting therefor the word “Independence” in item 1, relating to “Hours/Days;”
9. Section 1230A.1 relating to General Permit Procedures is amended by deleting the phrase “Borough-owned” and substituting therefor the phrase “Township-owned” and is further amended at Subsection A.6 by deleting the word “Permit” before the word “permit” to avoid duplication;
10. Section 1230B.7, relating to Temporary Zoning Permit is amended by deleting the first sentence and substituting the following sentence therefor:

“Except with respect to a bulk container under Section 912.30, a temporary zoning permit shall expire thirty (30) days from its original issuance date except that it may be renewed for another thirty (30) day period upon payment of a second permit fee.”

11. Section 1230B.7, relating to Temporary Zoning Permit, is amended by deleting the word “chapter” and substituting therefor the word “Ordinance;” and
12. Section 1230B.7, relating to Temporary Zoning Permit, is amended by deleting the phrase “at the time of petition for special exception.”

SECTION 4 – AMENDMENT TO NONCONFORMITY REGULATIONS.

Section 950 of the Zoning Ordinance, relating to “Non-Conforming Uses and Non-Conforming Buildings or Structures,” Subsection 953, relating to “Restoration,” is amended as follows:

1. Subsection 953.01 is amended to delete the phrase “six months” and substitute therefor the phrase “six (6) months;”
2. Subsection 953.02 is deleted in its entirety, and the following is substituted therefor:

“953.02 Termination of Non-conforming Uses/Structures after Substantial Damage (Greater than 50%). If a non-conforming structure or portion thereof is damaged or is destroyed by fire, casualty, or act of God by more than fifty percent (50%) of the structure’s replacement value, the non-conforming rights as a non-conforming use or structure, shall be immediately terminated. The structure and/or its use cannot be restored or used as before the termination of the non-conforming status unless it conforms to the current Lowhill Township Zoning Ordinance, as amended. The replacement value of the structure shall be based on:

- (1) The sale of that structure within the previous year or, if that is not applicable;
- (2) An appraisal performed on the property within the last two (2) years or, if that is not available;
- (3) The amount for which the structure or property was insured prior to the date of the damage or destruction or, if that is not available;
- (4) any alternative method determined acceptable by the Township.”

3. A new Subsection 953.03 is inserted reading as follows:

“953.03 Minor Damage (50% or Less). A non-conforming structure or portion thereof suffering damage equal to or less than fifty percent (50%) of the structure’s replacement value, as calculated in accordance with Subsection 953.02, may be repaired; provided, however, no new non-conformities may be created and the degree of non-conformity may not increase. The structure may be reconstructed and used as before the damage event, provided that the floor area of such use and the lot area do not exceed that which existed prior to the damage event.”

SECTION 5 – AMENDMENT RELATING TO ELECTRONIC SUBMISSIONS AND DIGITAL SUBMISSION MATERIALS.

Article 1200, Section 1230, titled, “General Permit Procedure,” is amended to add a new Subsection 1230C, reading as follows:

“C. Electronic Submission and Digital Materials. Applications for all zoning, building, and grading permits, zoning hearing board appeals, and conditional approvals, including all required plans, reports, and supporting documentation, shall be submitted in electronic format in a pdf type format and in accordance with administrative procedures established by the Township. The Zoning Officer is authorized to prescribe acceptable file formats, naming conventions, and submission methods necessary to facilitate electronic review and record retention. Documents prepared by licensed professionals shall include required seals and certifications, and electronic submissions containing digital or scanned seals and signatures shall be deemed equivalent to paper originals. The Township may accept

electronic signatures where compliant with applicable law. The Zoning Officer may require printed copies when necessary for review by the Township Engineer, Planning Commission, Board of Supervisors, or other agencies. The Township may require submission of GIS-compatible plan files, including CAD drawings, georeferenced PDFs, or similar formats, for mapping and recordkeeping purposes; however, such files shall not replace the official approved record plan. An application shall not be considered complete until all required materials and fees are received in the format required by this Subsection. The Township shall not be responsible for delays caused by interruptions of electronic systems and may authorize alternative submission methods when necessary.”

SECTION 6 – AMENDMENTS TO WATER AND SEWER SYSTEMS CONNECTION REQUIREMENTS.

The following amendments are made throughout the Zoning Ordinance relating to requirements for connection to centralized water and sewer systems:

1. Section 863.01 is amended to delete the final sentence therein and replace same with the following language:

“Any toilet facilities provided shall be connected to a centralized water supply system and to a centralized sewage disposal system; provided, however, that each such connection shall be required only if the respective system is located within one hundred fifty feet (150’) of any property boundary line of the property on which the use is located, regardless of whether the system existed at the time the use was established or was installed thereafter.”

2. Section 981.033 is deleted in its entirety, and the following language is substituted therefor:

“981.033 Dwellings must be served by a centralized water supply system and to a centralized sewage disposal system; provided, however, that each such connection shall be required only if the respective system is located within one hundred fifty feet (150’) of any property boundary line of the property on which the use is located, regardless of whether such system or systems was or were in existence when the use was established or thereafter installed or constructed.”

3. Section 981.421, which contains the following language: “Ingress and egress points must be located in safe and proper locations,” is renumbered as Section 981.418.
4. Section 981.422, which contains the following language: “The use shall be served by a public sewage system,” is renumbered as Section 981.419.
5. Section 981.423, which contains the following language, “Parking may be reduced to no less than ½ space for each institutional dwelling unit and one space for each employee, on the largest shift, if the applicant demonstrates that ½ space per institutional dwelling unit will meet the demands for off-street parking,” is renumbered as Section 981.420.

6. Section 981.419 (as renumbered by this Ordinance from 981.422 to 981.419), is deleted in its entirety, and the following language is substituted therefor:

“981.419 The use must be served by a centralized sewage disposal system; provided that the system is located within one hundred fifty feet (150’) of any property boundary line of the property on which the use is located, regardless of whether such system was in existence when the use was established or thereafter installed or constructed.”

7. Section 981.421, containing the following language, “The use shall be served by a public water supply system,” is deleted in its entirety, and the following language is substituted therefor:

“981.421 The use must be served by a centralized water supply system; provided that the system is located within one hundred fifty feet (150’) of any property boundary line of the property on which the use is located, regardless of whether such system was in existence when the use was established or thereafter installed or constructed.”

8. Section 990.05.06 is deleted in its entirety, and the following language is substituted therefor:

“990.05.06 The use must be served by a centralized water supply system and to a centralized sewage disposal system; provided however, that each such connection shall be required only if the respective system is located within one hundred fifty feet (150’) of any property boundary line of the property on which the use is located, regardless of whether such system or systems was or were in existence when the use was established or thereafter installed or constructed.”

SECTION 7 – AMENDMENT TO LOT COVERAGE DEFINITION.

Article 300, Section 319G, defining “Lot Coverage,” is hereby deleted in its entirety, and the following is substituted therefor:

“319G LOT COVERAGE. The percentage of a lot occupied by buildings, structures driveways, parking areas, loading areas, access drives, sidewalks, patios, decks, and other paved, gravel, stone, concrete, asphalt, or similarly improved surfaces. Lot coverage shall be measured as the total horizontal area occupied by such improvements and shall include the footprint of all principal and accessory buildings and structures, together with all vehicular use areas and other permanently improved surfaces. Lot coverage shall not include swimming pools, hot tubs, ponds, stormwater management facilities, permeable or infiltration pavers, agricultural fields, lawns, landscaped areas, fences, retaining walls, or other open-space areas not otherwise covered by this definition.

For purposes of this chapter, lot coverage shall be calculated by dividing the total area of all improvements included within this definition by the gross lot area and expressing the result as a percentage. Nothing herein shall be construed to establish or regulate impervious

surface coverage within the Township except as may otherwise be required by the Township Stormwater Management Ordinance, Act 167 Plan, Subdivision and Land Development Ordinance, or other applicable law.”

SECTION 8 – SEVERABILITY.

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, then such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Lowhill Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 9 – EFFECTIVE DATE.

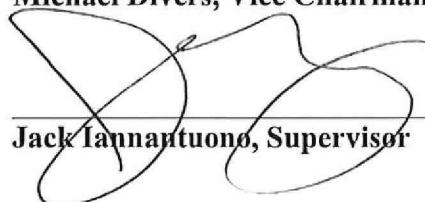
In accordance with Subsection 1601(a.1) of the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as reenacted and amended, 53 P.S. § 66601(a.1), this Ordinance shall take effect immediately after enactment by the Board of Supervisors of Lowhill Township.

DULY ENACTED AND ORDAINED, this 6th day of October, 2026, by the Board of Supervisors of Lowhill Township, Lehigh County, Pennsylvania, in lawful session duly assembled.

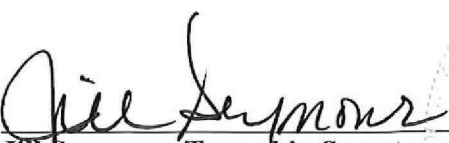
**LOWHILL TOWNSHIP
BOARD OF SUPERVISORS**

By: 
Curtis Dietrich, Chairman

By: 
Michael Divers, Vice Chairman

By: 
Jack Iannantuono, Supervisor

ATTEST:


Jill Seymour, Township Secretary

