

**ORDINANCE #2026-9
NORTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

AN ORDINANCE AMENDING THE NORTH WHITEHALL TOWNSHIP ZONING ORDINANCE OF 2025, AS AMENDED AND CODIFIED, TO REVISE PERMITTING REQUIREMENTS; TO AMEND THE DEFINITION OF THE TERM KENNEL AND THE USE REGULATIONS APPLICABLE TO KENNEL USES; TO ELIMINATE THE REGISTRATION FEES FOR ACCESSORY FAMILY DWELLING UNITS AND APIARIES; TO REVISE LIGHTING STANDARDS; TO ADD A LIMITATION ON THE NUMBER OF DRIVEWAYS SERVING A PROPERTY; TO ADD A REQUIREMENT FOR PROVISION OF EMERGENCY PULL-OFF AREAS FOR DRIVEWAYS EXCEEDING 500 FEET IN LENGTH; TO AUTHORIZE PET GROOMING ESTABLISHMENTS AS PRINCIPAL USES, INDUSTRIAL OFFICES AS PRINCIPAL USES, AND LIMITED PET GROOMING AS AN ACCESSORY USE AND ESTABLISH USE REGULATIONS FOR SUCH USES; AND TO REMOVE REFERENCES TO MAXIMUM BUILDING COVERAGE LIMITATIONS.

SECTION 1 – STATEMENT OF LEGISLATIVE FINDINGS

WHEREAS, North Whitehall Township, Lehigh County, Pennsylvania (the “Township”) is a Pennsylvania township of the second class organized and existing under and pursuant to The Second Class Township Code and various other laws of the Commonwealth of Pennsylvania and is governed by a three (3) member Board of Supervisors (the “Supervisors”); and

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, Act of Jul. 31, 1968, P.L. 805, No. 247, Art. VI, *as reenacted and amended*, 53 P.S. § 10601 *et seq.* (“Article IV”), authorizes the Supervisors to enact, amend, and repeal zoning ordinances applicable within the Township; and

WHEREAS, pursuant to Article VI, by Ordinance No. 2025-3, adopted on December 01, 2025, the Supervisors enacted the “North Whitehall Township Zoning Ordinance of 2025” (the “Zoning Ordinance”), which is presently or will be codified in Chapter 440 of the Code of the Township of North Whitehall;¹ and

WHEREAS, the Supervisors deem it to be in the best interest and general welfare of Township residents to update and amend certain provisions of the Zoning Ordinance to revise permitting requirements, to amend the definition of the term “kennel” and the use regulations applicable to kennel uses, to eliminate the registration fees for accessory family dwelling units and apiaries, to revise lighting standards, to add a limitation on the number of driveways serving a property, to add a requirement for provision of emergency pull-off areas for driveways exceeding five hundred feet (500’) in length, to provide for pet grooming establishments as a principal use, industrial offices as a principal use, and limited pet grooming as an accessory use and establish

¹ The Code of the Township of North Whitehall is accessible online via the following Uniform Resource Locator (URL): <https://ecode360.com/NO3503>.

use regulations for such uses, and to remove references to maximum building coverage limitations, all as more particularly described herein.

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

1. Article I, Section 440-10, titled, "Permits and certificates," is amended as follows:

- a. The title of Section 440-10 is changed to "Permits."
- b. Subsection 440-10.A.(2) is deleted in its entirety, and the following is substituted therefor:

"(2) Types of permits. The following types of permits are required for the following situations:

(a) Zoning permit. A zoning permit is required to establish that a proposed use, structure, or activity complies with the provisions of this Chapter, including but not limited to use regulations, dimensional standards, and site layout requirements. A zoning permit shall constitute authorization for the proposed use and configuration of a lot in accordance with this Chapter but does not authorize construction or occupancy. A zoning permit shall be required prior to the commencement of any of the following:

[1] Erection, construction, reconstruction, movements, placement, or expansion of any structure;

[2] Establishment of a new use of land or structure;

[3] Change in the type of use of any land or structure;

[4] Expansion or intensification of an existing use;

[5] Earth disturbance or grading, where regulated by this Chapter; and/or

[6] Demolition of a structure.

With respect to non-residential uses only, the following shall apply:

[1] Upon a change in tenancy of land or a structure, the owner of the land or structure shall apply for a zoning permit within thirty (30) days after the new tenancy commences; provided, however, that a zoning permit shall not be required where multiple tenants occupy

the land or structure and the change in tenancy is caused by one (1) or more tenants terminating their tenancy; and

[2] Upon a change in ownership, the purchaser shall apply for a zoning permit within thirty (30) days after the recording of the deed evidencing the transfer of ownership.

Issuance of a zoning permit shall not relieve the applicant from obtaining a building permit or a use and occupancy permit, where required.

(b) Building Permit (UCC Permit). A building permit, issued in accordance with the Pennsylvania Uniform Construction Code (“UCC”), authorizes the construction, reconstruction, alteration, repair, movement, or demolition of structures and confirms compliance with applicable building codes and regulations. A building permit shall be required prior to the commencement of any construction activity regulated by the UCC or other applicable Township ordinances, including but not limited to:

[1] Erection, construction, reconstruction, alteration, repair, movement, or expansion of any structure;

[2] Installation of mechanical, electrical, or plumbing systems;

[3] Installation of underground fuel storage tanks;

[4] Regulated construction or development within identified floodplain areas; and/or

[5] Any other activity requiring a permit under the UCC or other applicable Township ordinances.

A valid zoning permit shall be obtained prior to the issuance of a building permit where required by this Chapter. A building permit does not authorize the use and occupancy of a structure or land.

(c) Permit Interpretation. In the event of any conflict or inconsistency between permits issued under this Chapter, the terms and conditions of the approved zoning permit shall control with respect to the permitted use of land or structures. No permit issued under this Chapter shall be construed to authorize any use, structure, or activity that is not in full compliance with this Chapter.

(d) Road Occupancy Permit. A Township road occupancy permit is required by a separate Township ordinance for new driveways and work within the right-of-way of a Township-owned street. See Commonwealth of Pennsylvania Department of Transportation (“PennDOT”) regulations

for requirements relating to work within the right-of-way of a State Highway.

(e) Form of Permits. As an administrative matter, the Township shall establish the format for the various permits. Zoning, building, and use and occupancy permits and forms may be individual or combined (in whole or in part) forms.”

2. Article II, Section 440-31 of the Zoning Ordinance, titled, “Definitions,” is amended as follows:

- a. A new definition of the term “Industrial Office” is inserted reading as follows:

“Industrial Office – A use that combines office or administrative functions with the storage of commercial vehicles, equipment, and materials associated with construction, landscaping, utilities, excavation, or similar trades. An industrial office is distinguished from a standard office use by the presence of outdoor storage and from an industrial use by the limited scale, accessory nature, and required screening of such outdoor storage. Such use may include: (i) offices for business operations, dispatching, and administrative activities; (ii) parking and storage of commercial vehicles and equipment; and (iii) outdoor storage of materials customarily used in the corresponding trade, provided such storage complies with applicable screening requirements.”

- b. The definition of the term “Kennel” is deleted in its entirety, and the following is substituted therefor:

“Kennel – The boarding, breeding, raising, or training of domestic animals not owned by the landowner or occupant of the premises. Such use shall include animal shelters, both non-profit and for profit. The washing, brushing, trimming, drying, and basic hygiene care of domesticated household pets is permitted as an incidental use to a Kennel, but shall not be subject to the use regulations contained in Section 440-40.E.(27) of this Chapter. The non-compensatory keeping, caring for, or boarding of domesticated animals within a residential use shall not be considered to be a Kennel use, so long as the same is done in compliance with the numerical limitations on keeping of pets found in Chapter 131 of this Code.”

- c. A new definition of the term “Limited Pet Grooming” is inserted reading as follows:

“Limited Pet Grooming – The washing, brushing, trimming, drying, and basic hygienic care of domesticated household pets, conducted on a temporary, appointment-only basis, and shall not include boarding, breeding, training, veterinary services, or retail sales. Limited pet

grooming shall be permitted only as a Home Occupation, subject to special exception approval by the Zoning Hearing Board, and shall comply with all general standards for home occupation uses and the specific use regulations set forth in Section 440-40.H.(15)."

- d. A new definition of the term "Pet Grooming Establishment" is inserted reading as follows:

"Pet Grooming Establishment – A commercial establishment where pets are received from the public for grooming services, including but not limited to bathing, brushing, trimming, clipping, drying, nail care, and related non-medical hygienic services. A pet grooming facility may include incidental retail sales of pet grooming products, provided such retail use is clearly subordinate to the grooming operation. The term pet grooming establishment shall not include: (i) veterinary or medical services; (ii) boarding, kenneling, or overnight animal housing; (iii) breeding or sale of animals; or (iv) outdoor exercise yards or runs as a primary operational component."

3. Article III, Section 440-37 of the Zoning Ordinance, titled, "Table of Permitted Uses by district," is amended as follows:

- a. A new row "D3" is added, titled, "Industrial Office," which provides that Industrial Office uses are permitted by right within the Light Industrial/Business (LI/B), Mineral Extraction/Industrial (ME/I), and Commercial (C) zoning districts.
- b. A new row "E28" is added, titled, "Pet Grooming Establishment," which provides that Pet Grooming Establishment uses are permitted by right within the Commercial (C), Village (V), and Light Industrial/Business (LI/B) zoning districts.

4. Article IV, Section 440-38, titled, "Table of Lot and Setback Requirements by District," is amended to modify the table of "Proposed Requirements" contained therein to eliminate the column titled "Max. Bldg. Coverage" in its entirety.

5. Article IV, Section 440-40, titled, "Use Regulations," is amended as follows:

- a. Subsection 440-40.A.(6) is deleted in its entirety, and the following is substituted therefor:

"(6) Kennel. The operation of a kennel is subject to the following provisions:

(a) Minimum lot area: six (6) acres.

(b) No animal shelter or run shall be located closer than 200 feet from any street line or property line.

(c) Maximum impervious surface ratio: 30%.

(d) Retail sales of related items shall be limited to a maximum floor area of 750 square feet.

(e) No structure for the storage or processing of animal waste shall be situated less than 200 feet from any street line or property line. No storage, processing, or spraying of animal waste shall take place outdoors.

(f) No animal shall be permitted to use outdoor runs from 8:00 p.m. to 8:00 a.m. that are within 250 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of four feet in height, to minimize dog barking.

(g) All dog runs shall be located to the side and/or rear of the principal building, whenever possible.

(h) Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any adjacent principal building.”

- b.** Subsection 440-40.D. is amended to insert a new Subsection 440-40.D.(3) reading as follows:

“(3) Industrial office. Operation of an Industrial Office use shall be subject to the following provisions:

(a) Required Structural Screening.

[1] Outdoor storage areas visible from a public street or from an adjacent residential use or residential zoning district shall be enclosed by a solid fence or wall.

[2] Such fence or wall shall have a minimum height of six feet (6’).

[3] The fence or wall shall be designed to provide an immediate visual screen.

[4] Chain-link fencing, with or without slats, shall not be acceptable to satisfy the requirements of this Subsection (a).

[5] The fence or wall shall be installed in addition to the planting screen required by Sections 440-172 and 440-173 of

this Chapter. The fence or wall shall be permanently maintained and shall not be removed upon maturity of the planting screen.

(b) Height of Outdoor Storage Adjacent to Residential Uses. Where an Industrial Office abuts a residential use or residential zoning district (regardless of whether such zoning district is located within North Whitehall Township):

[1] Outdoor storage, equipment, and materials shall not exceed the height of the fence required by Subsection (a), above or the planting screen required by Sections 440-172 and 440-173 of this Chapter by more than two feet (2'). Greater heights may be permitted where the applicant demonstrates that such storage, equipment, or materials will be fully screened from view on a year-round basis from the adjacent residential property or residential zoning district.

[2] For purposes of Subsection (b)[1], above, "screened from view" shall mean not visible at any time of year from a point six feet (6') above ground level at any property line abutting a residential use or residential zoning district.

[3] The applicant shall be required to demonstrate compliance with this Subsection (b) as part of any required land development review or zoning permit application.

[4] The Zoning Officer may require submission of line-of-sight data or materials illustrating compliance with this Subsection (b). Such data and/or materials shall be sufficient to demonstrate that the required screening will be effective at the time of installation and upon maturity of the planting screen required by Sections 440-172 and 440-173 of this Chapter.

(c) Maintenance and Ongoing Compliance with Screening Requirements.

[1] All screening elements required by this Subsection (a), above, shall be continuously maintained in good condition.

[2] If at any time the required screening elements do not adequately obscure outdoor storage as required by Subsection (a), above, the property owner shall install additional screening or otherwise bring the property into compliance with Subsection (a) within one hundred eighty (180) days."

- c. Subsection 440-40.E. is amended to insert a new Subsection 440-40.E.(27) reading as follows:

“(27) Pet Grooming Establishment. Operation of a Pet Grooming Establishment shall be subject to the following provisions:

(a) Operational Standards.

[1] All grooming activities shall occur within a fully enclosed structure designed for commercial use.

[2] Outdoor grooming activities shall be prohibited unless explicitly authorized as part of approval and fully screened and controlled.

[3] Animals shall be handled in a manner that prevents escape, public nuisance, or interference with surrounding properties.

[4] All operations shall comply with applicable state and local animal welfare regulations.

(b) On-Lot Sewage Disposal and Water Supply. Where a Pet Grooming Establishment is proposed on a lot served by an on-lot sewage disposal system and/or private water supply, no zoning permit shall be issued unless the applicant provides documentation demonstrating that the proposed use will not exceed the designed capacity of such systems. At a minimum, the applicant shall provide:

[1] Certification from a Pennsylvania-licensed sewage enforcement officer (SEO) confirming that the existing on-lot sewage disposal system is adequate for the proposed use based on anticipated water use and wastewater generation;

[2] Where applicable, documentation demonstrating compliance with Act 537 requirements;

[3] Evidence of adequate private water supply capacity, including well yield information where required by the Township; and

[4] Any other technical documentation reasonably required by the Zoning Officer to verify compliance with this Subsection (b).

All wash water, animal hair, and grooming-related waste shall be discharged only to an approved on-lot sewage disposal system designed and certified to accept such flows, and shall not be discharged into stormwater management facilities or onto the ground surface.

(c) Noise Requirements.

[1] The Pet Grooming Establishment shall be designed, constructed, and operated to ensure that noise generated by the use does not exceed applicable Township noise standards at the property line.

[2] All grooming activities shall be conducted within a fully-enclosed structure. Doors and windows shall remain closed during active grooming operations except for normal ingress and egress.

[3] Where located within a multi-tenant building or where adjacent to residential uses, the applicant shall incorporate reasonable sound attenuation measures to minimize noise transmission, which may include:

- (i) Interior sound-insulated walls or partitions;
- (ii) Acoustically-rated doors and windows;
- (iii) Vibration-dampening flooring or equipment mounts;
- (iv) Placement of high-noise equipment away from shared or exterior walls; and
- (v) Enclosed grooming and drying areas; and
- (vi) the use shall be operated in a manner that does not adversely impact adjacent tenant spaces or shared building systems.

[4] The Zoning Officer may require reasonable documentation of sound mitigation measures as part of zoning permit application review where necessary to demonstrate compliance with this Subsection (c)."

- d. Subsection 440-40.H. is amended to insert a new Subsection 440-40.H.(15) reading as follows:

“(15) Limited Pet Grooming. The use of Limited Pet Grooming is a form of Home Occupation use. In addition to, and not in lieu of, the requirements contained in Subsection 440-40.H.(1) of this Chapter, operation of a Limited Pet Grooming use shall be subject to the provisions contained in this Subsection (15). To the extent of any conflict between the provisions of this Subsection (15) and the provisions of Subsection 440-40.H.(1) of this Chapter, the provisions contained in this Subsection (15) shall control.

(a) Eligibility Requirements.

[1] The use shall be conducted within a single-family detached dwelling or structure accessory thereto.

[2] The single-family detached dwelling shall be the primary residence of the operator of the Limited Pet Grooming use.

[3] The lot shall contain a minimum of one (1) acre and shall provide sufficient area to accommodate required parking, setbacks, and buffering.

[4] The single-family detached dwelling or structure accessory thereto in which the Limited Pet Grooming use is operated shall comply with the minimum setback requirements contained in this Chapter applicable to such single-family detached dwelling or structure.

(b) Operational Standards.

[1] The use shall be clearly incidental and subordinate to the residential use.

[2] All grooming activities shall occur entirely indoors.

[3] Outdoor kenneling, outdoor runs, outdoor holding areas, outdoor grooming, and overnight boarding or keeping of animals is prohibited.

[4] Services shall be provided strictly by appointment; walk-in clients are prohibited.

[5] Only animals owned by clients temporarily present for grooming services shall be permitted on-site (other than

animals owned by the operator of the Limited Pet Grooming use).

(c) Intensity Limitations.

[1] No more than two (2) pets shall be present on the property at any one time for grooming purposes.

[2] Appointment scheduling shall be structured to avoid unnecessary overlap of client arrivals and departures.

(d) Employees and Staffing. The use shall be conducted solely by persons residing on the property; provided, however, that no more than one (1) non-resident employee, independent contractor, assistant, or volunteer (whether or not compensated) shall be permitted to assist in the operation of the use.

(e) Traffic and Parking.

[1] All client parking shall be provided off-street on the subject property.

[2] The use shall not generate traffic volumes inconsistent with a residential use.

(f) Hours of Operation. Hours of operation shall be limited to the hours between 8:00 a.m. and 6:00 p.m., Monday through Saturday. Operation of the use on Sundays and legal holidays is prohibited.

(g) Appearance and Signage.

[1] No external evidence of the use shall be visible from adjoining properties or public rights-of-way.

[2] Only one (1) non-illuminated sign not exceeding two square feet (2 sq. ft.) is permitted.

(h) Noise Control and Sound Attenuation.

[1] The use shall not generate noise that is plainly audible beyond the property line or that constitutes a nuisance under applicable municipal standards.

[2] The applicant shall implement sound attenuation measures as necessary to comply with this Subsection (h), which may include but are not limited to:

- (i) Sound-insulated walls, ceilings, and doors;
- (ii) Acoustically-rated or modified windows;
- (iii) Placement of grooming areas away from exterior walls adjacent to neighboring properties; and
- (iv) Use of vibration-dampening surfaces or equipment mounts.

[3] As part of the special exception review process, the applicant may be required to adequate sound mitigation through plans, specifications, or professional certification.

[4] If verified complaints demonstrate that noise from the operation is audible beyond the property line, the Township may require additional mitigation measures or revoke approval if compliance cannot be achieved.

(i) Environmental Controls.

[1] The use shall not create odor, vibration, or other conditions detectable beyond the property line.

[2] All waste materials shall be properly contained and disposed of in accordance with applicable regulations.

[3] Discharge of animal waste, hair, or grooming byproducts into stormwater management facilities is prohibited.

(j) Approval Conditions and Enforcement.

[1] Special exception approval of the use shall be personal to the operator of the Limited Pet Grooming use and shall not be considered to run with the land.

[2] Any violation of this Subsection 440-H.(15) or conditions of approval imposed by the Zoning Hearing Board shall constitute a violation of this Chapter and may result in revocation of approval of the use.

(k) Prohibited Uses. Nothing contained in this Subsection 440-H.(15) shall be interpreted or construed to authorize the following activities as part of a Limited Pet Grooming use:

- [1] Kennels or commercial breeding operations;

[2] Breeding or raising of animals for sale;

[3] Outdoor housing or exercise of animals; or

[4] Retail sales of pet-related good, except that the operator may sell pet grooming products to clients on premises.”

- e. Subsection 440-40.H. is amended to delete Subsection 440-40.H.(5)(h) in its entirety.
- f. Subsection 440-40.H. is amended to delete Subsection 440-40.H.(12)(f)[2][c] in its entirety, and the following is substituted therefor:

“[c] No beekeeper may own or maintain an apiary within the Township without first obtaining an annual registration permit from the Township. An application for an annual registration permit shall be made in writing and upon such form or in such format as established by the Township. The application shall be accompanied by a site plan that includes the size of the lot, the location and number of hives, the location each water source, the distance of the hives from the property lines, and, if required the location of any flyway barriers. The application shall also be accompanied by written evidence that the applicant has completed a beekeeping educational program with a minimum of eight (8) hours of instruction or has a letter of validation from an officer of the PA State Beekeepers Association, an officer of a local bee club, or a certified Master Beekeeper. The issuance of a permit shall not obviate the necessity for compliance with all other Township ordinances.”

- 6. Article V, Section 440-50, titled, “Light, glare and heat control,” is amended as follows:

- a. Subsection 440-50.F. is deleted in its entirety, and the following is substituted therefor:

“F. Measurement. The maximum illumination levels of this section shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye. A “footcandle” is defined as a unit of measurement equaling the illumination on a surface one (1) square foot in area where there is a distribution of light having a candlepower of one candela.”

- b. Subsection 440-50.G. is deleted in its entirety.

- 7. Article VI, Section 440-57, titled, “Design standards for off-street parking,” is amended as follows:

- a. A new Subsection 440-57.D.(12) is inserted reading as follows:

“(12) Limitation on Number of Driveways. No lot shall be permitted more than one (1) driveway access point onto any single public or private street upon which the lot has frontage; provided, however, that lots having frontage on more than one (1) street, including corner and through lots, may be permitted one (1) driveway access point per street frontage, subject to all other applicable requirements of this Chapter. The foregoing notwithstanding, the limitation contained herein shall not apply to driveway access points utilized in conjunction with agricultural operations, so long as a separation distance of at least one hundred fifty feet (150’) is maintained between all driveway access points on the lot.

- b. A new Subsection 440-57.D.(13) is inserted reading as follows:

“(13) Driveway Length and Pull-Off Requirements.

[1] For driveways exceeding 500 feet in length, measured on center line distance, a pull-off area of 60 feet in length and a minimum of 10 feet in width shall be required after approximately 250 feet of distance from the cartway, and additional pull-off areas are required at intervals of approximately every 250 feet thereafter.

[2] Driveways exceeding 500 feet in length shall receive the review of the Fire Code Administrator to assure proper positioning of pull-off areas.”

SECTION 3 – 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 Board of Supervisors of North Whitehall Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 4 – 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 upon enactment by the Board of Supervisors of North Whitehall Township.

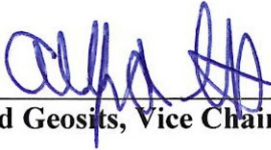
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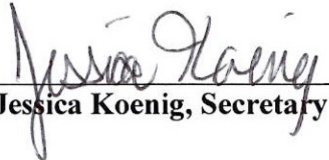
DULY ENACTED AND ORDAINED, this 10th day of August, 2026, by the Board of Supervisors of North Whitehall Township, Lehigh County, Pennsylvania, in lawful session duly assembled.

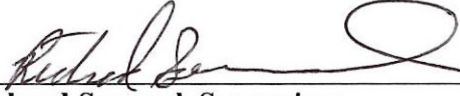
**NORTH WHITEHALL TOWNSHIP
BOARD OF SUPERVISORS**

By: ABSENT
Dennis Klusaritz, Chairman

By: 
Alfred Geosits, Vice Chairman

ATTEST:


Jessica Koenig, Secretary

By: 
Richard Semmel, Supervisor