

**LEHIGH TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023-4

AN ORDINANCE AMENDING THE 2002 LEHIGH TOWNSHIP ZONING ORDINANCE, CHAPTER 180 "ZONING," OF THE TOWNSHIP OF LEHIGH CODE OF ORDINANCES, AS AMENDED, BY AMENDING SECTION 180-71 "COMMUNICATION TOWERS, ANTENNAS AND EQUIPMENT TO MODIFY SECTION 180-71 (A) ENTITLED "PERMITTED AND PROHIBITED ZONING DISTRICTS FOR WIRELESS COMMUNICATION FACILITIES (WCF) TABLE A.1 TO REFLECT WIRELESS COMMUNICATION TOWERS OUTSIDE OF RIGHTS OF WAY LESS THAN 40 FEET IN HEIGHT IS A PERMITTED USE IN THE A/RR ZONE AND AMENDING TABLE A.2 TO REFLECT WCF TOWERS OUTSIDE RIGHTS OF WAY AND GREATER THAN 40 FEET IN HEIGHT IS PERMITTED IN THE A/RR ZONE BY CONDITIONAL USE.

WHEREAS, Section 180-71 of the Lehigh Township Zoning Ordinance provides for permitted and prohibited zoning districts for wireless communication facilities (WCF); and

WHEREAS, Tower based wireless communication facilities outside of the right of way and 40 feet or less in height are permitted in the A/RR Zoning District as a conditional use.

WHEREAS, Tower based wireless communication facilities outside of the right of way and in excess of 40 feet are not permitted in the A/RR Zoning District.

WHEREAS, Table A.1 which inadvertently and incorrectly indicated a Tower based wireless communication facility outside of the right of way and 40 feet or less in height is not permitted in the A/RR Zoning District.

WHEREAS, Table A.2 inadvertently failed to list tower-based wireless facility communications for towers outside right of way and 40 feet or less in height in the A/RR Zoning District as permitted as a conditional use; and

WHEREAS, the Ordinance seeks to correct the typographical errors in Table A.1 and omission in Table A.2 to come into conformity with the text of the zoning ordinance which permitted said uses.

WHEREAS, the Lehigh Township Board of Supervisors finds that the proposed amendments will promote, protect and facilitate the public health, safety and welfare; and

WHEREAS, pursuant to Section 609 of the Municipalities Planning Code, 53 P.S. § 10609, the Township of Lehigh is authorized and empowered to enact amendments to the Lehigh Township Zoning Ordinance after public hearing thereon pursuant to public notice; and

WHEREAS, the Board of Supervisors of the Township of Lehigh has conducted a public hearing pursuant to public notice concerning the following amendments to the Lehigh Township Zoning Ordinance; and

WHEREAS, after public hearing pursuant to public notice, the Board of Supervisors of the Township of Lehigh desires to ordain and enact the amendments to the Lehigh Township Zoning Ordinance set forth hereinafter; and

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

Chapter 180 of the Township of Lehigh Code of Ordinances, Article V “Specific Criteria” Section 180-71 Table A.1 and Table A.2. are amended by modifying the chart information set forth in Table A.1 and Table A.2 for wireless communication facilities out of the rights of way by crossing out the deleted language and underlying the language to be added to the ordinance as follows:

1. SECTION 1: Table A.1

Table A.1

Zoning District	Comm, Towers-Current Ordinance	Tower-Based WCF in ROW	Tower-Based WCF out of ROW/40' height or less	Tower-Based WCF/out of ROW/>40'	WCF on Existing Structure	Eligible Facilities Request
A/RR	SE	C*	NP <u>C*</u>	C* <u>NP</u>	P	P

2. SECTION 2: Table A.2

Table A.2

Prohibited Zoning

WCF Type	Prohibited Zoning Districts	
A	Tower-Based WFC located out of the ROW	Residential lots or properties in residential zoning district <u>except within A/RR which is permitted by Conditional Use.</u>

Prohibited Zoning - WCF Type Prohibited Zoning District

3. **SECTION 3:** Section 180.16 entitled Agricultural/Rural Residential Zone (A/RR) is hereby modified by deleting 180-16.C(5) as a special exception uses as follows:

~~(5) Communication towers, antennas, and equipment.~~

4. **SECTION 4: SEVERABILITY-** If any section, subsection, sentence, clause or phrase or portion of this document is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

5. **SECTION 5: REPEALER -** All ordinances and parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies

6. **SECTION 6: EFFECTIVE DATE:**

This Ordinance shall become effective upon enactment.

ENACTED AND ORDAINED this 10th day of October, 2023.

ATTEST

LEHIGH TOWNSHIP


Secretary.


Chairman, Board of Supervisors