

**TOWNSHIP OF LOWER FREDERICK  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO.:** 2023-01

**AN ORDINANCE OF THE TOWNSHIP OF LOWER FREDERICK, MONTGOMERY COUNTY, PENNSYLVANIA; AMENDING CHAPTER 170, ZONING, OF THE TOWNSHIP CODE TO ESTABLISH REQUIREMENTS FOR ORDINANCE PROVISION CONFLICTS AND SEVERABILITY; REVISE EXISTING AND CREATE NEW DEFINITIONS; ESTABLISH NEW STANDARDS FOR UNPERMITTED USES AND WELLS; REVISE CERTAIN NATURAL RESOURCE PROTECTION STANDARDS; ALLOW LOTS TO FRONT PRIVATE STREETS; REVISE USE AND DIMENSIONAL REQUIREMENTS FOR VARIOUS ZONING DISTRICTS; AND REVISE REGULATIONS FOR TRAFFIC STUDIES AND PROHIBITED USES.**

**NOW THEREFORE**, be it, and it is hereby **ORDAINED** by the Board of Supervisors of the Township of Lower Frederick, Montgomery County, Commonwealth of Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

**ARTICLE I.                      Definitions**

Section 145-8, Definitions, of Chapter 145, Subdivision and Land Development, of the Lower Frederick Township Code is hereby amended by deleting the definition of “Planned Residential Development” from this Section.

**ARTICLE II.                      Conflict**

Section 170-5, Conflict with other provisions, of the Lower Frederick Township Code is hereby amended to read as follows:

**§170-5. Conflict with other provisions.**

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.

- A. Whenever any regulations made under authority of this chapter require a greater width or size of yards, courts, or other open spaces; or require a lower height of buildings or smaller number of stories; or require a greater percentage of a lot to be left unoccupied; or impose other more restrictive standards than are required in

or under any other statute or ordinance, the regulations made under authority of this chapter shall govern.

- B. Whenever the provisions of any other statute or ordinance require a greater width or size of yards, courts, or other open spaces; or require a lower height of buildings or smaller number of stories; or require a greater percentage of a lot to be left unoccupied; or impose other more restrictive standards than are required by any regulations made under authority of this chapter, the provisions of such other statute or ordinance shall govern.
- C. Whenever any regulations pertaining to a specific use or activity under authority of this chapter impose a different requirement concerning the width or size of yards, courts, or other open space; the height or stories of buildings; the percentage of a lot to be left unoccupied; or other zoning standards than are required for the zoning district or generally required under this chapter, the greater or more restrictive standards shall govern.
- D. This chapter does not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, or with any rule, regulation, or permit adopted or issued thereunder, (except those specifically or impliedly repealed by this chapter) nor with any private restrictions placed upon property by covenant, deed, or other private agreement.
- E. Those provisions in Chapter 145, Subdivision and Development of Land, of the Lower Frederick Township Code concerned with varying design standards shall not be considered to be in conflict with the provisions of this chapter.

**ARTICLE III.            Severability**

A new Section 170-6.1, Severability, is hereby added to the Lower Frederick Township Code and shall read as follows:

**§170-6.1. Severability.**

It is hereby declared to be the intent of the Board of Supervisors that:

- A. If a court of competent jurisdiction declares any provisions of this chapter to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective and all other provisions of this chapter shall continue to be separately and fully effective.
- B. If a court of competent jurisdiction finds that the application of any provision or provisions of this chapter to any lot, building, or other structure or tract of land to be invalid or ineffective in whole or in part, the effect of such decision shall be

limited to the person, property, or situation immediately involved in the controversy and the application of any such provision to other persons, property, or situations shall not be affected.

**ARTICLE IV.            Definitions**

Section 170-8, Definitions, of Chapter 170, Zoning, of the Lower Frederick Township Code is hereby amended by adding the following new definitions in the appropriate alphabetical location which shall read as follows:

**COMMUNITY WELL**

A well that serves two (2) or more lots, buildings, dwelling units, and/or establishments, or serves an establishment requiring more than four hundred (400) gpd.

**HISTORIC RESOURCE**

A building, structure, object, site, landscape, or archaeological artifact that has been identified as nationally and/or locally historically significant in its community context and/or has a unique historical, architectural or patriotic interest or value, including, but not limited to, a resource listed on the National Register of Historic Places as maintained by the National Park Service or having received a Determination of Eligibility from the Pennsylvania Historical and Museum Commission or listed on any Commonwealth, county, or township historic sites survey.

**CRITICAL ROOT ZONE (CRZ)**

A circular area of ground around a tree designated to protect the majority of the tree's root system from damage and/or compaction during construction and other activities. Essentially, it is an invisible or imaginary circle that runs around a tree, which area is important to the tree because it is where the most critical roots of the tree are located. The radius of a tree's CRZ is equal to 1.25 feet for every inch of trunk thickness as measured at DBH. To calculate a tree's CRZ, one should divide the circumference (in inches) of the tree's trunk as measured at DBH by  $\pi$  (pi - 3.14159) to get the diameter of the trunk (in inches) and then multiply that number by 1.25 to get the radius of the CRZ (in feet). This radius is then extended from outer edge of the trunk to show the CRZ for that tree.

**OPEN LAND**

Same meaning as "Open Space".

**SITE**

One or more areas, parcels, lots, tracts, properties, or pieces of land intended to have one or more buildings or structures constructed upon it (them); intended to be subdivided into one or more lots or units; and/or otherwise subject of a land

development application, permit application, appeal, or another type of improvement regulated by this chapter 170.

**SITE AREA**

All land within the site as defined in the deed(s). This area shall be determined from an actual site survey rather than from a deed description.

**TRACT**

Same meaning as "Site".

**ARTICLE V.            Definitions**

Section 170-8, Definitions, of Chapter 170, Zoning, of the Lower Frederick Township Code is hereby amended by revising the following current definitions to read as follows:

**ACCESS STRIP**

A piece of land which does not comply with the minimum lot width regulations of this chapter, but which provides physical access to, and legal road frontage for, a lot in compliance with this chapter's requirement for access to a street. Access strips provide access to flag lots, also known as "rear" or "interior" lots. The area of an access strip shall not be included in the minimum lot area required under the provisions of this chapter.

**ACCESSORY STRUCTURE**

A structure detached from a principal building, located on the same lot as said principal building, and customarily incidental and subordinate to said principal building and/or use of said principal building.

**BUILDING COVERAGE**

The ratio obtained by dividing the maximum horizontal cross-section of all principal and accessory buildings on a lot (including balconies, covered decks and porches, carports and breezeways, but excluding patios) by the net lot area of the lot upon which the buildings are located. Building coverage is expressed as a percent.

**DRIVEWAY**

A private cartway providing vehicular access between a street and a lot, property, or development.

**HEIGHT OF BUILDING OR STRUCTURE**

A. For principal buildings and accessory buildings/structures meeting the principal structure setbacks: the vertical distance measured from the average elevation of the existing grade at the location of the building to the highest point of a flat or multilevel roof; for gable, hip or gambrel roofs, measured to the average height between the eaves and ridge. Residential

chimneys, mechanical penthouses, and similar projections not intended for human occupancy shall be excluded.

- B. For all other buildings and structures: the vertical distance measured from the average elevation of the existing grade at the location of the building/structure to the highest point of the building/structure.

### **INTERIOR LOT**

An existing lot that has no street frontage and has setbacks all around. Setbacks for an interior lot should be the side yard setback of lots in the zoning district that the lot is in.

### **WETLANDS MARGIN**

A transitional area extending from the outer limits of the wetlands, as defined in this Chapter. Wetlands margins serve to filter pollutants, reduce stormwater velocities, provide for flood water storage, provide wildlife habitat (which may include endangered and threatened species), facilitate ground water recharge and allow for slight variations of the wetlands boundary seasonally or over time. For the purpose of this Chapter, the wetlands margin shall extend fifty (50) feet from the outer boundary of any wetland.

### **WOODLANDS**

Land containing areas, groves, or stands of mature or largely mature trees (trees with a DBH of eight (8) inches or greater) that form a continuous canopy covering an area of 1/4 of an acre or more, as measured from the CRZ of the outer trees; or groves or stands of mature trees (trees with a DBH of twelve (12) inches or greater) consisting of ten (10) or more individual specimens forming a continuous canopy.

## **ARTICLE VI. Streets**

Section 170-11 of Chapter 170, Zoning, of the Lower Frederick Township Code shall be amended to read as follows:

### **§170-11 Access to public or private streets.**

Unless otherwise specified in the specific district regulations of this chapter, each and every lot shall abut a public or private street for at least 50 feet at the right-of-way line of said street; and this 50 feet of frontage must be usable for purposes of ingress and egress to the lot.

**ARTICLE VII.**        **Lots**

Section 170-13 of Chapter 170, Zoning, of the Lower Frederick Township Code shall be amended to read as follows:

**§170-13 Flag lotting.**

The concept of flag lotting is permitted under this chapter in compliance with §170-11, Access to public or private streets, other applicable requirements of this chapter, and the flag lotting provisions of Chapter 145, Subdivision and Land Development.

**ARTICLE VIII.**        **Traffic Impact Study**

Subsection 170-36.C.(1) of Chapter 170, Zoning, of the Lower Frederick Township Code shall be amended to read as follows:

- (1) A traffic impact study shall be submitted with all requests for change of zoning, special exception, conditional use, and as part of the preliminary plan application for all subdivisions and/or land developments when the proposed use and/or development involves thirty (30) or more dwelling units or 25,000 square feet of nonresidential floor area.
  - (a) Proposals which would not be required to produce a traffic impact study by reason of size, above, must produce a study if the expected number of trips generated per day exceeds 500.
  - (b) The anticipated number of trips per day shall be determined through the use of Institute of Transportation Engineers' (ITE) Trip Generation Report (most recent edition, as amended). The proposed use or development shall be identified using the appropriate ITE land use code. Where doubt exists, the applicant shall seek guidance from the Township Planning Commission and Township Engineer.

**ARTICLE IX.**        **Uses**

A new Section 170-38.3, Lawful Use Not Otherwise Permitted, is hereby added to the Lower Frederick Township Code and shall read as follows:

**§170-38.3. Lawful Use Not Otherwise Permitted.**

It is the intent of this chapter to allow the establishment of all legitimate land uses. Any lawful use that is required to be permitted somewhere in the Township under Pennsylvania law and is not otherwise permitted in any zoning district in the Township or

in the Central Perkiomen Valley (CPV) Region in accordance with the CPV Regional Comprehensive Plan, as revised, shall be permitted as a conditional use in the districts listed below; provided that the applicant for the conditional use establishes that the proposed use meets the following criteria, as well as, any other applicable requirements set forth in other sections of this Code:

- Residential uses in the R-4 Residential District.
  - Commercial and consumer services uses in the CC Community Commercial District.
  - Institutional and office uses in the OI Office Institution District.
  - Industrial and recreational uses, and any other uses not covered by the above bullet points, in the LI-Limited Industrial District.
- A. The use must comply with the lot, area, dimensional, and design criteria of the district in which is permitted and shall not cause undue noise, glare or pollution of the surrounding areas.
- B. The levels of traffic congestion, noise, glare, and pollution anticipated to be created by the proposed use must be similar to the levels created by uses specifically permitted in the zoning district the use is proposed to be located in.
- C. Any visual or functional conflicts between the proposed use and surrounding existing uses shall be kept to a minimum. Increased setbacks, planted buffers, wooden fences, or other measures may be required by the Board of Supervisors to minimize potential conflicts, or to reduce anticipated levels of noise. Visual and functional conflicts include, but are not limited to, loading docks, parking lots, service driveways, or large nonresidential buildings adjacent to residential neighborhoods or open space areas, without adequate buffering.
- D. Where applicable, the applicant must demonstrate that the proposed use will comply with all permit requirements of the Montgomery County Office of Public Health, Pennsylvania Department of Environmental Protection, Pennsylvania Department of Transportation, and any other Commonwealth or Federal government agencies which regulate any aspect of the proposed use.
- E. A buffer area shall be established in accordance with the conditions imposed upon the granting of the conditional use approval which is sufficient to adequately screen the proposed use from other uses in the vicinity. The buffer shall be of sufficient width to protect the surrounding area from objectionable effects of the proposed use including, but not limited to, noise, dust, vibration, odor, illumination, visual effects, and the like.
- F. The proposed use will comply in all other respects with the provisions of §170-31 of this chapter.

**ARTICLE X.**            **Wells**

A new Section 170-38.4, Well Depletion Agreement, is hereby added to the Lower Frederick Township Code and shall read as follows:

**§170-38.4. Community Well Depletion Agreement**

An applicant seeking to drill a community well shall be required to enter into a Well Depletion Agreement with the Township. The Well Depletion Agreement provides recourse for the owners of existing wells in the vicinity of the new well(s), if the new well(s) has an adverse impact on the quantity or quality of water withdrawn from their existing well.

- A. The Well Depletion Agreement shall apply to all existing wells that are depleted or affected to such an extent that the well's water supply is no longer adequate or acceptable for its owners' needs. Unless it can be shown that such depletion and/or effects are not caused by the well(s) servicing the applicant's use/property/development, then the applicant is responsible to restore an adequate and acceptable supply to the user of the affected existing well.
  - (1) Depletion. An inadequate water supply occurs when a well no longer yields the amount of water required for the use/property/development currently relying upon that existing well.
  - (2) Effects. Possible negative effects to a well's water supply include, but are not limited to, loss of potability, turbidity, repugnant odor, and/or foul taste.
- B. Where an applicant's well(s) have depleted and/or negatively affected a neighboring well, the applicant shall either deepen the depleted/affected well, drill a new well, or connect the impacted property(ies) to a public water supply. Determination of which corrective measure shall be taken will be at the sole discretion and direction of the Township, and the measure taken must provide an adequate supply of potable water as defined by PaDEP to the impacted property owner(s).
- C. An applicant shall bear the burden of proving that the applicant's well(s) is (are) not responsible for the depletion of and/or negative effects to a neighboring well.
- D. Any expense associated with providing the impacted property owner with a potable water supply shall be borne by the applicant and approved by the Township.
- E. The Well Depletion Agreement shall remain in full force and effect for ten (10) years following the issuance of a use and occupancy permit for the last dwelling to be constructed as part of a residential development or ten (10) years after peak usage is reached for a non-residential development. A financial guarantee shall also be provided in conjunction with the Well Depletion Agreement, the amount of



which shall be set by the Board from time to time, as part of the Township's fee schedule.

**ARTICLE XI.**            **Principal Uses**

A new Section 170-38.5, Principal Uses, is hereby added to the Lower Frederick Township Code and shall read as follows:

**§170-38.5. Principal Uses**

- A. When more than one (1) principal use is allowed upon a single lot, each such use upon the lot or proposed upon the lot must independently meet the minimum lot size applicable to that lot and/or use, without using the same area of the lot as another principal use on the lot. For example, in a district where the minimum lot size is two (2) acres, a lot proposed to contain two (2) principal uses must be at least four (4) acres in size; if one of the proposed principal uses has a minimum lot area of five (5) acres, then the lot must be at least seven (7) acres in size.
- B. No more than one (1) single-family detached dwelling is allowed on any lot.
- C. One (1) single-family detached dwelling is allowed to be located on a lot with an agricultural use, and these two uses shall only constitute a single principal use.

**ARTICLE XII.**            **Natural Resource Protection Standards**

Subsection 170-41.1.C of the Natural Resource Protection Standards in Chapter 170, Zoning, of the Lower Frederick Township Code shall be amended to read as follows:

- C. Lakes, Ponds, and Watercourses. The entire extent of such areas shall not be altered, regraded, developed, filled, piped, diverted, or built upon; except that roads and trails may cross watercourses where design approval is obtained from the Township and, if required, the Pennsylvania Department of Environmental Protection and/or the U.S. Army Corps of Engineers. These protections shall not apply to artificial/man-made swales, ditches, and channels that have not become naturalized.

**ARTICLE XIII.**            **Natural Resource Protection Standards**

Subsection 170-41.1.C of the Natural Resource Protection Standards in Chapter 170, Zoning, of the Lower Frederick Township Code shall be amended to read as follows:

- (4) Exceptions.

- (a) A riparian buffer for an ephemeral or intermittent watercourse with an upstream drainage area of less than seventy-five (75) acres shall only have a Zone 1 as described and regulated in Subsection C.1 above. A Zone 2 shall not be required for a riparian buffer along such a watercourse.
- (b) A riparian buffer is not required along any artificial/man-made swale, ditch, or channel.

**ARTICLE XIV.            Natural Resource Protection Standards**

Subsection 170-41.1.B of the Natural Resource Protection Standards in Chapter 170, Zoning, of the Lower Frederick Township Code shall be amended to read as follows:

**B.     Heritage Trees.**

- (1) Heritage Trees shall be preserved and protected to the greatest extent feasible, as determined by the Township Engineer.
- (2) Where any land disturbance is proposed as part of any subdivision or land development application, removal of Heritage Trees shall not be permitted except where the landowner/developer demonstrates to the satisfaction of the Township that such removal is essential to eliminate hazardous condition(s). In consideration of any need for tree removal, the Township may engage the services of an arborist, reasonable costs therefore to be borne by the landowner/developer.
- (3) Where any applicant for building, zoning, subdivision, or land development approval establishes conservation restrictions acceptable to the Township which shall result in the conservation of Heritage Trees, all such Heritage Trees to be retained shall be credited toward any tree replacement required under this Chapter, at the ratio of seven (7) trees credited for each Heritage Tree retained.
- (4) The applicant shall demarcate and protect any Heritage Tree being retained on a site or lot being developed, constructed upon, or graded by the placement of four (4) foot high safety fencing along the tree protection zone for these retained Heritage Trees. No construction activities, grading or other soil disturbance, dumping or storage of materials/soil/rock, driving or parking of vehicles, nor any other activity that could harm this natural resource shall occur within this tree protection zone. Said fencing shall be erected prior to any work on the site or lot commencing and shall be maintained until the work is fully completed and all equipment and materials have been removed. The safety fence shall be erected pursuant the manufacturer's recommendations, so long as a fence post is placed at every

corner/change of direction and no fence post is more the ten (10) away from another post.

**ARTICLE XV. Natural Resource Protection Standards**

Subsection 170-41.1.I of the Natural Resource Protection Standards in Chapter 170, Zoning, of the Lower Frederick Township Code shall be amended to read as follows:

- I. Woodlands. In areas of woodlands, the following standards shall apply:
  - (1) Woodlands in Environmentally Sensitive Areas. No more than twenty (20) percent of woodlands located in environmentally sensitive areas shall be altered, regraded, cleared, or built upon. Environmentally sensitive areas shall include floodplains, floodplain soils, hydric soils, riparian buffers, steep slopes, wetlands, and wetland margins.
  - (2) Other Woodland Areas. Woodlands which are not located in environmentally sensitive areas (as defined in Subsection (1) above) shall be protected in accordance with the following chart and shall not be altered, regraded, cleared, or built upon, unless the following requirements are met:

Table 170-41.1.I(2)			
Lot Size (in acres)	Maximum Amount of Woodlands Allowed to be Disturbed without Replacement Trees	Maximum Additional Woodlands Allowed to be Disturbed with Replacement Trees	Total Allowed Disturbance of Woodlands
<1.5	90%	0%	90%
1.5 to <3	75%	0%	75%
3 to <6	60%	0%	60%
6 to <10	40%	10%	50%
10 and >10	30%	20%	50%

- (a) When woodlands are being disturbed which disturbance requires replacement, all such disturbed woodlands shall be replaced on an acre-for-acre basis through the planting of replacement trees (reforestation). The actual number of replacement trees shall be calculated by multiplying the acreage of disturbance requiring replacement by two hundred (200) trees per acre. All replacement trees shall have a minimum caliper of two and one half (2½) inches at the time of planting.
- (b) The planting of replacement trees shall be done in accordance with a woodlands management plan prepared by a consultant listed as a

Pennsylvania Forester by the Pennsylvania Department of Conservation and Natural Resources, Bureau of Forestry and shall comply with the provisions of Sections 145-43.1.B – .E of the Township Code, except where the tree replacement only involves a single residential or nonresidential lot and no subdivision or land development; in such instances, the reforestation may take place anywhere on the lot in accordance with a submitted planting plan.

- (c) The planting of replacement trees shall occur onsite. If all the replacement trees cannot be planted onsite, the landowner/developer can plant them elsewhere within the Township with the approval of the Board of Supervisors or can pay a fee in lieu of the required replacement to the Township's Forest Conservation Fund, as opted by the landowner/developer.
  - (d) Subdivisions and Land Developments. Any plan seeking subdivision and/or land development approval pursuant to Chapter 145, Subdivision and Land Development, of the Township Code shall show compliance with the Woodlands protections standards of this Subsection I, even if no disturbance is proposed as a part of this subdivision/land development plan. Upon approval of the plan, such proposed compliance shall run with the land and be followed by current and future owners of any property involved in this subdivision/land development.
- (3) The extent of any area of woodland disturbance shall be measured to include the entire area within the CRZ of any tree, where any part of the area within the CRZ of said tree is subject to woodland disturbance.
  - (4) Except where a timber harvesting operation has been approved by the Township, 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.
  - (5) Nothing in this Subsection shall prevent or prohibit landowners from removing dead or terminally diseased trees or any tree that poses an immediate threat to people or property.
  - (6) The landowner/developer shall demarcate and protect the remaining trees on a site or lot being developed, constructed upon, or graded by the placement of four (4) foot high safety fencing along the tree protection zone for these remaining trees. No construction activities, grading or other soil disturbance, dumping or storage of materials/soil/rock, driving or parking of vehicles, nor any other activity that could harm this natural resource shall occur within this tree protection zone. Said fencing shall be erected prior to any work on the site or lot commencing and shall be maintained until the

work is fully completed and all equipment and materials have been removed. The safety fence shall be erected pursuant the manufacturer's recommendations, so long as a fence post is placed at every corner/change of direction and no fence post is more the ten (10) away from another post.

**ARTICLE XVI.      VC-Village Commercial District**

Subsection 170-68.A(8) of Chapter 170, Zoning, of the Lower Frederick Township Code shall be amended to read as follows:

- (8)      Maximum height for all buildings and structures: 35 feet.  
            (See §170-24 and §170-32 for additional height regulations)

**ARTICLE XVII.      VC-Village Commercial District**

Subsection 170-68.B(2) of Chapter 170, Zoning, of the Lower Frederick Township Code shall be amended to read as follows:

- (2)      The stacking lanes shall not interfere with other parking spaces or internal vehicular or pedestrian circulation, and shall be designed to prevent stacked vehicles from extending into any streets.

**ARTICLE XVIII.      VC-Village Commercial District**

Subsection 170-70.1.B(9) of Chapter 170, Zoning, of the Lower Frederick Township Code shall be amended to read as follows:

- (9)      Maximum height for all buildings and structures: 35 feet.  
            (See §170-24 and §170-32 for additional height regulations)

**ARTICLE XIX.      VC-Village Commercial District**

Subsection 170-70.1.C(2) of Chapter 170, Zoning, of the Lower Frederick Township Code shall be amended to read as follows:

- (2)      The stacking lanes shall not interfere with other parking spaces or internal vehicular or pedestrian circulation, and shall be designed to prevent stacked vehicles from extending into any streets.

**ARTICLE XX.            CC-Community Commercial District**

Subsection 170-72.K, Uses permitted by right, of the Lower Frederick Township Code shall be amended to read as follows:

- K.     Single-family detached dwellings in compliance with the requirements of the R-1 Rural Residential District for single-family detached dwellings under conventional lotting.

**ARTICLE XXI.            CC-Community Commercial District**

Subsection 170-75.A, Dimensional regulations, of the Lower Frederick Township Code shall be amended to read as follows:

- A.     The following regulations apply to all permitted uses except single-family detached dwellings, government uses, post offices, community centers, and public libraries:

**ARTICLE XXII.            CC-Community Commercial District**

Subsection 170-75.A(9) of Chapter 170, Zoning, of the Lower Frederick Township Code shall be amended to read as follows:

- (9)     Maximum height for all buildings and structures: 35 feet.  
          (See §170-24 and §170-32 for additional height regulations)

**ARTICLE XXIII.            LI-Limited Industrial District**

The opening paragraph of Section 170-82, Dimensional regulations, of Chapter 170, Zoning, of the Lower Frederick Township Code shall be amended to read as follows:

For all uses permitted by right or by conditional use, except parks and recreation areas, the following dimensional regulations apply:

**ARTICLE XXIV.            LI-Limited Industrial District**

Subsection 170-82.L of Chapter 170, Zoning, of the Lower Frederick Township Code shall be amended to read as follows:

- L.     Maximum height for all buildings and structures: 35 feet.  
          (See §170-24 and §170-32 for additional height regulations)

**ARTICLE XXV.      LI-Limited Industrial District**

Subsection 170-89.A, Dimensional regulations, of Chapter 170, Zoning, of the Lower Frederick Township Code shall be amended to read as follows:

- A. For all uses permitted by right and/or by conditional use, except institutional uses, the following regulations apply:

**ARTICLE XXVI.      IR-Institutional and Recreational Overlay District**

Subsection 170-93.A(3) of Chapter 170, Zoning, of the Lower Frederick Township Code shall be amended to read as follows:

- (3) Public library, museum, gallery, or historic resource.

**ARTICLE XXVII.      IR-Institutional and Recreational Overlay District**

Subsection 170-94.B(1) of Chapter 170, Zoning, of the Lower Frederick Township Code shall be amended to read as follows:

- (1) Maximum height for all buildings and structures: 35 feet or three (3) stories.  
(See §170-24 and §170-32 for additional height regulations)

**ARTICLE XXVIII.      OI-Office Institution District**

Section 170-99 of Chapter 170, Zoning, of the Lower Frederick Township Code shall be amended to read as follows:

**§170-99 Prohibited uses.**

In support of the legislative intent and statement of community development objectives of this article, certain uses are prohibited in the OI Office Institution District. Prohibited uses include, but are not limited to, the following:

- A. Penal or correctional institution, prison farm, reform school.
- B. Any use of a retail commercial character.
- C. Any use of an industrial, wholesaling, or warehousing character.
- D. Adult entertainment uses.

**ARTICLE XXIX.      OI-Office Institution District**

The opening paragraph of Section 170-100, Dimensional regulations, of Chapter 170, Zoning, of the Lower Frederick Township Code shall be amended to read as follows:

Each class of use shall comply with the following dimensional regulations, except parks and recreation areas:

**ARTICLE XXX.      OI-Office Institution District**

The “maximum height” row in the Table in Section 170-100 of Chapter 170, Zoning, of the Lower Frederick Township Code shall be amended to read as follows:

Maximum height	35 feet
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(See §170-24 and §170-32 for additional height regulations)

**ARTICLE XXXI.      Repealer**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**ARTICLE XXXII.      Severability**

If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

**ARTICLE XXXIII.      Effective Date**

This Ordinance shall become effective five (5) days after final enactment.

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**LOWER FREDERICK TOWNSHIP  
OMNIBUS ZONING AMENDMENT**


**Ordinance No. 2023-01**

**ENACTED** and **ORDAINED** this 7<sup>TH</sup> day of FEBRUARY, 2023.

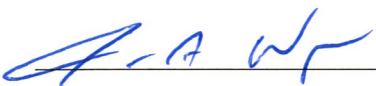
**LOWER FREDERICK TOWNSHIP  
BOARD OF SUPERVISORS**

  
\_\_\_\_\_  
Marla Hexter, Chair

  
\_\_\_\_\_  
Daniel Orfe, Vice Chair

  
\_\_\_\_\_  
Terry Bird

ATTEST:

  
\_\_\_\_\_  
JASON A. WAGER, Manager

  
\_\_\_\_\_  
Terry Sacks

  
\_\_\_\_\_  
Charles W. Yeiser