

Chapter 27

Zoning

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Zoning Map

Part 1**General Provisions****§27-101. General Intent; Community Development Objectives.**

The zoning regulations and districts set forth in this Chapter are made in accordance with the Comprehensive Plan of the Township and are intended to achieve the following goals:

A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements.

B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, panic or other dangers.

C. To provide standards to foster the amount of open space within the Township; to control the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts; to protect the people's right to clean air, pure water and the natural, scenic, historic, recreational and aesthetic values of the environment; to protect the soils, waterways, trees and other vegetation; and to protect natural and agricultural resources which are a part of the ecological system to which the residents are all bound and therefore are the common property of all the people, including generations yet to come, and which must be protected to ensure the health, safety and welfare of all the people.

D. To provide standards for various types of dwelling units so that all the people may have access to decent, sound and sanitary housing; and to encourage the most appropriate use of land throughout the Township.

(Ord. 160, 4/6/1977)

§27-102. Relationship to the Comprehensive Plan.

This Chapter is adopted to promote an orderly plan of development according to the Township Comprehensive Plan, including data on existing conditions, statements concerning the proposed plan and evaluation of implementation techniques, and with reasonable consideration, among other things, of the existing character of the various areas within the Township and their respective suitability to particular land uses.

(Ord. 160, 4/6/1977)

§27-103. Interpretation.

In the interpretation and application of this Chapter, the provisions thereof shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. Where the provisions of this Chapter impose greater restrictions than those of any other ordinance or regulation, the provisions of this Chapter shall be

controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Chapter, the provisions of such statute, ordinance or regulation shall be controlling.

(*Ord. 160, 4/6/1977*)

§27-104. Establishment of Zoning Districts.

The following zoning districts are hereby created:

AR	Agricultural-Residential District
EP	Environmental Protection District [<i>Ord. 272</i>]
CR	Country Residential District [<i>Ord. 307</i>]
R-1	Single-Family District
R-2	Single-Family District
R-3	Multi-family District
R-5	Mobile Home Park District
C-2	General Commercial/Office District
C-3	Planned Commercial District
PO	Professional Office District [<i>Ord. 241</i>]
I-1	Planned Industrial/Office District
IP	Institutional/Public District
REC	Recreation District [<i>Ord. 343</i>]
FP	Floodplain and Flood Hazard District

(*Ord. 160, 4/6/1977; as amended by Ord. 177, 8/1/1979; by Ord. 210, 5/9/1984; by Ord. 241, 9/24/1986; by Ord. 272, 5/11/1988; by Ord. 307, 6/13/1990; by Ord. 343, 12/11/1991; and by Ord. 346, 2/26/1992*)

§27-105. Zoning Maps.

The boundaries of districts shall be as shown on the map attached to and made a part of this Chapter, which map shall be known as the “Zoning District Map of Northampton Township.” Said map or subsequent revisions and all notations, references and data shown thereon are hereby incorporated by reference into this Chapter and shall be as much a part of this Chapter as if all were fully described herein.

(*Ord. 160, 4/6/1977; as amended by Ord. 210, 5/9/1984; and by Ord. 441, 12/9/1998*)

§27-106. Interpretation of District Boundaries.

Where uncertainty exists with respect to the boundaries of a zoning district as indicated on the Zoning Map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately coinciding with the center lines of streets, highways, railroad rights-of-way or streams, such center lines shall be construed to be such boundaries.

B. Where district boundaries are so indicated that they approximately coincide with lot lines, they shall be construed to be said boundaries; or where district boundaries are extensions of lot lines or connect the intersections of lot lines, such lines shall be said district boundaries.

C. Where district boundaries are so indicated that they are approximately parallel to center lines of streets or highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map.

D. Where district boundaries divide a lot, the location of such boundaries shall be determined by the use of the scale shown on the Zoning Map unless the boundaries are indicated by dimensions.

(Ord. 160, 4/6/1977; as amended by Ord. 441, 12/9/1998)

§27-107. Federal, State, County or Municipally Owned Property.

Wherever Federal-, State- or County-owned property is included in one or more zoning districts, it shall be subject to the provisions of this Chapter only insofar as is permitted by the Constitution and laws of the United States of America and of the Commonwealth of Pennsylvania.

(Ord. 160, 4/6/1977; as amended by Ord. 289, 5/10/1989)

Part 2**Definitions****§27-201. Definitions and General Terminology.**

1. *Captions.* The captions used in this Chapter are for convenience only and shall not control or affect the meaning or construction of any of the provisions of this Chapter.

2. Whenever a defined term is used, whether with initial capitalization or not, it shall be deemed to be used as defined in this Chapter.

3. *Word Usage.* As used in this Chapter, the present tense includes the future; the singular number includes the plural, and the plural, the singular; the masculine gender includes the feminine and neuter; the word “used” includes the words “designed, arranged or intended to be used”; the word “person” includes any individual or group of individuals, partnership, firm, association, corporation or organization; the word “occupied” includes the words “designed or intended to be occupied”; and the word “shall” is always mandatory. The word “Township” means Northampton Township, Bucks County, Pennsylvania; the term “Board of Supervisors” means the Board of Supervisors of said Township; the term “Zoning Hearing Board” means the Zoning Hearing Board of said Township.

4. *Definitions.* Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Chapter to have the meanings indicated in this Part:

Accessible parking space—a space with a surface slope not exceeding 1 to 50 (2 percent) in all directions, not less than 8 feet wide and not less than 18½ feet long, with an adjacent access aisle not less than 5 feet wide which is part of an accessible route of travel to a building or facility entrance. [Ord. 413]

Accessible route—a continuous, unobstructed path connecting all exterior accessible elements and spaces of a building or facility, including parking access aisles, curb ramps, crosswalks or vehicle ways, walks, ramps and lifts. [Ord. 413]

Accessory building or structure—a subordinate building or structure to the principal building on a lot which is customarily incidental to the principal building and utilized as an accessory use on the lot occupied by the principal building. [Ord. 522]

Accessory use—a subordinate use of a portion of a lot which is customarily incidental to the main or principal use of land or of the building or structure on a lot. [Ord. 522]

Active open space (see also “open space”)—includes areas devoted to planned recreation uses such as ballfields, basketball courts, tennis courts, swim clubs, playgrounds, tot lots, etc., which are provided for active recreational activity. Such spaces shall be designed to be used by the various segments of the community, be located conveniently and designed to be safely used.

Adult uses—

(1) *Adult commercial store, establishment or shop*—any establishment having as a substantial or significant portion of its stock-in-trade obscene

matter for publication, display or exhibition or for sale, distribution, rental or viewing on premises by use of motion-picture devices or any other coin-operated means, or any establishment with a segment or section thereof devoted to the publication, display, exhibition, sale, rental, distribution or viewing on premises of obscene matter, to which access is limited to persons 18 years of age or older.

(2) *Adult entertainment cabaret*—a public or private establishment which is licensed to serve food and/or alcoholic beverages, which features live sex, topless dancers, strippers, male or female impersonators or similar entertainers, or a similar establishment, to which access is limited to persons 18 years of age or older.

(3) *Adult movie house*—an enclosed building used regularly and routinely for presenting, displaying or exhibiting obscene matter for observation by patrons therein, or a similar establishment, to which access is limited to persons 18 years of age or older.

(4) *Other adult use*—any business, activity or use similar to or of the same general nature as the uses listed above.

[*Ord. 262*]

Agriculture or agricultural—the cultivation of the soil and the raising and harvesting of the products of the soil, including but not limited to nursery, horticulture, forestry and animal husbandry in accordance with the rights and privileges established by the Commonwealth of Pennsylvania. [*Ord. 523*]

Alterations—see “structural alterations.”

Antenna—any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include tower-based wireless communications facilities defined below. [*Ord. 565*]

Applicant—a landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

Basement—any story or level of a building having its floor below ground level on all sides. [*Ord. 450*]

Block—an area of land divided into lots and bounded by three or more streets.

Boardinghouse—a building or portion thereof containing not more than one dwelling unit, if any, where meals and lodging are provided for persons not residing in the dwelling unit. [*Ord. 339*]

Buffer area—a strip of land, a mound or berm planted and maintained in shrubs, bushes, trees, grass or other ground cover material within which no structure or building shall be authorized except a wall or fence which meets Township requirements as contained in this Chapter.

Building—any structure having enclosing walls and roof and permanently located on the land.

(1) *Principal building*—the main building on a lot or any building that is not an accessory building.

(2) *Accessory building*—see “accessory building.”

(3) *Building setback line*—a line parallel to the lot line a distance measured perpendicular therefrom as prescribed by this Chapter for a required yard.

(4) *Building coverage*—that percentage of the plot or lot area that can be covered by buildings and/or structures, with the exception of the following: parking areas, driveways, roads, sidewalks, swimming pools, and any areas in concrete or asphalt that are constructed on grade. [Ord. 210]

(5) *Building area*—the area of a lot within the building lines, bounded by the required front, side and rear yards.

Building site or lot—a single parcel of land occupied or intended to be occupied by a building or structure; a “building site” shall be synonymous with lot or parcel of land. Under certain provisions of this Chapter, a building site can be considered to contain more than one building or structure depending upon ownership and tract development.

Cartway or pavement—the improved portion or paved portion of a street or highway, located between the right-of-way lines and generally used for vehicles.

Clear sight triangle—an area of unobstructed vision at intersections defined by lines of sight between points at a given distance from the intersection of street center lines.

Club—a voluntary, nonprofit incorporated or unincorporated association or an organization or association of persons who meet or live together for a purpose of a social, literary, scientific or political nature or some other common object, such as the pursuit of good fellowship. [Ord. 339]

Cluster-designed subdivision—a method of developing land for residential use utilizing certain performance standards including, but not limited to, provision for an open space ratio, density, impervious surface ratio and other standards as set forth in this Chapter, in addition to certain dimensional requirements as set forth in this Chapter. “Cluster-designed subdivisions” allow the grouping or clustering of dwelling units, permitting more flexible designs. The subdivision as a whole must meet all prescribed standards for open space, density, impervious surfaces and other requirements of this Chapter and the Township Subdivision and Land Development Ordinance [Chapter 22].

Co-location—the mounting of one or more WCFs, including antennae, on an existing tower-based WCF or utility or light pole. [Ord. 565]

Commercial vehicle—any means of conveyance as defined as such in the Pennsylvania Vehicle Code, 75 Pa.C.S.A. §102, as amended: bus, combination, farm vehicle, limousine, semitrailer, special mobile equipment, taxi, trailer, truck and wrecker. Commercial vehicles are classified as follows:

(1) *Type I*. Commercial vehicles that are 25 feet in length or less, possess a registered gross vehicle weight rating of 14,000 pounds or less and have two axles or fewer. Trailers having a registered gross vehicle weight rating of 10,000 pounds or less also shall be considered Type I commercial vehicles.

(2) *Type II*. Commercial vehicles that are greater than 25 feet in length, exceed a registered gross vehicle weight rating of 14,000 pounds or have more than two axles. A trailer having a registered gross vehicle weight rating of more than 10,000 pounds shall be included in this classification.

[*Ord. 405*]

Comprehensive Plan—the Comprehensive Plan of 1976 for the Township, prepared in accordance with the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

Conditional use—a use permitted in a particular zoning district by the Board of Supervisors, subject to specific standards and criteria established in Part 9 of this Chapter and pursuant to the provisions of the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. §10101 *et seq.* [*Ord. 295*]

Cut—an excavation; the difference in vertical elevation between a point on the surface of original ground and a point on the final grade; the material removed in excavation.

Day camp—a facility used for vacationers and/or children with organized and supervised recreational facilities such as swimming, horseback riding, etc., with no boarding of patrons. [*Ord. 210*]

Deck—a flat roofless platform used for recreational purposes, resembling the flooring of a ship, constructed of wood or similar materials, that adjoins a building; sometimes referred to as a “sun deck.” [*Ord. 298*]

Density—a measure of the intensity of use of a parcel of land. It shall be expressed in dwelling units per acre. The measure is arrived at by dividing the number of dwelling units by the net site area.

Developer—any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

Development—any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations, the subdivision of land and the storage of materials or equipment. [*Ord. 450*]

Disturbance of vegetative ground cover—the removal, destruction or damaging of plants, including trees, grasses, shrubs and flowers, by methods including, but not limited to, cutting, grading, filling, bulldozing, plowing, regrading, digging or widespread use of herbicides.

Distributed antenna systems (DAS)—network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure. [*Ord. 565*]

Drainage facility—any ditch, gutter, pipe, culvert, swale, storm sewer or other structure designed, intended or constructed for the purpose of diverting surface waters from, or carrying surface waters off, streets, public rights-of-way, parks, recreational areas or any part of any subdivision, land area or contiguous land area.

Driveway—an improved surface for vehicular access to a lot or parcel of land.

Dwelling—any building or portion thereof which is designed for and occupied in whole or in part as a residence for one or more persons. It shall not be deemed to include hotels, boarding or rooming houses, tourist homes, institutional homes, residential clubs, motor courts and the like.

(1) *Apartment*—a multiple dwelling with separate or common outside access contained in a building having no less than three or more than 20 dwelling units.

(2) *Atrium house*—a single-family attached dwelling with two or more of the building walls set on the side and rear lot lines and with walls set on the remaining side and rear lot lines to form a private outdoor enclosure.

(3) *Duplex*—a detached building containing two dwelling units, one above the other, each having a separate entrance.

(4) *Multiple dwelling*—any building designed or occupied for dwelling purposes by three or more families, without regard to the proprietorship of the building or the lot containing the building.

(5) *Multiplex*—a multiple dwelling within a building having yards on all sides and containing three to six dwelling units, with each dwelling unit being located upon and having separate outside access at ground level, with no building exceeding two stories.

(6) *Patio house*—a single-family detached or semidetached dwelling with one of the building walls set on one of the side lot lines and with additional walls or fences set on the remaining side and rear lot lines to form a private outdoor enclosure.

(7) *Single-family attached dwelling*—a single-family dwelling attached, side by side, by an unpierced party wall to another such dwelling and having separate outside access at ground level.

(8) *Single-family detached dwelling*—a single-family dwelling on an individual lot, having no party walls.

(9) *Single-family dwelling*—a building designed for and occupied exclusively as a dwelling for one family.

(10) *Single-family semidetached dwelling*—a single-family dwelling containing two dwelling units, each with separate outside access.

(11) *Townhouse*—a single-family attached or semidetached dwelling within a multiple dwelling building, with only one dwelling unit from ground to roof and no more than two walls of each dwelling unit in common with other such dwelling units.

(12) *Twin house*—a single-family semidetached dwelling within a two-family dwelling building, with only one wall in common.

(13) *Two-family dwelling*—a building designed for and occupied exclusively as a dwelling for two families.

(14) *Zero lot line house*—a single-family detached dwelling which has a wall, located on or along a side lot line, containing neither doors nor windows.

(15) *Senior citizen cottage*—a zero lot line dwelling with a height not to exceed 25 feet and which may include no more than 500 square feet of floor area within its second story and with no restrictions on the placement and/or location of doors or windows along the outside walls. [Ord. 473]

[Ord. 309]

Dwelling unit—any room or group of rooms located within a residential building and forming a single habitable unit with facilities which are used or are intended

for living, sleeping, cooking or eating by one family.

Easement—a right-of-way granted for the use of private land for a public or private purpose.

Emergency—a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided. [Ord. 565]

Engineer—a registered professional engineer licensed as such by the Commonwealth of Pennsylvania.

Family—a single person occupying a dwelling unit and maintaining a household; two or more persons related by blood or marriage or adoption occupying a dwelling unit, living together and maintaining a common household; or two or more persons who need not be so related, who are living together in a single household. A roomer, boarder or lodger shall not be considered a member of the family. [Ord. 564]

Farm or agricultural retail sales—the sale of farm products, produce, meat products, seed and similar farm production items within the Agricultural-Residential (A-R) Zoning District, provided that the following conditions apply: it is an accessory use to an existing farm or agricultural use; it is operated and maintained by the owners of the property; it has been approved as part of a conditional use application or it is has been classified as a preexisting nonconforming use; and it meets the general criteria specified under §27-302.B(1) of this Chapter. [Ord. 523]

Farm or farm unit—a tract or parcel of ground not less than 5 acres in size which is used for agriculture, tilling of the soil, raising of livestock, horses or poultry, for landscape nursery stock, tree farms and similar traditional farming operations.

Farm stand—a roadside display area utilized for farm or agricultural sales, which may include the sale of farm products, produce, meat products, seed and similar farm production items. All such facilities shall be typically utilized as a temporary or portable structure, which shall be operated and maintained by the owners of the property. [Ord. 523]

FCC—Federal Communications Commission. [Ord. 565]

Fence—a barrier constructed of materials other than shrubbery and erected for the purpose of protection, confinement, enclosure or privacy.

Fill—any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface, including the conditions resulting therefrom; the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade; the material used to make a fill.

Floodplain or Flood Hazard Area (or District)—that land within Northampton Township adjoining any stream or adjoining any pond or lake adopted and/or designated by the Northampton Township Board of Supervisors as derived from:

(1) The Flood Insurance Rate Map (FIRM), Township of Northampton, Pennsylvania, prepared by the Federal Insurance Administration of the

Federal Emergency Management Agency (FEMA), effective April 2, 2002, and any subsequent revisions.

(2) Floodplain soils, as identified in the Soil Survey of Bucks County, Pennsylvania, United States Department of Agriculture, Natural Resources Conservation Service, in cooperation with the Pennsylvania State University, College of Agricultural Sciences; the Pennsylvania Department of Environmental Protection; the Pennsylvania Department of Agriculture; and the Bucks County Conservation District, dated September 2002.

(3) The Builders Association Floodplain Analysis as approved by FEMA.

[Ord. 500]

Floodplain soil—soil in a current floodplain that has a flooding occurrence greater than none. Floodplain soils shall be the following soils so classified by the Soil Survey of Bucks County, Pennsylvania, United States Department of Agriculture, Natural Resources Conservation Service; in cooperation with the Pennsylvania State University, College of Agricultural Sciences; the Pennsylvania Department of Environmental Protection; the Pennsylvania Department of Agriculture; and the Bucks County Conservation District dated September 2002:

- (1) Bowmansville-Knauers silt loam (Bo).
- (2) Delaware loam (DaA, DaB).
- (3) Fluvaquents (Fl).
- (4) Hatboro silt loam (Ha).
- (5) Holly silt loam (Ho).
- (6) Linden loam (Lt).
- (7) Nanticoke-Hatboro silt loam (Na).
- (8) Psamments (Ps).
- (9) Rowland silt loam (Ro).
- (10) Urban land, occasionally flooded (Ufw).
- (11) Urban land, Delaware complex (UIB).

[Ord. 500]

Floodproofing—any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduces or eliminates flood damage to lands, water and sanitary facilities, structures and contents of buildings. (Refer also to Floodproofing Regulations, United States Army Corps of Engineers (EP 1165 12-31) 1972.)

Floor area—the sum of the area(s) of a floor or the several floors of the building or structure, including areas used for human occupancy or use, basements and attics, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics not used for human occupancy or any floor space in an accessory building or in the main building intended or designed for the parking of motor vehicles in order to meet the parking requirements of this Chapter or any such floor space intended and designed for accessory heating and ventilating equipment.

Floor area ratio—determined by dividing the floor area(s) of a building by the building area and expressed as a decimal.

Forest—areas, groves or stands of 10 or more largely mature trees with a continuous canopy and covering an area of $\frac{3}{4}$ of 1 acre or larger. Mature trees are those which are greater than 6 inches caliper, except for dogwoods and other small species which shall be considered mature when the caliper is 2 inches or more. The forest area shall be measured from the dripline of the outer trees and shall encompass the associated intermediate layers in these areas, including the understory shrubs and smaller trees, the ground layer of herbaceous plants and the forest floor. [Ord. 438]

Forestry—the clearing, cutting or harvesting of timber resources within forested or wooded areas, including commercial logging operations, and coordinated with a reforestation program. Forestry does not include authorized clearing in accordance with plans approved pursuant to this Chapter, the issuance of a building permit nor removal of sick or dead trees. [Ord. 438]

Fraternity or sorority house—a building or portion thereof containing not more than one dwelling unit, if any, where lodging is provided, with or without meals, for a student organization formed chiefly for social purposes having secret rites and a name consisting of Greek letters. [Ord. 339]

Garage, nonresidential—an attached or detached building or structure designed and intended for the storage or parking of vehicles or for the storage of equipment, machinery, boats, airplanes and/or other accessory components of the principal nonresidential use. [Ord. 522]

Garage, residential—an attached or detached building or structure for the storage or parking of vehicles or for the storage of equipment, machinery, boats and/or other accessory components of the principal residential use. [Ord. 522]

Grade, existing—the average grade of the ground surface prior to any disturbing of the soil.

Grade, final—the resulting fixed level of the finished plane of ground along any building facade or structure, habitable or otherwise. The average final grade is determined by the average finished ground level abutting the building or structure at all exterior walls. When the finished ground level slopes away from the exterior walls, the average final grade shall be established by the lowest points within the area between the building or structure and the perimeter line 6 feet from the building or structure. [Ord. 297]

Guesthouse (bed-and-breakfast)—a detached dwelling where, in addition to its use as a single-family residence, its use is permitted for the accommodation of transient guests. Guests are provided with a room with sleeping accommodations and may be provided with breakfast. Such an establishment is not a motel, motor hotel or rooming house as enumerated in §27-502.2.B(3) of this Chapter. [Ord. 289]

Height of building—the vertical distance from the average final grade to the top of the highest roof beams of a flat roof or the mean level of the highest gable or slope of a hip roof on a building. Any additional nonhabitable structure placed, constructed or erected on top of a building or attached thereto shall be subject to the height of structure limitation of this Chapter. Farm silos, farm grain elevators, church spires, chimneys, skylights, air-treatment or similar equipment, elevator shafts, belfries and cupolas are not subject to the height limitations of a building, but shall be subject to the height limitations of a structure. [Ord. 297]

Height of structure—freestanding or otherwise, shall be measured from the lowest, final exterior grade immediately abutting said structure to the highest vertical point of said structure. [Ord. 210]

Heliport—any landing area used exclusively for the takeoff and landing, storage, maintenance and general operation of rotary-winged aircraft, but excluding all fixed-wing aircraft and all lightweight aircraft, such as ultralights. A heliport is permitted only when approved as a conditional use within the I-1 Planned Industrial/Office District. [Ord. 221]

Historic structure—any structure that is:

(1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

(3) Individually listed on the Commonwealth of Pennsylvania inventory of historic places, pursuant to an historic preservation program which has been approved by the Secretary of the Interior.

(4) Individually listed on the Township of Northampton inventory of historic places, pursuant to an historic preservation program which has been certified by either:

(a) An approved program of the Commonwealth of Pennsylvania as determined by the Secretary of the Interior.

(b) The Secretary of the Interior directly.

[Ord. 450]

Home occupation—an occupation conducted within a room or rooms of a single family detached dwelling which is clearly secondary and customarily incidental to the residential use. Such occupation shall be limited to attorneys, accountants, architects, engineers, physicians, psychologists, psychiatrists, dentists, teachers, artists, musicians, telephone calling services, residential day-care home. [Ord. 534]

House trailer—a vehicle designed for human habitation, not equipped with running water or bath facilities or flush toilet or appropriate sanitary connections.

Impervious surface—a surface that does not absorb rain. All buildings, parking areas, driveways, roads, sidewalks and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces. The surface area of pools shall not be considered for the purpose of impervious surface calculation. [Ord. 210]

Impervious surface ratio—a measure of the intensity of use of a parcel of land. It is measured by dividing the total area of all impervious surfaces within the site by the net site area.

Improvement—those physical additions, installations and changes required, such as streets, curbs, sidewalks, parking areas, water mains, streetlights, sewers,

drainage facilities, public utilities, recreational areas and any other physical changes deemed appropriate by the Township, to render land suitable for the use proposed.

Junkyard—an area of land, less than 5 acres, with or without buildings, used for the storage outside of a completely enclosed building of used, salvaged or discarded materials, house furnishings, machinery, vehicles or parts thereof, with or without dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage of two or more motor vehicles not having valid inspection stickers issued by the Pennsylvania Department of Transportation or of two or more wrecked or broken vehicles or the major parts of two or more such vehicles shall be deemed to make the lot a junkyard. [Ord. 210]

Lakes and ponds—natural or artificial bodies of water $\frac{1}{4}$ acre or larger which retain water year-round. Artificial ponds may be created by dams or result from excavation. The shoreline of such water bodies shall be measured from the spillway crest elevation, rather than permanent pool, if there is any difference. [Ord. 438]

Land development—any of the following activities:

(1) The improvement of one or two or more contiguous lots, tracts or parcels of land for any purpose involving:

(a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure. Said group shall not include the addition of a residential accessory building or a farm building on a lot or lots subordinate to an existing principal building.

(b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

[Ord. 371]

Landowner—the legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land.

Livestock—one or more animals commonly raised on farms in this area, such as horses, fowl, poultry, fur-bearing animals, cows, steers, sheep, goats and pigs and grazing animals. “Grazing animals” shall include animals such as buffalo, llamas and camels. [Ord. 210]

Lot—any tract or parcel of land held in single or separate ownership which is or may be occupied by a main building or buildings and its accessory uses or buildings, if any, together with the open space required by this Chapter. No part of a lot which is also a part of any public or private street, or public or private street right-of-way, shall be included in determining the area of the lot. A lot, for the purpose of this Chapter, may or may not coincide with the lot of record. For any permanent flag lot, as defined herein, the access strip of flag stem connecting the

main portion of the lot with any public or private street or right-of-way shall not be included in determining the area of the lot.

(1) *Corner lot*—a lot abutting upon two or more streets at their points of intersection or a lot with two or more connected sides which abut upon a street or streets, the interior angle being not more than 135 degrees. In all districts, for all uses, including cluster-designed subdivisions, corner lots shall have full front building setback lines from both streets and shall not be less than 120 feet along any building setback line.

(2) *Interior lot*—a lot with side lines which do not abut a street.

(3) *Flag lot*—an interior, unconventional lot for a single-family detached dwelling which has direct access to a public or private street by way of a minimum thirty-foot-wide simple access strip. No part of the flag stem or access strip shall be included in determining the area of the flag lot. No building or structure shall be permitted in any portion of the flag stem or access strip. The front building setback line of the required front line shall be measured only from the interior front line and not from the street line or right-of-way line. A flag stem or access strip providing access to a flag lot may not exceed 300 feet in length as measured from the street right-of-way to the interior front lot line.

[*Ord. 237*]

Lot area—the area contained within the property lines within the individual parcels of land shown on a subdivision plan or required by this Chapter, excluding any area required as open space under this Chapter and including the area of any easements. No portion of a flag lot stem or access strip shall be included in determining the area of any flag lot or such type of a lot as permanent. “Lot area” shall not include any area designated as right-of-way. (See definition of “flag lot.”) [*Ord. 565*]

Lot area average—the average lot area for all lots within a cluster subdivision, determined by dividing the aggregate lot areas by the total number of proposed dwelling units. (See definition of “flag lot.”) [*Ord. 237*]

Lot area per dwelling unit—the quotient obtained by dividing the total lot area by the total number of dwelling units to be located on such lot; it shall be calculated to the nearest whole number. [*Ord. 237*]

Lot, buildable area of—the portion of a lot bounded by required yards as set forth in Figure 27-2-1 of this Part. [*Ord. 237*]

Lot depth—the horizontal distance between the front lot line and the rear lot line, measured along the median of the side lot lines. [*Ord. 237*]

Lot line, front—the line abutting the street; in the case of lots abutting more than one street in any of residential districts only, dwellings shall front the minor or lesser street. Before a lot can be considered to abut a street, it must have at least 30 feet of frontage on said street as set forth in Figure 27-2-1 of this Part. The front lot line for a flag lot shall be the interior front lot line and not the street line. [*Ord. 237*]

Lot line, rear—a lot line which is opposite and most distant from the front lot line or, in the case of irregular or triangular lots, a line at least 20 feet in length

within the lot, parallel to and at the maximum distance from the front lot line. [Ord. 237]

Lot line, side—any lot boundary line not a front lot line or a rear lot line. [Ord. 237]

Lot (multi-road frontage)—for a lot which has three or more road frontages, two frontages will be considered front yards for the purposes of setback calculations, and additional frontages will be calculated as specified in the definition for “lot, reverse frontage,” below. [Ord. 237]

Lot, reverse frontage—any lot in which both the front lot line and rear lot line abut upon streets or State highways; a through lot. In any such case, the rear building line shall be established 75 feet from the center line of the roadway and parallel to that center line. [Ord. 237]

Lot width—the horizontal distance between side lot lines as set forth in Figure 27-2-1 of this Part. [Ord. 237]

Lowest floor—the lowest floor of the lowest fully enclosed area (including basement). An unfinished flood-resistant partially enclosed area used solely for parking of vehicles, building access and incidental storage in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable nonelevation design requirements of this Chapter. [Ord. 450]

Major subdivision—see “subdivision.”

Matter—any book, magazine, pamphlet, newspaper, story paper, comic book or other printed or written material or any picture, drawing, photograph, film, slide, movie, motion picture, videocassette or other visual representation, image or pictorial representation, or any statue or other figure, or any record, cassette tape, reel-to-reel tape or compact disc, or any recording, transcription or mechanical, chemical or electrical reproduction, or any other articles, paraphernalia, equipment, machines or materials. [Ord. 262]

Minor subdivision—the division of a single lot, tract or parcel of land into two lots, tracts or parcels of land for the purpose, whether immediate or future, of transfer of ownership or of building development, provided that the proposed lots, tracts or parcels of land thereby created have frontage on an improved public street or streets; and, provided further, that there is not created by the subdivision any new street or streets, the need for required improvements, easements of access or the need therefor.

Mixed dwelling development—a subdivision or land development in which mixed residential dwelling types are encouraged in order to promote sound land planning and to provide a mixture of housing choices. [Ord. 309]

Mobile home—a transportable, single-family dwelling, intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which has been approved and certified at the factory by the International Code Council, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. For floodplain management purposes, the term includes park trailers, travel trailers, recreational vehicles and other vehicles

which are placed on a site for more than 180 consecutive days. [Ord. 561]

Mobile home lot—a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home dwelling. [Ord. 295]

Mobile home park—a parcel or contiguous parcels of land which have been so designated and improved that they contain two or more mobile home lots for the placement thereon of mobile homes. [Ord. 295]

Monopole—a WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennae and connecting appurtenances. [Ord. 565]

Municipal use—municipal Township buildings, recreation buildings, municipal use by the Township of Northampton and the Northampton, Bucks County, Municipal Authority including, but not limited to, retention basins, water and sewer systems, including wells, pump houses, standpipes, treatment plants and ancillary structures.

Net site area—see “site area, net.”

No-impact home-based business—a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area.
- (8) The business may not involve any illegal activity.

[Ord. 488]

Nonconforming structure—a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Chapter or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior

to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs. [Ord. 295]

Nonconforming use—a use of land or a structure which does not comply with the applicable use provisions of this Chapter or any amendment to such Chapter hereafter enacted, where such use was in lawful existence prior to the adoption of this Chapter.

Non-tower wireless communications facility (non-tower WCF)—all non-tower wireless communications facilities, including, but not limited to, antennae and related equipment. Non-tower WCF shall not include support structures for antennae and related equipment. [Ord. 565]

Obscene matter—any matter:

(1) Which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interests.

(2) Which explicitly depicts or describes patently offensive representations or descriptions of:

(a) Ultimate sexual acts, normal or perverted, actual or simulated.

(b) Masturbation, fellatio, cunnilingus, bestiality, excretory functions or lewd exhibition of the genitals or genital area.

(c) Violent or destructive sexual acts including, but not limited to, human or animal mutilation, dismemberment, rape or torture.

(3) Which, when considered as a whole, lacks serious literary, artistic, political, educational or scientific value.

[Ord. 262]

One-hundred-year recurrence or intermediate regional flood (as defined by United States Army Corps of Engineers)—a flood with an average occurrence in the order of once in 100 years although the flood may occur in any year. It is based on statistical analyses of stream flow records available for the watershed and analyses of rainfall and runoff characteristics in the general region of the watershed.

Open space—a contiguous area of land, containing at least 2 acres, used for recreation, resource protection, amenities or buffers, which is freely accessible to all residents of a particular development or subdivision or, if dedicated, is accessible to the public, as protected by the provisions of this Chapter and the Subdivision and Land Development Ordinance [Chapter 22], to ensure that it remains in such uses and is protected from future development. Such open space may include improvements and impervious surface coverage to the extent that such is an element of the particular open space use and serves a related function, whether as parking, tennis courts or service roads. “Open space” does not include.

(1) Nonrecreational structures, streets or street rights-of-way.

(2) Improvements or impervious surface coverage except where such specifically serves the open space used as noted.

(3) The required yards, minimum separation distances between buildings or lots of dwelling units.

(4) No more than 10 percent of the area to be used for permanent erosion,

sedimentation control and stormwater management facilities.

[*Ord. 438*]

Open space ratio—a measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the site area.

Parking—the temporary storage of a vehicle for a continuous period of time not exceeding 72 hours. Continuity of a single period shall not be considered broken or terminated unless the vehicle shall have been removed from a lot for a period of at least 24 consecutive hours. [*Ord. 340*]

Party wall—a fire wall used or adopted for joint service between two buildings or portions thereof. [*Ord. 298*]

Passive open space—includes all open space used as buffers, parks, picnic areas, conserved woodlands, open areas or stream valley, lakes, ponds, bicycle, hiking or nature trails and areas, and site area not devoted to planned recreation, subject to the exclusions contained in the definition of “open space.” Required yard areas for any use shall not be counted as passive open space.

Patio—a recreation area that adjoins a building which is often paved and especially adapted for outdoor dining [*Ord. 298*]

Persons—individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania; provided, that “person” does not include or apply to the Township or to any department or agency of the Township. [*Ord. 565*]

Plan or plans—refer to Northampton Township Subdivision and Land Development Ordinance [Chapter 22] for description of plans, including sketch, preliminary, final and record plans.

Preserved area—land used for one or more of the following uses in the Agricultural-Residential District:

(1) Agriculture, including tilling of the soil, raising of livestock, horses or poultry, nursery and/or tree farm.

(2) Commercial greenhouses, mushroom houses, feed lots, confinement of livestock or poultry operations taking place in structures or enclosed pens, riding academies, livery or boarding stables or kennels, subject to the limitations of the Code of Northampton Township, and provided that such uses are situated not less than 200 feet from any street line or property line.

(3) Farm and/or agricultural retail sales at roadside stands, subject to the limitations of the Code of Northampton Township.

(4) Single-family detached dwelling for the sole use of the property owner, immediate family members of the property owner and persons engaged in agricultural employment on the property. Immediate family members shall be limited to parents, grandparents, siblings, sons, daughters, grandsons and granddaughters, subject to the limitations of the Code of Northampton Township.

(5) Passive or active recreation; provided, however, that any form of active recreational use shall be on a nonprofit basis unless said preserved area is

dedicated to Northampton Township.

[Ord. 265]

Prurient interest—that which appeals to a shameful or morbid interest in sex.
[Ord. 262]

Public—of or pertaining to any building, structure, use or activity belonging to or affecting any duly authorized governmental body.

Public notice—a notice published once each week for 2 successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of hearing. [Ord. 295]

Quasi-public—churches, Sunday schools, parsonages and other related functions, hospitals and other institutions of an educational, religious, charitable or philanthropic nature.

Recreational vehicle—a licensed vehicular unit primarily designed as temporary living quarters for recreational, camping or travel use which either has its own motive power or is mounted on or drawn by another vehicle including a camping trailer, travel trailer, house trailer, slid-in camper and motor home. House cars with a length of less than 20 feet shall not be included within this definition. [Ord. 340]

Residential day-care home—a facility licensed by the Commonwealth of Pennsylvania in which care is provided for one or more children at any one time where the child-care areas are being used as a family residence. [Ord. 189]

Restaurant—a place of business wherein food is prepared, processed and consumed within a structure on the premises or where food products sold within said structure are to be taken from the premises for consumption elsewhere.

Right-of-way or ROW—the surface of and space above and below any real property in the Township in which the Township or Commonwealth has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the Township or Commonwealth, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for utility purposes, but excluding lands other than streets that are owned by the Township or Commonwealth. The phrase “in the right(s)-of-way” and means in, on, over, along, above and/or under the right(s)-of-way. [Ord. 565]

Rooming house—a building or portion thereof containing not more than one dwelling unit, if any, where lodging is provided without meals for persons not residing in the dwelling unit. [Ord. 339]

Sanitary sewage disposal, public—a sanitary sewage collection system managed and operated by a public authority in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

School, private—a privately administered institution or school whose curriculum is licensed and/or approved by the Pennsylvania Department of Education. [Ord. 210]

School, public—a school maintained at public expense for the education of the general citizenry of the community or district as part of the system of public education. [Ord. 210]

Senior citizen housing—a multiple dwelling containing units designed for independent living and occupied by families with one or more individuals who shall be at least 55 years of age. This use shall not include a convalescent or nursing home. [Ord. 370]

Shallow bedrock—areas where existing public records or field surveys indicate bedrock at depths of 4 feet or less below natural grade.

Shopping center—a group of five or more commercial establishments with an aggregate of more than 10,000 square feet of floor area that is planned, managed and operated as a single property with on-site parking. Not less than 60 percent of the total floor area shall be used for retail stores and outlets, general merchandise stores and personal service uses. [Ord. 497]

Site—a parcel or parcels of land being considered or to be considered for subdivision or land development purposes or for purposes of zoning, upon which one or more buildings are intended.

Site area—all land area within the site as defined in the deed or deeds. Actual area shall be from a survey rather than from a deed description. Site area shall not include any previously dedicated public right-of-way.

Site area, net—the site area less the area of any existing streets. [Ord. 438]

Slope—the face of an embankment, fill or cut section; any ground surface which makes an angle with the plane of the horizon. Slope is expressed as a percentage, based upon the vertical difference in feet per 100 feet of horizontal distance.

Space between buildings—the shortest distance between two buildings regardless of orientation, unless otherwise defined as to orientation in the regulations for specific types of structures.

Special event—any gathering of people, held outdoors or in a temporary building or structure; conducted by a person or other recognized legal entity for common or collective use, amusement or benefit; including, but not limited to, a carnival, sideshow, fair, flea market, exhibition, traveling show, parade, fireworks display, lecture, religious ceremony or similar educational, recreational or sporting event. The following uses and activities shall not be included under this definition:

- (1) Noncommercial recreational uses or events customarily incidental and subordinate to a permitted use, such as intramural or interscholastic sports at a school.
- (2) Garage or yard sales, or similar commercial activities for private gain.
- (3) Private social functions not exceeding 500 persons.
- (4) Activities otherwise protected under the Constitution of the United States.

[Ord. 341]

Special exception—see Part 14.

Standard project flood (as defined by United States Army Corps of Engineers)—the flood that may be expected from the most severe combination of

meteorological and hydrological conditions that are considered reasonably characteristic of the geographical area in which the drainage basin is located, excluding extremely rare combinations. Peak discharges for these floods are generally about 40 percent to 60 percent of the probable maximum floods for the same basins. As used by the Corps of Engineers, standard project floods are intended as practicable expressions of the degree of protection that should be sought in the design of flood control works, the failure of which might be disastrous.

Stealth technology—camouflaging methods applied to wireless communications towers, antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, flag poles and light poles. [Ord. 565]

Steep slopes—areas where the average ground slope exceeds 15 percent and which, because of this slope, are subject to high rates of stormwater runoff and therefore erosion.

Storage—the placement of a vehicle or other item on a lot for a continuous period of time exceeding 72 hours. [Ord. 340]

Storm drainage—see “drainage facility.”

Street—a public or private right-of-way, deeded or dedicated for public use, 50 feet or more in width, which provides a means of access for vehicles or pedestrians. The term street shall include “road,” “highway” and “thoroughfare.” Existing streets of less than 50 feet in width which existed prior to this Chapter shall be recognized as a legal street.

(1) *Street, major*—one of two streets on which the majority of existing buildings or existing dwellings front, designed to carry a greater amount of vehicular traffic than the other street.

(2) *Street, minor*—one of two streets on which the minority of existing buildings or existing dwellings front, designed to carry the lesser amount of vehicular traffic than the other street.

(3) *Street, major arterial*—a street or route specifically designed to accommodate high traffic flow and generally carrying a high percentage of through traffic.

(4) *Street, major collector*—a street or route which serves as a connecting facility usually between two major arterial routes and having two or more moving lanes.

(5) *Street, local minor collector*—a street which serves the function of moving locally generated traffic from the interiors of neighborhood areas to the major collector streets and arterial streets.

(6) *Street, residential*—a street designed to serve individual residential parcels and not generally carrying through traffic.

Structural alterations—any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls. (See Township Building Code [Chapter

5, Part 1].)

Structure—anything built, constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

Structure, decorative—a structure not regulated herein and not intended for human occupancy or use, not to be placed in the right-of-way or in easements; decorative structure shall include birdbaths, trellises, doghouses; driveway markers or property markers, not in excess of 10 feet in length in any one direction, nor higher than 5 feet. [Ord. 210]

Subdivision—

(1) *Major*—the division of a lot, tract or parcel of land or part thereof into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. A two-lot subdivision is a major subdivision when it does not meet the stipulations of a minor subdivision.

(2) *Minor*—the division of a single lot, tract or parcel of land or part thereof into two lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the proposed lots, tracts or parcels of land thereby created have frontage on an approved public street; and provided, further, that there is not created by the subdivision any new street or the need for required improvements, easement of access or the need therefor.

(3) *Cluster-designed*—a method of developing land for residential use utilizing certain performance standards, including but not limited to provision for an open space ratio, density, impervious surface ratio and other standards, in addition to certain dimensional requirements as set forth in this Chapter.

[Ord. 371]

Substantial damage—damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 20 percent or more of the market value of the structure before the damage occurred. [Ord. 450]

Substantial improvement—any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 20 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. This term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the code enforcement officials and which are the minimum necessary to assure living conditions.

(2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's designation as an historic structure.

[Ord. 450]

Substantially change—(1) any increase in the height of a wireless support structure by more than 10 percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed wireless communications facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennas; or (2) any further increase in the height of a wireless support structure which has already been extended by more than 10 percent of its originally approved height or by the height of one additional antenna array. [Ord. 565]

Surveyor—a registered surveyor licensed as such by the Commonwealth of Pennsylvania.

Swale—a low-lying stretch of land which gathers or carries surface water runoff.

Telecommunications equipment building—the building in which electronic receiving, relay or transmitting equipment for a telecommunications facility is housed. [Ord. 411]

Tower-based wireless communications facility (tower-based WCF)—any structure that is used for the purpose of supporting one or more antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be tower-based WCFs. [Ord. 565]

Township—Northampton Township, Bucks County, Pennsylvania. [Ord. 565]

Undevelopable—land or property which is not suitable for building purposes due to but not limited to flooding, a persistent high water table, steep slopes, erodible soil, floodplain soil, marsh area, shallow bedrock, poorly drained soils or for other reasons. [Ord. 500]

Uniform Condominium Act—an Act of the Commonwealth of Pennsylvania adopted July 2, 1980, by P.L. 286, No. 82, §1, 68 Pa.C.S.A. §3101 *et seq.* [Ord. 561]

Utility trailer—a trailer defined as a Type I commercial vehicle associated with the hauling of a boat or other conveyance. [Ord. 405]

Variance—see Part 14.

Watercourse—storm sewers, lakes, dammed water, ponds, springs and all other bodies or channels of conveyance of surface and underground water.

Water distribution system, public—a system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one neighborhood.

Way/lane—a deeded or dedicated public or private right-of-way sometimes used as a secondary vehicular access to land or lot.

Wetlands—an area inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted to life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term includes,

but is not limited to, wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and wetland areas designated by a river basin commission. [Ord. 438]

Wireless—transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals. [Ord. 565]

Wireless communications facility (WCF)—the antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services. [Ord. 565]

Wireless communications facility applicant (WCF applicant)—any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public ROW or other Township owned land or property. [Ord. 565]

Wireless support structure—a freestanding structure, such as a tower-based wireless communications facility or any other support structure that could support the placement or installation of a wireless communications facility if approved by the Township. [Ord. 565]

Yard—an open space at grade between a yard line and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. (See Figure 27-2-1 of this Part.)

(1) *Required yard*—a yard between the lot line and the building line of the dimensions required by this Chapter.

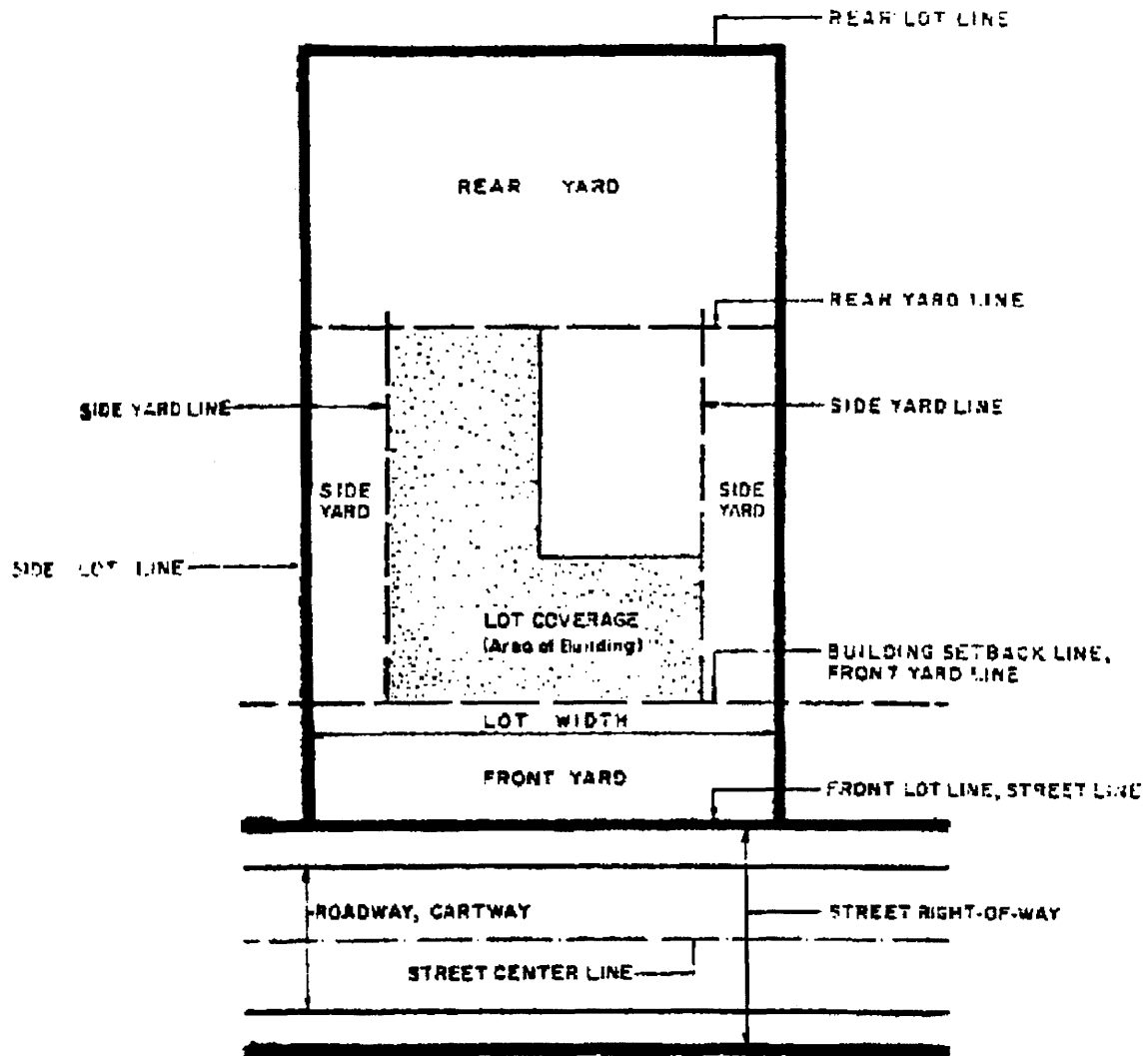
(2) *Required front yard*—a yard across the full width of the lot, extending from the front lot line to the front building line as prescribed in this Chapter.

(3) *Required side yard*—a yard between the required front and rear yards, extending from the side line of the lot to the side building lines as prescribed in this Chapter.

(4) *Required rear yard*—a yard across the full width of the lot, extending from the rear lot line to the rear building line as prescribed in this Chapter.

(Ord. 160, 4/6/1977; as amended by Ord. 177, 8/1/1979; by Ord. 179, 2/13/1980; by Ord. 189, 11/19/1980; by Ord. 201, 7/20/1983; by Ord. 210, 5/9/1984; by Ord. 221, 1/23/1985; by Ord. 237, 8/13/1986; by Ord. 262, 1/20/1988; by Ord. 265, 2/24/1988; by Ord. 295, 8/9/1989; by Ord. 297, 9/13/1989; by Ord. 298, 9/13/1989; by Ord. 300, 10/11/1989; by Ord. 309, 6/27/1990; by Ord. 339, 11/13/1991; by Ord. 340, 11/13/1991; by Ord. 341, 11/13/1991; by Ord. 362, 6/9/1993; by Ord. 370, 10/13/1993; by Ord. 371, 10/13/1993; by Ord. 405, 1/24/1996; by Ord. 411, 9/25/1996; by Ord. 413, 10/9/1996; by Ord. 438, 7/8/1998; by Ord. 441, 12/9/1998; by Ord. 450, 5/12/1999; by Ord. 473, 4/11/2001; by Ord. 481, 4/24/2002; by Ord. 488, 1/22/2003; by Ord. 497, 9/22/2004; by Ord. 500, 12/4/2004; by Ord. 522, 12/12/2007; by Ord. 523, 12/12/2007; by Ord. 534, 12/17/2008; by Ord. 561, 4/25/2012; by Ord. 564, 8/22/2012, §§1, 2; and by Ord. 565, 2/27/2013, §III)

Figure 27-2-1



SKETCH PLAN DEFINING ZONING ORDINANCE

AREA AND BULK REGULATION TERMS

NORTHAMPTON TOWNSHIP

Part 3**AR Agricultural-Residential District****§27-301. Specific Intent.**

In accordance with the objectives of the Township Comprehensive Plan, it is desirable to preserve prime agricultural land within the Township. The Township, therefore, intends to encourage an optional form of residential development within the agricultural areas at a density not to exceed one dwelling unit per acre which will allow for increased flexibility in design in conjunction with the preservation of farmland. In addition to the goals set forth in Part 1 and this Section, it is the intent of the Township to promote and encourage this optional form of residential development which will provide for and protect large areas of open space and will further encourage the use of that preserved area for those agricultural and/or recreational uses listed in §27-903.6.B. (*Ord. 160, 4/6/1977; as amended by Ord. 265, 2/24/1988*)

§27-302. Use Regulations.

Use regulations in the AR District shall be as follows:

A. Uses by Right.

- (1) Agricultural, including tilling of soils, raising of livestock, horses or poultry, nursery, and landscape operations. [*Ord. 523*]
- (2) Kennels.
- (3) Horseboarding, riding academy.
- (4) No-impact home-based business, where such business is located in a dwelling and provided such use shall not supersede any deed restriction, covenant or agreement restricting the use of land, or any master deed, by-law or other document applicable to a common-interest-ownership community. [*Ord. 488*]
- (5) Forestry, subject to the regulations of §27-1124. [*Ord. 438*]
- (6) One single-family detached dwelling. [*Ord. 277*]

B. Conditional Uses.

- (1) Farm or agricultural retail sales, subject to the following provisions:
 - (a) Farm or agricultural retail sales may only be permitted as an accessory use to an existing farm or agricultural use.
 - (b) Farm or agricultural retail sales shall be operated and maintained by the owners of the property on which the farm stand is located.
 - (c) At least 50 percent of the agricultural products sold at the farm stand shall have been grown, raised, produced, processed or packaged on the property accommodating the farm stand.
 - (d) No more than one farm stand shall be permitted on any individual property or lot. The total display area of the agricultural products sold at the farm stand shall be limited to 2,000 cumulative square feet of gross

floor area or display area.

(e) The farm stand shall be considered as a temporary and portable display area, which shall be located at least 50 feet from the center line of the cartway and 200 feet from a street intersection. In no case shall the farm stand be placed within the street right-of-way.

(f) The farm stand shall be designed as a portable display area, which shall be removed during seasons when agricultural products are not sold or if the farm stand becomes inactive for 30 consecutive days.

(g) If permitted by the Board of Supervisors as part of the conditional use application, the farm stand may be permitted as a permanent structure, provided that it is located in a manner to comply with the minimum and maximum dimensional requirements specified under §27-303.B of this Chapter.

(h) Sufficient off-street parking spaces shall be designed, located and constructed in a manner considering the customer vehicles entering and exiting the property. All such off-street parking spaces shall be mud free and shall not create a traffic hazard. A minimum of four off-street parking spaces shall be provided.

(i) A sign displaying the name or products for sale may be permitted, subject to the following requirements: no more than two such signs shall be erected on the lot; the area of the sign shall not exceed 12 cumulative square feet in size; the sign shall not be illuminated at any time; the sign shall be an accessory structure of the farm stand, which shall be part of the display area; and the sign shall be either fixed flat on the main wall of the display area or may be erected in the front yard, but not within 10 feet of the cartway.

(j) All lawful preexisting farm or agricultural retail sales uses or farm stands that have been in effect or recognized as a use prior to the passage of this paragraph shall be classified as a nonconforming use, provided that such uses or farm stands exceed the provisions of this subsection. All such nonconforming agricultural retail sales uses or farm stands shall be permitted to expand or increase by no more than 10 percent in terms of its total size and/or use, as it existed at the time of the passage of this paragraph.

[*Ord. 523*]

(2) Cluster-designed subdivisions, per Part 9. [*Ord. 265*]

C. *Accessory Uses.*

(1) Any use which is entirely incidental and subordinate to the above permitted uses and is located on the same lot or parcel.

D. *Use by Special Exception.* The following uses shall be permitted as a special exception after approval by the Zoning Hearing Board:

(1) Home occupations.

(2) Municipal uses, per standards in §27-1121. [*Ord. 289*]

(3) Guesthouse (bed-and-breakfast), subject to the specific criteria listed

below:

(a) No more than seven guest rooms may be provided. No more than two adults and two children may occupy one guest room.

(b) The use shall be limited to an existing single-family dwelling constructed prior to 1938.

(c) The minimum lot size for such a use shall be 3 acres for the first three guest rooms and ½ additional acre for each additional guest room.

(d) Off-street parking spaces shall be located to the rear of the front building line of the principal dwelling. [Ord. 470]

(e) There shall be no use of show windows or display or advertising visible outside the premises to attract guests, other than a single sign which shall conform to all other standards of Part 16, as defined in §27-1602 and any other pertinent section or sections not listed hereto.

(f) No external alterations, additions or extensions to the exterior structure shall be permitted in excess of 25 percent of the floor area, except as required by the Pennsylvania Department of Labor and Industry or for safety reasons as required by any other governmental agency.

(g) The use shall be carried on primarily by members of the immediate family residing on the premises. Nonresident employees shall be limited to no more than two on the premises at any one time, in addition to those resident members of the family.

(h) There shall be no separate kitchen or cooking facilities in any guest room. Food served on the premises shall be for guests and resident family only, and food preparation facilities shall conform to all applicable State and/or local health regulations. Guests may be served breakfast and afternoon nonalcoholic beverages only.

(i) The maximum length of stay at a guest house shall be 14 days within any 6-month period.

(j) The use of any outdoor amenities provided by the use, such as swimming pool or tennis courts, shall be restricted to the resident family and its guests and to the guests of the guesthouse establishment and shall be limited to the hours of 9 a.m. to 9 p.m.

(k) Any outdoor amenities as referenced in paragraph .D(3)(j) above and/or any off-street parking as required under paragraph .D(3)(d) above shall be located not less than 20 feet from any property line. All such facilities are required to be screened by vegetative landscaping. Such landscaping shall consist of an evergreen hedge at least 3½ feet in height or two staggered rows of evergreen trees with no more than 10 feet separation for each row between each tree.

(l) Sewage disposal methods shall conform to the requirements of the Bucks County Department of Health. If the proposed use is to be served by public sewer, the applicant shall submit documentation from the Northampton, Bucks County, Municipal Authority that said use shall be served.

(m) Such a use shall be located on a lot having frontage on one or

more of the following streets:

Name of Street

Almshouse Road

Bridgetown Pike

Bristol Road

Buck Road

Bustleton Pike

East Holland Road

Hatboro Road

Holland Road

Jacksonville Road

Lower Holland Road

Middle Holland Road

New Road

Newtown-Richboro Road

Old Jacksonville Road

Sackettsford Road

Second Street Pike

Spencer Road

Tanyard Road

Temperance Lane

Twiningford Road

Twining Road

Upper Holland Road

Worthington Mill Road

[*Ord. 290*]

(4) ["Reserved"]. [*Ord. 564*]

(*Ord. 160*, 4/6/1977; as amended by *Ord. 265*, 2/24/1988; by *Ord. 277*, 8/10/1988; by *Ord. 289*, 5/10/1989; by *Ord. 290*, 5/24/1989; by *Ord. 339*, 11/13/1991; by *Ord. 343*, 12/11/1991; by *Ord. 438*, 7/8/1998; by *Ord. 470*, 12/13/2000; by *Ord. 488*, 1/22/2003; by *Ord. 523*, 12/12/2007; and by *Ord. 564*, 8/22/2012, §3)

§27-303. Area and Development Regulations.

Area and development regulations in the AR District shall be as follows:

A. Single-family detached dwelling and retail agricultural sales.

(1) Minimum lot area per dwelling: 43,560 square feet.

- (2) Minimum lot width at building line per dwelling: 150 feet.
- (3) Maximum building coverage: 10 percent of lot area.
- (4) Minimum yards.
 - (a) Front: 50 feet.
 - (b) Side, each: 30 feet.
 - (c) Rear: 50 feet.
- (5) Maximum impervious surface ratio: 18 percent of lot area.
- (6) Minimum open space required: see Part 10.

[*Ord. 564*]

- B. All other uses, including residential where it is an adjunct to other uses.
- (1) Minimum lot area: 5 acres.
 - (2) Minimum lot width at building line: 250 feet.
 - (3) Maximum building coverage: 5 percent of lot area.
 - (4) Maximum building height: 35 feet.
 - (5) Minimum yards.
 - (a) Front: 50 feet.
 - (b) Side, each: 50 feet.
 - (c) Rear: 100 feet.

[*Ord. 210*]

(*Ord. 160*, 4/6/1977; as amended by *Ord. 186*, 10/22/1980; by *Ord. 210*, 5/9/1984; by *Ord. 339*, 11/13/1991; by *Ord. 415*, 1/22/1997; and by *Ord. 564*, 8/22/2012, §4)

Part 4**Residential Districts****§27-401. Specific Intent.**

In addition to the goals set forth in Part 1, the establishment and regulation of residential zoning districts with respect to use, density, height, bulk, parking and similar provisions are intended to achieve the following goals:

- A. To provide sufficient space for a variety of housing types adequate to meet the needs of the present and projected population of the Township consistent with the policies set forth in the Comprehensive Plan.
- B. To assure adequate light, air and privacy.
- C. To protect residents of the Township against environmental hazards such as fire, excessive noise, smoke and other pollutants, offensive odors and glare.
- D. To prevent environmental blight resulting from congested housing conditions and excessive vehicular traffic in residential neighborhoods.
- E. To encourage the provision of those public and private educational, recreational, cultural and medical facilities which meet the needs of area residents and which are compatible with a residential neighborhood environment.
- F. To encourage those varieties of land uses and building development which conserve and enhance the residential character of the Township while recognizing and preserving the unusual physical characteristics of particular areas within the Township.

(*Ord. 160, 4/6/1977*)

§27-402. EP Environmental Protection District.

1. Use regulations in the EP District shall be as follows:

A. *Uses by Right.*

(1) One single-family detached dwelling, per environmental performance standards in §27-1120. [*Ord. 307*]

(2) Agriculture, including tilling of soil and raising of livestock, horses or poultry.

(3) No-impact home-based business, where such business is located in a dwelling and provided such use shall not supersede any deed restriction, covenant or agreement restricting the use of land, or any master deed, by-law or other document applicable to a common-interest-ownership community. [*Ord. 488*]

B. *Accessory Uses.*

(1) Any use which is entirely incidental and subordinate to the above permitted uses and is located on the same lot or parcel.

C. *Use by Special Exception.* The following uses shall be permitted as a special exception after approval by the Zoning Hearing Board:

- (1) Home occupations.
- (2) Municipal uses, per standards in §27-1121. [*Ord. 289*]
- (3) ["Reserved"]. [*Ord. 564*]

D. *Conditional Uses.*

- (1) Forestry, subject to the regulations of §27-1124.

[*Ord. 438*]

2. Area and development regulations in the EP District shall be as follows:

A. All permitted uses.

- (1) Minimum lot area: 5 acres.
- (2) Minimum lot width at building line: 250 feet.
- (3) Maximum building coverage: 3 percent of lot area.
- (4) Minimum yards.
 - (a) Front: 50 feet.
 - (b) Side, each: 50 feet.
 - (c) Rear: 50 feet.
- (5) Maximum impervious surface ratio: 5 percent of lot area.

(*Ord. 160, 4/6/1977; as added by Ord. 272, 5/11/1988; as amended by Ord. 289, 5/10/1989; by Ord. 307, 6/13/1990; by Ord. 339, 11/13/1991; by Ord. 438, 7/8/1998; by Ord. 470, 12/13/2000; by Ord. 488, 1/22/2003; and by Ord. 564, 8/22/2012, §5*)

§27-403. Statement of Intent and Purpose.

The specific intent and purpose of this Part is as follows:

A. To designate certain land tracts for lower density development to provide a good and pleasing transition from water, wetlands and open space areas to areas of higher residential density.

B. To encourage residential development that is sensitive to environmental resources such as steep slopes, flood-prone soil areas, agriculture and woodlands.

(*Ord. 160, 4/6/1977; as added by Ord. 307, 6/13/1990*)

§27-404. CR Country Residential District.

1. Use regulations in the CR District shall be as follows:

A. *Uses by Right.*

- (1) One single-family detached dwelling, per environmental performance standards in §27-1120.
- (2) Agriculture, including the tilling of soil, the raising of livestock, horses or poultry, nurseries, landscape operations and tree farms.
- (3) Kennels.
- (4) Horse-boarding and riding academies.
- (5) No-impact home-based business, where such business is located in a dwelling and provided such use shall not supersede any deed restriction, covenant or agreement restricting the use of land, or any master deed, by-law

or other document applicable to a common-interest-ownership community.
[Ord. 488]

B. *Accessory Uses.*

(1) On a lot having a minimum area of 5 acres or more, one single-family detached dwelling, per environmental performance standards in §27-1120, when customarily incidental to the uses by right set forth in subsection .1.A(2), (3), (4), and (5) and located on the same lot.

(2) Any other use which is entirely incidental and subordinate to the above permitted uses and is located on the same lot.

C. *Use by Special Exception.* The following uses shall be permitted as a special exception after approval by the Zoning Hearing Board:

(1) Home occupations.

(2) Municipal uses, per standards in §27-1121.

(3) Guesthouses (bed-and-breakfast), per standards in §27-302.D(3).

D. *Conditional Uses.*

(1) Cluster-designed subdivisions, per Part 9.

[Ord. 436]

(2) Forestry, subject to the regulations of §27-1124. [Ord. 438]

2. Area and development regulations in the CR District shall be as follows:

A. Single-family detached dwelling and retail agricultural sales.

(1) Minimum lot area: 2 acres.

(2) Minimum lot width at building line: 200 feet.

(3) Maximum building coverage: 8 percent of lot area.

(4) Minimum yards.

(a) Front: 50 feet.

(b) Side, each: 50 feet.

(c) Rear: 50 feet.

(5) Maximum impervious surface ratio: 10 percent of lot area.

[Ord. 564]

B. All other uses, including a single-family detached dwelling where it is an accessory use.

(1) Minimum lot area: 5 acres.

(2) Minimum lot width at building line: 250 feet.

(3) Maximum building coverage: 5 percent of lot area.

(4) Minimum yards.

(a) Front: 50 feet.

(b) Side, each: 50 feet.

(c) Rear: 100 feet.

(5) Maximum impervious surface ratio: 8 percent of lot area.

C. In the event that two or more properties are contiguous and contain a minimum of 2 acres each and together total a minimum of 5 acres, agricultural uses such as tilling the soil, nursery, landscape operations and tree farms are permitted.

(*Ord. 160, 4/6/1977; as added by Ord. 307, 6/13/1990; as amended by Ord. 339, 11/13/1991; by Ord. 343, 12/11/1991; by Ord. 436, 5/13/1998; by Ord. 438, 7/8/1998; by Ord. 470, 12/13/2000; by Ord. 488, 1/22/2003; and by Ord. 564, 8/22/2012, §§6, 7*)

§27-405. R-1 Single-Family District.

1. Use regulations in R-1 District shall be as follows:

A. *Uses by Right.*

(1) One single-family detached dwelling. [*Ord. 277*]

(2) Agriculture, including the tilling of soil, raising of livestock, horses or poultry (5-acre minimum site).

(3) No-impact home-based business, where such business is located in a dwelling and provided such use shall not supersede any deed restriction, covenant or agreement restricting the use of land, or any master deed, by-law or other document applicable to a common-interest-ownership community. [*Ord. 488*]

B. *Conditional Uses.*

(1) Forestry, subject to the regulations of §27-1124. [*Ord. 438*]

(2) Cluster-designed subdivision, per Part 9.

(3) Agricultural retail sales.

C. *Accessory Uses.*

(1) Any use which is entirely incidental and subordinate to the above permitted uses and is located on the same lot or parcel.

D. *Uses by Special Exception.* The following uses shall be permitted as a special exception after approval by the Zoning Hearing Board:

(1) Home occupations.

(2) Municipal uses, per standards in §27-1121. [*Ord. 289*]

(3) Guesthouse (bed-and-breakfast), subject to the criteria listed in §27-302.D(3), except the minimum lot size for such a use in the R-1 District shall be 3 acres for the first three guest rooms and ½ additional acre for each additional guest room. [*Ord. 290*]

2. Area and development regulations in the R-1 District shall be as follows:

A. Single-family detached dwelling:

(1) Minimum lot area: 40,000 square feet.

(2) Minimum lot width at building line: 150 feet.

(3) Maximum building coverage: 10 percent of lot area.

(4) Minimum yards.

(a) Front: 50 feet.

- (b) Side, each: 30 feet.
 - (c) Rear: 50 feet.
 - (5) Maximum impervious surface ratio: 20 percent of lot area. [Ord. 415]
 - (6) Minimum open space required: 10 percent.
- [Ord. 564]
- B. All other permitted uses.
 - (1) Minimum lot area (farms are 4 acres minimum): 80,000 square feet.
 - (2) Minimum lot width at building line: 150 feet.
 - (3) Maximum building coverage: 10 percent of lot area.
 - (4) Minimum yards.
 - (a) Front: 50 feet.
 - (b) Side, each: 30 feet.
 - (c) Rear: 50 feet.
 - (5) Maximum impervious surface ratio: 12 percent of lot area.
 - (6) Maximum building height: two stories.

(Ord. 160, 4/6/1977; as amended by Ord. 277, 8/10/1988; by Ord. 289, 5/10/1989; by Ord. 290, 5/24/1989; by Ord. 307, 6/13/1990; by Ord. 339, 11/13/1991; by Ord. 343, 12/11/1991; by Ord. 415, 1/22/1997; by Ord. 438, 7/8/1998; by Ord. 470, 12/13/2000; by Ord. 488, 1/22/2003; and by Ord. 564, 8/22/2012, §§8, 9)

§27-406. R-2 Single-Family District.

1. Use regulations in the R-2 District shall be as follows:
 - A. *Uses by Right.*
 - (1) One single-family detached dwelling. [Ord. 277]
 - (2) No home-based business, where such business is located in a dwelling and provided such use shall not supersede any deed restriction, covenant or agreement restricting the use of land, or any master deed, by-law or other document applicable to a common-interest-ownership community. [Ord. 488]
 - (3) Agriculture, or farm or farm unit as defined in this Chapter; provided, however, that such use shall be located on a lot, parcel or tract of ground not less than 5 acres in size, and further provided that buildings, structures, stalls, barns, stables and the like used for the keeping of horses, livestock and poultry shall be located not less than 150 feet from any property line.
- [Ord. 186]
- B. *Conditional Uses.*
 - (1) Forestry, subject to the regulations of §27-1124. [Ord. 438]
 - (2) Cluster-designed subdivisions, per Part 9.
 - C. *Accessory Uses.*
 - (1) Any use which is entirely incidental and subordinate to the above permitted uses and is located on the same lot or parcel.
 - D. *Use by Special Exception.* The following uses shall be permitted as a

special exception after approval by the Zoning Hearing Board:

- (1) Home occupations.

[*Ord. 189*]

- (2) Municipal uses, per standards in §27-1121. [*Ord. 289*]

- (3) Guesthouse (bed-and-breakfast), subject to the criteria listed in §27-302.D(3), except the minimum lot size for such a use in the R-2 District shall be 2 acres for the first three guest rooms and ½ additional acre for each additional guest room. [*Ord. 290*]

2. Area and development regulations (public water and sewer facilities required) in the R-2 District shall be as follows:

A. Single-family detached dwellings.

- (1) Minimum lot area per dwelling unit: 20,000 square feet.
- (2) Minimum lot width at building line: 100 feet.
- (3) Maximum building coverage: 15 percent.
- (4) Minimum yards.
 - (a) Front: 50 feet.
 - (b) Side, minimum 20 feet; total, 45 feet.
 - (c) Rear: 50 feet.
- (5) Maximum impervious surface ratio: 20 percent.
- (6) Minimum open space required: 15 percent.

[*Ord. 564*]

B. All other permitted uses.

- (1) Minimum lot area: 40,000 square feet.
- (2) Minimum lot width at building line: 150 feet.
- (3) Maximum building coverage: 12 percent.
- (4) Minimum yards.
 - (a) Front: 50 feet.
 - (b) Side, each: 30 feet.
 - (c) Rear: 50 feet.
- (5) Maximum impervious surface ratio: 12 percent.
- (6) Minimum open space required: 15 percent.
- (7) Maximum building height: two stories.

[*Ord. 186*]

(*Ord. 160*, 4/6/1977; as amended by *Ord. 162*, 8/24/1977; by *Ord. 186*, 10/22/1980; by *Ord. 189*, 11/19/1980; by *Ord. 277*, 8/10/1988; by *Ord. 289*, 5/10/1989; by *Ord. 290*, 5/24/1989; by *Ord. 307*, 6/13/1990; by *Ord. 339*, 11/13/1991; by *Ord. 343*, 12/11/1991; by *Ord. 438*, 7/8/1998; by *Ord. 470*, 12/13/2000; by *Ord. 488*, 1/22/2003; and by *Ord. 564*, 8/22/2012, §§10, 11)

§27-407. R-3 Multi-family Residential Districts.

1. Use regulations in the R-3 District shall be as follows:

A. *Uses by Right.*

(1) Mixed dwelling development, containing any of the following dwelling unit types, subject to the regulations of subsection .2:

(a) Single-family dwelling:

- 1) Single-family detached.
- 2) Zero lot line house.
- 3) Patio house.
- 4) Mobile home.

(b) Two-family dwelling:

- 1) Twin house.
- 2) Duplex.

(c) Single-family attached dwelling:

- 1) Townhouse.
- 2) Atrium house.

(d) Multiple dwelling:

- 1) Multiplex.
- 2) Apartment.

(2) One single-family detached dwelling, subject to the regulations of subsection .4.

(3) Agriculture or farm unit as defined in this Chapter; provided, however, that such use shall be located on a lot, parcel or tract of ground not less than 5 acres in size, and further provided that buildings, structures, stalls, barns, stables and the like uses for the keeping of horses, livestock and poultry shall be located not less than 150 feet from any property line.

(4) No-impact home-based business, where such business is located in a dwelling and provided such use shall not supersede any deed restriction, covenant or agreement restricting the use of land, or any master deed, by-law or other document applicable to a common-interest-ownership community. [Ord. 488]

B. *Conditional Uses.*

(1) Mobile home park, subject to the regulations of subsection .2, §§27-407.2.B and .3 through .6, 27-901 and 27-902.

(2) Senior citizen housing, subject to the regulations of subsections .2.A through .I and .3, §§27-901 and 27-902 and the following additional regulations:

(a) In addition to those dwelling unit types described in subsection .2.E, senior citizen cottages may be included within a senior citizen housing development, subject to the following area and dimensional requirements:

- 1) Minimum lot area: 6,200 square feet.

- 2) Minimum lot width at building setback line/right-of-way line: 60 feet/50 feet.
- 3) Minimum front yard: 25 feet.
- 4) Minimum side yard: 5 feet.
- 5) Minimum distance between buildings: 10 feet.
- 6) Minimum rear yard: 20 feet.
- 7) Maximum on-lot impervious surface ratio: 70 percent.

(b) The maximum on-lot impervious surface ratio for townhouse dwelling units as described in subsection .2.E shall not exceed 70 percent.

[Ord. 473]

C. *Use by Special Exception.* The following uses shall be permitted by special exceptions after approval by the Zoning Hearing Board:

(1) Home occupations within a single-family detached dwelling located on a separate lot having a minimum area of 20,000 square feet; with the exception that the separate lot for an office for a physician or dentist shall have a minimum area of 30,000 square feet.

(2) Municipal uses, per standards in §27-1121.

D. A building may be erected or used and a lot may be used or occupied for any of the following purposes in compliance with any conditional use approval granted by the Board of Supervisors for a mobile home park under §§27-901 and 27-902:

(1) Mobile home for residential use.

(2) Accessory uses and structures customarily incidental to the use, maintenance, servicing and well-being of mobile home park residents. Said accessory uses and structures shall include storage sheds and enclosed porches and those uses listed in §27-408.3.

2. Area and development regulations in the R-3 District for mixed dwelling developments and mobile home parks shall be as follows:

A. *Site Area.* Not less than 10 acres shall be provided for every site to be used in whole or in part as a mixed dwelling development or mobile home park.

B. *Maximum Density.* The total number of dwelling units in a mixed dwelling development or mobile home park site shall not exceed a maximum density of six dwelling units per acre.

C. *Minimum Open Space Ratio.* At least 30 percent of the site area of the mixed dwelling development or mobile home park shall be in common open space, no more than one-third of which may be the required setback from site boundary, pursuant to subsection .2.H.

D. *Maximum Impervious Surface Ratio.* No more than 30 percent of the area of each mixed dwelling development or mobile home park may be occupied by impervious surfaces.

E. *Area and Dimensional Requirements for Dwelling Units.* In addition to the area and dimensional requirements applicable to the site listed hereinabove, the following area and dimensional regulations shall apply to those dwelling unit types

permitted under subsection .1.A:

Dwelling Type	Minimum Yards							
	Minimum Lot Area per Dwelling Unit (square feet)	Minimum Lot Width at Building Setback Line/Right-of-Way Line (feet)	Front Side (feet)	Side Yard (feet)	Rear Yard (feet)	Maximum Height (feet)	Maximum On-Lot Impervious Surface Ratio (percent)	Minimum Distance Between Buildings (feet)
Single-family detached	9,000	70/50	30	15	30	35	22%	35
Zero lot line house	6,200	60/50	25	30 ¹	30	35	25%	30
Patio house ²	4,500	45/40	25	10 ³	–	25	35%	30
Mobile home	4,500 ⁴	55/25	20	10	10	20 ⁵	60%	30
Twin house	4,500	40/40	25	10 ³	35	35	40%	25
Duplex	4,500	45/40	25	10	25	35	40%	25
Townhouse	2,500	22/22 ⁶	20	10 ⁷	30	35	60%	30
Atrium house ⁸	2,500	40/40	20	10 ⁷	–	35	60%	25
Multiplex	2,650	75/70	25	10	25	35	60%	25
Apartment	2,000	500/100	100 ⁹	50 ⁹	50 ⁹	45 ¹⁰	65%	50 ⁹

NOTES:
¹Only one side yard shall be required. Unless a side yard having a minimum setback of 5 feet is provided for the second side yard, a 5-foot wide maintenance easement shall be provided along the side lot line. Minimum building spacing shall be 30 feet.
²A minimum patio area of 800 square feet, having a minimum width of 25 feet, shall be provided.
³Only one side yard shall be required.
⁴For mobile homes less than 61 feet in length, 5,000 square feet shall be required for mobile homes 61 feet or more in length.
⁵Nor more than one story.
⁶Provided that the average lot width for all dwellings shall be 24 feet.
⁷Only for end units.
⁸All living spaces shall face an atrium area having an area of 500 square feet and a minimum width of 20 feet.
⁹Provided that for every 1 foot of height in excess of 35 feet, there shall be added to the required yard or distance between buildings one corresponding foot of width or depth.
¹⁰A maximum of four stories shall be permitted.

F. *Tract Ownership.* The tract of land to be developed shall be in one ownership or shall be the subject of a single application filed jointly by the owners of the entire tract, and the tract shall be developed under single direction and in accordance with an approved plan drafted and submitted in accordance with the Northampton Township Subdivision and Land Development Ordinance [Chapter 22].

G. *Sewer and Water Facilities.* The tract of land shall be served by a public water distribution system and public sanitary sewerage disposal facilities.

H. *Setback from Site Boundary.* No principal building shall be located closer than 40 feet, and no accessory structure or paved area, except for an approved access to a street, shall be located closer than 25 feet to any boundary of a mixed dwelling development or mobile home park, regardless of whether that boundary abuts a lot, water body, street or right-of-way.

I. *Buffering.* A permanent landscaped planting area of at least 20 feet in depth shall be provided on the site, along all site boundaries, to effectively buffer adjoining properties. Said landscaping shall consist of:

- (1) At least 80 percent evergreen trees, 5 feet to 6 feet in height.
- (2) Twenty percent deciduous trees, 1½ inches to 2 inches in caliper, or

shrubs, 5 feet to 6 feet in height.

J. *Dwelling Unit Mix.* All residential development within mixed dwelling developments shall conform to the minimum standards for a mix of dwelling unit types as set forth below:

Number of Dwellings in Development	Minimum Required Number of Dwelling Unit Types	Maximum Percent Any Dwelling Unit Type	Minimum Percent Any Dwelling Unit Type
1 to 60	1	100%	10%
61 to 120	2	70%	10%
121 or more	3	40%	10%

3. *Design Standards for the R-3 Multi-family Residence District.* In addition to the requirements established for the R-3 Multi-family District, the following regulations shall be observed:

A. The maximum length of any structure or connected structures containing townhouse dwelling units or multi-family dwelling units of any type shall not exceed 200 feet.

B. The minimum distance between any permitted multi-family dwelling, two-family dwelling or townhouse dwelling and a single-family residence located in the AR, R-1 or R-2 Zoning District shall be 125 feet.

4. Area and development regulations for single-family detached dwellings shall be as follows:

A. Minimum lot area per dwelling unit: 15,000 square feet.

B. Minimum lot width at building line: 80 feet.

C. Maximum building coverage: 20 percent.

D. Minimum yards.

(1) Front: 30 feet.

(2) Side, minimum: 10 feet; total: 25 feet.

(3) Rear: 30 feet.

E. Maximum impervious surface ratio: 22 percent.

F. Minimum open space required: 30 percent.

G. Maximum building height: two stories.

[Ord. 564]

5. Area and development regulations for mobile home parks. Area and development regulations for mobile home parks in the R-3 District shall be the same as those established in the R-5 District regulations [§27-408.2.B, .3, .4, .5 and .6] for mobile home parks.

(Ord. 160, 4/6/1977; as amended by Ord. 162, 8/24/1977; by Ord. 186, 10/22/1980; by Ord. 189, 11/19/1980; by Ord. 201, 7/20/1983; by Ord. 210, 5/9/1984; by Ord. 289, 5/10/1989; by Ord. 307, 6/13/1990; by Ord. 309, 6/27/1990; by Ord. 339, 11/13/1991; by Ord. 370, 10/13/1993; by Ord. 470, 12/13/2000; by Ord. 473, 4/11/2001; by Ord. 488,

1/22/2003; and by *Ord. 564*, 8/22/2012, §§12, 13)

§27-408. R-5 Mobile Home Park District.

1. Use regulations in the R-5 Mobile Home Park District shall be as follows:

- A. *Uses by Right.*

- (1) A mobile home park as defined in this Chapter and meeting all requirements of the Township Subdivision and Land Development Ordinance [Chapter 22].

- (2) Single-family detached dwellings when designed and constructed in accordance with the requirements of subsection .2.A of this Section.

- (3) No-impact home-based business, where such business is located in a dwelling and provided such use shall not supersede any deed restriction, covenant or agreement restricting the use of land, or any master deed, by-law or other document applicable to a common-interest-ownership community [Ord. 488]

- B. *Conditional Uses.*

- (1) Senior citizen housing, subject to the following density, area and dimensional criteria:

- (a) The following criteria shall be satisfied for any tract of land proposed to be developed for senior citizen housing:

- 1) *Site Area.* Not less than 10 acres shall be provided for every site to be used in whole or in part for senior citizen housing.

- 2) *Parking.* Unless otherwise set forth herein, parking in a senior citizen housing area shall comply with the requirements of §27-1110 of this Code. [Ord. 470]

- 3) *Maximum density.* The total number of dwelling units in a senior citizen housing site shall not exceed a maximum density of five dwelling units per acre.

- 4) *Minimum Open Space Ratio.* No site plan or conditional use permit application for senior citizen housing shall be approved without a common open space area of at least 20 percent of the site area, no more than one-third of which may be required setback from site boundary.

- 5) *Setback from Site Boundary.* The criteria of §27-407.2.H shall be applicable.

- 6) *Buffering.* The criteria set forth in §27-407.2.I shall be applicable.

- 7) *Minimum lot width (at street):* 150 feet.

- 8) *Maximum building coverage:* 35 percent of the site area.

- 9) *Maximum impervious coverage:* 65 percent of the site area.

- 10) *Minimum front yard:* 50 feet.

- 11) *Minimum rear yard:* 50 feet.

12) Minimum side yards: 20 feet.

(b) The following criteria shall apply to residential dwelling units included within the senior citizen housing development:

1) *Dwelling Unit Types*. All dwelling unit types described in §27-407.2.E of this Chapter shall be permitted in a senior citizen housing development.

2) *Area and Dimensional Requirements for Dwelling Units*. Dwelling units shall meet the area and dimensional criteria for such dwelling unit type as set forth in §27-407.2.E with the following exceptions:

a) The maximum on-lot impervious surface ratio for townhouse dwelling units shall not exceed 70 percent.

b) Maximum building coverage (lot): 50 percent.

(c) *Homeowners Association*. All open space, detention/retention basins and streets shall be maintained by a homeowners association comprised of the owners of the dwelling units.

[Ord. 445]

C. *Use by Special Exception*. The following uses shall be permitted as special exceptions after approval by the Zoning Hearing Board:

(1) Municipal uses, per standards in Part 11, §27-1121.

[Ord. 289]

(2) ["Reserved"]. [Ord. 564]

D. *Accessory Uses*. Only those accessory uses which are necessary for and which are incidental and subordinate to a mobile home park. Such permitted accessory uses are further specified in subsection .3 hereof. Any permitted accessory use shall meet all requirements of this Chapter.

2. Area and development regulations for the R-5 Mobile Home Park District shall be as follows:

A. When single-family detached dwellings are proposed within any R-5 District, the following area and development regulations will be required:

(1) The minimum lot area per dwelling unit shall be 15,000 square feet.

(2) The minimum lot width per dwelling unit shall be 80 feet. The minimum side yards shall be 15 feet, with an aggregate width of 35 feet.

(3) The minimum front and rear yards for each lot shall be 30 feet.

(4) The maximum building coverage shall be 15 percent.

(5) The maximum impervious surface coverage, including building coverage, shall be 25 percent.

(6) The minimum open space requirement for the site shall be 15 percent.

(7) Each dwelling on a lot shall be connected to both public water and public sewer facilities.

[Ord. 564]

B. For any proposed mobile home park in the R-5 District, the following area

and development controls shall be required:

(1) The minimum site area for a mobile home park shall be 10 acres. Not less than 80 percent of the site area shall be fully capable of development and shall not be encumbered by floodplain or flood hazard area; steep slope area; high water table area; marsh area; a highly erodible soil area; or area of shallow bedrock.

(2) The minimum lot area for each mobile home located in a mobile home park shall be 7,200 square feet.

(3) The minimum lot width for each mobile home located in a mobile home park shall be 60 feet as measured at the front right-of-way line and as measured at the building setback line.

(4) The minimum depth of any lot proposed within a mobile home park shall be 120 feet as measured from the front right-of-way line.

(5) Flag lots or pipestem lots (lots with narrow frontage) are not permitted within a mobile home park.

(6) The minimum front yard and the minimum rear yard for a proposed mobile home lot shall each be 30 feet.

(7) The minimum side yard shall be 15 feet, with an aggregate side yard width of 35 feet for each lot.

(8) Each proposed mobile home lot shall have full frontage on a public street, or on a private street (if approved by the Board of Township Supervisors) meeting all paving, width and other design criteria for public streets as covered in §22-403 and Part 6, "Engineering Design Standards," of the Township Subdivision and Land Development Ordinance [Chapter 22].

(9) The entire outbound or exterior perimeter of any proposed mobile home park (except entrance-exit areas) shall include a buffer area of not less than 40 feet in width, of which 20 feet shall be fully landscaped in accordance with the provisions of the Township Subdivision and Land Development Ordinance [Chapter 22]. A required buffer area shall not be included in any required lot area for a mobile home.

(10) A minimum open space area comprising 20 percent of the mobile home park site shall be required, exclusive of required buffer areas. Not less than 80 percent of the open space area shall be usable for active recreation purposes.

(11) The maximum lot coverage by a mobile home shall not exceed 20 percent of the lot area.

(12) The maximum impervious surface coverage for a mobile home park and for a mobile home lot shall not exceed 35 percent of the site area or the lot area.

(13) The maximum height of a mobile home shall not exceed 15 feet and the height of any appurtenant structures shall not exceed a total of 30 feet.

(14) Off-street parking spaces shall be located not more than 150 feet from any mobile home served. [Ord. 470]

(15) Each proposed mobile home park shall be subject to the requirements of the Township Subdivision and Land Development Ordinance [Chapter 22]

to the extent that all requirements for a land development plan shall be required, including the special requirements for mobile home parks as contained in §22-405 of Chapter 22, "Subdivision and Land Development."

3. *Special Regulations for Mobile Home Parks.* The following special regulations shall be applicable to any proposed mobile home park:

A. Each proposed mobile home located within a mobile home park shall be:

(1) Connected to a public water supply and fire hydrant system as approved by the Northampton Township Municipal Authority.

(2) Connected to a public sewer system as approved by the Northampton Township Municipal Authority.

(3) Connected to all underground electrical, telephone and, where possible, gas utilities.

B. Each mobile home park shall provide for complete, on-site stormwater management and erosion control facilities which shall be designed in accordance with the requirements of §22-403.3 and Part 6, "Engineering Design Standards," of the Subdivision and Land Development Ordinance [Chapter 22].

C. Each mobile home park shall provide for centrally located refuse disposal container areas designed to serve a maximum of 20 individual mobile homes each. Each such container space shall not be less than 200 square feet in area, shall be fenced or buffered by a landscape screen and shall be easily accessible (within 250 feet of the mobile homes served). Paved walkways shall be provided to the refuse container spaces. Containers shall be weatherproof, vermin proof and accessible to a street or driveway for vehicular loading or removal.

D. A central service building or buildings may be provided within a mobile home park, containing such accessory uses as a management office; laundry facilities; a repair and maintenance office; meeting rooms and toilets; resident mailbox facilities; indoor recreational facilities for residents only; and enclosed storage closets for residents only.

E. Each individual mobile home shall be located on a continuous concrete pad, with frost-proofed footers, which exceeds the outside dimensions of the mobile home by at least 4 inches. A minimum of six permanent eyebolt or similar tie-down anchors shall be uniformly placed within the exterior edge of the pad. Mortar-filled or reinforced concrete piers not less than 16 inches by 16 inches shall be provided between the pad and the mobile home frame. Not fewer than eight such piers shall be provided for each mobile home. Permanent tie-down straps (anchored) shall be required to withstand wind forces and uplift at wind speeds of 80 miles per hour per current standards. [Ord. 561]

F. Frost-proof, flexible water, sewer, electrical and telephone service connections shall be extended through each concrete pad, all meeting the requirements of §22-405 of the Township Subdivision and Land Development Ordinance [Chapter 22].

G. All exterior sides of each mobile home shall be provided with a permanent skirt covering the entire space between the concrete pad and the exterior siding of the unit.

H. Appropriate lighting shall be provided for all streets, public or private, and

all walkways, waiting areas and at service buildings, meeting the minimum requirements for multi-family areas as specified in §22-617 of the Township Subdivision and Land Development Ordinance [Chapter 22].

I. Individual gas or petroleum storage tanks shall meet the requirements of §22-405 of the Township Subdivision and Land Development Ordinance [Chapter 22].

J. No fences shall be permitted within a mobile home park except where required for swimming pools.

K. Permitted accessory buildings or accessory uses may not be located in a required front or side yard, and such buildings or uses shall comply with §27-1105.5 of this Chapter, as amended.

4. *Permits, Licenses, Fees and Inspection.* Prior to the construction, alteration/operation or occupancy of a mobile home park within the R-5 District, the owner, operator, manager or designated person in charge shall apply for and receive from the Northampton Township Zoning Officer:

A. A permit for the annual operation of the specified mobile home park, listing the units or lots to be occupied; annual certification by the Northampton Township Municipal Authority that approved public water and sewer services and connections by the Bucks County Health Department that all such lots or units to be occupied are in compliance with county and State laws; and a certification from the Township Treasurer that all fees, deposits, bonds or escrow accounts are fully paid.

B. An annual operating license for the mobile home park, which must be approved by the Board of Township Supervisors after certification by the Zoning Officer that a valid annual operating permit has been issued, that all fees have been paid, that a complete inspection of the premises has been completed and that other governmental agencies have approved the initial or annual renewal of the operating permit. Such license will be renewable annually on July 1 and may be revoked for cause.

C. A fee payment schedule for the required annual operating permit and annual operating license, which fees shall be set in accordance with §27-1308 of this Chapter.

D. A preoccupancy inspection and annual inspection thereafter to enable the Zoning Officer to make such determination that all Township, County and State regulations are in compliance. Upon notification to the owner, operator, manager or person in charge of the mobile home park, the Zoning Officer may inspect the premises at any time to determine compliance with this Chapter.

5. *Maintenance of Facilities.* The operator and owner shall be responsible for maintaining all common facilities including, but not limited to, roads, parking areas, sidewalks or pathways, common open space, water supply and sewage disposal systems and service buildings, in a condition of proper repair and maintenance. If upon inspection by the Zoning Officer it is determined that the mobile home park is not in compliance with this standard of maintenance, the licensee shall be considered to be in violation of this Chapter and the Zoning Officer shall notify the operator or licensee of the particulars of any such violation. The operator and licensee shall thereafter correct any such violations. If the violation is determined by the Zoning Officer to constitute

a hazard to the health or safety of the residents of the mobile home park, he shall order that the violation be corrected forthwith.

6. *Maintenance Bond.*

A. In addition to any performance bond which may be required for public facilities or utilities, the licensee of a mobile home park shall, prior to issuance of any certificate of occupancy pursuant to final approval of an application, post with the Township a maintenance bond in a form acceptable to the Township Solicitor, in an amount sufficient to cover for a period of 2 years the cost of maintenance of all common facilities, as determined by the Township Zoning Officer or Township Engineer. The bond shall remain in effect for the duration of the operation of the mobile home park.

B. In the event of noncompliance with an order pursuant to subsection .5, the Township may call the maintenance bond and use the proceeds thereof to effect correction of the violations.

(*Ord. 160, 4/6/1977; as added by Ord. 177, 8/1/1979; as amended by Ord. 289, 5/10/1989; by Ord. 339, 11/13/1991; by Ord. 349, 5/13/1992; by Ord. 445, 1/27/1999; by Ord. 470, 12/13/2000; by Ord. 488, 1/22/2003; by Ord. 561, 4/25/2012; and by Ord. 564, 8/22/2012, §§14, 15*)

Part 5**Commercial/Office Districts****§27-501. Specific Intent.**

In addition to the goals set forth in Part 1, the establishment and regulation of commercial zoning districts with respect to use, height, bulk, parking, loading and similar provisions is intended to achieve the following goals:

- A. To provide sufficient space within the Township for a variety of commercial, office and service uses to meet the needs of Township residents as the population growth reaches specific levels.
- B. To assure that traffic congestion related to commercial and office use is minimized and that adequate off-street parking and loading is provided.
- C. To protect nearby established or projected residential areas from noise, glare, odor or any other obnoxious condition which might result from commercially oriented uses.
- D. To reduce shopping travel time and vehicle trips for Township residents by providing for future neighborhood shopping areas where required and in convenient locations.

(Ord. 160, 4/6/1977)

§27-502. General Commercial/Office District.

1. *Specific Purpose.* The C-2 General Commercial/Office District is intended to provide convenient pedestrian-oriented facilities and personal service needs of local residents. It is the specific intention of the Township to limit the locations of such district and to prevent unwarranted expansion of strip-type commercial development along the Township's major streets and highways. [Ord. 497]

2. Use regulations in the C-2 District shall be as follows:

A. *Uses by Right.*

(1) Any use by right permitted in the R-3 Multi-family Residential District, provided that such residential uses exist in conjunction with the commercial uses by right specified under paragraph .A(2), (3), (4) and (5). [Ord. 210]

(2) Retail stores or outlets for the sale of baked goods, beverages, flowers, food products, drugs, pharmaceuticals, sundries, paints, dry goods, notions, wearing apparel, footwear, appliances, hardware, plumbing supplies, paper products, books (excluding adult uses), photography equipment, professional supplies and equipment, office supplies, pre-cut lumber supplies, furniture, jewelry, house furnishings, antiques, stationery, newspapers and magazines, tobacco products, gifts and novelties, optical supplies, sporting goods and similar retail uses.

(3) Business, personal service or professional offices related to doctors, lawyers, dentists, architects, engineers, real estate, banking, finance and credit agencies, insurance, photography shops or studios, advertising, employment

agencies, accounting, business management, printing, interior decorating, governmental offices, utility company offices and similar types of office use.

(4) Other personal service uses such as hair styling, clothing repair, tailor shops, appliance repair, shoe repair, pickup and delivery shops for cleaning and dry cleaning, electrical repair shops, plumbing shops, bicycle repair, trade schools, personal recreation facilities such as bowling alleys, theaters or similar indoor recreation uses, and similar uses for personal services.

(5) Restaurant, tavern, mortuary or funeral establishment, private clubs or lodges (nonprofit, member only), automated telephone and utility substation.

(6) Branch postal services. [*Ord. 346*]

B. *Conditional Uses* (see Part 9).

(1) Automotive and farm equipment sales requiring a showroom and office with repair or service facilities fully enclosed and meeting the physical performance requirements in Part 11. Such use or uses shall require a minimum lot area of 30,000 square feet and a minimum lot width of 150 feet at the street line.

(2) Gasoline service stations limited to the sale of gasoline, oil products, tires, batteries, automotive service products, lubrication, engine repair, State inspection, interior washing. Such use shall require a minimum lot area of 40,000 square feet and a minimum lot width of 150 feet at the street line.

(3) Motel, motor hotel and rooming house.

(4) Shopping center, on a lot of at least 5 acres, subject to the regulations of §27-503.3.C through .E, .I and .J. The foregoing regulations shall apply in addition to all other applicable standards set forth in this Chapter. [*Ord. 497*]

C. *Use by Special Exception*.

(1) Commercial dry-cleaning and laundry plant, in accordance with the following criteria:

(a) The facility or use shall not occupy a gross area larger than 2,500 square feet.

(b) The facility shall be designed, used and occupied only when physically connected to a pickup and delivery store and shall be limited to the cleaning of garments, fabrics, etc., which are picked up and delivered from a store or outlet located within the confines of Northampton Township.

(c) Outdoor venting of solvent vapors shall be prohibited except for the normal machine vent cycle.

(d) The facility shall have an off-street loading area in accordance with §27-1109.

(e) Cleaning solvents must be of the nonflammable type and must be restricted to perchloroethylene or an equivalent nonpetroleum-based solvent. All toxic or hazardous chemicals used must be contained within the machinery equipment and/or storage tanks (a totally closed system).

(f) Any applicant shall be required to submit the following:

1) A complete description of the business operation, including a list of the raw material utilized, materials identified as hazardous materials by either the United States Environmental Protection Agency or the Pennsylvania Department of Environmental Protection, and the quantities of each such material stored before and during use and stored on site awaiting shipment.

2) A letter certifying the applicant's understanding that any alteration or change in the use and/or storage of the above-referenced materials, by-products or waste products must be approved by the granting of a special exception.

3) A description of the method used for on-site disposal of waste generated by the applicant, including any pretreatment and any waste product other than normal domestic sewage.

4) An environmental impact analysis for any hazardous material or waste product identified in 40 CFR §261, the United States Code, published by the Environmental Protection Agency, or in regulations published in 25 Pa.Code Chapter 261a of the Rules and Regulations for the Pennsylvania Department of Environmental Protection, which shall include, but not be limited to, the exact method of receiving, handling, storage, use and disposal of such product or products, the impact of such use upon the employees, nearby employees, the neighborhood and the physical area which might be affected including, but not limited to, odors and odor thresholds, air, groundwater pollution potential, fire and safety hazards, and accidental discharge remedies, all of which shall be prepared by persons with expertise related to the process. [Ord. 561]

(g) Written records shall be kept on premises of the inventory of on-site chemicals and the stored quantity of hazardous waste and shall be available for inspection by Township officials during business hours.

[Ord. 207]

(2) Municipal uses, per standards in §27-1121. [Ord. 289]

D. *Accessory Uses.* Any use which is entirely incidental and subordinate to the above permitted uses and is located on the same lot or parcel.

3. Area and development regulations in the C-2 District shall be as follows:

- A. Minimum lot area: 15,000 square feet.
- B. Minimum lot width (at street): 75 feet.
- C. Maximum building coverage: 35 percent of lot area.
- D. Minimum front yard: 50 feet.
- E. Minimum rear yard: 50 feet.
- F. Minimum side yards, each/aggregate: 15/30 feet.

G. Buffer area (see Part 11) for side and rear yards abutting any residential district: 20 feet.

H. Public sewer and public water connections shall be required, if available within 150 feet of the site. [Ord. 210]

4. Off-street loading for all developments shall be provided in accordance with §27-1109. [Ord. 470]

5. *Additional Design Standards for the C-2 District.*

A. *Lighting for parking, driveways and loading areas.* All parking areas, driveways and loading areas shall be provided with a lighting system meeting the requirements of §22-617 of the Township Subdivision and Land Development Ordinance [Chapter 22]. All lighting shall be shielded from traffic on any public right-of-way and from any residential district.

B. *Outdoor Storage.* No permanent storage or display for sale of merchandise, articles or equipment shall be permitted outside a building. All garbage, trash and rubbish shall be stored in airtight, vermin-proof containers and also shall be screened from public view. Any commercial use furnishing carts or mobile baskets as a service to shoppers shall provide areas within the required parking space areas for storage of said carts or mobile baskets. Such a defined storage area shall be clearly marked for storage of carts or mobile baskets.

C. *Freestanding Structures.* If a freestanding structure (such as a drive-in bank, photo pickup stand, etc.) is proposed and approved for use, such use or structure shall conform to all other requirements of this Chapter as if such were a principal structure. Such use must be designed or located to be free from traffic hazards related to interior circulation and parking facilities required for other uses.

[Ord. 210]

6. *Village Overlay District.*

A. Uses permitted by right within the underlying C-2 District shall be permitted by right within the Village Overlay District.

B. Uses permitted by conditional use or by special exception within the underlying C-2 District shall be permitted by conditional use within the Village Overlay District.

C. Uses not permitted by right, conditional use or special exception within the underlying C-2 District, but are permitted as a use by right, conditional use or special exception within the C-3, PO or IP Districts, shall be permitted by conditional use within the Village Overlay District.

D. Subdivision and land development activity utilizing the design criteria specified by the Village Overlay District shall comply with the provisions that are specified under §27-1125 of this Chapter as well as §22-502 of the Subdivision and Land Development Ordinance [Chapter 22].

E. Where conflicts between the provisions of the C-2 Zoning District and Village Overlay District exist, the provisions of the Village Overlay District shall apply.

[Ord. 535]

(Ord. 160, 4/6/1977; as amended by Ord. 207, 4/25/1984; by Ord. 210, 5/9/1984; by Ord. 238, 8/13/1986; by Ord. 289, 5/10/1989; by Ord. 307, 6/13/1990; by Ord. 346, 2/26/1992; by Ord. 470, 12/13/2000; by Ord. 497, 9/22/2004; and by Ord. 535, 12/17/2008, §1; and by Ord. 561, 4/25/2012)

§27-503. C-3 Planned Commercial District.

1. *Specific Purpose.* The Planned Commercial District is intended to provide for a carefully designed community shopping center meeting the commercial needs of the residents of Northampton Township, as described in the Township Comprehensive Plan. Prerequisites for consideration of such a shopping center include the availability of both public water and sewer connections; adequate traffic capacity on all abutting and affected streets and highways; a proven or demonstrated need for such additional commercial uses by way of an economic feasibility study; and an environmental impact analysis showing conclusively that such use will be suited for location in Northampton Township.

2. *Use Regulations.*

A. *Uses by Right.* Shopping centers, containing any of the following uses, are permitted within the C-3 Planned Commercial District under an integrated design for the entire site being considered, provided that all such uses are within an enclosed structure:

(1) Retail stores or outlets for the sale of baked goods, beverages, food products, drugs, pharmaceuticals, flowers, sundries, paints, dry goods, notions, wearing apparel, footwear, appliances, hardware, plumbing supplies, paper products, books (excluding adult bookstores and outlets for sales or viewing of pornographic literature or film strips), photography equipment, professional supplies and equipment, office supplies, precut lumber supplies, furniture, jewelry, house furnishings, antiques, stationery, newspapers and magazines, tobacco products, gifts and novelties, optical supplies, sporting goods and similar retail uses.

(2) General merchandise stores, including department stores, specialty clothing shops, supermarkets, lunch counters, delicatessens or restaurants (each meeting the definition of “restaurant”).

(3) Business, personal service or professional offices related to doctors, lawyers, dentists, architects, engineers, real estate, banking, finance and credit agencies, insurance, photography shops or studios, advertising, employment agencies, accounting, business management, printing, interior decorating, governmental offices, utility company offices and similar types of office use.

(4) Other personal service uses such as hair styling, clothing repair, tailor shops, appliance repair, shoe repair, pickup and delivery shops for cleaning and dry cleaning, electrical repair shops, bicycle repair, trade schools, personal recreation facilities, such as bowling alleys, theaters or similar indoor recreation uses, and similar uses for personal services.

(5) Branch or satellite library facilities, community center meeting rooms, automatic postal equipment and mail-order facilities.

[Ord. 497]

B. *Use by Special Exception.* The following uses shall be permitted as special exceptions after approval by the Zoning Hearing Board:

(1) Municipal uses, per standards in §27-1121.

[Ord. 289]

(2) Commercial dry-cleaning and laundry plants shall be allowed as

special exceptions, subject to the criteria, restrictions and requirements of §27-502.2.C(1) of this Chapter. [Ord. 460]

C. *Accessory Uses.* Any use which is entirely incidental and subordinate to the above permitted uses and is located on the same lot or parcel.

3. Area and development regulations in the C-3 District shall be as follows:

A. Minimum site area: 10 acres.

B. Maximum site area: 15 acres.

C. Maximum principal and accessory building coverage: 20 percent of lot area.

D. Floor area ratio maximum: 0.40.

E. Maximum impervious surface ratio: 70 percent. [Ord. 415]

F. Minimum buffer from an AR District or Residential District along all property lines (no building or structure permitted): 100 feet. Service or access drives may be permitted in the minimum buffer area, provided that such service or access drives are located no closer than 50 feet from the nearest property line. [Ord. 428]

G. Minimum distance of any principal or freestanding building from any street or property line shall be:

(1) For a principal or freestanding building 3,000 square feet or less of gross floor area: 30 feet.

(2) For a principal or freestanding building with greater than 3,000 square feet of gross floor area: 100 feet.

[Ord. 428]

H. Minimum parking area set back from any street or property line is determined by the square footage of the structure used to calculate off-street parking requirements pursuant to §27-503.4.H, as follows:

(1) For structures with less than 3,000 square feet of gross floor area: 10 feet.

(2) For structures with greater than 20,000 square feet of gross floor area: 50 feet.

[Ord. 428]

I. Minimum major street frontage: 500 feet.

J. Minimum distance between any building faces: 50 feet.

4. *Additional Design Requirements.* In addition to those requirements specified in §27-502.5, the following regulations for the C-3 Planned Commercial District shall apply:

A. Plans shall be submitted for full development at the time of completion (no phasing of plans even though construction may be phased).

B. All points of ingress and egress (two minimum) shall be fully curbed and channelized to a minimum depth of 100 feet inside the property line.

C. Interior drives shall be a minimum of 24 feet in width for two-way traffic movement and a minimum traffic lane of 18 feet for one-way traffic and shall have curbs, where required, for safe interior circulation. [Ord. 389]

D. All off-street loading (see Part 11) shall be located separately from parking areas.

E. Adequate capacity for public water and public sewer connections shall be available.

F. Fire safety lanes shall be provided around 100 percent of the perimeter of all buildings.

G. All area not used for buildings, parking or loading shall be fully landscaped. (See Part 11.)

H. A complete traffic impact study is required, including recommendations for traffic control, acceleration-deceleration lanes, complete peripheral curbing and street widening.

I. Additional requirements are contained in Part 11 for planned commercial uses. In addition to all of the above, the Board of Supervisors and the Planning Commission may require such other design criteria to assure safety, compatibility of the site and harmony with the character of the neighborhood.

[Ord. 210]

5. *Village Overlay District.*

A. Uses permitted by right within the underlying C-3 District shall be permitted by right within the Village Overlay District.

B. Uses permitted by conditional use or by special exception within the underlying C-3 District shall be permitted by conditional use within the Village Overlay District.

C. Uses not permitted by right, conditional use or special exception within the underlying C-3 District, but are permitted as a use by right, conditional use or special exception within the C-2, PO or IP Districts, shall be permitted by conditional use within the Village Overlay District.

D. Where conflicts between the provisions of the C-3 Zoning District and Village Overlay District exist, the provisions of the Village Overlay District shall apply.

[Ord. 535]

(Ord. 160, 4/6/1977; as amended by Ord. 210, 5/9/1984; by Ord. 289, 5/10/1989; by Ord. 307, 6/13/1990; by Ord. 389, 12/13/2000; by Ord. 415, 1/22/1997; by Ord. 428, 9/10/1997; by Ord. 460, 3/8/2000; by Ord. 470, 12/13/2000; and by Ord. 497, 9/22/2004; and by Ord. 535, 12/17/2008, §2)

§27-504. PO Professional Office District.

1. *Specific Purpose.* The Professional Office District is intended to provide sufficient space within the Township for professional office use and is specifically designed to exclude other retail and commercial uses. Another specific purpose for this district is to provide a buffer or buffers between the existing General Commercial/Office Districts and any existing residential district. Prerequisites for consideration of such a Professional Office District include the availability of both public water and sewer connections and facilities; adequate and available existing highway traffic capacity on all abutting and affected streets and highways; and a demonstration by the occupants

of this district that the impact on surrounding residential areas will be minimized by intended construction and use.

2. *Use Regulations.*

A. *Uses by Right.* The following uses are permitted as uses by right within the PO Professional Office District, and a building or buildings may be erected and/or used and a lot may be used or occupied for the following purposes and no others:

(1) Business offices and professional offices, including but not limited to offices of a medical doctor and such uses as are customarily related thereto; offices for a dentist, chiropractor, optometrist, physical therapist and uses customarily related thereto; and offices related to other professions, such as lawyers, architects, engineers, real estate, banking, financial agencies, insurance, advertising, accounting, business management, personal professional services, governmental offices and similar types of office use.

(2) Any related use of the same general character as any of the above permitted uses, provided that there shall be no retail sales uses except those which are incidental and accessory to, and customarily associated with, one of the above professional uses; and, further provided, that no display of merchandise is maintained in the main waiting room or is visible from the outside of the premises. Other commercial uses are specifically prohibited within this district.

(3) No-impact home-based business, where such business is located in a dwelling and provided such use shall not supersede any deed restriction, covenant or agreement restricting the use of land, or any master deed, by-law or other document applicable to a common-interest-ownership community [Ord. 488]

B. *Use by Special Exception.* The following uses shall be permitted as special exceptions after approval by the Zoning Hearing Board:

(1) Municipal uses, per standards in §27-1121.

[Ord. 289]

C. *Conditional Uses.*

(1) Senior citizen housing, subject to the regulations of §§27-407.2.E, .H and .I, subsection .3.C through .H and .K through .M, §§27-901 and 27-902.

(a) The minimum area and development regulations for senior citizen housing shall be as follows:

1) *Site Area.* Not less than 10 acres shall be provided for every site to be used in whole or in part for senior citizen housing.

2) *Parking.* Unless otherwise set forth herein, parking in a senior citizen housing area shall comply with the requirements of §27-1110 of this Code. [Ord. 470]

3) *Maximum Density.* The total number of dwelling units in a senior citizen housing site shall not exceed a maximum density of five dwelling units per acre.

4) *Minimum Open Space Ratio.* No site plan or conditional use permit application for senior citizen housing shall be approved

without a common open space area of at least 20 percent of the site area, no more than 1/3 of which may be the required setback from site boundary.

[Ord. 370]

3. *Area and Development Regulations.* Area and development regulations within the PO Professional Office District shall be as follows:

- A. Minimum site area: 2 acres.
- B. Minimum individual lot area: 30,000 square feet.
- C. Minimum lot width (at street): 150 feet.
- D. Maximum building coverage: 35 percent of the individual lot area and 35 percent of the site area.
- E. Maximum impervious coverage: 65 percent of the individual lot area and 65 percent of the site area.
- F. Minimum front yard: 50 feet.
- G. Minimum rear yard: 50 feet.
- H. Minimum side yards: 20 feet for each side yard.
- I. Buffer area: For any side yard or rear yard abutting any residential district, a buffer area 20 feet wide shall be provided which shall not be used for any required parking or for any other purpose and which shall be adequately screened and buffered from said residential districts and/or properties in accordance with a plan approved by the Board of Supervisors. However, said 20-foot buffer area may be measured so as to include a required yard or other setback requirement which shall not be in addition to the dimensional requirement for this buffer area.
- J. Off-street loading requirements may be waived where appropriate. [Ord. 470]
- K. On-site lighting: On-site lighting shall be provided in accordance with §22-617 of the Township Subdivision and Land Development Ordinance [Chapter 22]. All such lighting shall be properly shielded from existing streets or highways and from any abutting residential district.
- L. Outside storage and refuse storage: No temporary or permanent storage or display shall be permitted outside of any permitted office building. All refuse, garbage, trash and the like shall be stored in commercial containers which shall be located within a three-walled structure and fully screened from public view.
- M. Internal access/ingress and egress: All internal driveways shall meet the requirements of this Chapter and the Township Subdivision and Land Development Ordinance [Chapter 22] and shall in no case be permitted for use as a through street. If the morning or evening peak hour traffic generated by a permitted use exceeds 100 vehicle trips, the Board of Supervisors may require more than one means of permanent ingress and egress to a public street.

4. *Village Overlay District.*

- A. Uses permitted by right within the underlying PO District shall be permitted by right within the Village Overlay District.
- B. Uses permitted by conditional use or by special exception within the

underlying PO District shall be permitted by conditional use within the Village Overlay District.

C. Uses not permitted by right, conditional use or special exception within the underlying PO District, but are permitted as a use by right, conditional use or special exception within the C-2, C-3 or IP Districts, shall be permitted by conditional use within the Village Overlay District.

D. Where conflicts between the provisions of the PO Zoning District and Village Overlay District exist, the provisions of the Village Overlay District shall apply.

[*Ord. 535*]

(*Ord. 160*, 4/6/1977; as added by *Ord. 241*, 9/24/1986; as amended by *Ord. 289*, 5/10/1989; by *Ord. 307*, 6/13/1990; by *Ord. 370*, 10/13/1993; by *Ord. 470*, 12/13/2000; by *Ord. 488*, 1/22/2003; and by *Ord. 535*, 12/17/2008, §3)

Part 6**I-1 Planned Industrial/Office District****§27-601. Specific Intent.**

In accordance with the goals and objectives established in the Township Comprehensive Plan, it is the intention of Northampton Township to provide for adequate sites for selected industrial uses which will not cause environmental problems. Further, the Township seeks to encourage the industrial office campus concept wherein corporate and industrial offices are grouped in a unified design with distribution and processing facilities.

(*Ord. 160, 4/6/1977*)

§27-602. Use Regulations.

Use regulations in the I-1 District shall be as follows:

A. *Uses by Right.* The following uses are permitted by right:

(1) Administrative and business offices for wholesale, manufacturing and research-oriented enterprises.

(2) Scientific or industrial research, engineering, laboratories, product testing laboratories and design centers.

(3) Printing plants, commercial laundry plants, commercial bakery, electrical appliance, electronic and motor repair and assembly, business machine and computer-related product repair and assembly. [*Ord. 221*]

(4) Wholesale storage and distribution, provided all products are contained in a fully enclosed structure.

(5) Packaging or final assembly of premanufactured products, including bottled beverages; dairy products; fruits and vegetables; mill-built lumber products; paper products (no manufacturing process permitted); printed products; communication equipment; professional, optical, scientific and engineering equipment; photographic equipment; jewelry; signs; lightweight metal products (no manufacturing process permitted); and products similar to the above, provided that manufacture of new products from raw materials is not involved.

(6) The manufacture or production related to finished clothing products (textile manufacture not permitted); food products; pharmaceutical compounds; electrical equipment; scientific equipment; metal treatment or fabrication; commercial or industrial painting; jewelry; and the cutting and assembly of wood products. [*Ord. 221*]

(7) Construction trade shops, including builders, plumbers, electricians, earthmovers, utility contractors and other similar types of uses not specifically noted herein. [*Ord. 210*]

(8) Agricultural uses. [*Ord. 558*]

B. *Conditional Uses.* The following conditional uses may be permitted or may be denied by the Board of Supervisors, subject to the provisions of §§27-901, 27-902

and 27-903 of this Code and subject to each specific conditional use requirement listed herein:

(1) Adult uses. [*Ord. 262*]

(2) Any storage of fireworks, explosives and the like, provided that such use shall be located in a freestanding building having no other occupants on a lot of not less than 6 acres, with minimum front, side and rear yard distances of 250 feet each. Such use shall also meet the requirements of §27-1103.3.A of this Chapter and all applicable State and Federal regulations. Applicable approved permits shall be submitted to the Township at the time the applicant files for a conditional use application.

(3) A heliport, public or private, shall be located on a lot with minimum front, side and rear yards of 300 feet each for any landing pads. Approach zone studies, an analysis of operational hours and environmental noise impact studies shall be required. In addition, all State and Federal requirements shall be satisfied, and proof of Federal Aviation Administration regulation conformance shall be submitted to the Township at the time the applicant files for a conditional use application.

[*Ord. 221*]

(4) Telecommunications facility, subject to the provisions of §§27-1116, 27-1123 and the specific criteria listed below:

(a) ["Reserved"]. [*Ord. 565*]

(b) ["Reserved"]. [*Ord. 565*]

(c) The applicant shall present a site plan showing the following items:

1) Locations of all existing uses and proposed telecommunications facilities.

2) Elevations of any existing uses and proposed telecommunications facilities.

3) Vehicular access, fencing and any easements for access and utilities.

(d) ["Reserved"]. [*Ord. 565*]

(e) The telecommunications facility shall comply with all State and Federal laws and regulations concerning aviation safety.

(f) ["Reserved"]. [*Ord. 565*]

(g) ["Reserved"]. [*Ord. 565*]

(h) ["Reserved"]. [*Ord. 565*]

(i) ["Reserved"]. [*Ord. 565*]

(j) ["Reserved"]. [*Ord. 565*]

C. *Uses by Special Exception.*

(1) The following uses shall be permitted as special exceptions when approved by the Zoning Hearing Board:

Abattoir
Dry-cleaning plant
Fat rendering
Incineration or reduction of garbage except by municipal agencies
Leather processing
Manufacture of asphalt, cement, cork, explosives, fertilizer, illuminating gas, glue, ink, iron or steel (including rubber and synthetic processing), soap and petroleum refining
Manufacture, processing or storage of chemicals
Municipal uses, per standards in §27-1121
Quarry; stone processing
Storage of crude oil or any of its volatile products or other flammable liquids
Textile manufacturing
Wood or wood pulp processing
Other similar type of uses not specifically noted herein

[Ord. 289]

(2) These uses are subject to the specific criteria listed below:

(a) Such use shall be located in a separate freestanding building having no other occupants on a lot having not less than 5 acres in area and a lot width of not less than 400 feet, with front, side and rear yards of not less than 100 feet each and with total impervious coverage not to exceed 40 percent of the lot.

(b) An environmental impact study will be required for any use involving the handling of raw materials which appear on the Environmental Protection Agency's or Department of Environmental Protection hazardous and toxic materials list.

(c) Specific air pollution and/or groundwater pollution control devices shall be in accordance with Environmental Protection Agency and Pennsylvania Department of Environmental Protection's requirements. The applicant shall submit device plans and the approved permit to the Township with his special exception application.

(d) Copies of Environmental Protection Agency or Department of Environmental Protection's permits or evidence of application for Environmental Protection Agency and Department of Environmental Protection's permits shall be required for specific uses.

[Ord. 221]

D. *Accessory Uses.* Any use which is customarily incidental and subordinate to the above permitted uses and is located on the same lot or parcel; provided, that:

(1) Storage and dispensing of any volatile oil product or any possible

and/or highly flammable liquid where such storage is in minor quantities and it is required as an incidental use for any use by right noted above shall be stored in a manner approved by the Fire Marshal.

(2) Any outdoor storage, including temporary storage of materials and equipment, must be fully fenced with a solid-type fencing and other material, which fully screens such storage from adjacent properties at a distance of at least 30 feet from the principal building.

(3) Temporary storage of materials and equipment in truck trailers, not to exceed a period of 90 days, where such truck trailers are located at least 30 feet from any principal building and 10 feet from any property line.

[*Ord. 210*]

(*Ord. 160, 4/6/1977; as amended by Ord. 210, 5/9/1984; by Ord. 221, 1/23/1985; by Ord. 262, 1/20/1988; by Ord. 289, 5/10/1989; by Ord. 411, 9/25/1996; by Ord. 558, 4/27/2011, §1; and by Ord. 565, 2/27/2013, §IV*)

§27-603. Area and Development Regulations.

1. Any use allowed in the Planned Industrial/Office District will be permitted only after an adequate water supply and a satisfactory method of sewage and wastewater treatment have both been approved by the Pennsylvania Department of Environmental Protection and the Bucks County Department of Health.

2. The following development regulations shall apply:

A. Minimum overall site area for planned industrial office use: 10 acres.

B. Minimum lot area for individual principal buildings within the above site: 2 acres. [*Ord. 210*]

C. Minimum lot width at building setback line: 200 feet.

D. Minimum lot width at the street right-of-way line (for culs-de-sac only): 75 feet.

E. Maximum building coverage: 30 percent of lot area.

F. Maximum impervious surface ratio: 70 percent of lot area. [*Ord. 415*]

G. Minimum setback for principal or accessory structure from any street: 100 feet.

H. Minimum yard required (side or rear) abutting any agricultural or residence district: 75 feet.

I. Minimum side or rear yard not abutting any agricultural or residence district: 40 feet.

3. A buffer area (see Part 11) shall be required along any property line abutting any other zoning district.

4. Other supplemental regulations (Part 11) shall apply to all uses in this district.

5. A land development plan shall be required in accordance with the Township Subdivision and Land Development Ordinance [Chapter 22].

(*Ord. 160, 4/6/1977; as amended by Ord. 210, 5/9/1984; and by Ord. 415, 1/22/1997*)

§27-604. Off-Street Parking and Loading.

1. Separate off-street storage spaces shall be provided for each delivery vehicle or other vehicle routinely stored on the site (where permitted). Such spaces shall not qualify as off-street parking spaces otherwise required by §27-1110 of this Code.

2. Off-street loading shall be in accordance with Part 11.

(*Ord. 160, 4/6/1977; as amended by Ord. 470, 12/13/2000*)

Part 7**FP Floodplain and Flood Hazard District****§27-701. Specific Purpose.**

1. It is the purpose of this district to promote the public health, safety and general welfare by recognizing that:

A. The flood hazard areas of Northampton Township are subject to periodic inundation which results in loss of property, loss of life, damage to structures, injury to people, disruption of public and private activities and services, burdensome public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by:

(1) The cumulative effect of obstructions in flood hazard areas, causing increases in flood heights and velocities.

(2) The occupancy of flood hazard areas by uses vulnerable to floods.

(3) Continued construction in areas of potential flood hazard which should be free and clear.

2. In recognition of the above, this Chapter contains provisions for this district to:

A. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or cause increased flood heights or velocities.

B. Protect the quality and quantity of surface and subsurface water supplies adjacent to and underlying flood hazard areas.

C. Provide areas for the deposition of floodborne sediment.

D. Require uses vulnerable to floods, including public facilities, to be constructed so as to be protected against flood damage.

E. Place the burden of proof upon those persons proposing to occupy property subject to these controls, to establish that occupancy of such property will not violate the spirit, intent and regulations contained herein.

(Ord. 160, 4/6/1977)

§27-702. Interpretation.

The provisions of this Part are to be interpreted, wherever possible, as being compatible with all other provisions of this Chapter. However, any provision of this Part with regard to permitted uses, conditional uses, design standards, dimensional requirements or setbacks or other provisions which is incompatible with any other provisions of this Chapter is to be interpreted and construed as controlling and superseding over any conflicting section or provisions of this Chapter and Zoning District Map of Northampton Township.

(Ord. 160, 4/6/1977)

§27-703. Use Regulations.

1. *Uses by Right.* In addition to existing uses, the following uses shall be permitted in the Floodplain and Flood Hazard District, provided that such uses do not require a new structure except for the permissible accessory uses specified below and such uses do not require the cutting or filling of land, and provided that such uses do not require the open storage of materials or equipment:

A. Agricultural uses such as general farming, pasture, orchard, grazing, outdoor plant nurseries, truck farming, forestry and wild crop harvesting.

B. Recreation uses such as park, camp, picnic grounds, golf course, golf driving range, archery and shooting ranges, hiking and riding trails, hunting and fishing areas, game fish, fish hatchery, wildlife sanctuary, nature preserve, swimming areas and boat launching sites (limited to ramps only).

C. Open space required for the development of any lot or tract in any zoning district as required in other provisions of this Chapter.

D. Permeable parking areas and road to serve other permitted uses in the Flood Hazard District or where required by the regulations for any contiguous district.

E. Accessory uses to any above permitted uses within those portions of the Floodplain and Flood Hazard District denoted as having alluvial soils in the Soil Survey of Bucks County Pennsylvania (September 2002), but not within the area delineated on the Flood Insurance Rate Map of the Northampton Township Flood Insurance Study, subject to the following standards:

(1) The following structures or accessory buildings shall be permitted: split rail or post and rail fences, provided that wire mesh or similar screening is not placed on the fence; accessory building (i.e., sheds, barns, gazebos, playhouses, doghouses, patios provided with wire or solid screening) with a maximum floor area of 150 square feet; decks and treehouses elevated at least 4 feet above the ground, provided that no screening or latticework is extended between the supporting columns; patios not enclosed by wire or solid screening with a maximum floor area of 500 square feet; fireplaces and barbecues with a maximum area of 100 square feet; stormwater and sanitary sewer lines, which shall take the shortest route across the district to the point of discharge. [Ord. 331]

(2) Except for those recreational facilities permitted as conditional uses in subsection .2.J below, the following structures or accessory buildings are expressly prohibited: solid, chain link or similar-type fences which will impede the flow of floodwater; swimming pools; garages; additions to a principal building; any similar structure or accessory building not listed above which will impede the flow of floodwater and would cover a floor area in excess of 100 square feet. [Ord. 331]

(3) The structure or accessory building cannot be reasonably located out of the Floodplain and Flood Hazard District.

(4) The structure or accessory building shall be dependably and permanently anchored to the ground to prevent overturning, sliding and flotation.

(5) The structure or accessory building shall not be used for human

habitation.

(6) Where there is an identifiable watercourse, the structure or accessory building shall be constructed and oriented so as to offer the minimum resistance to the flow of floodwater.

(7) No materials shall be stored in the accessory building that are explosive or toxic to humans, animals or vegetation.

(8) No earthen cut and/or fill shall be permitted for use in the construction of the structure or accessory building.

[Ord. 500]

[Ord. 184]

2. *Conditional Uses.* The following new uses are permitted in the Floodplain and Flood Hazard District only upon the granting of a conditional use permit by the Northampton Township Board of Supervisors. No use shall be permitted in any floodway that would cause any increase in the 100-year flood elevation.

- A. Circuses, festivals and similar transient amusement enterprises.
- B. Marinas, boat rentals, docks and piers.
- C. Railroads, impervious hard-surface roads, bridges, utility transmission lines.
- D. Sealed water supply wells and water pipelines.
- E. Storm and sanitary sewer facilities, including storm and sanitary sewer lines, which shall take the shortest route across the district to the point of discharge. [Ord. 184]
- F. Storage yards for equipment, machinery or materials, except that no materials that can float or that are explosive or that are toxic to humans, animals or vegetation shall be permitted in the area.
- G. Kennels and stables.
- H. Dams and basins where approved by the appropriate public agencies.
- I. Accessory uses customarily incidental to any one of the above permitted uses.

[Ord. 179]

J. Recreation facilities including, but not limited to, goal posts, bleacher structures and ballfield backstops of chain link Said backstops shall be limited in size to avoid any increase in the 100-year-flood elevation. [Ord. 331]

3. *Additional Technical Requirements.*

A. No lowest floor, basement floor or cellar floor of any building or structure shall be constructed at an elevation of less than 1 foot above the 100-year floodplain line within any zone district of the Township which is in, abuts or is contiguous to the Floodplain and Flood Hazard Zone. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement. Fully enclosed space below the lowest floor (including a basement) is prohibited. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access or incidental storage in an area other than a basement shall be designed and

constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term “partially enclosed space” also includes crawl spaces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a net total area of not less than 1 square inch for every square foot of enclosed space.
- (2) The bottom of all openings shall be no higher than 1 foot above grade.
- (3) Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

[*Ord. 450*]

B. No structure shall be located, extended, converted, structurally altered, nor shall there be any substantial improvements, without full compliance with the terms of this Chapter and other applicable regulations. No cuts or fills are permitted. [*Ord. 179*]

C. No use, development and/or activity of any kind shall be located in any area designated as a floodway on the Flood Insurance Rate Map of the Flood Insurance Study for Northampton Township unless it can be proven that the use, development or activity will cause no rise in the 100-year-flood elevation. The burden of proof shall be on the applicant for permit and such proof shall be based on computations by a registered professional engineer. [*Ord. 450*]

D. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. [*Ord. 450*]

E. In accordance with the Pennsylvania Flood Plain Management Act, 32 P.S. §679.101 *et seq.*, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances or will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises or will involve the production, storage or use of any amount of radioactive substances shall be subject to the provisions of this Section, in addition to all other applicable provisions.

- (1) The following materials and substances are considered dangerous to human life:
 - (a) Acetone.
 - (b) Ammonia.
 - (c) Benzene.
 - (d) Calcium carbide.
 - (e) Carbon disulfide.
 - (f) Celluloid.

- (g) Chlorine.
- (h) Hydrochloric acid.
- (i) Hydrocyanic acid.
- (j) Magnesium.
- (k) Nitric acid and oxides of nitrogen.
- (l) Petroleum products (gasoline, fuel oil, etc.).
- (m) Phosphorus.
- (n) Potassium.
- (o) Sodium.
- (p) Sulfur and sulfur products.
- (q) Pesticides (including insecticides, fungicides and rodenticides).
- (r) Radioactive substances, insofar as such substances are not otherwise regulated.

(2) Any structure of the type described in this subsection .3.E is prohibited in any floodway area. Where permitted within any floodplain area, any new or substantially improved structure of the kind described in subsection .1 above shall be:

- (a) Elevated or designed and constructed to remain completely dry up to at least 1½ feet above the 100-year flood.
- (b) Designed to prevent pollution from the structure or activity during the course of a 100-year flood.

(3) Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication Flood-Proofing Regulations (United States Army Corps of Engineers, June 1972, as amended March 1992) or with some other equivalent watertight standard.

[*Ord. 450*]

4. *Additional Administrative Requirements.*

A. Building permits; certificates of use, occupancy and compliance. Within the Flood Hazard District, all development shall be subject to the requirements of §27-1306.

B. All applications for building permits or certificates of use, occupancy or compliance shall contain all information necessary for the Zoning Officer to determine compliance with this Chapter, including 100-year-flood elevation contours and lowest floor elevations of any proposed structures. In addition, all applications shall contain proof that all other necessary governmental permits, such as those required by State and Federal laws, have been obtained, including those required by Act 537, the Pennsylvania Sewage Facilities Act, 32 P.S. §750.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §692.1 *et seq.*, and the Federal Water Pollution Control Act Amendments of 1972, §404, 33 U.S.C. §1334. No permit shall be issued until this determination has been made. [*Ord. 561*]

C. All applications for building permits shall contain a document, certified by

a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the 100-year-flood elevations, pressures, velocities, impact and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the 100-year flood. Such statements shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure.

D. No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Waterways Engineering. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, Strategic Planning and Program Operations Office, shall be notified by the municipality prior to any alteration or relocation of any watercourse.

E. Requests for variances and special exceptions shall be considered by the Township in accordance with the procedures contained in §27-1402.3 and .4 and the following procedures:

(1) No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the 100-year-flood elevation.

(2) Whenever a variance is granted, the Township shall notify the applicant in writing that the granting of the variance may result in increased premium rates for flood insurance and that such variance may increase the risks to life and property.

[Ord. 179]

F. The identified floodplain area may be revised or modified by the Board of Supervisors when:

(1) The need for the revision or modification has been documented with studies or information received from a qualified agency or person.

(2) The revision or modification has been approved by the Federal Insurance Administration.

[Ord. 450]

5. The following activities shall be prohibited within any identified floodplain area:

A. The commencement of any of the following activities or the construction, enlargement or expansion of any structure used, or intended to be used, for any of the following activities:

(1) Hospitals.

(2) Nursing homes.

(3) Jails or prisons.

B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision or substantial improvement to an existing manufactured home park or manufactured home subdivision.

[Ord. 450]

(Ord. 160, 4/6/1977; as amended by Ord. 164, 3/15/1978; by Ord. 179, 2/13/1980; by Ord. 184, 5/28/1980; by Ord. 331, 6/12/1991; by Ord. 450, 5/12/1999; by Ord. 500, 12/8/2004; and by Ord. 561, 4/25/2012)

§27-704. Special Conditional Use Procedures and Conditions of Approval.

In addition to the general conditional use requirements, procedures and conditions listed in Part 9 of this Chapter, the following shall apply to the Floodplain and Flood Hazard District:

A. *Conditional Use Procedure.* Upon receiving an application for a conditional use permit, the Board of Supervisors shall, prior to rendering a decision thereon, require the applicant to furnish such of the following materials as are deemed necessary by the Board:

(1) Plans in triplicate, drawn to scale, showing the nature, location, dimensions and elevation of the lot and existing and proposed uses; photographs showing existing uses and vegetation; soil types and other pertinent information.

(2) A series of cross sections at 25-foot intervals along the lot shoreline, showing the stream channel or the lake or pond bottom, elevation of adjoining land areas to be occupied by the proposed uses and high-water information.

(3) Profile showing the slope of the bottom of the channel, lake or pond.

(4) Specifications for building materials and construction, floodproofing, filling, dredging, grading, storage, water supply and sanitary facilities.

(5) Computation (by a registered professional engineer) of the increase, if any, in the height of flood stages which would be attributable to any proposed uses.

B. *Consultation by Board of Supervisors.* In considering any application for a conditional use, the Board of Supervisors shall consult with the Northampton Township Planning Commission, Bucks County Planning Commission, the Township Engineer and other technical experts to determine the extent to which the proposed use would:

(1) Diminish the capacity of the flood hazard area to store and absorb floodwaters, to moderate flood velocities and to accommodate sediment.

(2) Be subject to flood damage.

(3) Cause erosion and impair the amenity of the flood hazard area.

C. *Factors to be considered by the Board of Supervisors.* In passing upon each application, the Board shall consider:

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(2) The danger that materials may be swept onto other lands or downstream to the injury of others.

(3) The proposed water supply and sanitation systems and the ability of these systems to avoid causing disease, contamination and unsanitary

conditions.

(4) The susceptibility of the proposed use to flood damage and the effect of such damage on the owner.

(5) The importance of the proposed use to the community.

(6) The requirements of the use for a waterfront location.

(7) The availability of alternative locations not subjected to flooding for the proposed use.

(8) The compatibility of the proposed use with existing and foreseeable nearby uses.

(9) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.

(10) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.

(12) Such other factors as are relevant to the purposes of this Chapter.

D. *Conditions of Approval.* Upon consideration of this Chapter, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. §10101 *et seq.*, and this Chapter. Among such conditions, without limitation because of specific enumeration, may be included:

(1) Modification of waste disposal and water supply facilities.

(2) Limitations on periods of use and operation.

(3) Imposition of operational controls, sureties and deed restrictions.

(4) Floodproofing measures.

(a) Floodproofing measures such as the following, without limitations because of specific enumeration:

1) Anchorage to resist flotation and lateral movement.

2) Installation of watertight doors, bulkheads and shutters.

3) Reinforcement of walls to resist water pressure.

4) Use of points, membranes or mortars to reduce seepage of water through walls.

5) Addition of mass or weight to structures to resist flotation.

6) Installation of pumps to lower water levels in structures.

7) Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters.

8) Pumping facilities for subsurface external foundation wall and basement floor pressures.

9) Construction to resist rupture or collapse caused by water pressure or floating debris.

10) Cutoff valves on sewer lines or the elimination of gravity flow basement drains.

11) Elevation of structures to reduce likelihood of flood damage.

(b) The floodproofing measures as outlined in the Corps of Engineers, June 1972 publication, "Flood-Proofing Regulations," shall be the minimum guidelines which must be adhered to, as such publication shall be amended from time to time.

[*Ord. 295*]

(*Ord. 160, 4/6/1977; as amended by Ord. 295, 8/9/1989*)

§27-705. Warning and Disclaimer of Liability.

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings constricted by debris. In such instances, areas outside the Floodplain and Flood Hazard District or land uses permitted within the district may be subject to flooding or flood damages. This Chapter shall not create liability on the part of Northampton Township or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

(*Ord. 160, 4/6/1977*)

§27-706. Effect on Existing Easements or Deed Restrictions.

It is not intended by this Part or by this Chapter to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail.

(*Ord. 160, 4/6/1977*)

§27-707. Severability.

To the extent that any final decision of a court that provisions of this Part are unconstitutional, invalid or illegal makes the Chapter no longer applicable to any or all property within the Floodplain and Flood Hazard District, the zoning classification of that land shall revert to the district in which it was located under this Chapter in force prior to enactment of this Chapter.

(*Ord. 160, 4/6/1977*)

§27-708. Boundary Disputes.

1. The boundaries of the Floodplain and Flood Hazard District shall be determined by scaling distance of the Flood Hazard Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Flood Hazard Map, as, for example, where there appears to be a conflict between a mapped boundary and actual field conditions, the Board of Supervisors shall, on appeal to it, make the necessary interpretation. The person contesting the location of the district shall have the burden of establishing that land does not lie within the district, as defined above. The Board of Supervisors shall establish procedures for such appeal.

2. When an appeal of the boundaries of the Floodplain and Flood Hazard District is approved by the Board of Supervisors, the revised boundary shall automatically become the official boundary until such time as the Floodplain and Flood Hazard District Map is accordingly amended.

(Ord. 160, 4/6/1977)

Part 8**Institutional and Recreational Districts****§27-801. Specific intent.**

1. In accordance with the goals and objectives of the Township Comprehensive Plan, it is both necessary and imperative that the use of land and property for public and quasi-public purposes be compatible with and in harmony with other uses. A substantial portion of Northampton Township is owned, leased or occupied by numerous levels of government, including the Township, the Municipal Authority, the Council Rock School District, several agencies of the County of Bucks, the Commonwealth of Pennsylvania and, to some extent, the United States government.

2. All too frequently, public land or land which is to become public land is utilized to fit the instant need and not according to any plan. Higher levels of government tend to purchase and occupy municipal property with immune responsibility for conformance to local standards.

3. Institutions are frequently large landholders and are frequently subject to minimal controls related to zoning. It is the specific intent of Northampton Township to regulate and to provide controls for the use of public, quasi-public and institutional properties in accordance with sound planning principles.

(Ord. 160, 4/6/1977)

§27-802. IP District Use Regulations.

The following uses shall be recognized as being subject to the regulations and provisions of the Institutional/Public District:

A. *Uses by Right.* Existing uses by right and future uses which may occur by right shall include:

(1) Municipal or Township governmental offices, including libraries, civic centers, police administration facilities, police and/or fire training facilities and recreation facility administrative offices.

(2) Municipal Authority administrative offices.

(3) Council Rock School District administrative facilities and offices and satellite facilities related to administration.

(4) Dedicated public open space (exclusive of land controlled by the FP Floodplain and Flood Hazard District) controlled by fee simple ownership or similar land use controlled by open space easement or covenant within the legal jurisdiction of Northampton Township.

(5) Public open space controlled by any agency of Bucks County, the Commonwealth of Pennsylvania, the Federal government or nonprofit organizations, provided such land or use is permanently committed to such public use.

B. *Conditional Uses.* The following uses are permitted as conditional uses, subject to approval and issuance of a conditional use permit in accordance with

Part 9:

- (1) Federal postal service facilities and distribution centers.
- (2) Federal military installations (operating facilities) and storage of Federal vehicles.
- (3) State military facilities (National Guard) and storage of vehicles.
- (4) Federal or State medical facilities, hospitals, clinics, out-patient care facilities, sanatoriums or similar facilities.
- (5) Exterior and interior storage of cinders, salt, calcium chloride and similar road surface treatment materials related to Township or State agencies.
- (6) Nonprofit public or private hospitals, clinics, health care facilities, sanatoriums, convalescent homes and extended care facilities.
- (7) Public schools, parochial schools, nonprofit schools and special large-scale facilities (a stadium, major meeting room facility, etc.) operated by a public or nonprofit school but not on property related to such schools.
- (8) Special structures or uses related to the provision of public water supply (such as filter treatment plant, major pumping facility, storage tank, reservoir) and public sewer facilities.
- (9) Any use which is public, quasi-public or institutional in nature, which is controlled by an institution, philanthropic organization, nonprofit corporation or religious organization and which requires structures or related facilities.
- (10) Public or quasi-public cemeteries not in existence at the time of passage of this Chapter.
- (11) Any structure, facility or use related to military or municipal airfields, airports, runways, hangars or related facilities.
- (12) Any use proposed to be conducted by an applicant which is regulated by the Pennsylvania Public Utilities Commission which requires a new structure (other than administrative offices) including, but not limited to, major electrical transformer stations; high-pressure pump stations for oil and gas transmission; and similar but related uses. [*Ord. 411*]
- (13) Telecommunications facility subject to the provisions of §§27-1116, 27-1123 and the specific criteria listed in §27-602.B(4). [*Ord. 411*]

C. *Uses by Special Exception.* None.

D. *Accessory Uses.* Any use which is entirely incidental and subordinate to the above permitted uses and is located on the same lot, parcel, tract or reservation.

E. *Village Overlay District.*

(1) Uses permitted by right within the underlying IP District shall be permitted by right within the Village Overlay District

(2) Uses permitted by conditional use or by special exception within the underlying IP District shall be permitted by conditional use within the Village Overlay District.

(3) Uses not permitted by right, conditional use or special exception

within the underlying IP District, but are permitted as a use by right, conditional use or special exception within the C-2, C-3 or PO Districts, shall be permitted by conditional use within the Village Overlay District.

(4) Where conflicts between the provisions of the IP Zoning District and Village Overlay District exist, the provisions of the Village Overlay District shall apply.

(Ord. 160, 4/6/1977; as amended by Ord. 411, 2/25/1996; and by Ord. 535, 12/17/2008, §4)

§27-803. IP District Area and Development Regulations.

1. *General.* It is not intended that each separate use covered in §27-802 have prescribed lot areas, lot widths, building bulk controls and similar regulatory controls. It is intended, however, that when a permitted use by right or conditional use requires a structure within the IP Institutional/Public District, restrictive controls on such structure conform to the most restrictive controls for such use as required for the nearest adjacent and abutting zoning district. For example, a building or structure proposed to house a National Guard armory on a parcel abutting the I-1 Planned Industrial/Office District would be required to conform to the area and development controls of the abutting district. As another example, a satellite volunteer fire company station located adjacent to an R-2 Single-Family District would provide lot, yard and coverage requirements not less restrictive than the equivalent controls for all other permitted uses as prescribed in §27-406.2.B.

2. *Area and Development Regulations for Conditional Uses.* If an unusual use is proposed which is not specifically mentioned by this Part but which falls in the category of conditional uses, and if there is discretion as to area and development regulations, such regulations shall be specified with the conditional use permit by the Board of Township Supervisors, if approved.

3. *Minimum Conditions for Certain Conditional Uses.* As minimums, the following controls shall apply to certain conditional uses:

A. Large-scale storage areas for vehicles by any public, quasi-public or institutional agency shall be located at least 100 feet from any property line.

B. Cemeteries must provide a complete peripheral landscaped buffer as specified in Part 11.

C. The external or outside storage of road treatment materials or chemicals and related equipment must provide a complete peripheral landscaped buffer as specified in Part 11.

D. Elevated water tanks and towers for communication equipment must be located 100 feet from a property line or 200 feet from any residence district.

E. Special recreational facilities such as a stadium or assembly building for large meetings, etc., must be located at least 200 feet from any residence district.

F. Pump facilities for medium- to high-pressure gas and oil transmission facilities must be located 150 feet from any potential residence.

4. *Off-Street Parking and Loading.* The required off-street parking and loading facilities, if not governed by requirements of the abutting district, shall be as specified

in Part 11.

5. *Unconstitutionality.* To the extent that the final decision of any court should hold that this Part is unconstitutional, invalid or illegal as applied to any property or portion thereof in restricting its use or development, then such property shall thereupon be included in the R-1 District and its development shall conform to the requirements of that district.

(Ord. 160, 4/6/1977)

§27-804. REC Recreation District.

1. *Purpose and Intent; Interpretation.* It is the general purpose and intent of this district to provide for suitable areas within the Township to accommodate spacious recreational uses and to provide appropriate design standards for the same. In doing so, it is hereby recognized that active and passive recreation are equal in importance. Both forms of recreation serve legitimate municipal health, safety and public welfare purposes.

2. Use regulations in the REC District shall be as follows:

A. *Uses by Right.*

(1) Dedicated public open space (exclusive of land controlled by the FP Floodplain and Flood Hazard District) controlled by open space easement or covenant within the legal jurisdiction of Northampton Township.

(2) Public open space controlled by any agency of Bucks County, the Commonwealth of Pennsylvania, the Federal government or nonprofit organizations, provided that such land or use is permanently committed to such public use.

(3) Municipal uses, per standards in §27-1121. [Ord. 409]

B. *Conditional Uses.* The following uses are permitted as conditional uses, subject to approval and issuance of a conditional use permit in accordance with Part 9:

(1) Country clubs including, but not limited to, a golf course, swimming pool, clubhouse, restaurant and other accessory uses, provided that these are clearly accessory to the country club, subject to the following provisions:

(a) A lot area of not less than 60 acres shall be required.

(b) No buildings shall be closer than 100 feet to any lot line.

(2) Any use permitted in R-1 Single-Family Districts, provided that no more than one single-family detached dwelling shall be permitted on a lot. Any application for more than one single-family detached dwelling shall require the filing, by the property owner or a group of property owners, of:

(a) A subdivision plan pursuant to Chapter 22, "Subdivision and Land Development."

(b) A petition to amend the Zoning Map, for all or any portion of the subject property, to R-1 Single-Family District pursuant to §27-1501 herein. Should the subdivision plan be otherwise approvable by the Board of Supervisors, the approval of the accompanying petition to amend the Zoning Map shall not be unduly withheld by the Board of Supervisors.

(3) Telecommunications facility subject to the provisions of §§27-1116 and 27-1123, and the specific criteria listed in §27-602.B(4). [*Ord. 487*]

3. Area and development regulations in the REC District shall be as follows:

A. Minimum lot area: 10 acres.

B. Minimum lot width at building line: 250 feet.

C. Minimum yards.

(1) Front: 100 feet.

(2) Side, each: 50 feet.

(3) Rear: 100 feet.

D. Maximum impervious surface ratio:

(1) Dedicated public open space within the legal jurisdiction of Northampton Township and municipal uses: 25 percent.

(2) All other permitted uses: 3 percent of lot area.

[*Ord. 415*]

(*Ord. 160, 4/6/1977; as added by Ord. 343, 12/11/1991; as amended by Ord. 409, 8/14/1996; by Ord. 415, 1/22/1997; and by Ord. 487, 12/11/2002*)

Part 9**Conditional Use and Cluster Design Regulations****§27-901. Conditional Use Regulations.**

1. A conditional use is distinguished from a use by right in that all such uses can be allowed or denied by the Board of Supervisors of Northampton Township after consultation with the Northampton Township Planning Commission and pursuant to specific standards and criteria set forth in this Chapter.

2. Certain conditional uses have been incorporated in the zoning districts established by this Chapter.

3. The following factors and criteria shall apply to all conditional uses permitted within any zoning district:

A. The importance of the proposed conditional use to the Township or the region.

B. The availability of alternative sites or location for the proposed use.

C. The compatibility of the proposed use with existing and foreseeable nearby uses.

D. The relationship of the proposed use to the goals and objectives of the Township Comprehensive Plan.

E. The potential physical impact of the proposed use upon the neighborhood and upon nearby streets, roads and highways in terms of vehicular traffic and pedestrian safety.

F. The safety of personal property if a proposed use is allowed (for example, storage in a Floodplain and Flood Hazard District).

G. The absolute need for a proposed use if viable alternative locations exist and such use, in its proposed location, has identified detriments.

H. The effect of the proposed use upon the public water and public sewerage systems or, alternatively, the lack of availability of connection to such systems.

I. The overall environmental impact of the proposed use upon the proposed site, the watershed and, particularly, the surface water drainage effects on all downstream properties.

4. *Conditions of Approval.* In allowing a conditional use, where such use is permitted, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. §10101 *et seq.*, and this Chapter. Among such conditions, without limitation because of specific enumeration, which may be included:

A. Specific modifications to area and development regulations as might be otherwise required.

B. Specific studies prior to or subsequent to approval of the use or uses including, but not limited to, traffic impact analyses, special storm drainage studies, preliminary architectural renderings, economic feasibility analyses and similar factual reports or drawings related to the proposed use.

C. Agreements for the provision of additional utility requirements or traffic safety facilities which might be required to support the proposed use.

D. The securing of additional easements or property for access or utilities to assure proper site design.

[*Ord. 295*]

5. *Cluster-designed Subdivisions*. In allowing a conditional use for a cluster-designed subdivision, the Board of Supervisors shall verify that the density, as proposed, has been properly determined and is in conformance with the methods and procedures contained in §27-903.4.A. [*Ord. 436*]

(*Ord. 160, 4/6/1977; as amended by Ord. 295, 8/9/1989; and by Ord. 436, 5/13/1998*)

§27-902. Conditional Use Procedures.

Procedures for conditional uses shall be as follows:

A. The applicant shall file an application for a conditional use permit with the Board of Supervisors. The application shall contain the following materials:

(1) Appropriate design plans and/or specifications, in conformance with the requirements for a preliminary land development plan.

(2) Photographs depicting the site.

(3) Appropriate engineering responses to any identified or suspected site development problem.

(4) Other related information required to support the application.

B. The Board of Supervisors shall conduct a public hearing pursuant to public notice. The public hearing shall commence within 60 days from the date the Township receives the request for a conditional use permit application. Written notice of the decision of the Board of Supervisors shall be given within 45 days after the date of the last hearing. [*Ord. 423*]

C. In considering any conditional use application, the Board of Supervisors shall consult with the Township Planning Commission, the Township Engineer and other technical experts to determine the feasibility of such proposed use. [*Ord. 367*]

D. If the conditional use permit is granted, the applicant shall proceed to meet the other requirements of this Chapter and the requirements of the Subdivision and Land Development Ordinance [Chapter 22], if applicable.

(*Ord. 160, 4/6/1977; as amended by Ord. 210, 5/9/1984; by Ord. 295, 8/9/1989; by Ord. 367, 8/11/1993; and by Ord. 423, 8/13/1997*)

§27-903. Cluster Design Regulations.

1. Cluster-designed subdivisions, as defined in this Chapter, are permitted as conditional uses in the following zoning districts:

A. CR Country Residential District.

B. AR Agricultural-Residential District.

C. R-1 Single-Family District.

D. R-2 Single-Family District.

[Ord. 436]

2. *Purpose for Cluster Design.* The purpose for cluster design is to:

A. Provide standards to foster the amount of open space and to control impervious surfaces within a development; to control the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts; to protect the people's right to clean air, pure water and the natural, scenic, historic, recreation and aesthetic values of the environment; and to protect natural and agricultural resources which are a part of the ecological system to which the residents are all bound and therefore are the common property of all people, including generations yet to come, and which must be protected to ensure the health, safety and welfare of all the people.

B. Provide incentives to meet housing and environmental goals or to provide public or special facilities.

C. Provide standards of performance which make the unique characteristics of the land or site the determinants of its capacity for residential use.

3. *Cluster Development Conditional Use Requirements.* Planned development of single-family detached dwellings shall be permitted as a conditional use in the CR Country Residential District, AR Agricultural-Residential District, R-1 Single-Family District and R-2 Single-Family District, on lots with modified dimensional requirements; provided, that:

A. Dimensional requirements and performance standards shall be in accordance with the provisions of this Part.

B. An amount of open land shall be set aside as permanent usable open space or preserved area(s) in accordance with the open space preservation, maintenance and ownership requirements of this Part.

C. Ownership, maintenance and use of open space and preserved area(s) shall be in accordance with the provisions of this Part and Part 10. [Ord. 441]

D. Existing natural features, such as brooks, creeks, streams, drainage channels, woodlands and steep slopes, shall be retained wherever possible. In addition thereto, prime agricultural land shall be protected in the AR District wherever possible. No more than 25 percent of the lot area of a building lot shall contain steep slopes, floodplains and wetlands.

E. The maximum number of single-family detached dwelling units which will be permitted for any tract or site in a cluster-designed subdivision shall be computed in accordance with the requirements described in subsection 4.

F. All dwelling units within any cluster-designed subdivision in the AR, R-1 and R-2 Districts shall be provided with public water and public sewer facilities. All dwelling units within any cluster-designed subdivision in the CR District shall be provided with water and sewer facilities as approved by the Board of Supervisors.

[Ord. 436]

4. *Area and Development Controls; Dimensional Requirements.* The purpose of this subsection is to specify the area and development controls and dimensional requirements applicable to all cluster-designed subdivisions, where permitted, within

Northampton Township. The regulations pertaining to maximum overall density, minimum open space ratio, maximum impervious surface ratio, maximum building coverage, minimum site area, minimum average lot area per dwelling unit, minimum building setback line and setback from right-of-way per lot, minimum front, side and rear yard, individually and in the aggregate, and the maximum height in feet and in stories shall be as specified in the performance standards and dimensional requirements shown in this subsection.

A. In computing the maximum number of single-family detached lots which are permitted for a tract or site under the cluster design regulations, the following method shall be utilized:

(1) The maximum number of lots shall be determined by submitting a standard subdivision plan, showing the number of building lots permitted under the area and development regulations of the applicable zoning district. The subdivision plan shall meet all other applicable provisions of this Chapter and shall be drafted in accordance with the requirements for sketch plans and shall meet the design standards of Chapter 22, "Subdivision and Land Development."

(2) The Township Engineer shall review the standard subdivision plan and shall verify the maximum number of dwelling units attainable under a standard subdivision.

(3) When the maximum density for the entire tract under a standard subdivision has been verified in accordance with the foregoing procedure, the tract shall become eligible for development as a cluster-designed subdivision at the same maximum density.

(4) For any cluster-designed subdivision in the AR District, the maximum number of lots allowed on any parcel within the site shall not be more than 150 percent of what could have been developed on that parcel under a standard subdivision plan as certified by the Township Engineer, and the maximum number of lots allowed on the entire site shall not exceed the number which could be developed under a standard subdivision plan. [Ord. 446]

B. *Performance Standards.* The performance standards required for a cluster-designed subdivision site shall meet the following requirements:

District	Minimum Site Area (acres)	Minimum Open Space Preserved Area(s) for Gross Site	Maximum Impervious Surface Ratio for Net Site	Maximum Building Coverage for Net Site
CR	40	40 percent	12 percent	8 percent
AR	150	30 percent ¹	20 percent	10 percent
R-1	25	50 percent	22 percent	12 percent
R-2	25	35 percent	25 percent	12 percent

NOTES:

¹ May be comprised of open space/preserved area(s) and/or uses permitted in subsection .5.B below.

[Ord. 446]

C. Dimensional requirements for single-family dwelling lots.

**Schedule of Dimensional Requirements for
Single-Family Dwelling Lots in Cluster-Designed Subdivisions**

Zoning District	Minimum Open Space/Preserved Area for Site (percent)	Average Lot Area Per Dwelling Unit (square feet)	Minimum Lot Area Per Dwelling Unit (square feet)	Minimum Lot Width at Building Setback Line/ Right-of-Way Line (feet)	Maximum Building Coverage/ Impervious Surface Ratios Per Lot (percent)	Minimum Side Yard; Aggregate/Each (feet)	Minimum Rear Yard (feet)	Minimum Front Yard (feet)
CR	40	43,560	40,000	150/30	10/18	55/25	50	50
CR	50	35,000 ¹	30,000 ¹	125/30	12/18	45/20	50	50
AR	30	30,000	30,000	125/30	12/15	45/20	50	50
AR	35	25,000	25,000	115/30	15/20	35/15	50	50
AR	40	20,000	20,000	100/30	15/20	35/15	50	50
R-1	50	15,000	12,000	100/30 ²	20/22	-35/15 ²	35 ²	35 ²
R-2	35	12,000	10,000	80/30 ²	25/30	25/10 ²	35 ²	30 ²

NOTES:

¹ Connection to a public water distribution system of the Northampton, Bucks County, Municipal Authority shall be required.

² See §27-903.4.D.

[Ord. 436]

D. *Lot Averaging*. In order to allow flexibility to treat unusual site conditions and irregularly shaped parcels and to preserve trees, watercourses and other natural features, the minimum and average lot area requirements may be employed. The minimum individual lot area for any dwelling unit shall be as shown below, provided that the average lot area for all dwelling units meets the requirements of subsection .4.C above. The lot width at building setback line and yard requirements for any individual lot for a dwelling unit which is less than the required average may be reduced by no more than 20 percent.

Zoning District	Minimum Lot (square feet)
CR	40,000 or 30,000 ¹
R-1	12,000
R-2	10,000
NOTE: ¹ In accordance with respective average lot area per dwelling unit options of 43,560 and 35,000 square feet, as required in subsection .4.C above.	

[Ord. 436]

E. The lot area and yards required for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this Chapter. No required lot area and yard shall include any property, the ownership of which has been transferred subsequent to the effective date of this Chapter, if such property was a part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.

5. *Open Space and Preserved Areas; Agricultural-residential District*. Open space and preserved areas shall be provided as follows:

A. The minimum requirement of 30 percent required open space and preserved area shall be provided as follows:

(1) A minimum of 25 percent of the total open space and preserved area as may be required under subsection .4.C shall be provided as open space. Said open space shall be designed to serve and be contiguous to lots within the cluster-designed subdivision. (Example: A site of 220 acres, when multiplied by the minimum open space ratio of 30 percent, produces a total open space and preserved area requirement of 66 acres. Twenty-five percent of the total open space and preserved area requirement (16.50 acres) must be provided as open space for the lots within the cluster-designed subdivision.)

(2) Upon the deduction of the minimum required open space under subsection .5.A(1) above, the balance of the total required open space and preserved area shall be provided as open space or preserved area. Said open space and preserved area may, but shall not be required to, serve or be contiguous to lots within the cluster-designed subdivision.

(3) Any preserved area shall be in one parcel and shall not be separated by any street.

(4) Additional preserved area or open space in excess of the minimum requirement of 30 percent may be in parcels not contiguous with the first 30

percent of the open space and preserved area provided.

B. Preserved area(s) may be used for the following:

(1) Agriculture, including tilling of the soil, raising of livestock, horses or poultry, nursery and/or tree farm, subject to limitations listed herein, and provided that buildings and structures for such uses, except for fences, are situated not less than 100 feet from any street line or property line.

(2) Commercial greenhouses, mushroom houses, feedlots, confinement livestock or poultry operations taking place in structures or enclosed pens, riding academies; livery or boarding stables or kennels, subject to limitations listed herein, and provided that such uses are situated not less than 200 feet from any street line or property line.

(3) Farm (agricultural) retail sales at roadside stands, subject to limitations listed herein, and provided that:

(a) At least 75 percent of all products sold, by dollar volume, are grown or produced on the property.

(b) The maximum gross floor area devoted to retail sales shall be limited to 2,000 square feet.

(c) Vehicle access shall be limited to the following streets:

Almshouse Road

Bristol Road

Hatboro Road

Jacksonville Road (between Almshouse Road and Bristol Road)

Sackettsford Road

(4) Single-family detached dwelling for the sole use of the property owner, immediate family members of the property owner and persons engaged in agricultural employment on the property. Immediate family members shall be limited to parents, grandparents, siblings, sons, daughters, grandsons and granddaughters, subject to limitations listed herein; and, provided that:

(a) The dwelling is an accessory use to uses listed in subsection .5.B(1) and (2) herein.

(b) There is no more than one dwelling per 30 acres of preserved area.

(5) Passive or active recreation; provided, however, that any form of active recreation shall be on a nonprofit basis unless said preserved area is dedicated to Northampton Township.

C. So as to minimize the number of entities controlling different parcels of open space and preserved area necessary to provide the minimum requirement of preserved area/open space in any one cluster-designed subdivision:

(1) All open space shall be owned in accordance with the requirements described in subsection .6 and shall be designed as follows:

(a) Open space shall be contiguous to lots within the cluster-designed subdivision.

(b) The open space shall be readily accessible to all residents of the

cluster-designed subdivision or, in the case of open space dedicated to the Township or other legal entity deemed appropriate by the Board of Supervisors, shall be easily and safely accessible to the general public.

(2) Any preserved area shall be held in common ownership by a single landowner or other legal entity approved by the Board of Supervisors, including different members of one family; provided, that all such family members are recited in each deed for each parcel of the preserved area, subject to a restrictive covenant which would run with the land. Said restrictive covenant shall be written in a manner and form approved by the Board of Supervisors and the heritage conservancy, if deemed appropriate by the Board of Supervisors, wherein the property owner shall agree to the extent applicable to:

(a) Restrict the property to those uses listed in subsection .5.B above, as may be amended from time to time.

(b) Include the heritage conservancy or other similar agency as a third-party arbitrator between the Township and the owners of said preserved area to determine any disputes in the continued maintenance or use of said preserved area(s) consistent with this Part or with this Section and to further act as a manager of said preserved area in the event that it is determined that the owners of the same fail to continue its use and operation consistent with this Part. In the event that the conservancy is requested to act as an arbitrator or manager hereunder, the administrative and management costs incurred by the conservancy in so acting shall be paid by the disputing parties in any arbitration or by the owner of the preserved area in the case of management costs. Upon completion of an arbitration, the losing party shall reimburse the winning party for administrative and management costs that it paid to the conservancy.

(c) Obtain the approval of the Township for any subdivision or development of the property or construction on said property as limited by subsection .5.B above.

(d) Provide the Township with at least 30 days written notice of any transfer or sale of the property, with the Township having the right of first refusal.

(e) Revert, transfer or retransfer the property to Northampton Township in the event that the landowner, conservation organization or other legal entity becomes unwilling or unable to continue carrying out its function.

D. In order to assure the conservancy that its administrative and management costs will be paid by the disputing parties during the course of an arbitration, said parties will deposit with a bank an amount to be held in escrow in accordance with the terms of a written escrow agreement prepared by the Township Solicitor, and approved by the conservancy, which shall be entered into by the disputing parties and the escrow agent. Such escrow agreement shall provide that, as the arbitration process continues, the escrow agent holding said funds will release from the funds deposited sums for the services rendered by the conservancy as arbitrator. The amount initially deposited with the escrow agent shall be an

amount sufficient to cover costs of the conservancy in the arbitration process. Said amount shall be set up by the conservancy based on an estimate of the time and the amount of work that will be performed during the arbitration process. In the case where the conservancy is requested to take over as a manager of a preserved area, then the owner of said preserved area shall be required to post an escrow sum with a bank in accordance with the terms of a written escrow agreement prepared by the Township Solicitor, which shall be entered into by the owner, the conservancy and the escrow agent. Such escrow agreement shall provide that, as the conservancy's management and maintenance of the preserved area continues, the escrow agent holding said funds will release from the funds deposited sums for the services rendered by the conservancy as manager. The amount initially deposited with the escrow agent shall be an amount sufficient to cover costs of the conservancy that will be incurred in the management process. Said amount shall be set by the conservancy based on an estimate of the amount of work that will be performing during the management process.

E. Landowners utilizing open space or preserved area pursuant to the provisions set forth in subsection .5.B herein shall also grant to Northampton Township a conservation easement over the subject open space or preserved area. The documentation pertaining to said conservation easement must be reviewed and approved by the Board of Supervisors and the Township Solicitor.

[Ord. 441]

6. *Open Space.*

A. *Ownership of Open Space.* The following forms of ownership, at the discretion of the Board of Supervisors, shall be used to preserve, own or maintain open space:

(1) *Condominium.* The open space may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the Uniform Condominium Act of 1980, as amended, 68 Pa.C.S.A. §3101 *et seq.*, and any other relevant statute. All open space land shall be held as a common element. Such land shall not be eligible for sale to another party except for transfer to another method of ownership permitted under this subsection and then only when there is no change in the open space ratio.

(2) *Homeowners Association.* The open space may be held in common ownership by a homeowners association. This method shall be subject to all the provisions of the homeowners association set forth in Article VII of the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. §10701 *et seq.*

(3) *Fee-simple Dedication.* The Township may but shall not be required to accept any portion or portions of the open space, provided that such land is freely accessible to the public, there is no cost involved and the Township agrees to and has access to maintain such lands. Such open space accepted by the Township in dedication may potentially be developed and used for any active or passive recreation, as the Township deems appropriate.

B. *Homeowners Association Ownership of Open Space.*

(1) *Homeowners Association.* A homeowners association will be required if other satisfactory arrangements have not been made for improving,

operating and maintaining common facilities of the open space, including streets, drives, service and parking areas and recreation areas. When required, the homeowners association must be established by the developer, and all property owners must be members of said association in accordance with the requirements and procedures outlined in the Pennsylvania Municipalities Planning Code or Uniform Condominium Act, as amended, 53 P.S. §10101 *et seq.*, and 68 Pa.C.S.A. §3101 *et seq.*, respectively, or any other relevant statute.

(2) In the event that the County or Township refuses the offer of dedication of all or parts of such land prior to the issuance of any permits, arrangements shall be made to convey the same to the Bucks County conservancy or a duly constituted association of property owners under terms approved by the Township Solicitor and the Bucks County conservancy, if deemed appropriate by the Board of Supervisors. The property owners association responsible for any open space within the development shall be regulated by articles of association or incorporation, which shall include, as a minimum, provisions legally binding the members of the association, owners or occupants of the development to the payment of appropriate amounts to the association to assure the continued maintenance and improvement of all common property and to provide for adequate recourse for the Township in the event of nonpayment. Such land shall be used as one or more of the following:

- (a) Golf course or country club.
- (b) Private swimming pool or swimming club.
- (c) Game and play area.
- (d) Tennis courts.
- (e) Children's nursery or day-care center.
- (f) Any other use deemed appropriate by the Township for orderly development of the area.

(3) The improvement of any open space shall conform to the pertinent standards of Chapter 22, "Subdivision and Land Development," and shall be in accordance with approved subdivision and land development plans.

(4) In order to ensure the continued protection of natural features, open space shall be subject to a conservation easement granted to Northampton Township. The documentation pertaining to said conservation easement shall be reviewed and approved by the Board of Supervisors and the Township Solicitor.

[Ord. 441]

7. *Procedures.* The use of cluster design principles for a cluster-designed subdivision requires approval of a conditional use and the issuance of a conditional use permit, which can be approved only by the Board of Township Supervisors of Northampton Township. The procedures established in §§27-901 and 27-902 of this Chapter shall be used for such conditional use application for cluster developments, and further provided that the following requirements are met:

A. No conditional use for cluster development shall be recommended by the Planning Commission or approved by the Board of Supervisors unless, or except to the extent that, the standards and criteria set forth below are met and appropriate

conditions and restrictions are attached to the approval to ensure continuing compliance therewith:

(1) The site shall be adequate and appropriate for the proposed use in terms of size, topography, surface water drainage, sewage disposal and water supply accessibility.

(2) Taking into consideration the character and type of development in the area surrounding the proposed cluster-designed subdivision, such use, as permitted, shall constitute an appropriate use in the area which will not substantially injure or detract from the use of surrounding property or from the character of the neighborhood. Single-family detached dwellings shall not be located directly abutting single-family detached dwellings of significantly higher unit value or lower density than the proposed dwellings, except where extensive natural buffering exists and will be retained, or can be created, so as to functionally and visually separate the two sites. In the alternative, any necessary transition between differing dwelling unit values and densities may be provided within the cluster-designed subdivision.

(3) Existing public roads shall be adequate to serve additional traffic reasonably likely to be generated by the proposed use.

(4) Development of the property for the proposed use shall promote or be consistent with the coordinated and practical community development, proper density of population, the provision of adequate public and community services and the public health, safety, morals and general welfare.

(5) The proposed use shall be reasonable in terms of the logical, efficient and economical extension of public services and facilities such as public water, sewers, police and fire protection.

(6) If the proposed site would be created by subdivision of a larger tract or parcel, the balance of such tract or parcel remaining shall be adequate and appropriate for its existing and continuing use in accordance with the foregoing standards.

(7) Development of the site for the proposed use shall be susceptible of regulation by appropriate conditions and restrictions to:

(a) Ensure compatibility of any building to be erected or altered with the surrounding area in terms of size, shape, materials and placement of structures.

(b) Control traffic, noise, signs, lights, parking and other anticipated activity upon the premises to avoid or minimize any adverse effect upon the peace, quiet, privacy and the character of the surrounding area.

(c) Provide adequate on-site parking for any reasonably anticipated volume of use, considering the standards set forth in Part 11 of this Chapter as minimal.

(d) Provide such landscaping as may be appropriate for protective buffering of and the promotion of harmony with adjoining residential or other permitted uses.

B. The application for the conditional use shall be referred to the Township Planning Commission by the Board of Supervisors. After a full review of the

application, the Planning Commission shall transmit to the Board of Supervisors a written or oral report of its findings and recommendations, including all recommended conditions.

C. The Board of Supervisors shall consider the application and the report of the Planning Commission at a regular meeting. Upon request, the applicant and others affected by the application shall be afforded reasonable opportunity to be heard.

D. The Board of Supervisors shall approve or disapprove the application by resolution. In case of approval, it shall affirm, modify and/or supplement the conditions and requirements recommended by the Planning Commission, as the Board may find proper pursuant to the standards and criteria set forth herein. Unless otherwise provided in the resolution of approval, any subsequent extension of the approved conditional use shall require a reapplication.

E. All procedures for application and for the issuance of zoning and building permits under this Chapter shall be applicable to developments under this Part and Section.

(Ord. 160, 4/6/1977; as amended by Ord. 210, 5/9/1984; by Ord. 265, 2/24/1988; by Ord. 436, 5/13/1998; by Ord. 441, 12/9/1998; and by Ord. 446, 3/10/1999)

Part 10

Open Space Requirements and Controls

§27-1001. Requirements.

The need for open space and/or the preservation of agricultural land, as defined in this Chapter, has been specified in the description of purpose and specific intent for each zoning district. It is the purpose of this Part to specify the mandatory requirements for such open space (and/or the preservation of agricultural land) for each applicable district and to prescribe a payment in lieu of open space provision.

A. *Mandatory Open Space Requirements.* It shall be hereafter required that mandatory open space provisions shall be made for all residential uses in accordance with the following requirements for each district wherein cluster development is not utilized:

District	Minimum Percent of Site Area To Be Reserved for Open Space/Agricultural Use
AR Agricultural-Residential	10 percent
R-1 Single-Family	10 percent
R-2 Single-Family	15 percent
R-3 Multi-family	30 percent

B. *Ownership of Open Space.* All required open space shall be owned or maintained in accordance with the provisions of §27-903.5 and/or .6 of this Chapter.

C. Not more than 60 percent of required open space shall be comprised of floodplain area, and/or flood hazard area, detention basin area, steep slope area (not to exceed 8 percent or greater), areas with high water tables, marsh areas, areas with shallow bedrock or areas of erodible or poorly drained soils. [Ord. 210]

D. *Criteria for Location.* The following criteria shall be applicable for required open space:

(1) Site or sites should be easily and safely accessible from all areas of the development to be served, have good ingress and egress and have access to a public road; however, no public road shall traverse the site or sites.

(2) Site or sites should have suitable topography and soil conditions for use and development as a recreation area.

(3) Size and shape for the site or sites should be suitable for development as a particular type of park. Sites will be categorized by the Township, using the standards established by the National Recreation and Parks Association (Publication No. 10005, 1970 Edition).

(4) When designing and developing these recreation areas, it shall be done according to the standards established by the National Recreation and Parks Association, copies of which may be obtained from the Township office.

(5) Site or sites should, to the greatest extent practical, be easily

accessible to essential utilities, water, sewer and power.

(6) Site or sites should meet minimum size in respect to usable acreage with respect to National Recreation and Parks Association standards, with 75 percent of such area having a maximum slope of 7 percent.

(7) Site or sites should be in accordance with the objectives, guidelines and locational recommendations as set forth in the Northampton Township Comprehensive Plan and recreation plan. [Ord. 295]

(8) Unless otherwise required by the Northampton Township Board of Supervisors, a minimum of 0.03 acres of undeveloped land shall be dedicated and improved with park and recreation facilities for each new individual housing unit within the development. The size, type, location, ownership and maintenance of the improved park and recreation facilities shall be subject to the approval of the Board of Supervisors. [Ord. 555]

E. *Fee in Lieu of Dedication / Reservation.*

(1) The Board of Supervisors may, at its sole discretion, determine that because of the size, shape, location, access, topography, soils or other features of the land, it is impractical to dedicate open space land to the Township or to set aside land for such purposes within a subdivision. In such cases, the Board of Supervisors shall require the payment of a fee in lieu of dedication (or reservation) of such open space land.

(2) The required impact fee or the fee in lieu of mandatory land dedication for parks and recreation facilities shall be specified on the fee schedule adopted by Board of Supervisors, which may be amended from time to time by resolution. The fees shall be utilized to implement the park, recreation and open space plans that have been adopted by Northampton Township in accordance with the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.* [Ord. 555]

(3) All moneys paid to the Township pursuant to this Section shall be used only for the purpose of providing park and recreational facilities accessible to the development. Fees shall be deposited and administered in accordance with the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. §10101 *et seq.* [Ord. 295]

[Ord. 186]

(Ord. 160, 4/6/1977; as amended by Ord. 186, 10/2/1980; by Ord. 210, 5/9/1984; by Ord. 295, 8/9/1989; and by Ord. 555, 10/27/2010, §§1, 2)

Part 11**Supplemental Regulations****§27-1101. General Intent.**

The supplemental regulations contained in this Part are intended to apply to all zoning districts, uses, structures, lots or other articles of this Chapter, except as otherwise stated. Every building, or structure hereafter erected, altered, enlarged or maintained, and every building, structure or parcel of land hereafter used, shall be in complete conformity with the requirements of the district in which the building is located and in conformity with the following supplemental regulations.

(Ord. 160, 4/6/1977)

§27-1102. Aircraft, Aviation Facilities.

Any facility connected with military, municipal or private aviation facilities must be approved as a conditional use within the IP Institutional/Public District (see §27-802.B). There are no such existing facilities within Northampton Township. If such facilities were considered within the Township, it is most likely that such would be an extension of or be related to the Naval Air Development Center (NADC) which abuts the Township boundaries. It is the intention of the Township to acknowledge the recommendations of the Compatible Use Zone Study and the Air Installation Compatible Use Zones contained in such study, dated February 1976, by giving due consideration to such recommendations at the time of review of any habitable use or subdivision located within CNR Zone 3 and CNR Zone 2 (Composite Noise Rating Zones), as shown on Figure IV-1 of said study.

(Ord. 160, 4/6/1977)

§27-1103. Buffers and Screening.

1. Buffer spaces are required for permitted uses in the R-3 Multi-family District, each of the commercial zoning districts, the PO Professional Office District, the I-1 Planned Industrial District and for certain uses in the IP Institutional/Public District. *[Ord. 276]*

2. Required buffers shall not be less than 20 feet in depth or as specified for each respective use or district. Buffer spaces shall not be used for parking, main or accessory buildings or any other use.

3. All required buffer spaces shall be landscaped as follows:

A. Required screening and buffer areas shall consist of at least 80 percent evergreen material and must, through layout and content, provide design solutions which solve all visual and noise problems related to residential, industrial or commercial uses whether on the same lot or not.

B. In addition to required tree and shrub buffer, earthen berms, fences or masonry walls may be acceptable or desirable when it is determined to be not feasible to achieve desired buffering with plant material.

C. Spacing, density and material selection shall be based on intensity or

degree of problem in area of required screening or buffer planting.

D. A naturalized arrangement of plant material and earthen berms shall be used wherever possible.

E. In all screening and buffer plantings, deciduous trees and shrubs shall be used with required evergreen material to provide accent and color to the overall planting.

[*Ord. 210*]

4. In addition to the above, landscaping shall be required for any multi-family use and for any nonresidential use as follows:

A. Any part or portion of any site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas shall be landscaped with trees and shrubs in accordance with an overall landscape plan and shall be in keeping with natural surroundings. A replacement program for nonsurviving plants should be included.

B. Any single parking area with 20 or more spaces shall utilize at least 5 percent of its area in landscaping, which shall be in addition to open area requirements of the district.

(*Ord. 160, 4/6/1977; as amended by Ord. 210, 5/9/1984; and by Ord. 276, 7/13/1988*)

§27-1104. Accessory Buildings, Structures and Uses.

1. Residential lots containing accessory buildings, structures and uses, including any garages, carports, decks, patios, terraces, gazebos, greenhouses, utility sheds, storage sheds, tennis courts, domestic animal shelters, or other similar accessory buildings, structures and uses, shall comply with the provisions specified under §27-1105 of this Chapter.

2. Nonresidential lots containing accessory buildings, structures and uses, including any garages, storage facilities, pole barns, farm buildings, greenhouses, supplemental uses, recreation facilities, or other similar accessory buildings, structures and uses, shall comply with the provisions specified under §27-1106 of this Chapter.

(*Ord. 160, 4/6/1977; as amended by Ord. 210, 5/9/1984; by Ord. 298, 9/13/1989; by Ord. 300, 10/11/1989; by Ord. 414, 11/27/1996; by Ord. 522, 12/12/2007; and by Ord. 525, 12/12/2007*)

§27-1105. Residential Accessory Buildings, Structures and Uses.

1. Residential lots containing a permitted residential dwelling unit shall comply with the following general provisions:

A. The accessory building, structure or use shall be subordinate and customarily incidental to the principal building and utilized as an accessory use on the lot occupied by the principal building.

B. The accessory building, structure or use shall not be located in the front yard.

C. Unless otherwise specified by this Chapter, the accessory building, structure or use shall not be located within the side yard setback or within 7 feet to the rear lot line.

D. The land area occupied by the accessory building or structure shall account towards the building coverage calculations for the lot and zoning district to which it is located.

E. The land area occupied by the residential accessory building or structure shall account towards the impervious surface ratio calculations for the lot and zoning district to which it is located.

F. The maximum height of any accessory building or structure shall be 15 feet.

G. No permanent residential accessory building or structure shall be constructed on any lot prior to the commencement of construction of the principal building to which it is an accessory component.

2. The following provisions shall apply to attached residential garages, detached residential garages or carports:

A. Attached residential garages shall not have a floor area exceeding 900 square feet. The depth of an attached garage shall not exceed 32 feet.

B. Detached residential garages shall not have a floor area exceeding 1,000 square feet. The depth of a detached garage shall not exceed 32 feet. No more than one detached or freestanding residential garage shall be permitted per lot.

C. For lots containing a combination of attached residential garages, detached residential garages, and/or carports, the total combined floor area shall not exceed 1,200 square feet.

D. Attached residential garages, detached residential garages, and/or carports located on a lot occupied by a single-family detached dwelling unit shall comply with the building setback requirements of the underlying zoning district to which they are located.

E. Attached residential garages or detached residential garages on a lot occupied by a single-family attached dwelling, single-family semidetached dwelling, townhouse, or other dwelling having a common lot line may be located along the common lot line, provided that they do not project onto the adjacent property and they are located at least 5 feet from the rear lot line.

3. The following provisions shall apply to decks, patios and terraces:

A. Decks, patios and terraces located on a lot occupied by a single-family detached dwelling unit shall comply with the building setback requirements of the underlying zoning district to which they are located.

B. Decks, patios and terraces located on a lot occupied by a single-family attached dwelling unit or semidetached dwelling unit may be located along the common lot line, provided that they do not project onto another property and comply with the remaining setback requirements.

C. Decks, patios and terraces located on a lot occupied by a single-family detached dwelling unit, single-family attached dwelling, or single-family semidetached dwelling may be covered, provided that it is in accordance with all building code requirements.

D. Decks, patios and terraces located on a lot occupied by a townhouse unit may only be located in the rear yard and subject to the following provisions:

(1) It shall be located at least 1 foot from a side lot line or, in the case where a townhouse dwelling unit is not located on a fee-simple lot, an imaginary line extending from the common wall of any contiguous townhouse dwelling units.

(2) It shall be located at least 30 feet from a rear lot line; provided, however, that in instances where the existing rear yard setback was less than 42 feet, a patio, deck or similar structure may be attached to the rear of a dwelling unit and may extend into the rear yard provided that the deck is no closer than 7 feet from the rear property line. In the case of developments where the yard area is common space, decks, patios, and terraces can be constructed in accordance with Homeowner's Association requirements and/or as specified on the approved plan.

[Ord. 558]

4. The following provisions shall apply to noncommercial greenhouses:

A. Noncommercial greenhouses located on a lot occupied by a single-family detached dwelling unit shall comply with the building setback requirements of the underlying zoning district.

B. All noncommercial greenhouses shall not exceed 500 square feet per acre of land and shall not exceed 10,000 cumulative square feet in total gross covered floor area occupied by all of the noncommercial greenhouses located on the property.

5. The following provisions shall apply to utility sheds, storage sheds and gazebos:

A. Utility sheds or storage sheds located on a lot occupied by a single-family detached dwelling unit may be erected in the rear yard and shall be located at least 7 feet from the property line. All such utility sheds or storage sheds shall not exceed 180 square feet in floor area and shall not exceed 12 feet in height. Sheds larger than 180 square feet are subject to the requirements of subsection .2, related to detached residential garages. [Ord. 558]

B. Unless otherwise specified by this Chapter, utility sheds, storage sheds, gazebos, and all other accessory buildings or structures that are located on a lot occupied by a single-family attached dwelling or semidetached dwelling may be erected in the rear yard and shall be located at least 5 feet from the property line. All such accessory buildings or structures shall not exceed 80 square feet in floor area and shall not exceed 12 feet in height, Sheds larger than 80 square feet are subject to the requirements of subsection .2 related to detached residential garages. [Ord. 558]

C. No more than one utility shed or storage shed shall be permitted per lot.

D. No utility sheds or storage sheds shall be permitted within a multi-family development consisting of townhouses, condominiums or apartments, unless they have been designed as a uniform feature within the development.

E. All utility sheds or storage sheds shall be located, designed, constructed and installed in accordance with the manufacturer's specifications and the building codes of Northampton Township.

F. Gazebos may be permitted on a lot occupied by a single-family detached dwelling unit, single-family attached dwelling, or single-family semidetached

dwelling, provided it is located in a manner to comply with the building setback requirements of the underlying zoning district to which the gazebo is located.

6. Domestic animal shelters or housing units may be permitted, provided that the structure is located at least 7 feet from the side or rear property line.

7. Permanent noncommercial recreation facilities, structures and uses including, but not limited to, tennis courts, hockey rinks, skateboard facilities, basketball courts, and other similar accessory facilities, structures or uses, exceeding a cumulative playing surface area of 1,000 square feet shall be located at least 15 feet from the rear or side property lines. The exterior lighting facilities for all such noncommercial recreation facilities, structures or uses shall be located at least 15 feet from all property lines, which shall be directed downward to the playing surface area and shielded to prevent light spillage onto adjacent properties.

(*Ord. 160, 4/6/1977; as added by Ord. 522, 12/12/2007; as amended by Ord. 551, 7/28/2010, §2; and by Ord. 558, 4/27/2011, §§2, 3*)

§27-1106. Nonresidential Accessory Buildings, Structures and Uses.

1. Nonresidential lots containing a permitted nonresidential use shall comply with the following general provisions:

A. The accessory building, structure or use shall be subordinate and customarily incidental to the principal building and utilized as an accessory use on the lot occupied by the principal building.

B. Unless otherwise specified by this Chapter, all accessory buildings, structures or uses shall comply with all building setback requirements for the underlying zoning district to which it is located.

C. The land area occupied by the accessory building or structure shall account towards the building coverage calculations for the lot and zoning district to which it is located.

D. The land area occupied by the accessory building or structure shall account towards the impervious surface ratio calculations for the lot and zoning district to which it is located.

E. Unless otherwise specified by this Chapter, the maximum height of any nonresidential accessory building or structure shall be 30 feet.

F. No permanent residential accessory building or structure shall be constructed on any lot prior to the commencement of construction of the principal building to which it is an accessory component.

2. Storage facilities are permitted, provided that such facilities are located in areas which have direct access to a public street or driveway. The outdoor storage of materials shall be screened from the view of adjacent properties with a berm, trees, landscaping materials and/or fence.

3. Temporary living quarters for proprietors, watchmen, caretakers or similar-type employees may be permitted by special exception for nonresidential uses located within the C-2, C-3, PO and I-1 Zoning Districts.

4. Restaurants, cafeterias and/or recreational facilities are permitted, provided they are intended for the use of employees only, unless they are permitted as principal

uses in the district in which they are constructed.

5. Primary or alternative energy systems shall be permitted as external accessory structures, provided they are located in a manner to comply with the building setback lines for the underlying zoning district to which they are located.

(*Ord. 160, 4/6/1977; as added by Ord. 522, 12/12/2007*)

§27-1107. Fences.

1. Authorized fences shall be erected only in side yards, rear yards or other portions of a lot behind the front building setback line. [*Ord. 216*]

2. In all districts, fences up to 6 feet in height from grade level may be erected as noted above. In addition, the following requirements shall apply:

A. Fence enclosures for swimming pools are required to meet the requirements of the Pennsylvania Uniform Construction Code, as amended. [*Ord. 558*]

B. [Reserved]. [*Ord. 558*]

C. Conventional fences required for farm use, agricultural use and related facilities on properties in excess of 5 acres shall be exempt from the fence regulation of this Chapter, except for the height regulation.

D. Required fences for tennis, baseball or softball backstops and similar fences for similar recreational facilities shall be exempt from the regulations of this Chapter, provided that such recreational fences are not located closer than 50 feet to any abutting residential property in all residential zoning districts. [*Ord. 375*]

E. Any appeals from a decision or other action of the Zoning Officer with respect to fences as covered in this Section or other provisions of this Chapter may be made to the Zoning Hearing Board under the provisions for variances as covered under §27-1402.3 of this Chapter.

[*Ord. 236*]

(*Ord. 160, 4/6/1977; as amended by Ord. 210, 5/9/1984; by Ord. 216, 8/8/1984; by Ord. 236, 3/26/1986; by Ord. 375, 12/15/1993; and by Ord. 558, 4/27/2011, §4*)

§27-1108. Home Occupations.

Home occupations, as defined in this Chapter, are permitted as special exceptions (see Part 14) in the AR, EP, CR, R-1, R-2 and R-3 Zoning Districts, provided that such use may be permitted only within a single-family detached dwelling which is located on a lot containing not less than 20,000 square feet in area, with the exception that the lot for an office for a physician or dentist shall contain not less than 30,000 square feet.

(*Ord. 160, 4/6/1977; as amended by Ord. 189, 11/19/1980; by Ord. 210, 5/9/1984; by Ord. 272, 5/11/1988; and by Ord. 307, 6/13/1990*)

§27-1109. Off-Street Loading Requirements.

1. Off-street loading and unloading space(s) with proper and safe access from street or alley shall be provided on each lot where it is required that such facilities are necessary to adequately serve the uses within the district. All such loading and unloading spaces shall be located to the side or the rear of the building. Each loading and unloading space:

- A. Shall be at least 12 feet wide, 55 feet long and shall have at least a 15-foot vertical clearance. [*Ord. 470*]
 - B. Shall have an additional 60-foot maneuvering area.
 - C. Shall have an all-weather surface to provide safe and convenient access during all seasons.
 - D. Shall not be constructed in any required yard or required parking area.
2. Required off-street parking space, including aisles, shall not be used for loading and unloading purposes except during hours when business operations are suspended.
 3. Loading and unloading facilities shall be designed so that trucks need not back into or out of, or park in, any public right-of-way.
 4. All commercial and industrial buildings shall have adequate loading and unloading facilities in accordance with the following standards:
 - A. Any combination of uses on a lot having an aggregate floor area of 8,000 square feet or more shall require one off-street loading space.
 - B. In addition to the above, one additional off-street loading space shall be provided for each 25,000 square feet of floor area up to a maximum of three total off-street loading spaces; provided, however, that a planned shopping center may require additional loading spaces due to design and building location requirements.
 - C. Warehouse uses shall be designed for an appropriate number of off-street loading spaces to meet the needs of the specific use.
- (*Ord. 160, 4/6/1977; as amended by Ord. 210, 5/9/1984; and by Ord. 470, 12/13/2000*)

§27-1110. Off-Street Parking Requirements.

1. Off-street parking spaces shall be required for all uses related to residential, commercial, industrial and public purposes. Where such spaces are so noted in the requirements for each district, such requirements shall be provided. If a use is proposed and approved for which parking requirements are not specified, the requirements herein shall be utilized. If a use is approved for which no parking requirement is specified, the Township Board of Supervisors, upon recommendation by the Planning Commission, shall prescribe such standards.

2. *General Parking Regulations.* The following parking regulations under this subsection apply in all zoning districts unless otherwise provided herein:

A. *Off-Street Parking.*

(1) Off-street parking as set forth below is required for any building or other structure erected, altered or used and any lot used or occupied for any of the following purposes:

Use	Number of Parking Spaces
Athletic field	20 per diamond or athletic field, or 1 per 4 seats, whichever is greater (1 seat is equal to 2 feet of bench length)
Auto sales	1 per 350 square feet of gross floor area
Auto service	3 per bay
Banks or similar financial institution	1 per 250 square feet of gross floor area

Use	Number of Parking Spaces
Bar or tavern	1 per 50 square feet of gross floor area
Barbershop or beauty parlor	3 per beauty or barber chair
Bed-and-breakfast	1 per guest room and 1 per dwelling unit and 1 per nonresident employee
Beverage or liquor store	1 per 150 square feet of gross floor area
Boardinghouse	1 per each lodging unit
Car wash, full serve	1 per 1,000 square feet of gross floor area
Convenience store	1 per 150 square feet of gross floor area
Day-care center	1 per 4 persons of maximum licensed capacity
Dry cleaning	1 per 300 square feet of gross floor area
Fraternity or sorority	1 per lodging resident member
Funeral home or mortuary	1 per 4 persons of maximum licensed capacity
Furniture store	1 per 500 square feet of gross floor area
Gas station, self-serve	1.5 per fuel dispensing unit
Golf course	100 per 9 holes plus any spaces required for each accessory use such as restaurant, bar, etc.
Golf course, miniature	3 per hole
Golf driving range	1.5 per tee
Health club	1 per 100 square feet of gross floor area
Home occupation	1 per 200 square feet of gross floor area and 2 per dwelling unit
Hospital	2 per bed
Hotel, motel or tourist home	1 per rental unit and 1 per 100 square feet of ancillary floor area
Indoor recreational facility	
Bowling alley	3 per lane, plus any spaces required for each accessory use such as restaurant, bar, etc.
Pool/billiards	2 per table, plus any spaces required for each accessory use such as restaurant, bar, etc.
Rifle range	1 per 3 persons, plus any spaces required for each accessory use such as restaurant, bar, etc.
Skating rink	1 per 150 square feet of skating area, plus any spaces required for each accessory use such as restaurant, bar, etc.
Swimming club	1 per 4 persons of total capacity, plus any spaces required for each accessory use such as restaurant, bar, etc.
Tennis and racquet courts	5 per court, plus any spaces required for each accessory use such as restaurant, bar, etc.

Use	Number of Parking Spaces
Industrial	1 per 400 square feet of gross floor area
Laundromat	1 per 3 washing or drying machines
Library, museum or community center	1 per 300 square feet of gross floor area
Lumberyard	4.5 per 1,000 square feet of gross floor area
Manufacturing	1 per 300 square feet of gross floor area
Monastery or convent	1 per 2 residents
Movie theater	1 per 4 seats or 1 per 100 square feet of gross floor area, whichever is greater
Municipal building	1 per 200 square feet of gross floor area used by the public and 1 per 600 square feet of gross floor area not used by the public
Night club	1 per 2 occupants of maximum licensed capacity
Nonspecified or outdoor retail	1 per 200 square feet of gross floor area
Nursing home, convalescent home, sanitarium or like institutional home	3 per 5 patient beds, plus 1 space for each 2 employees on the largest shift
Nursery or greenhouse	
Retail store sales	1 per 100 square feet of retail area for the first 5,000 square feet and 1 per 200 square feet of retail sales above 5,000 square feet
Greenhouse sales area	1 per 1,000 square feet and 1 per 500 square feet above 1,000 square feet
Outdoor sales area	1 per 5,000 square feet
Office	
General floor feet	1 per 150 square feet of gross area for the first 50,000 square and 1 per 250 square feet of gross floor area above 50,000 square feet
Medical/Dental	1 per 150 square feet of gross floor area
Park	2 per acre
Personal services and repairing of household items or appliances	1 per 200 square feet of gross floor area
Place of worship per	1 per 3 seats in sanctuary and 1 150 square feet of meeting room and educational floor area
Plumbing and heating	1 per 300 square feet of gross floor area
Post office	4 per 1,000 square feet of gross floor area
Printing and publishing	1 per 300 square feet of gross floor area
Private social club or country club clubhouse	1 per 2 occupants of maximum licensed capacity
Rental of equipment	1 per 200 square feet of gross floor area
Research and development or laboratory	1 per 300 square feet of gross floor area for the first 50,000 square feet and 1 per 400 square feet of gross floor area above 50,000 square feet

Use	Number of Parking Spaces
Residential	2 per dwelling unit
Elderly housing	1.5 per dwelling unit
Restaurant	
Carry-out	1 per 50 square feet of accessible floor area
Fast-food	3 per 100 square feet of gross floor area
Sit-down	1 per 50 square feet of gross floor area
Retail agricultural	1 per 100 square feet of gross floor area, but not less than 5 spaces
Retail store or shop	1 per 100 square feet of gross floor area
School	
Day nursery and kindergarten	1 per faculty member and employee plus 2 per classroom
Elementary or junior high school	1 per faculty member and employee plus 1 per 2 classrooms
Senior high school	1 per faculty member and employee plus 1 per 10 students of projected building capacity
College and junior college	1 per faculty member and employee plus 1 per 10 classroom seats or 10 auditorium seats, whichever requires the greater number of off-street parking spaces
Commercial or trade school	1 per faculty member and employee plus 1 per 3 students of projected building capacity
Self-storage facility	1 per 40 storage cubicles, plus 1 per employee to be located at the business office
Shopping center	
Less than 10,000 square feet of gross floor area	6.0 per 1,000 square feet of gross floor area
10,001 to 100,000 square feet of gross floor area	5.5 per 1,000 square feet of gross floor area
More than 100,000 square feet of gross floor area	5.0 per 1,000 square feet of gross floor area
Stadium, theater, auditorium, assembly or meeting room or similar place of public or private assembly	1 for every 3 seats of maximum licensed capacity
Studio	1 per 300 square feet of gross floor area
Supermarket	1 per 250 square feet of gross floor area
Truck terminal	1 per 1,000 square feet of gross floor area or 1 per employee, whichever is greater
Veterinarian	1 per 500 square feet of gross floor area
Warehouse [<i>Ord. 471</i>]	1 per 500 square feet of gross floor area or 1 per 1.5 employees, whichever is greater

(2) Uses not specifically provided for above shall have one parking space

for each 250 square feet of floor space devoted to the use or one space per employee on the largest shift, whichever is greater.

(3) *Mixed or Multiple Uses.* In the case of mixed or multiple uses within a single building or structure, or on a single lot, the amount of off-street parking required shall be determined by the sum of the requirements of the various uses computed separately in accordance with subsection .2.A(1) herein.

3. *Reduction of Nonresidential Parking Requirements.* The Board of Supervisors, upon the receipt of an off-street parking study prepared by a qualified traffic engineer or transportation planner and the review and recommendations of the Planning Commission and Township Engineer, may grant a conditional reduction of up to 25 percent of the total number of required off-street parking spaces if the following conditions are satisfied:

A. The off-street parking study demonstrates that:

(1) The minimum number of off-street parking spaces required for the proposed land use is in excess of actual parking needs.

(2) The operating schedules of two or more proposed nonresidential uses are such that a parking lot may be shared by such uses; and that the minimum number of off-street parking spaces required for each such use is in excess of actual parking needs.

B. The off-street parking lot, as indicated on the plan accompanying the application, shall designate an area or areas sufficient to accommodate the total number of required off-street parking spaces. The plan shall illustrate the layout for the total number of off-street parking spaces and the layout with the proposed reserved off-street parking spaces.

C. All off-street parking spaces (permanent and reserved) shall be in compliance with the other requirements of this Chapter including, but not limited to, impervious surface ratio, buffer yards and setbacks. Areas which would otherwise be unsuitable for off-street parking spaces due to the physical characteristics of the land shall not be utilized for off-street parking spaces.

D. The parking area or areas proposed to be reserved shall be located and have characteristics so as to provide amenable open space and appropriate landscaping should it be determined that additional off-street parking spaces are not required.

E. If required by the Board of Supervisors, the applicant or owner shall post a performance bond or other securities to cover the expense of a parking study to be undertaken by a registered transportation engineer of the Board's choosing who shall determine the advisability of providing additional off-street parking spaces up to the full off-street parking requirement.

F. Subsequent to the issuance of all occupancy permits, and upon the recommendation of the Zoning Officer or Township Engineer, the Board of Supervisors may request the preparation of a new parking study to determine whether additional off-street parking spaces shall be provided by the applicant or owner. Upon the receipt of recommendations from the transportation engineer, the Township Engineer and the Planning Commission, the Board of Supervisors shall determine whether any additional off-street parking spaces should be provided or

if any areas should remain as open space.

G. Land which has been determined and designated by the Board of Supervisors to remain as open space rather than as required off-street parking shall not be used to provide off-street parking spaces for any addition or expansion, but shall remain as open space.

4. *Design Standards.* In the event that a project does not require subdivision or land development approval, the standards of the Subdivision and Land Development Ordinance [Chapter 22] shall apply. [Ord. 558]

5. *Townhouse Development.* An additional off-street parking area may be permitted on a lot on which a townhouse dwelling unit/structure is located as the principal building and shall be excluded from the calculations required under the various maximum-impervious-surface-ratio provisions for the applicable residential zoning classifications, provided that:

A. The total area of the lot is no more than 6,000 square feet.

B. The total area of the parking space shall not exceed 200 square feet.

C. No common parking area owned and/or maintained publicly or by a homeowners association exists within 300 feet of the affected lot.

(Ord. 160, 4/6/1977; as amended by Ord. 210, 5/9/1984; by Ord. 218, 11/24/1984; by Ord. 264, 2/10/1988; by Ord. 413, 10/9/1996; by Ord. 470, 12/13/2000; by Ord. 471, 2/28/2001; by Ord. 558, 4/27/2011, §5; and by Ord. 564, 8/22/2012, §16)

§27-1111. Physical Performance Requirements.

No land, building, structure or premises in any commercial or industrial district shall be used, altered or occupied in a manner as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; electrical or other disturbance; glare; liquid or solid refuse or wastes; conditions conducive to the breeding of rodents or insects, or other substance, condition or element in any manner or amount as to adversely affect the surrounding area. The following shall be applicable to such districts:

A. *Fire and Explosive Hazards.* All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazards of fire and explosion and adequate firefighting and fire-suppression equipment and devices as detailed and specified by the Department of Labor and Industry and the laws of the Commonwealth of Pennsylvania. All buildings and structures and activities within such buildings and structures shall conform to the Building Code, the Fire Prevention Code and other applicable ordinances adopted by the Township. Any explosive material shall conform to the requirements of 25 Pa.Code, Chapter 211, Rules and Regulations, Pennsylvania Department of Environmental Protection, for storage, handling and use of explosives.

B. *Radioactivity or Electrical Disturbances.* There shall be no activities which emit dangerous radioactivity at any point. There shall be no radio or electrical disturbance adversely affecting the operation of equipment belonging to someone other than the creator of the disturbance. If any use is proposed which incorporates

the use of radioactive material, equipment or supplies, such use shall be in strict conformity with 25 Pa.Code, Chapters 221, 223, 225, and 227, Pennsylvania Department of Environmental Protection, rules and regulations. [Ord. 561]

C. *Smoke, Ash, Dust, Fumes, Vapors and Gases.* There shall be no emission of smoke, ash, dust, fumes, vapors or gases which violate the Pennsylvania Air Pollution Control Laws, including the standards set forth in 25 Pa.Code, Chapter 123, “Standards for Contaminants,” and Chapter 131, “Ambient Air Quality Standards,” Pennsylvania Department of Environmental Protection, Rules and Regulations.

D. *Liquid and Solid Wastes.* There shall be no discharge at any point into any public or private sewerage system or watercourse or into the ground of any materials in such a way or of such a nature as will contaminate or otherwise cause the emission of hazardous materials in violation of the laws of the Commonwealth of Pennsylvania, and specifically Chapters 73, and 95, Title 25, Pennsylvania Department of Environmental Protection, rules and regulations. [Ord. 561]

E. *Light and Glare.*

(1) *Illumination Levels.* Any outdoor lighting shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of America (IESNA), as contained in the IESNA Lighting Handbook, from which typical uses and tasks are herein presented:

Use/Task	Maintained Footcandles	Uniformity Avg.:Min.
Streets, residential districts	0.4 avg.	6:1
Streets, nonresidential districts	0.9 avg.	6:1
Off-street parking, residential districts	0.6 min.	4:1
Off-street parking, nonresidential districts	0.9 min.	4:1
Sidewalks	0.5 avg.	5:1
Building entrances, nonresidential	5.0 avg.	
Service station pump islands	10.0 avg.	
Auto sales	20.0 max.	5:1 max.:min.

NOTES:
 Illumination levels are maintained horizontal footcandles on the use/task, e.g., pavement or area surface.
 Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio; e.g., for off-street parking in nonresidential districts, the average footcandles shall not be in excess of 3.6 (0.9 x 4).

(2) The incident spill light level off of a given property shall not exceed 0.3 footcandles in off-street areas and shall not exceed 0.5 footcandles on surrounding roadways. All lights shall be shielded from surrounding areas and shall be shielded at angles above 72 degrees from the vertical. When building mounted lighting is utilized, said lighting shall provide shielding so that all lights sources are shielded at angles above 72 degrees from the vertical. In no

case, however, shall any lighting be permitted along the outline of buildings or along rooflines.

(3) *Lighting Fixture Design.*

(a) Lighting fixtures shall be equipped with or be modified to incorporate light directing and/or shielding devices such as shields, visors, skirts or hoods to redirect offending light distribution and/or reduce direct or reflective glare.

(b) NEMA-head fixtures, a.k.a. “barn lights” or “dusk-to-dawn lights,” shall not be permitted where they are visible from streets or other properties, unless fitted with a reflector to render them full cutoff.

(c) Lighting fixtures meeting IESNA “full-cutoff” criteria shall not be mounted in excess of 20 feet above finished grade and fixtures not meeting IESNA “cutoff” criteria shall not be mounted in excess of 16 feet above grade.

(4) *Control of Nuisance and Disabling Glare.*

(a) No direct or sky-reflected glare, from any source, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.

(b) All outdoor lighting fixtures shall be aimed, located, designed, filled and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.

(c) No luminaire shall emit any blinking, flashing or fluttering light or otherwise changing light intensity, brightness or color, except those required for fire alarm and/or emergency systems.

(d) Vegetation screens shall not be employed as the primary means for controlling glare.

(e) All outdoor lighting fixtures, including fixtures that illuminate the area under outdoor canopies, shall be shielded in such a manner that no direct light is emitted above a horizontal plane passing through the lowest point of the light emitting element.

(f) Canopy lighting shall utilize flat-lens full cutoff downlighting fixtures, shielded in such a manner that the edge of the fixture shield shall be level with or below the light source envelope.

(g) Except for those lighting fixtures authorized for safety, security or all-night operations, outdoor lighting fixtures for nonresidential uses shall be controlled by automatic switching devices such as time clocks or combination motion detectors and photocells. Such lighting fixtures shall be extinguished between 11 p.m. and dawn.

(h) Lighting standards in off-street parking areas shall be placed a minimum of 5 feet outside the paved area, 5 feet behind tire stop locations, or by other protective means acceptable to the Township Engineer.

[Ord. 465]

F. *Odor.* No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the 50 percent response level of Table I (Odor Thresholds in Air), Research on Chemical Odors: Part I—Odor Thresholds for 53 Commercial Chemicals, October 1968, Manufacturing Chemists Association, Inc., Washington, D.C.

G. *Noise.*

(1) The sound level of any operation (other than the operation of motor vehicles or other transportation facilities, operations involved in the construction or demolition of structures, emergency alarm signals or time signals) shall not exceed the decibel levels in the designated octave bands as stated below. The sound-pressure level shall be measured from a sound-level meter and an octave band analyzer that conform to specifications published by the American Standards Association. (American National Standard Specification for Sound Level Meters, S1.4-1971, American National Standards Institute, Inc., New York, New York, and the American Standard Specification for an Octave, Half Octave and Third Octave Band Filter Sets, S1.11-1966, or 1971, American Standards Association, Inc., New York, New York, shall be used.)

(2) Sound-pressure levels shall be measured at the property line upon which the emission occurs. The maximum permissible sound-pressure levels for smooth and continuous noise shall be as follows:

Frequency Band (cycles per second)	Maximum Permitted Sound-Pressure Level (decibels)
0 to 150	67
150 to 300	59
300 to 600	52
600 to 1,200	46
1,200 to 2,400	40
2,400 to 4,800	34
Above 4,800	32

(3) If the noise is not smooth and continuous or is radiated during sleeping hours, one or more of the corrections below shall be added to or subtracted from each of the decibel levels given above:

Type of Operation or Character of Noise	Correction in Decibels
Noise occurs between the hours of 10 p.m. and 7 a.m.	3
Noise occurs less than 5 percent of any 1-hour period	+5
Noise is of periodic character (hum, screams, etc.) or is of impulsive character (hammering, etc.) (In the case of impulsive noise, the correction shall apply only to the average pressure during an impulse, and impulse peaks shall not exceed the basic standards given above)	-5

(Ord. 160, 4/6/1977; as amended by Ord. 210, 5/9/1984; by Ord. 465, 10/11/2000; and by

Ord. 561, 4/25/2012)

§27-1112. Commercial Vehicles; Recreational Vehicles, Utility Trailers or Boats.

1. *General Regulations.*

A. Type I commercial vehicles, recreational vehicles or boats may be parked or stored outside in the CR, EP, AR, R-1 or R-2 Districts, subject to the following provisions:

(1) Such parking or storage shall be limited to commercial vehicles, recreational vehicles, trailers or boats owned or operated by an occupant of the lot.

(2) Parking or storage shall be permitted within any building designed for such occupancy, unless such occupancy is prohibited by any other regulation or ordinance.

(3) Outdoor parking or storage shall be permitted only within a side yard or rear yard and only if the commercial vehicle, recreational vehicle or boat is located at least 10 feet from any side yard or rear yard lot line in the EP, CR, AR or R-1 Districts, or 7 feet from any side yard or rear yard lot line in the R-2 District.

(a) The Zoning Hearing Board may authorize as a special exception the parking or storage of a Type I commercial vehicle, recreational vehicle or boat which cannot be parked or stored in accordance with the requirements of this paragraph in side yards or rear yards at a lesser distance from the lot line than those required.

(b) Where a special exception is authorized for the parking or storage of a Type I commercial vehicle, recreational vehicle or boat which cannot be parked or stored in accordance with the requirements of this paragraph, a buffer area shall be provided between the Type I commercial vehicle, recreational vehicle or boat and the lot line to afford adequate buffer and vegetative screening in accordance with a plan approved by the Zoning Hearing Board.

(4) Parking of a commercial vehicle, recreational vehicle, trailer or boat shall be permitted anywhere on a lot for the purposes of loading or unloading or the preparation of such vehicle for immediate use.

(5) The wheels of a commercial vehicle, recreational vehicle or trailer shall be blocked or otherwise rendered immobile so as to prevent accidental movement during storage.

B. Type II commercial vehicles shall not be parked in any residential zoning district unless authorized as a special exception by the Zoning Hearing Board.

2. *Prohibitions.*

A. No commercial vehicle, recreation vehicle or boat shall be permitted to be parked or stored in any residential district other than those districts referenced in subsection .1 above.

B. No more than one commercial vehicle or recreational vehicle shall be

parked or stored outdoors on any lot. No more than one boat shall be parked or stored outdoors on any lot. In the case of utility trailers, no more than one such trailer shall be parked or stored on any lot.

C. No commercial vehicle, recreational vehicle or boat, while parked or stored on a lot, shall:

(1) Be used for purposes of habitation.

(2) Be used for the storage of goods, materials or equipment other than those items considered to be part of the commercial vehicle, recreational vehicle or boat, or essential for its immediate use.

(3) Be connected to sewer lines, water lines or any power source, except for a temporary connection to a power source for recharging batteries or other use preparation purposes.

(4) Be extended into the right-of-way.

(5) Be within 13 feet of the cartway of the street.

3. *Exceptions.* The foregoing regulations of this Section shall not apply to farm vehicles used for agricultural purposes on the lot where the agricultural use is occurring.

(*Ord. 160, 4/6/1977; as amended by Ord. 210, 5/9/1984; by Ord. 272, 5/11/1988; by Ord. 307, 6/13/1990; by Ord. 340, 11/13/1991; and by Ord. 405, 1/24/1996*)

§27-1113. Removal of Topsoil.

The continuation of adequate topsoil on the land within the Township is considered necessary for the general welfare of the Township. The permanent removal of topsoil from the land within the Township shall, therefore, be prohibited. This prohibition shall not be construed to render unlawful the temporary removal of topsoil for the purpose of construction of a building or buildings and the regrading of the land following construction.

(*Ord. 160, 4/6/1977*)

§27-1114. Visibility at Intersections.

A minimum clear sight triangle of 75 feet, as measured from the center-line intersections of two streets, shall be provided at all intersections. No physical obstruction, planting, berm or grade shall obscure vision above a height of 2 feet in such triangle. Each leg of such triangle shall be increased by 1 foot for each foot of right-of-way greater than 50 feet for either intersecting street.

(*Ord. 160, 4/6/1977; as amended by Ord. 210, 5/9/1984*)

§27-1115. Storage of Junk Vehicles.

The exterior storage of automotive vehicles, trucks, and motorcycles is prohibited in all residential districts; provided, however, that not more than one temporarily immobilized vehicle may be stored on any residential property at any time, not to exceed 3 months from the time of receipt of notification by the Zoning Officer. Temporarily immobilized shall constitute vehicles that are not currently registered and/or inspected.

(Ord. 160, 4/6/1977; as amended by Ord. 210, 5/9/1984; and by Ord. 558, 4/27/2011, §6)

§27-1116. Maximum Building and Structure Heights.

1. The maximum building, structure and tower heights permissible for the specified zoning districts are as follows:

A. *Buildings and Structures.*

Zoning District	Maximum Building Height (feet)	Maximum Structure Height (feet)
AR	35	70
EP	35	70
CR	35	70
R-1	35	50
R-2	35	50
R-3	40	50
R-5	35	50
C-2	45	60
C-3	45	60
PO	35	60
I-1	45	70
IP	45	70
REC	40	40

B. *Towers.*

Zoning District	Maximum Telecommunications Tower Height (feet)
I-1	150
IP	150
REC [Ord. 487]	150

[Ord. 411]

2. For each foot of structure height above the specified maximum building height, front, side and rear yards must equal or exceed the normal required yards to the extent that the structure, if collapsed, would not fall upon or touch an adjacent property line.

3. Guy wire ground anchors required to support any such structure or tower must not be located in any required side, rear or front yard. [Ord. 411]

(Ord. 160, 4/6/1977; as added by Ord. 210, 5/9/1984; as mended by Ord. 272, 5/11/1988; by Ord. 307, 6/13/1990; by Ord. 343, 12/11/1991; by Ord. 346, 2/26/1992; by Ord. 349, 5/13/1992; by Ord. 411, 9/25/1996; and by Ord. 487, 12/11/2002)

§27-1117. Residential Outdoor Lighting.

Outdoor lighting emanating from a residential source shall be installed in such a way as to be shielded and not reflect toward adjacent properties.

(*Ord. 160, 4/6/1977; as added by Ord. 210, 5/9/1984*)

§27-1118. Keeping of Livestock.

Keeping of livestock for either personal or commercial uses shall be restricted to a farm unit or open space in the AR District. (Note that a “farm unit” is defined as 5 acres.)

(*Ord. 160, 4/6/1977; as added by Ord. 210, 5/9/1984; and as amended by Ord. 265, 2/24/1988*)

§27-1119. Flag Lots.

1. Flag lots, as defined herein, may be permitted within the Agricultural-Residential (AR), Environmental Protection (EP), Country Residential (CR) and Single-Family Residential (R-1 and R-2) Zoning Districts, subject to the conditions specified by this Chapter.

2. Prior to a formal submission of a subdivision containing a flag lot, the applicant shall submit a sketch plan for review by the Planning Commission. In all cases, the applicant must demonstrate that the following site conditions exist:

A. No more than two flag lots shall be permitted as a result of the overall subdivision.

B. A flag lot design shall only be permitted if the Board of Supervisors determines that the proposed design is in the best interest of the community, considering health, safety and/or general welfare issues.

C. The tract of land represents the total contiguous land area owned by the applicant.

D. The tract of land cannot be properly subdivided due to the presence of certain physical or environmental development constraints associated with the site.

E. The configuration of the proposed lots will not limit the potential for development on adjacent tracts of land in the future.

F. Single-family detached dwellings are the only type of dwelling unit which can be located on a flag lot.

G. The proposed flag lot shall be designed to comply with the provisions specified under subsection .4.

3. As part of the review of the sketch plan, the Planning Commission shall issue a recommendation to the Board of Supervisors who shall render a decision to either deny the sketch plan or permit the application to advance as a preliminary plan. If the sketch plan is denied, the flag lot design option shall not be permitted for the parcel of land being considered. If the sketch plan is approved, the applicant may proceed to prepare a preliminary plan in accordance with all pertinent design requirements specified by the Northampton Township Code.

4. Where the use of the flag lot design has been approved by the Board of Supervisors, the subdivision shall be designed in accordance with the following requirements:

A. The access strip or stem of the flag lot shall be owned fee simple and extended from an existing public street to the interior front lot line.

B. The width of the access strip or stem shall be a minimum of 30 feet. Additional width may be required by Northampton Township in order to overcome problems associated with slope, drainage and/or sedimentation.

C. The maximum length of the access strip or stem shall not exceed 300 linear feet, as measured from the street right-of-way to the interior front lot line.

D. The minimum net lot area requirement for each flag lot shall be calculated utilizing a multiplier of 1.25 that shall be applied to the standard lot area requirement for the zoning district in which the flag lot is located. The area of the access strip or stem shall not be calculated as part of the required lot area for the flag lot.

E. The maximum building coverage requirement and the maximum impervious surface ratio requirement shall be calculated utilizing the lot area excluding the area of the access strip or stem. The impervious surface area of the access strip or stem, however, shall count when calculating impervious surface for the lot. [*Ord. 558*]

F. The building setback line for the flag lot shall meet the minimum required setback dimensions for the zoning district in which the flag lot is located. The setback lines shall be established at the flag portion of the lot. The front yard depth or building setback shall be measured from the access strip or stem (extended through the lot) and from the rear property line of any adjacent property. All other setback requirements shall comply with the rear yard setback provisions.

G. The driveway serving one flag lot shall be at least 12 feet in width. All such driveways shall be paved for the entire length.

H. Where permitted, a common driveway serving two flag lots shall comply with the following design requirements:

(1) The common driveway shall be at least 16 feet in width, which shall be equally divided along the lot line separating the flag lots. Where the common driveway divides to serve the individual flag lots, the width of the driveway may be reduced to 12 feet.

(2) All such driveways shall be paved for the entire length.

(3) An ownership and maintenance agreement shall be prepared and recorded as a condition of municipal approval for the subdivision plan. The agreement shall be referenced on the proposed deeds for each residential lot. The contents of the ownership and maintenance agreement shall be subject to the approval of Northampton Township.

(4) A release of responsibility holding Northampton Township harmless for the provision of all municipal services shall be included on the subdivision plan and referenced on the proposed deeds for each residential lot. The notes on the plan and the references contained within the deed shall be subject to the review and approval of Northampton Township.

I. No more than two access strips serving such lots may be located adjacent to each other, and any additional access strip to another such lot shall be separated

by a full lot width, as required by the district in which the land is located.

J. All other pertinent design standards and specifications for driveways shall be applied to the design of a driveway serving a flag lot or common driveway serving flag lots, as determined appropriate by Northampton Township.

5. Unless the site conditions change as a result of improved roads and/or the reestablishment of lot frontages, flag lots may not be further subdivided or developed for any other purpose.

(*Ord. 160, 4/6/1977; as added by Ord. 237, 8/13/1986; as amended by Ord. 272, 5/11/1988; by Ord. 307, 6/13/1990; by Ord. 415, 1/22/1997; by Ord. 527, 3/22/2008; and by Ord. 558, 4/27/2011, §7*)

§27-1120. Special Restrictions in EP Environmental Protection, CR Country Residential, AR Agricultural-Residential and R-1 Single-Family Districts.

No development shall occur in any of the following areas:

A. Steep slopes, provided that:

(1) No more than 30 percent of areas containing slopes above 15 percent and below 25 percent shall be developed and/or regraded or stripped of vegetation.

(2) No more than 15 percent of areas containing slopes of 25 percent or more shall be developed and/or regraded or stripped of vegetation.

B. Within any area of the Floodplain and Flood Hazard District or within 50 feet of the center line of any stream, creek, river or other watercourse, whichever is greater, except as permitted in Part 7.

C. Within any wetlands.

D. Within 100 feet of any wetlands, vegetation (or to the limit of wet or hydric soils, whichever is shorter), lake shoreline or pond shoreline, provided that no more than 20 percent of such areas may be developed and/or regraded or stripped of vegetation.

E. Within any forest area, provided that no more than 20 percent of such areas may be developed and/or regraded or stripped of vegetation.

(*Ord. 160, 4/6/1977; as added by Ord. 272, 5/11/1988; as amended by Ord. 307, 6/13/1990; and by Ord. 438, 7/8/1998*)

§27-1121. Municipal Uses.

The minimum area and development regulations for municipal uses shall be as follows:

A. Water and sewer systems, including wells, pump houses, standpipes and ancillary structures.

(1) Minimum lot area: 20,000 square feet.

(2) Minimum lot width at building line: 100 feet.

(3) Maximum building coverage: 15 percent.

(4) Minimum yards.

(a) Front: 50 feet.

- (b) Side, minimum: 20 feet; total: 45 feet.
- (c) Rear: 50 feet.

(5) Maximum impervious surface ratio: 20 percent.

B. Township buildings, recreation buildings, sewer treatment plants, emergency services facilities or other municipal uses not specified herein shall comply with the following minimum area and development regulations:

(1) *REC Recreation District.*

- (a) Minimum lot area: 80,000 square feet.
- (b) Minimum lot width at building line: 200 feet.
- (c) Maximum building coverage: 10 percent.
- (d) Minimum yards.
 - 1) Front: 50 feet.
 - 2) Side, each: 30 feet.
 - 3) Rear: 50 feet.

(2) In all other districts, the above uses shall comply with the minimum area and development regulations of the applicable zoning district.

[*Ord. 409*]

C. There shall be no minimum area and development regulations for detention basins or retention basins.

(*Ord. 160, 4/6/1977; as added by Ord. 289, 5/10/1989; and as amended by Ord. 409, 8/14/1996*)

§27-1122. Special Events.

Special events may be permitted in any zoning district and, notwithstanding the certification exemption in paragraph .A herein, shall be subject to the area and development regulations of the applicable zoning district as well as the following conditions:

A. No special event with an anticipated number of participants, including staff persons, volunteers and security personnel, in excess of 500 persons shall be conducted without first having made application for and received a certificate of use, occupancy and compliance as set forth in §27-1306.

B. Special events may operate during the following hours:

- (1) Sunday through Thursday: 10 a.m. to 10 p.m.
- (2) Friday and Saturday: 10 a.m. to 11 p.m.

C. Each special event with an anticipated number of participants, including staff persons, volunteers and security personnel, in excess of 500 persons shall be provided with a policy of insurance, insuring the applicant and the Township from bodily injury and property damage liability in an amount to be determined by the Zoning Officer of not less than \$1,000,000 per occurrence and aggregate, nor more than \$5,000,000 per occurrence and aggregate, and such insurance policy shall include the products and completed operations coverage, and the Township shall be an additional insured.

D. Temporary lighting shall be directed away from abutting streets and properties.

E. Excessive loud noises shall not issue from the subject premises.

(Ord. 160, 4/6/1977; as added by Ord. 341, 11/13/1991)

§27-1123. Wireless Communications Facilities.

1. *General Requirements for All Tower-Based Wireless Communications Facilities.*

The following regulations shall apply to all tower-based wireless communications facilities:

A. *Standard of Care.* Any tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

B. *Wind.* Any tower-based WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended).

C. *Height.* Any tower-based WCF shall be designed at the minimum functional height and shall not exceed a maximum total height of 150 feet, which height shall include all subsequent additions or alterations. All tower-based WCF applicants must submit documentation to the Township justifying the total height of the structure.

D. *Public Safety Communications.* No tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

E. *Maintenance.* The following maintenance requirements shall apply:

(1) Any tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

(2) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.

(3) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

F. *Radio Frequency Emissions.* No tower-based WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

G. *Historic Buildings or Districts.* No tower-based WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or the official historic structures and/or historic districts list maintained by the Township, or has been designated by the Township as being of historic significance.

H. *Identification.* All tower-based WCFs shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the Township.

I. *Lighting.* Tower-based WCF shall not be artificially lighted, except as required by law and as may be approved by the Township. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations.

J. *Appearance.* Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings.

K. *Noise.* Tower-based WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under State law and the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

L. *Aviation Safety.* Tower-based WCFs shall comply with all Federal and State laws and regulations concerning aviation safety.

M. *Retention of Experts.* The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Chapter. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

N. *Timing of Approval.* Within 30 calendar days of the date that an application for a tower-based WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. All applications for tower-based WCFs shall be acted upon within 150 days of the receipt of a fully completed application for the approval of such tower-based WCF and the Township shall advise the applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the 150-day review period.

O. *Nonconforming Uses.* Nonconforming tower-based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this Chapter.

P. *Removal.* In the event that use of a tower-based WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

(1) All unused or abandoned tower-based WCFs and accessory facilities shall be removed within 6 months of the cessation of operations at the site unless a time extension is approved by the Township.

(2) If the WCF and/or accessory facility is not removed within 6 months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

(3) Any unused portions of tower-based WCFs, including antennas, shall be removed within 6 months of the time of cessation of operations. The Township must approve all replacements of portions of a tower-based WCF previously removed.

Q. *Permit Fees.* The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a tower-based WCF, as well as related inspection, monitoring and related costs.

2. *Tower-Based Facilities Outside the Rights-of-Way.* The following regulations shall apply to tower-based wireless communications facilities located outside the rights-of-way:

A. *Development Regulations.*

(1) *Prohibited in Residential Zones.* No tower-based WCF shall be located in a district zoned residential or within 500 feet of a lot in residential use or a residential district boundary. Tower-based WCFs are permitted only in such districts as specified in §§27-602 and 27-1116.

(2) *Gap in Coverage.* An applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of tower-based WCF's.

(3) *Sole Use on a Lot.* A tower-based WCF is permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zoning district.

(4) *Combined with Another Use.* A tower-based WCF may be permitted on a property with an existing use or on a vacant parcel in combination with another industrial, commercial, institutional or municipal use, subject to the following conditions:

(a) The existing use on the property may be any permitted use in the applicable district, and need not be affiliated with the communications facility.

(b) *Minimum Lot Area.* The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the tower-based WCF and guy wires, the equipment building, security fence, and buffer planting.

(c) *Minimum Setbacks.* The tower-based WCF and accompanying equipment building shall comply with the requirements for the applicable zoning district, provided that no tower-based WCF shall be located within 500 feet of a lot in residential use or a residential district boundary.

B. *Notice.* Upon receipt of an application for a tower-based WCF, the Township shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 500 linear feet of the parcel or property of the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility.

C. *Co-location.* An application for a new tower-based WCF shall not be approved unless the Township finds that the wireless communications equipment planned for the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building. Any application for approval of a tower-based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a 2-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.

D. *Design Regulations.*

(1) The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.

(2) Any height extensions to an existing tower-based WCF shall require prior approval of the Township. The Township reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Township.

(3) Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennas and comparable antennae for future users.

E. *Surrounding Environs.*

(1) The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.

(2) The WCF applicant shall submit a soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI/ETA 222-B, as amended, to document and verify the design specifications of the foundation of the tower-based WCF, and anchors for guy wires, if used.

F. *Fence/Screen.*

(1) A security fence having a maximum height of 6 feet shall completely surround any tower-based WCF, guy wires, or any building housing WCF equipment.

(2) An evergreen screen that consists of a hedge, or a row of evergreen trees shall be located along the perimeter of the security fence.

(3) The WCF applicant shall submit a landscape plan for review and approval by the Township Planning Commission for all proposed screening.

G. *Accessory Equipment.*

(1) Ground-mounted equipment associated to, or connected with, a tower-based WCF shall be underground. In the event that an applicant can demonstrate that the equipment cannot be located underground to the satisfaction of the Township Engineer, then the ground mounted equipment shall be screened from public view using stealth technologies, as described above.

(2) All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

H. *Additional Antennae.* As a condition of approval for all tower-based WCFs, the WCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennae on tower-based WCFs where technically and economically feasible. The owner of a tower-based WCF shall not install any additional antennae without obtaining the prior written approval of the Township.

I. *Access Road.* An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.

J. *Bond.* Prior to the issuance of a permit, the owner of a tower-based WCF outside the ROW shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond or other form of security acceptable to the Township Solicitor, in an amount of \$100,000 to assure the faithful performance of the terms and conditions of this Chapter. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this Chapter, after reasonable notice and opportunity to cure. The owner shall file the bond with the Township.

K. *Visual or Land Use Impact.* The Township reserves the right to deny an application for the construction or placement of any tower-based WCF based upon visual and/or land use impact.

L. *Inspection.* The Township reserves the right to inspect any tower-based WCF to ensure compliance with the provisions of this Chapter and any other provisions found within the Township Code or State or Federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

3. *Tower-Based Facilities in the Rights-of-Way.* The following regulations shall

apply to tower-based wireless communications facilities located in the rights-of-way:

A. *Prohibited in Residential Zones.* No tower-based WCF shall be located within a residential zone or within 500 feet of a lot in residential use or a residential district boundary. Tower-based WCFs are only permitted in such districts as specified in §§27-602 and 27-1116.

B. *Gap in Coverage.* An applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of tower-based WCF's in the ROW.

C. *Notice.* Upon receipt of an application for a tower-based WCF, the Township shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 500 linear feet of the property or parcel of the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility.

D. *Co-location.* An application for a new tower-based WCF in the ROW shall not be approved unless the Township finds that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a tower-based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a 1-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.

E. *Time, Place and Manner.* The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all tower-based WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

F. *Equipment Location.* Tower-based WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:

(1) In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb.

(2) Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.

(3) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.

(4) Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within 10 business days of notice of

the existence of the graffiti.

(5) Any underground vaults related to tower-based WCFs shall be reviewed and approved by the Township.

G. *Design Regulations.*

(1) The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.

(2) Any height extensions to an existing tower-based WCF shall require prior approval of the Township, and shall not increase the overall height of the tower-based WCF to more than 150 feet. The Township reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Township.

(3) Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennas and comparable Antennae for future users.

H. *Visual or Land Use Impact.* The Township reserves the right to deny the construction or placement of any tower-based WCF in the ROW based upon visual and/or land use impact.

I. *Additional Antennae.* As a condition of approval for all tower-based WCFs in the ROW, the WCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennae on tower-based WCFs where technically and economically feasible. The owner of a tower-based WCF shall not install any additional antennae without obtaining the prior written approval of the Township.

J. *Relocation or Removal of Facilities.* Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of tower-based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

(1) The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way.

(2) The operations of the Township or other governmental entity in the right-of-way.

(3) Vacation of a street or road or the release of a utility easement.

(4) An emergency as determined by the Township.

K. *Compensation for ROW Use.* In addition to permit fees as described in subsection .1.O, above, every tower-based WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting,

permitting, supervising and other ROW management activities by the Township. The owner of each tower-based WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. The annual ROW management fee for tower-based WCFs shall be determined by the Township and authorized by resolution of Township Board and shall be based on the Township's actual ROW management costs as applied to such tower-based WCF.

L. *Bond.* Prior to the issuance of a permit, the owner of a tower-based WCF in the ROW shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the Township Solicitor, in an amount of \$100,000 to assure the faithful performance of the terms and conditions of this Chapter. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this Chapter, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the Township.

4. *General Requirements for All Non-Tower Wireless Communications Facilities.*

A. The following regulations shall apply to all non-tower wireless communications facilities that do not substantially change the physical dimensions of the wireless support structure to which they are attached:

(1) *Permitted in All Zones Subject to Regulations.* Non-tower WCFs are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Township.

(2) Upon receipt of an application for any non-tower-based WCF, the Township shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 500 linear feet of the parcel or property of the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility.

(3) *Standard of Care.* Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

(4) *Wind.* Any non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended).

(5) *Public Safety Communications.* No non-tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby

properties.

(6) *Aviation Safety.* Non-tower WCFs shall comply with all Federal and State laws and regulations concerning aviation safety.

(7) *Radio Frequency Emissions.* No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled “Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields,” as amended.

(8) *Removal.* In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

(a) All abandoned or unused WCFs and accessory facilities shall be removed within 3 months of the cessation of operations at the site unless a time extension is approved by the Township.

(b) If the WCF or accessory facility is not removed within 3 months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

(9) *Timing of Approval.* Within 30 calendar days of the date that an application for a non-tower WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within 90 calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township’s 90-day review period.

(10) *Permit Fees.* The Township may assess appropriate and reasonable permit fees directly related to the Township’s actual costs in reviewing and processing the application for approval of a non-tower WCF or \$1,000, whichever is less.

B. The following regulations shall apply to all non-tower wireless communications facilities that substantially change the wireless support structure to which they are attached:

(1) *Permitted in All Zones Subject to Regulations.* Non-tower WCFs are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Township.

(2) Upon receipt of an application for any non-tower-based WCF, the Township shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 500 linear feet of the parcel or property of the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed

facility.

(3) *Standard of Care.* Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

(4) *Wind.* Any non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended).

(5) *Public Safety Communications.* No non-tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

(6) *Historic Buildings.* Non-tower WCFs may not be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or the official historic structures and/or historic districts lists maintained by the Township, or has been designated by the Township as being of historic significance.

(7) *Aviation Safety.* Non-tower WCFs shall comply with all Federal and State laws and regulations concerning aviation safety.

(8) *Maintenance.* The following maintenance requirements shall apply:

(a) The non-tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

(b) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.

(c) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

(9) *Radio Frequency Emissions.* No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

(10) *Removal.* In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

(a) All abandoned or unused WCFs and accessory facilities shall be removed within 3 months of the cessation of operations at the site unless a time extension is approved by the Township.

(b) If the WCF or accessory facility is not removed within 3 months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

(11) *Timing of Approval.* Within 30 calendar days of the date that an application for a non-tower WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within 90 calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's 90-day review period.

(12) *Retention of Experts.* The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Chapter. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

(13) *Bond.* Prior to the issuance of a permit, the owner of each individual non-tower WCF shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the Township Solicitor, in an amount of \$25,000 for each individual non-tower WCF, to assure the faithful performance of the terms and conditions of this Chapter. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this Chapter, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the Township.

(14) *Permit Fees.* The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a non-tower WCF, as well as related inspection, monitoring and related costs.

5. *Non-Tower Wireless Facilities Outside the Rights-of-Way.* The following additional regulations shall apply to non-tower wireless communications facilities located outside the rights-of-way that substantially change the wireless support structure to which they are attached:

A. *Development Regulations.* Non-tower WCFs shall be co-located on existing structures, such as existing buildings or tower-based WCFs subject to the following conditions:

(1) Such WCF does not exceed a maximum height of 150 feet.

(2) If the WCP applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.

(3) A 6-foot high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.

B. Design Regulations.

(1) Non-tower WCFs shall employ stealth technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.

(2) Non-tower WCFs, which are mounted to a building or similar structure, may not exceed a height of 15 feet above the roof or parapet, whichever is higher, unless the WCP applicant obtains a conditional use permit.

(3) All non-tower WCF applicants must submit documentation to the Township justifying the total height of the non-tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.

(4) Antennae, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.

(5) *Noncommercial Usage Exemption.* The design regulations enumerated in this paragraph shall not apply to direct broadcast satellite dishes installed for the purpose of receiving video and related communications services at residential dwellings.

C. Removal, Replacement, Modification.

(1) The removal and replacement of non-tower WCPs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of antennae.

(2) Any material modification to a wireless telecommunication facility shall require a prior amendment to the original permit or authorization.

D. Visual or Land Use Impact. The Township reserves the right to deny an application for the construction or placement of any non-tower WCF based upon visual and/or land use impact.

E. Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this Chapter and any other provisions found within the Township Code or State or Federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time upon reasonable notice to the operator, to ensure such compliance.

6. *Non-Tower Wireless Facilities in the Rights-of-Way.* The following additional regulations shall apply to all non-tower wireless communications facilities located in

the rights-of-way:

A. *Co-location.* Non-tower WCFs in the ROW shall be co-located on existing poles, such as existing utility poles or light poles.

B. *Design Requirements.*

(1) WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than 6 feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.

(2) Antennae and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.

C. *Compensation for ROW Use.* In addition to permit fees as described above, every non-tower WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each non-tower WCF shall pay an annual fee to the Township to compensate the Township for its costs incurred in connection with the activities described above. The annual ROW management fee for non-tower WCFs shall be determined by the Township and authorized by resolution of Township Board and shall be based on the Township's actual ROW management costs as applied to such non-tower WCF.

D. *Time, Place and Manner.* The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all non-tower WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

E. *Equipment Location.* Non-tower WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:

(1) In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb.

(2) Ground-mounted equipment shall be located underground. In the event an applicant can demonstrate, to the satisfaction of the Township Engineer, that ground-mounted equipment cannot be undergrounded, then all such equipment shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.

(3) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.

(4) Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within 10 business days of notice of the existence of the graffiti.

(5) Any underground vaults related to non-tower WCFs shall be reviewed and approved by the Township.

F. *Relocation or Removal of Facilities.* Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

(1) The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way.

(2) The operations of the Township or other governmental entity in the right-of-way.

(3) Vacation of a street or road or the release of a utility easement.

(4) An emergency as determined by the Township.

G. *Visual or Land Use Impact.* The Township retains the right to deny an application for the construction or placement of a non-tower WCF based upon visual and/or land use impact.

7. *Violations Applicable to All Wireless Facilities.*

A. *Penalties.* Any person violating any provision of this Section shall be subject, upon finding by a magisterial district judge, to a penalty not exceeding \$500, for each and every offense, together with attorneys fees and costs. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur. In addition to an action to enforce any penalty imposed by this Section and any other remedy at law or in equity, the Township may apply to a Federal District Court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this Chapter.

B. *Determination of Violation.* In the event a determination is made that a person has violated any provision of this Section, such person shall be provided written notice of the determination and the reasons therefore. Except in the case of an emergency, the person shall have 30 days to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the Township may, in its reasonable judgment, extend the time period to cure, provided the person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the Township may take any and all actions authorized by this Section and/or Federal and/or Pennsylvania law and regulations.

8. *Miscellaneous.*

A. *Police Powers.* The Township, by granting any permit or taking any other action pursuant to this Section, does not waive, reduce, lessen or impair the lawful police powers vested in the Township under applicable Federal, State and local laws and regulations.

(*Ord. 160, 4/6/1977; as added by Ord. 411, 9/26/1996; and as amended by Ord. 487, 12/11/2002; and by Ord. 565, 2/27/2013, §§IV–XI*)

§27-1124. Forestry.

Forestry may be permitted in certain districts, subject to the following conditions:

A. Clear-cutting of all vegetation shall not exceed areas of more than 5 acres or more than 20 percent of the forest, whichever is less, on an annual basis except where pursuant to a State forestry cutting program.

B. A reforestation and maintenance program prepared by either a professional forester or arborist shall be submitted which shall include a program for

reestablishment of the forest or wooded area on a sustained yield basis.

C. For commercial uses, a long-range cutting program to ensure that the forest is retained as an entity during the entire program. Such a program shall indicate the condition of the forest on a map showing:

- (1) Adjoining lands and neighbors.
- (2) The existing amount of forested or wooded lands on the site prior to the commencement of forestry operations.
- (3) The year of each cutting and reforestation.
- (4) Species of trees in reforestation.

D. For clearing purposes, the proposed future use must be stated, if any is identified.

E. All plans shall show how the general habitat and visual block of the forest is to be maintained so that the forest retains its visual and habitat qualities at all stages of the long-range cutting plan.

F. A performance bond or other financial security in an amount and form approved by the Board of Supervisors shall be posted to ensure reforestation.

G. A signed agreement shall be recorded with the provision that no cutting or clearing shall be considered to reduce the area of forest for any development, proposed or not, pursuant to the provisions of this Chapter.

H. The review and approval of the reforestation and maintenance program, including a soil sedimentation and erosion control plan, by the Bucks County Conservation District and the Pennsylvania Department of Environmental Protection shall be required.

(Ord. 160, 4/6/1977; as added by Ord. 438, 7/8/1998)

§27-1125. Village Overlay District.

1. The Village Overlay District shall be a special overlay to the underlying zoning districts within Northampton Township. The purpose and objectives of this special overlay district are outlined as follows:

A. To improve the aesthetics, architectural appearance, commercial centers, and streetscape design within defined areas within Northampton Township.

B. To establish uniform design standards to be referenced as the "Village Overlay Design Standards," which reflect the overall community vision.

C. To require uniform streetscape improvements and site enhancement measures such as street trees, streetlights, curbing, sidewalks, pedestrian crosswalks, architecture, controlled signage, traffic calming measures and gateway planning in accordance with the village overlay design standards.

D. To improve the modes of transportation by enabling automobile, pedestrian and bicycle traffic to coexist in a planned and harmonious community.

E. To retain and expand existing businesses to preserve a sound tax base and provide employment opportunities.

F. To encourage adaptive reuse and redevelopment opportunities.

G. To provide incentive-minded parameters to attract or expand desirable

uses.

H. To provide an expedited review process in order to achieve the overall purpose and objective of the Village Overlay District as well as to provide incentives for land owners and the private development community.

I. To implement the recommendations for land use planning, economic development and transportation, which are contained within the Northampton Township Comprehensive Plan.

2. The Village Overlay District shall be defined as specific areas delineated as an overlay zone on the Northampton Township Zoning Map.

3. Except as noted elsewhere in this Chapter, all subdivision and land development activity within the Village Overlay District shall be designed in accordance with the requirements of the Village Overlay District.

4. The land uses and development criteria established under the Village Overlay District shall be permitted, provided that all of the following provisions are addressed:

A. All uses shall be serviced by public sewage disposal facilities and public water supply facilities.

B. Unless otherwise permitted or specified by this Chapter, only one principal use shall be permitted per lot, which complies with the minimum and maximum dimensional requirements established under this Section.

C. A combination of uses may be permitted, provided that each of the principal uses are either:

(1) Located on a separate lot meeting the land use and development provisions of this Chapter.

(2) Located within a common building containing more than one principal use, which may be individually owned by a person, partnership, corporation, or other legal entity, and leased to other tenants to occupy as a permitted use. The common building shall be located on a separate lot meeting the provisions of this Chapter.

(3) Located within a common building or separate buildings containing more than one principal use, which may be owned by more than one person, partnership, corporation, or other legal entity, as form of condominium ownership. The building or buildings along with internal vertical or horizontal division of space, common facilities, utility provisions and supplemental maintenance agreements shall be subject to the approval of the Board of Supervisors.

D. Telecommunication facilities shall not be permitted as a principal or subordinate use within the Village Overlay District. Collocation with existing telecommunication facilities shall be permitted by conditional use.

E. All permitted uses shall be planned and designed to meet the community development objectives of the Village Overlay District. All such permitted uses shall not be considered as a detriment to the health, safety or general welfare of the community.

5. The following minimum and maximum dimensional requirements shall be utilized as guidelines for lots, which are intended and designed to occupy uses within

the Village Overlay District:

- A. The minimum net lot area shall be 15,000 square feet, whether it is for one individual use on a lot or multiple permitted uses within a building on a lot.
- B. The minimum lot width shall be 75 feet per lot.
- C. The front yard setback shall be at least 20 feet, as measured from the legal right-of-way line.
- D. The front yard setback shall be no more than 40 feet, as measured from the legal right-of-way line.
- E. The side yard setback shall be 10 feet for each side.
- F. The rear yard setback shall be 20 feet.
- G. The maximum height of the buildings shall be 45 feet.
- H. The maximum building coverage shall be 50 percent of the approved lot.
- I. The maximum lot coverage shall be 70 percent of the approved lot.

(*Ord. 160, 4/6/1977; as added by Ord. 535, 12/17/2008, §5*)

§27-1126. Alternative and Emerging Energy Facilities.

1. *Purpose and Objective.*

A. Northampton Township seeks to provide opportunities for alternative and emerging energy facilities while regulating the use of potentially intrusive facilities, equipment and machinery.

B. The purpose of this Section is to establish provisions for the design, permitting, construction and operation of alternative and emerging energy facilities within Northampton Township, subject to reasonable conditions that will protect the public health, safety and/or general welfare of the community.

2. *Definitions Relative to this Section.*

A. *Alternative Energy.* A source of energy generated from solar, water, wind, geothermal or similar sources, which is capable of providing energy and utility provisions to a permitted use.

B. *Alternative Energy Facility.* A private facility capable of converting solar, water and/or wind into a viable energy source and utility provisions for a permitted use. Such facilities may include solar panels, wind turbines, geothermal systems and/or other similar alternative energy facilities.

C. *Applicant.* A person or entity filing an application under this Section.

D. *Attached Alternative Energy Facility.* A facility that is physically mounted, attached and/or connected (except utility and energy transfer connections) to a permitted principal building in accordance with all pertinent zoning, utility and building code requirements.

E. *Emerging Energy.* A source of energy generated from a renewable or green technology source, other than solar, water, wind or geothermal sources, which is capable of providing energy and utility provisions to a permitted use.

F. *Emerging Energy Facility.* A private facility capable of converting renewable or green technology energy sources into a viable energy source and

utility provisions for a permitted use.

G. *Facility Owner*. The entity or entities having an interest in the alternative and/or emerging energy facility, including their successors and assigns.

H. *Freestanding Alternative Energy Facility*. A facility that is not physically mounted, attached and/or connected (except utility and energy transfer connections) to a permitted principal building. All such facilities shall be considered a separate or accessory structure that has the abilities to convert and convey energy to the principal use in accordance with all pertinent zoning, utility and building code requirements.

I. *Hub Height*. The distance measured from the surface of the tower foundation to the height of the wind turbine hub, to which the blade or other accessory components are attached.

J. *Landowner*. Any person(s) or entity owning property within Northampton Township.

K. *Nonparticipating Landowner*. Any landowner except those on whose property all or a portion of an alternative and/or emerging energy facility is located pursuant to the provisions of this Chapter.

L. *Operator*. The entity responsible for the day-to-day operation and maintenance of the alternative and/or emerging energy facility.

M. *Occupied Building*. A building located on a parcel of land utilized as a permitted use in accordance with the provisions of Northampton Township.

N. *Private Energy and Utility Provider*. A principal use owned, operated and/or maintained by a private or independent utility company for the purposes of providing energy within a defined service area or grid system in accordance with the provisions established by the Public Utility Commission and the Public Utility Code.

O. *Turbine Height*. The distance measured from the surface of the tower foundation to the lowest and/or highest point of the turbine rotor plane.

P. *Wind Turbine*. A wind energy conversion system that converts wind energy into electricity through the use of a generator, which may include a nacelle, rotor, tower, transformer pad, blades, spirals, helixes and/or and the supporting energy apparatus.

Q. *Wind Energy Facility*. An electric generating facility, whose main purpose is to convert and supply electricity to a permitted use. Such facilities may include wind turbines, blades, spirals, helixes and/or other accessory wind generating structures, which may also include buildings, substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

R. *Wood-Fired Boiler*. An alternative energy facility designed to burn wood or other organic fuels, which transfers heated air or liquid through a piping or ventilation system to a principal use. All such systems are generally contained within an accessory structure that is not intended for habitation by humans or animals. An outdoor wood-fired boiler may also be known as outdoor wood-fired furnaces, outdoor wood-burning appliances, outdoor hydraulic heaters and/or hot water stoves. All such facilities shall be prohibited as an alternative or emerging

energy facility.

3. *Applicability and Permitted Uses.*

A. This Section shall apply to all alternative and emerging facilities that are proposed to be constructed after the effective date of this Section.

B. Alternative and/or emerging energy facilities constructed prior to the effective date of this Section shall not be required to meet the requirements specified under this Section. Any physical modification to an existing alternative or emerging energy facility that alters the size, type and generating capacities of the facilities shall require a permit and shall comply with the applicable provisions specified under this Section.

C. Alternative and/or emerging energy facilities may be considered as an accessory use within all zoning districts, provided that the principal use is a permitted use or conforming use within the zoning district on which the alternative and/or emerging energy facility is located.

D. Alternative and/or emerging energy facilities may be utilized as the primary energy source by the principal use of the lot on which it is located. Surplus energy may be exchanged, transferred and/or sold to a public or private utility company, provided that such surplus energy is exchanged, transferred and/or sold in accordance with the provisions established by the Public Utility Commission and Public Utility Code, 66 Pa.C.S.A. §101 *et seq.*

E. Private energy and utility providers, as defined under subsection .2, shall comply with all provisions established by the Public Utility Commission and the Public Utility Code, 66 Pa.C.S.A. §101 *et seq.*

4. *Land Use and Dimensional Requirements.*

A. The following provisions shall specifically apply to wind turbines or wind energy facilities:

(1) Wind turbines or wind energy facilities shall be permitted by special exception provided that such facilities are located on a lot with a permitted use in accordance with the applicable provisions of this Chapter.

(2) Wind turbines or wind energy facilities that are designed and permitted as an attached alternative energy facility shall comply with the height requirements specified by this Chapter.

(3) Wind turbines or wind energy facilities that are designed and permitted as a freestanding alternative energy facility shall be setback more than one and one-tenths times the turbine height. The required setback distance shall be measured from the center of the wind turbine base to the nearest point of the occupied building.

(4) All wind turbines or wind energy facilities shall be located, designed and installed as per the manufacturer's specifications as well as all zoning, building code and utility requirements.

(5) All wind turbines or wind energy facilities shall be set back from all occupied buildings located on a nonparticipating landowner's property a distance of not less than five times the turbine height, as measured from the center of the wind turbine base to the nearest point of the occupied building(s).

(6) All wind turbines or wind energy facilities shall be setback from the nearest property line a distance of not less than the normal setback requirements for that zoning classification or one and one-tenth times the turbine height, whichever is greater. The required setback distance shall be measured from the center of the wind turbine base to the property line.

(7) All wind turbines or wind energy facilities shall be setback from the nearest public road a distance of not less than one and one-tenth times the turbine height, as measured from the center of the wind turbine base to the right-of-way line of the nearest public road.

(8) All wind turbines or wind energy facilities shall be located behind the front facade of the building occupying the permitted use. No wind turbine shall be permitted in the front yard of the lot on which it is located.

(9) The minimum height of a wind turbine shall be 15 feet, as measured from the ground surface to the tip of the blade at its lowest turning movement.

(10) The maximum height of a wind turbine shall be 50 feet, as measured from the ground surface to the tip of the blade at its highest turning movement.

(11) A nonparticipating landowner shall not intentionally block, interfere or disrupt the functional operation from an existing wind resource to an alternative energy facility. If such action or event should occur, the matter shall be resolved as a civil dispute between the landowners and Northampton Township shall not be held responsible.

B. The following provisions shall specifically apply to solar energy systems:

(1) Solar energy systems shall be permitted by right provided that such facilities are located on a lot with a permitted use in accordance with the applicable provisions of this Chapter.

(2) Solar energy systems designed and permitted as an attached alternative energy facility provided that all structural components of the solar energy system do not exceed the permitted building height requirements of the zoning district on which it is located. The building height shall be measured from the average ground elevation of the building to the average height of the solar panel(s) or other structural components of the solar energy facilities.

(3) Solar energy systems designed and permitted as a freestanding alternative energy facility shall be located at least 15 feet from a property line and shall not exceed 15 feet in height, as measured from the ground surface to the highest extended point of the structure. All such solar energy systems shall comply with the building and lot coverage requirements of the zoning district on which it is located.

(4) Solar energy systems shall be located, designed and installed as per the manufacturer's specifications as well as all zoning, building code and utility requirements.

(5) Solar energy systems shall be located behind the front facade of the building occupying the permitted use. No solar energy system shall be permitted in the front yard of the lot on which it is located.

(6) A nonparticipating landowner shall not intentionally block, interfere

or disrupt the functional operation of an existing solar energy system. If such action or event should occur, the matter shall be resolved as a civil dispute between the landowners and Northampton Township shall not be held responsible.

(7) Solar energy panels shall be designed and located in order to minimize glare towards an occupied residential use.

C. The following provisions shall specifically apply to geothermal energy systems:

(1) Geothermal energy systems shall be permitted by right provided that such facilities are located on a lot with a permitted use in accordance with the applicable provisions of this Chapter.

(2) Geothermal energy systems shall be located, designed and installed as per the manufacturer's specifications as well as all zoning, building code and utility requirements.

(3) Geothermal energy systems may be located on a lot with a permitted use provided that all structural components comply with the building setback requirements and lot coverage requirements of the zoning district on which it is located.

(4) A nonparticipating landowner shall not intentionally block, interfere or disrupt the functional operation of a geothermal system. If such action or event should occur, the matter shall be resolved as a civil dispute between the landowners and Northampton Township shall not be held responsible.

D. The following provisions shall specifically apply to emerging energy facilities:

(1) Emerging energy systems shall be permitted by special exception provided that such facilities are located on a lot with a permitted use in accordance with the applicable provisions of this Chapter.

(2) Emerging energy systems may be located on or attached to an occupied building provided that the structural components of the emerging energy facilities do not exceed the permitted building height requirements of the zoning district to which it is located.

(3) Emerging energy systems may be located on a lot with a permitted use provided that all structural components comply with the building setback requirements and lot coverage requirements of the zoning district on which it is located.

(4) Emerging energy systems may be located on a lot provided that it is located, designed and installed considering the health, safety and general welfare of the adjacent property owners. As part of the special exception application, the Zoning Hearing Board may attach reasonable conditions and safeguards.

E. Wood-fired boilers, as defined under subsection .2, shall be prohibited as an alternative or emerging energy facility serving any permitted use.

F. The following renewable energy resource protection provisions shall apply to alternative or renewable energy resource protection:

(1) The landowner shall provide documentation of the land and airspace on his property, which must remain open to assure adequate solar access, water and/or wind to the renewable energy system. All such documentation shall be considered as part of the permit application or special exception application.

(2) As part of the permit application, the landowner shall notify the Zoning Officer that the alternative or renewable resource system has been installed. The landowner shall also provide the Zoning Officer with any other permits that have been obtained from agencies with jurisdiction in order to locate the alternative or renewable energy resource system on his property.

G. The following setback modifications may be considered for alternative and/or emerging energy facilities as part of a zoning variance application:

(1) A landowner may obtain a modification of the setback requirements specified under subsection .4.A (occupied buildings on nonparticipating landowner's property) by having a modification agreement executed between both parties, which sets forth the applicable setback provision(s) and the proposed changes.

(2) The written modification agreement shall notify the property owner(s) of the setback required by this Section, describe how the proposed alternative and emerging energy facility is not in compliance, and testify that consent is granted for the alternative or emerging energy facility to not be set back as required by this Section.

(3) Any such modification agreement shall be recorded in the Bucks County Recorder of Deeds Office. The modification agreement shall describe the properties benefitted and burdened, and inform all subsequent purchasers that the modified setback shall run with the land and may forever burden the subject property.

(4) Any modification pertaining to the dimensional setback requirements from public roads or street rights-of-way shall not be considered as part of any application.

(5) Any modification pertaining to the dimensional setback requirements from an adjacent property owner shall not be considered as part of any application.

H. The following provisions shall apply to noise, shadow flickering and/or interference involving alternative and/or emerging energy facilities:

(1) Audible sound from any alternative and/or emerging energy facility shall not exceed 55 dBA, as measured at the applicant's property line. Northampton Township has the right to inspect, measure and record sound levels at the applicant's expense.

(2) The applicant shall make reasonable efforts to minimize shadow flicker at the property line.

(3) The applicant shall not disrupt radio, telephone, television or similar communication signals, and shall mitigate any harm caused by the alternative and/or emerging energy system.

5. *Permit and Special Exception Application Requirements.*

A. No alternative or emerging energy facility shall be located, modified or constructed within Northampton Township unless a permit has been issued to the landowner in accordance with the provisions of this Section.

B. The permit application and special exception application shall be accompanied with a fee in the amount specified by Northampton Township.

C. The permit application and special exception application shall demonstrate that the alternative or emerging energy facility will comply with the provisions contained under this Section. The following specific items shall be provided by the applicant:

(1) A complete narrative describing the proposed alternative or emerging energy facility, which shall include: a project overview; the project location; the number of the alternative or emerging energy facilities; the area and height of the alternative or emerging energy facilities; the initial and potential generating capacities; the facility dimensions; and the manufacturer's specifications.

(2) An affidavit or similar evidence of agreement between the landowner and the facility owner/operator demonstrating that the facility owner/operator has the capabilities and permission of the landowner to apply for necessary permits for construction and operation of the alternative or emerging energy facility.

(3) The properties within 500 feet on which the proposed alternative or emerging energy facility will be located.

(4) A site plan showing the boundary lines of the property occupied by the alternative or emerging energy facility and the properties within 500 feet on which the proposed alternative or emerging energy facility will be located. The site plan shall also include: topographical and natural features; the planned location of the alternative or emerging energy facilities; the building setback lines; the access road and turnout locations; building and structures; and all public utilities.

(5) The existing and projected annual energy needs of the permitted use that will benefit from the alternative or emerging energy facility, including the amount of surplus energy that will be exchanged, transferred and/or sold to a public or private utility company.

(6) Documents related to the potential abandonment and/or decommissioning of the alternative or emerging energy facilities.

(7) Other relevant studies, reports, certifications and approvals as may be reasonably requested by Northampton Township to ensure compliance with this Section.

D. As part of the permit or special exception application, Northampton Township may attach reasonable conditions and safeguards in order to consider the health, safety and general welfare of the applicant and the adjacent property owners.

E. The following provisions shall apply to emergency service requirements for

an alternative or emerging energy facility:

(1) The applicant shall provide a copy of the permit application to the local emergency response providers (police, fire and ambulance) of Northampton Township.

(2) If required by the Zoning Officer, the applicant in conjunction with the emergency service providers shall establish an emergency response plan for the alternative or emerging energy facility.

F. Pursuant to the time limitations specified for a permit application, Northampton Township will determine whether the application is administratively complete and advise the applicant accordingly.

G. Pursuant to the time limitations specified by the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and the State-wide Building Code [Chapter 5, Part 1], Northampton Township shall consider the permit or special exception application. The applicant may be afforded an opportunity to present the project to the designated municipal officials, as well as answer questions about the project.

H. Throughout the permit process, the applicant shall promptly notify Northampton Township of any changes to the information contained in the permit or special exception application.

6. *Design, Transport and Installation Requirements.*

A. The design of the alternative or emerging energy facility shall conform to applicable industry standards, including those of the American National Standards Institute, the Uniform Construction Code [Chapter 5, Part 1], and/or other pertinent codes adopted by Northampton Township.

B. Unless otherwise required by Northampton Township, the following provisions shall apply to the use of public roads involving the transport of alternative and/or emerging energy facilities.

(1) The applicant shall identify all state and local public roads to be used within Northampton Township to transport equipment and parts for construction, operation or maintenance of the alternative and/or emerging energy facility.

(2) The Northampton Township Engineer shall inspect and document the condition of all roads prior to construction and 30 days after the construction has been completed or as weather permits. The applicant shall be responsible for the payment of all fees associated with the inspections conducted by the Northampton Township Engineer.

(3) Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense to the satisfaction of the Northampton Township Engineer.

(4) Northampton Township may require the applicant to post a bond for any required repairs or maintenance to public roads.

C. All wind turbines and wind energy facilities shall be equipped with a redundant braking system, which shall include both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical

brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

D. Above-ground alternative and emerging energy facilities shall be clear-coated, transparent, and/or be designed with a non-obtrusive color such as white, off-white, gray or black. All such facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

E. Above-ground alternative and emerging facilities shall not display advertising, except for reasonable identification of the manufacturer.

F. On-site transmission and power lines between an alternative or emerging energy facility shall be placed underground.

G. Clearly visible warning signs concerning voltage must be placed at the base of all above-ground transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.

H. Wind turbines shall not be climbable up to 15 feet above ground surface. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

I. Above-ground alternative and emerging energy facilities shall not be combined with other support towers or accessory structural components that are devoted to or utilized by public or private utilities.

7. *Liability and Insurance Requirements.*

A. The landowner and the operator shall be responsible for repairing any excess damage to public or private roads caused by the alternative and emerging energy facility.

B. Unless otherwise required by Northampton Township, the landowner shall maintain a general liability policy covering bodily injury and property damage with a minimal limit of at least \$1 million per occurrence and a minimum of \$1 million in the aggregate. Certificates shall be made available to Northampton Township upon request.

8. *Decommissioning.*

A. The landowner or facility operator shall, at its expense, complete decommissioning of the alternative or emerging energy facility within 12 months after the end of the useful life of the alternative and emerging system. The alternative or emerging energy system will presume to be at the end of its useful life if no energy is generated for a continuous period of 12 months.

B. The removal of the above-ground alternative or emerging energy facility components shall be completed within 12 months of decommissioning of the alternative or emerging energy system. All disturbed earth shall be re-stored, graded and re-seeded.

C. Unless otherwise required by Northampton Township, the landowner shall be responsible for the following financial and inspection provisions as part of the decommissioning efforts:

- (1) The landowner or facility operator shall post and maintain decommis-

sioning funds in an amount equal to net decommissioning costs; provided that at no point shall decommissioning funds be less than 25 percent of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or a lending institution approved by Northampton Township.

(2) An independent and certified professional engineer may be retained by Northampton Township to inspect the decommissioning of the alternative and emerging facilities. All such inspection fees shall be paid by the applicant or landowner.

(3) Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable by Northampton Township.

(4) Northampton Township may release the decommissioning funds when the landowner or facility operator has satisfactorily demonstrated compliance with the decommissioning plan.

D. If the landowner or facility operator fails to complete decommissioning during the prescribed period of 12 months, Northampton Township may take such measures as necessary to complete decommissioning in accordance with the laws of Northampton Township and the Commonwealth of Pennsylvania.

9. *Public Inquiries, Inspections, Violations and Remedies.*

A. The landowner and the facility operator shall provide Northampton Township with a telephone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the alternative or emerging energy facility.

B. The landowner and the facility operator shall consult with a qualified inspector every 12 months to determine if the alternative and emerging energy facility is operating in accordance with the specifications of the manufacturer.

C. It shall be unlawful for any landowner, person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of this Section. If Northampton Township determines that a violation has occurred, a notice of violation shall be issued to the landowner and/or facility operator in accordance with the laws specified by Northampton Township and Commonwealth of Pennsylvania.

(*Ord. 160, 4/6/1977; as added by Ord. 551, 7/28/2010, §1*)

Part 12**Nonconforming Uses, Buildings and Structures****§27-1201. Nonconforming Use.**

“Nonconforming use” means a use, whether of land or a building or structure, which does not comply with the applicable use provisions of this Chapter or of any amendment to such Chapter hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or amendment.

(*Ord. 160, 4/6/1977*)

§27-1202. Continuance of Nonconforming Use.

Any lawful nonconforming use of land, buildings or structures or parts thereof may continue as it existed prior to the effective date of this Chapter or the amendment thereto by which such use became a nonconforming use; provided, however, that any such use shall otherwise be and remain in compliance with any other applicable laws and regulations. A change from an existing nonconforming use to another nonconforming use is not permitted without approval by the Zoning Hearing Board as a special exception.

(*Ord. 160, 4/6/1977; as amended by Ord. 189, 11/19/1980; and by Ord. 210, 5/9/1984*)

§27-1203. Discontinuance of Nonconforming Use.

Whenever a nonconforming use in or on the land or within a building or structure or portion thereof has been discontinued for a continuous period of more than 1 year, such discontinuance shall be deemed to be an abandonment of such nonconforming use, and any subsequent use thereof shall conform to the applicable provisions of this Chapter or its amendments, and the prior nonconforming use shall not thereafter be resumed unless in accordance with the applicable provisions of this Chapter or its amendments.

(*Ord. 160, 4/6/1977*)

§27-1204. Change of Nonconforming Use to Conforming Use.

Whenever any nonconforming use shall have been changed or altered so as to conform to the provisions of this Chapter or its amendments, then such nonconforming use shall no longer be nonconforming to the extent to which it then conforms to this Chapter or its amendments, and the prior nonconforming use shall not thereafter be resumed; provided, however, that if a later amendment to this Chapter should make the use as so changed or altered nonconforming with its provisions, then such use as changed or altered shall become a new nonconforming use to the extent of such nonconformance or noncompliance.

(*Ord. 160, 4/6/1977*)

§27-1205. Expansion or Extension of Nonconforming Use by Variance.

1. No nonconforming use may be extended or expanded in any building or

structure or in or on the lot on which it is located, nor may any nonconforming use be moved to a different position upon the lot on which it is located, so as to alter the use or its location which existed at the time that the use became nonconforming. Any person desiring to make any such change or alteration of a nonconforming use shall apply for a variance from the provisions of this Chapter in accordance with applicable laws and ordinances, and any such change or alteration in use shall be made only after authorization by the Zoning Hearing Board and in accordance with such reasonable conditions and safeguards as may be imposed by the Zoning Hearing Board; provided, that no variance may be applied for or obtained under this Section which would displace any residential use if the building, structure or lot is located in a residential district.

2. A variance may not be granted under this Section which would extend a nonconforming use beyond the area of a lot which was in existence at the time such use became nonconforming, nor may a variance be granted to increase the area of a lot covered by such nonconforming use unless the Zoning Hearing Board shall make a finding that such expansion was within the contemplation of the owner of the lot at the time the use became nonconforming, in addition to the other findings necessary for the granting of a variance.

(*Ord. 160, 4/6/1977*)

§27-1206. Nonconforming Buildings and Structures.

1. “Nonconforming building and structure” means a building, structure or part thereof manifestly not designed to comply with the applicable area and development regulations use provisions of this Chapter or of any amendment to this Chapter hereafter enacted, where such building or structure lawfully existed prior to the enactment of this Chapter or amendment. [*Ord. 210*]

2. *Continuation.* Any lawful nonconforming building or structure may remain as it existed prior to the effective date of this Chapter or any amendment thereto by which such building or structure became nonconforming; provided, however, that any such building or structure shall otherwise be and remain in compliance with any other applicable laws or regulations.

3. Nonconforming building or structure changed to become conforming. Whenever any nonconforming building or structure shall have been changed or altered to conform to the provisions of this Chapter or its amendments in effect at the time of such change or alteration, or whenever any amendment to this Chapter shall make such building or structure conforming with the provisions of this Chapter or its amendments, then thereafter such building shall remain in conformance with the applicable provisions of this Chapter or its amendments; provided, however, that if a later amendment to this Chapter should make the building or structure as so changed or altered nonconforming with its provisions, then the building or structure as so changed or altered will become a nonconforming building or structure to the extent of such nonconformance or noncompliance.

4. *Expansion or Extension of Nonconforming Building or Structure.* A nonconforming building or structure may be enlarged, expanded or extended, provided that such enlargement, expansion or extension shall comply with the applicable use, area, and development regulations for the zoning district in which the building or structure is located. A structure that does not conform with the setback, yard, building, height,

or other dimensional regulations of the district in which it is located may be extended along the existing nonconforming building line, provided that the extension or addition is no closer to the side, rear or front boundary line, and is no greater in height, than, the existing nonconforming structure.

Repairs, renovation and modernization of nonconforming buildings or structures shall be permitted. If the renovations or modernization, however, expand or extend the nonconforming building or structure, then the expansion or extension shall be in accordance with these provisions.

[*Ord. 558*]

5. *Reconstruction of Nonconforming Building or Structure.* In the event that any nonconforming building or structure is destroyed or partially destroyed by fire, explosion or other cause, such nonconforming building or structure may be reconstructed and the nonconforming use thereof continued if such reconstruction is commenced within 6 months of the date of the destruction or damage thereto and is pursued diligently to completion; provided, however, that in such reconstruction the said building or structure shall not exceed the size of the nonconforming building or structure destroyed or damaged and shall be placed in the same location on the ground as the nonconforming building or structure destroyed or damaged, and the nonconforming use thereof shall not differ from that existing prior to such damage or destruction unless a variance is applied for and obtained under this Chapter, except that the repair, renovation or modernization of such nonconforming building or structure authorized by subsection .5 of this Section shall nevertheless be permitted. Any such reconstruction shall be subject to and in accordance with any applicable Building, Electrical, Fire and Plumbing Codes, safety regulations or other regulations or laws. If reconstruction does not commence within 6 months after the occurrence of the damage or destruction or is not thereafter diligently completed, then any further use, buildings or structures on the lot shall be in conformity with the provisions of this Chapter.

(*Ord. 160, 4/6/1977; as amended by Ord. 210, 5/9/1984; and by Ord. 558, 4/27/2011, §§8, 9*)

§27-1207. Nonconforming Signs.

1. Any sign which was lawfully in existence prior to the effective date of this Chapter of the Township or of any amendments to such ordinance heretofore or hereafter enacted, including this Chapter, and which did not conform to or comply with the provisions of said ordinance or its amendments at the time of their enactment, shall be a nonconforming sign to the extent of such nonconformance or noncompliance.

2. *Alteration or Moving.* A nonconforming sign of any type shall not be moved to another position or location upon the building, structure or lot on which it is located, nor shall the size or area of such nonconforming sign be altered or increased or its structure or construction altered or changed.

3. *Damage or Destruction.* Whenever any nonconforming sign has been damaged or destroyed by any means to the extent of 50 percent of its market value at the time of the destruction or damage, such sign shall not be restored or replaced unless it conforms to all provisions of this Chapter.

4. *Discontinuance.* Whenever any nonconforming sign is accessory to a nonconforming use of a building, structure or land and such nonconforming use of the

building, structure or land is discontinued for a continuous period of more than 6 months, then such nonconforming sign shall be removed within 6 months from the end of the aforesaid 6-month period and the use of signs upon such building, structure or land shall not be resumed except in accordance with the provisions of this Chapter.

(*Ord. 160, 4/6/1977*)

§27-1208. Identification and Registration of Nonconforming Uses, Buildings, Structures and Signs.

1. The Zoning Officer shall establish and make available a form for the registration of nonconforming uses, buildings, structures and signs, which shall require such information as the Zoning Officer may deem necessary to identify such nonconforming uses, buildings, structures and signs. [*Ord. 295*]

2. Applications for registration of nonconforming buildings, structures or uses shall be issued by the Zoning Officer to all nonconformities existing at the effective date of this Chapter.

3. To lawfully expand a nonconforming building, structure or use under the terms of this Chapter, the owner of such nonconformity must produce proof that the nonconformity existed at the effective date of this Chapter.

(*Ord. 160, 4/6/1977; as amended by Ord. 295, 8/9/1989; and by Ord. 558, 4/27/2011, §10*)

Part 13**Administrative Procedures****§27-1301. Zoning Officer.**

The Zoning Officer shall be appointed by the Board of Supervisors, and he shall administer this Chapter and amendments hereto in accordance with its literal terms.
(*Ord. 160, 4/6/1977*)

§27-1302. Appeals from Zoning Officer.

Any appeals from a decision or other action of the Zoning Officer may be made to the Zoning Hearing Board in accordance with law (see §27-1402.1).
(*Ord. 160, 4/6/1977*)

§27-1303. Enforcement.

In the event any building, structure, landscaping or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Zoning Officer, with the approval of the Board of Supervisors, may, in addition to any other remedies permitted under this Chapter, institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land or to prevent in or about such premises any act, conduct, business or use constituting a violation.

(*Ord. 160, 4/6/1977; as amended by Ord. 295, 8/9/1989*)

§27-1304. Notification of Violation.

If the Zoning Officer shall find that any of the provisions of this Chapter are being violated, he shall initiate enforcement proceedings by sending an enforcement notice as provided in the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. §10101 *et seq.*

(*Ord. 160, 4/6/1977; as amended by Ord. 295, 8/9/1989*)

§27-1305. Duties of Zoning Officer.

It shall be the duty of the Zoning Officer to:

- A. Receive and examine all applications for permits.
- B. Issue permits for construction and uses which are in accordance with the requirements of this Chapter.
- C. Revoke, by order, a permit issued under a mistake of fact or contrary to law or the provisions of this Chapter.
- D. Record and file all applications for permits with accompanying plans and documents, if any.
- E. Make such reports as the Board of Supervisors shall require.
- F. Issue permits for construction and uses which are special exceptions or variances to requirements of this Chapter only upon order of the Zoning Hearing

Board.

G. Require that all lots shall have corner stakes set by a registered surveyor, and that the application for a zoning permit and the accompanying plot plan shall contain all the information necessary to enable him to ascertain whether the proposed use, building, construction or alteration complies with the provisions of this Chapter. No zoning permit shall be issued unless the administrative officer certifies that the proposed use, building, construction or alteration complies with the provisions of this Chapter.

H. Issue stop, cease and desist orders, and order in writing the correction of all conditions found to be in violation of the provisions of this Chapter or any condition for approval imposed by the Board of Supervisors or the Zoning Hearing Board. Such written orders either shall be posted upon property or shall be served personally and/or by certified mail upon persons, firms or corporations deemed by the Zoning Officer to be violating the terms of this Chapter. All orders not appealed within 30 days shall be deemed final. [*Ord. 186*]

(*Ord. 160, 4/6/1977; as amended by Ord. 186, 10/22/1980*)

§27-1306. Certificates of Use, Occupancy and Compliance.

1. *Certificates of Use, Occupancy and Compliance.*

A. No use of vacant land, other than agricultural use, shall be made nor shall any building or structure hereafter constructed, erected or structurally altered be occupied or used, nor shall any existing use of a building, structure, or land be changed until a certificate of use, occupancy and compliance shall have been issued by the Zoning Officer.

B. In the event that a building permit is required for the construction, erection or structural alteration of any building or structure, an application for a certificate of use, occupancy and compliance shall be made simultaneously with the application for the building permit. The applicant shall notify the Zoning Officer of the date on which such construction, erection or structural alteration shall have been completed in conformity with the provisions of this Chapter, and the Zoning Officer shall examine the building or structure involved within 30 days of the completion thereof. If the Zoning Officer shall find that such construction, erection or structural alteration has been completed in accordance with the provisions of this Chapter, a certificate of use, occupancy and compliance shall be issued.

C. In the event that any existing use of a building, structure or land is to be changed, an application for a certificate of use, occupancy and compliance shall be made prior to the change of such use. The Zoning Officer shall make such examination and investigation as is necessary to determine whether the proposed change in use shall be in compliance with this Chapter within 30 days of the application therefor, for if such proposed use shall be found to be in accordance with the provisions of this Chapter, a certificate of use, occupancy and compliance shall be issued.

D. A certificate of use, occupancy and compliance issued under this Section shall state that the building, structure or land complies with the provisions of this Chapter.

[Ord. 210]

2. *Temporary Certificate of Use, Occupancy and Compliance.* The Zoning Officer may issue a temporary certificate of use, occupancy and compliance which may permit the use or occupancy of a building or structure during structural alteration thereof or may permit the partial use or occupancy of a building or structure during its construction or erection; provided, however, that such a temporary certificate of use, occupancy and compliance shall be valid only for a period not exceeding 90 days from its issuance and shall be subject to such restrictions and provisions as may be deemed necessary by the Zoning Officer to adequately ensure the safety of persons using or occupying the building, structure or land involved. Application for such a temporary certificate of use, occupancy and compliance shall be made in the same manner as for a certificate of use, occupancy and compliance, and the application for or issuance of such a temporary certificate of use, occupancy and compliance shall in no way affect the obligation to apply for and obtain a certificate of use, occupancy and compliance.

3. *Temporary Certificate of Use, Occupancy and Compliance for Special Events.* The certificate of use, occupancy and compliance for a special event shall be subject to the provisions of subsection .2 herein. The certificate of use, occupancy and compliance for a special event may be reissued for any recurring special event, provided that the nature, location and areal extent of the special event is substantially unchanged. A recurring special event shall also be subject to any amendments to this Chapter and other applicable ordinances, regulations or laws. In addition to those items required by subsection .4.A, the following information and documentation shall be provided:

A. The locations of any structures, mechanical rides or amusements, fencing, lighting and off-street parking.

B. Access points to abutting streets, including alternate access points for emergency vehicles.

C. The anticipated number of participants, including staff persons, volunteers and security personnel.

D. The following permits, if applicable:

(1) Building permit, pursuant to the Uniform Construction Code [Chapter 5, Part 1].

(2) Fire prevention permit, pursuant to Uniform Construction Code [Chapter 5, Part 1]. [Ord. 561]

(3) Electrical service permit.

(4) Water permit from the Northampton Bucks County Municipal Authority.

(5) Health licenses from the Bucks County Department of Health.

(6) Highway occupancy permits from the Pennsylvania Department of Transportation or Northampton Township.

(7) Proof of Pennsylvania amusement license.

E. An escrow account shall be established to guarantee that provisions be made for the following:

(1) The prevention of debris from temporary parking lots, driveways and streets.

(2) As much as possible, the elimination of dust, mud or related nibble from the public streets, as well as from temporary parking lots, driveways and streets.

F. Assurance of the availability of emergency medical services in accordance with the Emergency Medical Services System Act, 35 Pa.C.S.A. §8101 *et seq.* [Ord. 561]

[Ord. 341]

4. *Application Forms.*

A. All applications for certificates of use, occupancy and compliance shall be made on printed forms to be furnished by the Zoning Officer and shall contain accurate information as to the size and location of the lot, the size and location of the buildings or structures on the lot, the dimensions of all yards and open spaces and such other information as may be required by the Zoning Officer as necessary to provide for the enforcement of this Chapter.

B. No building permit or other permit for excavation or for the erection, construction, repair or alteration of a building or structure shall be issued before application has been made for a certificate of use, occupancy and compliance. Decorative structures (not intended for human occupancy or use) shall not require issuance of a permit or certificate. [Ord. 210]

(Ord. 160, 4/6/1977; as amended by Ord. 210, 5/9/1984; by Ord. 341, 11/13/1991; and by Ord. 561, 4/25/2012)

§27-1307. Duration of Permits.

Every permit issued shall be good only for the period of 90 days from its date unless it is exercised or used within the period of 90 days and unless once commenced it is continually exercised or used. If work ceases for a period of 90 days, unless such cessation is for cause, the permit shall expire.

(Ord. 160, 4/6/1977)

§27-1308. Schedule of Fees.

1. The Board of Township Supervisors shall determine a schedule of fees, charges and expenses, as well as a collection procedure, for permits, variances, special exceptions, conditional uses, amendments and other matters pertaining to this Chapter. Said schedule of fees shall be posted in the offices of the Township Secretary-Treasurer and the Zoning Officer.

2. The Board of Township Supervisors shall be empowered to reevaluate the fee schedule from time to time and make necessary alterations to it. Such alterations shall not be considered an amendment to this Chapter and may be adopted at any public meeting by resolution.

3. All fees collected hereunder shall be paid into the Township treasury.

4. Special exceptions and variances shall be acted upon only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until preliminary charges have been paid in full.

(Ord. 160, 4/6/1977)

Part 14**Zoning Hearing Board¹****§27-1401. Administration and Procedure.**

1. *Zoning Hearing Board.* The Zoning Hearing Board presently in existence shall continue and be constituted as the Zoning Hearing Board under this Chapter. Matters pending before the Zoning Hearing Board at the time this Chapter becomes effective shall continue and be completed under the law in effect at the time such Board took jurisdiction of them.

2. *Membership and Organization.* The membership and organization of the Board shall be as provided in the Pennsylvania Municipalities Planning Code as now in effect or as hereafter amended, 53 P.S. §10101 *et seq.*

3. *Rules and Regulations* (See §27-1403). The Board may make, alter and rescind rules, regulations and forms for its procedures such as are consistent with the ordinances of the Township and the laws of the Commonwealth. Copies of rules, regulations and forms adopted by the Board shall be prepared and shall be made available for inspection by any interested person in the Township offices.

(*Ord. 160, 4/6/1977*)

§27-1402. Functions of Board.

1. *Appeals from Zoning Officer.* The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of the Chapter or map or any valid rules or regulations governing the action of the Zoning Officer. These appeals must be filed within 30 days of the date the decision is rendered by the Zoning Officer, and all appeals shall be on forms prescribed by the Zoning Hearing Board, accompanied by the required fees. All appeals shall refer to the specific provisions of this Chapter or any other ordinance and the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, which are involved and relied upon.

2. *Challenge to the Validity of the Chapter or Map.* In the case of a challenge to the validity of this Chapter or Zoning Map, the proceedings of the Board shall be in accordance with the Municipalities Planning Code, as amended, 53 P.S. §10101 *et seq.*, and any other relevant statutes.

3. *Variances.*

A. The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may grant a variance, provided the following findings are made where relevant in a given case:

(1) That there are unique physical circumstances or conditions, including

¹Editor's Note: See Chapter 1, Part 2D, *Ord. 327, 4/10/1991*; as amended by *Ord. 406, 3/13/1996*, for the reconstitution and continuation of the existing Zoning Hearing Board.

irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions, peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Chapter in the neighborhood or district in which the property is located.

(2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Chapter, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

(3) That such unnecessary hardship has not been created by the appellant.

(4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

(5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and this Chapter.

[*Ord. 186*]

4. *Special Exceptions.* Where this Chapter has provided for stated special exceptions to be granted or denied by the Board, the Board shall hear and decide such request in accordance with the Municipalities Planning Code, as amended, 53 P.S. §10101 *et seq.*, and any other relevant statutes.

5. Notwithstanding any other provision of this Section:

A. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the 100-year-flood elevation.

B. No variance shall be granted for any construction, development or use involving or intended to be used for any of the following activities:

- (1) Hospitals.
- (2) Nursing homes.
- (3) Jails or prisons.

[*Ord. 450*]

(*Ord. 160, 4/6/1977; as amended by Ord. 186, 10/22/1980; and by Ord. 450, 5/12/1999*)

§27-1403. Procedures Before Board.

1. *Notice of Hearing.* Notice of the time and place of all hearings shall be given in accordance with the provisions of the Municipalities Planning Code, as amended, 53 P.S. §10101 *et seq.*

2. *Parties.* The parties to the hearings shall be as prescribed by the provisions of the Municipalities Planning Code, as amended, 53 P.S. §10101 *et seq.*

3. *Initiating Action Before the Board.*

A. All actions before the Board shall be initiated by a written application for hearing which shall be filed with the Zoning Officer.

B. All applications shall be made on forms specified by the Board, and no application form shall be accepted unless the same shall be fully completed, unless all exhibits and supplemental material required by the application are attached and until all fees established by the Township have been paid. Each application or appeal shall refer to the specific provisions of this Chapter or any other ordinance and the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, which are involved and relied upon as authority for the relief sought.

4. *Time Limitations for Variances and Special Exceptions.*

A. *Purpose.* In passing on applications for special exceptions and variances, the Zoning Hearing Board is required to apply standards of review. The application of these standards to conditions existing at the time of the hearing may result in a conclusion that would not be appropriate if the passage of time resulted in new or differing conditions in the neighborhood of the particular property. Therefore, if a special exception or variance has not been acted upon within a reasonable time after its grant, such action shall lapse or become void after a reasonable period, and if the property owner desires to use such special exception or variance, he should reapply for such relief and the current conditions should be used as criteria.

B. Time limit on all special exceptions and/or variances granted by the Zoning Hearing Board. All special exceptions and/or variances granted by the Zoning Hearing Board shall be valid for a period of 1 year after the date of such orders. Any special exceptions or variances which have not been acted upon by the issuance of the permits and the commencement of substantial construction or of substantial use shall lapse and become void and of no effect. [Ord. 327]

C. *Time Limit on Special Exceptions and/or Variances Previously Granted.* All special exceptions and/or variances which have been previously granted by the Zoning Hearing Board but on which no zoning and/or building permit has been issued and substantial construction commenced shall be valid for a period of 1 year only from the effective date of this Chapter; any previously granted special exceptions or variances which have not been acted upon within 1 year from the effective date of this Chapter, by the issuance of permits and the commencement of substantial construction or of substantial use, shall lapse and become null and void and of no effect.

D. *Procedures When Special Exception or Variance Has Lapsed.* The owner or holder of such special exception and/or variance which has lapsed must reapply to the Township and the Zoning Hearing Board in the same manner as new applicants for such relief.

(Ord. 160, 4/6/1977; as amended by Ord. 327, 4/10/1991)

Part 15**Amendments and Penalties****§27-1501. Amendments.**

1. The regulations, restrictions, boundaries and requirements set forth in this Chapter, including the Zoning Map, may, from time to time, be amended, supplemented, changed or repealed through amendment by the Board of Township Supervisors.

2. *Procedure for Amendment.*

A. No amendment to this Chapter shall be made except after a public hearing held on such proposed amendment pursuant to public notice. [Ord. 295]

B. In the event that any amendment to be considered at such a public hearing was not prepared by the Township Planning Commission, each such amendment shall be submitted by the Board of Supervisors to the Township Planning Commission at least 30 days prior to the date set for the public hearing thereon to provide the Township Planning Commission an opportunity to submit recommendations.

C. At least 45 days prior to a hearing on the amendment by the Board of Supervisors, the proposed amendment shall be submitted to the Bucks County Planning Commission for recommendations. [Ord. 295]

D. If, after the public hearing on any proposed amendment, the proposed amendment is revised or further revised to include land not previously affected by the proposed amendment, the Board of Supervisors shall hold another public hearing, after notice thereof by publication in the manner provided above in this Section, before proceeding to vote on such revised amendment.

3. *Zoning Amendments Not Originating from Board or Planning Commission.*

A. *Petition by Property Owners.* Any property owner or a group of property owners may apply to the Board of Supervisors by a duly acknowledged petition, accompanied by the required filing fee, for an amendment, supplement, change, modification or repeal of the regulations herein, including the Zoning Map, as the same may apply to the lands of the applicant(s). It shall be the duty of the Board of Supervisors to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed by law.

B. *Submission of Curative Amendment by Landowner.* A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board with a written request that his challenge and proposed amendment be heard and decided. The Board shall commence a hearing thereon within 60 days of the request. The curative amendment shall be referred to the Planning Commission and the Bucks County Planning Commission as provided in subsection .2 hereof, and notice of the hearing thereon by the Board shall be given as provided in that subsection. The hearing shall be conducted in accordance with the provisions of the

Municipalities Planning Code, as amended.

4. *Filing Fee.* In the event any owner or owners of property petition for supplementing or changing the district boundaries or regulations herein established or a landowner submits a curative amendment, the Zoning Officer shall collect a fee prior to such petition's being heard by the Board of Township Supervisors, as established by the Board, for the payment of the costs of advertising the notice of hearing in such case and the other related costs.

(*Ord. 160, 4/6/1977; as amended by Ord. 295, 8/9/1989*)

§27-1502. Violations and Penalties.

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof, as provided in the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. §10101 *et seq.* Each day that a violation continues shall constitute a separate violation.

(*Ord. 160, 4/6/1977; as amended by Ord. 211, 5/9/1984, §140-80; by Ord. 285, 2/22/1989; and by Ord. 295, 8/9/1989*)

Part 16**Signs****§27-1601. Statement of Intent and Purpose.**

1. The purpose of the provisions established under this Part of this Chapter is to establish specific regulations pertaining to signs for all land uses, zoning districts and conditions within Northampton Township.

2. The objectives of these provisions are as follows: to promote and maintain overall community beautification; to establish certain size, design, placement and construction standards for signs; to establish reasonable regulations on the exercise of free speech; to promote the health, safety and general welfare of the community by lessening hazards to pedestrians and vehicular traffic; and to promote appropriate and efficient use of land.

3. The regulations concerning signs, as established under this Part of this Chapter shall be subject to the interpretation of the Northampton Township Zoning Officer. Should a dispute arise concerning the interpretation of these regulations, the person aggrieved by the interpretation may file an appeal with the Zoning Hearing Board.

(Ord. 160, 4/6/1977; as amended by Ord. 542, 6/10/2009, §1; and by Ord. 543, 8/12/2009, §1)

§27-1602. Definitions.

The following definitions shall specifically be applied to the provisions of this Part of this Chapter:

Accessory sign—a subordinate sign located on the same property of the principal use, which is erected to further describe the products or services available to the general public.

Animated sign—a sign or any device designed to attract attention by visual means through the movement or semblance of movement by mechanical, electrical or natural means. Unless otherwise specified by this Chapter, an animated sign shall be prohibited.

Awning sign—a projecting sign consisting of cloth, metal, plastic or similar material supported by a frame structure attached to a building. An awning sign may identify the name and/or address of the building or the establishment contained therein. It is not intended as a building, but may be designed as a shelter for pedestrian or vehicular traffic outside the walls of the building.

Banner—a promotional sign for special community events including, educational, charitable, philanthropic, civic, cultural, municipal, fraternal, religious, or similar community events as determined by the Zoning Officer. Promotional signs or banners shall only be permitted if approved by the Board of Supervisors. If permitted, all such promotional sign or banners shall be considered temporary in terms of display periods over a calendar year and shall be made of nylon, canvas, or similar all-weather material.

Billboard—an off-premises sign erected and maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorials, or other reading or visual displays, on which advertisement space is purchased or leased for a fixed period of time.

Business or nonresidential sign—an on-premises sign designated for a permitted business or nonresidential use, which identifies the written name, type of business, commodity sold, services, trademark and/or symbol.

Canopy sign—a non-illuminated projecting sign made of cloth, canvas, aluminum, metal, wood, or similar materials, which is affixed to a building and projects outward, whereas the sign or message is painted on, sewed, fastened or applied. A canopy sign may be equipped with a mechanism for raising or holding the canopy or awning in a retracted position against the building.

Charitable or community service sign—an on-premises sign identifying the charitable or community service organization, including religious, educational, medical, emergency management, social, or other nonprofit organization. All such signs may include supplemental information concerning hours, events, activities or messages.

Construction sign—a temporary sign intended to advertise the name of a construction project or development and the parties involved with the construction.

Development sign—a temporary or permanent on-premises sign indicating that the property is actively in the process of subdivision or land development for residential or nonresidential uses.

Directional sign—a traffic control sign or functional on-premises sign, containing only information pertaining to direction, entrance, exit, off-street loading spaces, service areas, service lanes, fire lanes, handicapped parking spaces, and off-street parking areas. All such directional signs shall contain no promotional or advertising messages.

Double-faced sign—a sign with two faces that is parallel, facing opposite directions, and matching in size and shape.

Flashing sign—a type of sign in which the illumination is not kept at a constant intensity level at all times of use and/or exhibits sudden changes of lighting or visual effects as part of its display. Unless otherwise permitted by this Chapter, flashing signs, which project illumination or message changes with a frequency of less than 15 seconds or more than four times per minute during any given time of the day shall be prohibited.

Freestanding sign—an on-premises sign displaying information pertaining to the existing use for which it is located, and is supported by, or suspended from a freestanding column or other support(s) located in or upon the ground surface.

Ground sign—an on-premises sign displaying information pertaining to the existing use for which it is located, and is placed upon, supported by, and anchored to the ground. A ground sign shall not be considered as a freestanding sign or portable sign.

Identification sign—an on-premises sign identifying a medical facility, hospital, school, educational use, institutional use, religious facility, municipal facility, recreational use, farm, historical site, or similar use.

Illuminated sign—a sign designed to project or reflect artificial light from an internal or external source, which may be directly, indirectly illuminated, or through transparent or translucent material. Illuminated signs may include, billboards, freestanding signs, ground signs, or signs affixed to a building or structure, as permitted under the provisions of this Chapter.

LED sign—light emitting diodes (electronic components that let electricity pass in only one direction) that emit visible light when electricity is applied, much like a light bulb. When many LEDs are side by side, they can create pictures, such as the scrolling red LED signs. An LED sign may include signs that are flashing, blinking, twinkling, animated or other message changing devices used for commercial advertising purposes. The Zoning Officer shall have the final determination as to what constitutes an LED sign. [Ord. 558]

Marquee sign—a projecting sign attached to a building facade, which may include changeable letters, messages or displays.

Municipal or official sign—a sign erected by Northampton Township, Bucks County, the Commonwealth of Pennsylvania, or other governmental organization.

Off-premises sign—a sign or billboard, which directs attention to a lawful business, commodity, service, entertainment, educational use, institution use, recreational use, or other use, which is offered elsewhere other than upon the premises where the sign is located.

On-premises sign—a sign, which directs attention to a lawful business, commodity, service, entertainment use, educational use, institutional use, recreational use, or other permitted use, which is offered on the same property or tract of land where the sign is located.

Portable sign—a temporary sign designed to be moved from place to place, which is not affixed or anchored to the ground, structure or building. Unless otherwise permitted by this Chapter, portable signs shall be prohibited.

Projecting sign—an on-premises sign mounted upon a building so that its face is an architectural feature extending from the wall of the building. Projecting signs may include awning signs, canopy signs and/or marquee signs, which may be utilized for municipal, commercial, industrial, educational, institutional and/or recreation uses.

Real estate sign—an on-premises sign pertaining to the sale or lease of the premises on which the sign is located.

Roof sign—an on-premises sign, which is erected, placed or displayed upon the roof of a building or exceeds the height of the building. Unless otherwise specified by this Chapter, a roof sign shall be prohibited.

Sign—any structure, building, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or other representations utilized for announcement, direction, identification or advertisement. The word “sign” includes the word “billboard,” but does not include the flag, pennant or insignia of any nation, state, city or other political unit, nor public traffic, nor political signs or directional signs.

Sign area—the area of a sign shall be construed to include all lettering, wording, border trim or framing, and accompanying designs and symbols, together

with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself. Where the sign consists of individual letters or symbols attached to a surface, building, wall or window, the area shall be determined by calculating the smallest rectangle, which encompasses all of the letters and symbols used for the sign, regardless of the actual shape created by the letters and symbols.

Sign height—the height of the sign, as measured at the location of the sign from the average ground elevation to the highest and lowest parts of the sign.

Special event, seasonal or temporary sign—an on-premises sign that is placed or erected for a temporary period of time for a special event, seasonal use or temporary use, as permitted in accordance with the provisions specified by Northampton Township.

Sports facilities business sign—a business sign, erected and maintained only for a nonprofit organization or entity organized to promote community sports teams, which includes advertising a business, service, product, or organization in accordance with the provisions specified by Northampton Township.

Vehicle sign—a sign affixed or painted on a vehicle, trailer or similar device. Unless otherwise specified by this Chapter, a vehicle sign shall be prohibited.

Wall sign or parallel sign—an on-premises sign posted on, suspended from, or otherwise affixed to the wall, facade, or vertical surface of a building, which does not project or extend above the wall, facade, or vertical surface of the building to which it is attached. Unless otherwise specified by this Chapter, wall signs extending above the roofline of the building to which it is attached shall be prohibited.

Window sign—a temporary or permanent on-premises sign, affixed to or visible through a window of a building.

(Ord. 160, 4/6/1977; as amended by Ord. 542, 6/10/2009, §1; by Ord. 543, 8/12/2009, §1; and by Ord. 558, 4/27/2011, §11)

§27-1603. General Standards and Requirements.

1. *Permits.* Unless otherwise specified by this Chapter, a permit shall be required for all signs within Northampton Township in accordance with the following procedures:

A. A permit shall be submitted to erect, install, replace, remove and alter signs, as required by the provisions of this Chapter.

B. The permit application shall contain all information necessary for the Zoning Officer to determine whether the proposed sign conforms with the requirements of this Chapter. At a minimum, the following information shall be included with the permit application:

(1) Three copies of the plans and diagrams drawn accurately to scale depicting the dimensions of the lot, cartway, right-of-way and location of the sign.

(2) The exact size, dimensions and location of the sign to be placed on the lot or building, together with its type, construction, materials to be used, and

the manner of installation.

(3) The permit fee, as established by resolution of the Board of Supervisors.

(4) Any other useful information, which may be required of the applicant by the Zoning Officer.

C. The permit application shall be granted or refused within the time specified by Northampton Township or as specified by the building code adopted by Northampton Township.

D. No sign permit shall be issued except in conformity with the regulations of this Chapter, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for a variance.

2. *Construction.* All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair. Any sign, which is allowed to become dilapidated or in a state of disrepair, may upon notification by the Zoning Officer be removed by the Northampton Township at the expense of the owner or lessee of the property.

3. *Location and Placement.* All signs shall be located and placed in compliance with the provisions of this Chapter. The following requirements shall apply:

A. No sign shall be tacked, stapled, nailed, posted, glued, hung or otherwise attached to a tree, utility pole, traffic control sign, light stand, fence or other such permanent object.

B. Unless otherwise permitted by Northampton Township, no portion of any sign shall be located within the street right-of-way line or within 10 feet of a side or rear property line.

C. Unless otherwise permitted by Northampton Township, no portion of any sign shall be located within an area designated as an easement or right-of-way for landscaping, buffer yard, utilities and/or stormwater management facilities.

D. All traffic control signs, directional signs, traffic signals or other signs, which are located within a street right-of-way shall be approved and permitted by Northampton Township or Pennsylvania Department of Transportation.

E. No sign shall be located, placed or arranged in any manner that interferes with vehicular traffic, including the obstruction of sight distance or visibility with traffic control devices.

4. *Area.* The area of all signs, which are permitted within Northampton Township are further specified under this Part of this Chapter. The following specific provisions shall apply to the area of a sign:

A. The area of a sign shall be construed to include all lettering, wording, border trim or framing, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing.

B. Where the sign consists of individual letters or symbols that are either attached, painted or applied to a surface, building, wall or window, the area shall be determined by calculating the smallest rectangle, which encompasses all of the letters and symbols used for the sign, regardless of the actual shape created by the

letters and symbols.

C. In computing the square foot area of a double-faced sign, only one side of the sign shall be considered, provided that both faces are identical inside the frame of the sign. In cases where the signs are not parallel or if an interior angle is created to provide visibility, both sides of such sign shall be considered in calculating the sign area. Where double faced signs are permitted to be separated by more than 16 inches, the area of both sides of the sign shall be calculated as part of the total area.

5. *Height.* The height of all signs, which are permitted within Northampton Township are specified under this Part of this Chapter. The following specific provisions shall apply to the height of a sign:

A. The height of a sign shall be measured from the average elevation of the ground or finished grade to the highest point of the sign.

B. Unless otherwise specified or permitted, the maximum height of any sign in the AR, EP, R-1, R-2, R-3, R-5, CR, REC and I-P Zoning Districts shall be 6 feet.

C. Unless otherwise specified or permitted, the maximum height of any sign in the C-2, C-3, I-1, P-O and VOD Zoning Districts shall be 16 feet.

D. Unless otherwise permitted by this Chapter, no sign that is a part of or is supported by a building shall be erected, placed or displayed upon the roof of such building, nor shall such sign extend above the height of the building.

E. Where the provisions for sign height specified under this Chapter do not apply, the Zoning Officer in conjunction with the Zoning Hearing Board may consider a reasonable resolution or remedy.

6. *Clearance, Visibility and Sight Distance.* The following minimum requirements shall apply to the ground clearance, visibility and sight distance for all permitted signs within Northampton Township.

A. A freestanding sign shall be located at least 5 feet from the street right-of-way line and 20 feet from all other property lines. The height of the freestanding sign shall be no less than 7 feet and no more than 16 feet, as measured from the average ground elevation. The open space between the bottom of the sign and the ground elevation should remain open to maintain a visual plane. The required support structures may extend through open space provided it does not occupy more than 20 percent of the visual plane between the bottom of the sign and the ground elevation.

B. Ground signs shall be located at least 5 feet from the ultimate street right-of-way line.

C. No ground or freestanding sign shall be located within the clear sight triangle or obstruct sight distance at the intersection of a street, driveway or access lane, as further designated by Northampton Township.

D. The minimum sight distance requirements for pedestrians and vehicles shall be considered and applied to all permit applications involving signs.

7. *Projection.* An on-premises projecting sign, which is mounted upon a building so that its principal face is a right angle or perpendicular to the wall of the building may be permitted in lieu of wall or parallel signs, subject to the following provisions:

A. All such projecting signs shall extend at least 1 foot from the building but no more than 6 feet from the building.

B. The minimum height of a projecting sign shall be at least 8 feet from the average ground elevation and no higher than 16 feet above the average ground elevation.

C. The maximum area of all projecting signs shall be 25 square feet, as measured on a single side of the projecting sign. Double-faced projecting signs may be permitted for the same use.

8. *Maximum Number of Signs.* The maximum number of on-premises signs for a use on a single lot is further specified under this Part of this Chapter. Where multiple uses are contained on a single property, a freestanding sign may be permitted provided it conforms with the provisions of this Chapter.

9. *Illumination.* The following provisions shall apply to the illumination of signs in Northampton Township:

A. Unless otherwise specified within this Chapter, signs may be illuminated by non-glaring lighting fixtures, provided that such lighting is shielded so no direct light will shine on abutting properties or obstruct the vision of motorists or pedestrians within a street right-of-way.

B. The use of red, green or amber lights on any sign within 200 feet of the right-of-way lines of a signalized street intersection shall be prohibited, The use of other combination of lights shall be prohibited if the illumination or fixtures create a traffic hazard.

C. The use of LED, flashing, transmitted video, animated or other similar lighting features for signs shall be prohibited.

D. The use of illuminated signs within the AR, EP, R-1, R-2, R-3, R-5, CR and I-P Zoning Districts shall be prohibited unless the illuminated sign is specifically related to emergency management uses, traffic control, hospitals, municipal uses, educational uses, institutional uses, and other similar uses, as further defined and permitted by this Chapter.

[Ord. 558]

10. *Double Faced Signs.* Any permitted sign may be constructed and installed as a double-faced sign, provided that it has two parallel surfaces that are opposite and matching in size and shape and are not over 16 inches apart. All such signs shall be considered as one sign and only one face shall be used to calculate the total size of the sign. Should the two surfaces deviate from being parallel or should they differ in size or shape, the sign shall be considered as two signs.

11. *Supplementary Sign Regulations for All Zoning Districts.* The following supplementary sign regulations shall apply to all zoning districts within Northampton Township:

A. Real estate signs for the selling, renting or leasing of residential properties shall be permitted subject to the following conditions: the area of the sign shall not exceed 6 square feet; no more than one sign shall be permitted along a street to which the property has frontage; the sign shall not be located within the street right-of-way line; the sign shall not be located within 5 feet of adjoining property line; no more than two signs shall be permitted for each property being sold; and

the sign shall be removed within 7 days after the final transaction is completed.

B. Real estate signs for the selling, renting or leasing of nonresidential properties shall be permitted subject to the following conditions: the area of the sign shall not exceed 32 square feet; no more than one sign shall be permitted along a street to which the property has frontage; the sign shall be located at least 5 feet from the street right-of-way line and 20 feet from all other property lines; and the sign shall be removed within 7 days after the final transaction is completed.

C. Property control or restriction signs shall be permitted subject to the following conditions; the area of the sign shall not exceed 2 square feet; the spacing of such signs shall be at least 100 feet apart on the same lot or property; and the sign does not contain any personal message, which is considered irrelevant to controlling or restricting the use of a property or lot.

D. Special event, seasonal or temporary signs may be permitted provided they are not considered permanent and they comply with the provisions established by Northampton Township.

12. *Traffic Control and Directional Signs.* Unless otherwise permitted by Northampton Township or the Pennsylvania Department of Transportation, all traffic control signs and directional signs shall conform with the following:

A. Traffic control and directional signs located within the street right-of-way shall be subject to the review and approval of Northampton Township and/or the Pennsylvania Department of Transportation. The location, size, type, height, spacing and quantity of the sign (s) shall be stipulated on the permit, as issued by Northampton Township and/or the Pennsylvania Department of Transportation.

B. Traffic control and directional signs located outside the street right-of-way within a lot or on private property shall be subject to the review and approval of Northampton Township. All such signs shall not be located within the street right-of-way and within 10 feet from all other property lines. The maximum number of signs as well as the maximum height and size of each sign are specified under this Part of this Chapter.

13. *Removal of Signs.* On-premises signs and off-premises signs that are no longer utilized for the original intent or use shall be removed from the site or changed to accommodate a new sign for the new use within 30 days of occupancy by the new use. All replacement signs shall conform with the provisions specified under this Chapter. Upon the removal of any sign, whether temporary or permanent, such removal shall include all associated support including the posts, poles, brackets, arms, trailers and other support mechanisms.

14. *Dilapidated or Deteriorated Signs.* Any sign found to be dilapidated or deteriorated by the Zoning Officer shall be subject to the following regulations:

A. If a sign is declared to be dilapidated or deteriorated by the Zoning Officer, it shall be either repaired or removed at the expense of the owner. The repair or removal of the sign shall take place within the time period specified on the written notice issued by the Zoning Officer.

B. Dilapidated or deteriorated signs will be defined as including such findings as flaking, peeling or fading finishes, broken sign elements, faulty electrical systems and structural weakness.

C. Failure to comply with this provision will mean that the dilapidated or deteriorated sign, regardless of its conformity or nonconformity, is subject to removal by Northampton Township, and the owner shall be responsible for all costs associated with the removal of the sign.

D. Structural repairs and alterations for an existing sign shall require a permit.

15. *Exemptions.* Unless otherwise specified, the following signs shall be deemed to be exempted from the regulation of this Part of this Chapter:

A. Parking and traffic control signs authorized by Northampton Township or the Pennsylvania Department of Transportation.

B. Government flags.

C. Signs, monuments, flags and/or banners required to be maintained by law or governmental order, rule or regulations.

D. Signs displayed for the direction or convenience of the public, including signs which identify municipal facilities, emergency management facilities, public restrooms, public telephones, public entrances, freight or delivery entrances, construction entrances, which shall have a total surface area not to exceed 4 square feet per sign on any lot or parcel.

E. Temporary signs for contractors, mechanics, painters, and artisans, subject to the limitations specified by Northampton Township.

F. Yard sale signs, subject to the limitations specified under §27-1607 of this Chapter.

G. Special signs required by Northampton Township for reasons of public safety and emergency service.

16. *Nonconforming Signs.* Regulations pertaining to nonconforming signs are further specified under §27-1207 of this Chapter.

(*Ord. 160, 4/6/1977; as amended by Ord. 542, 6/10/2009, §1; by Ord. 543, 8/12/2009, §1; and by Ord. 558, 4/27/2011, §12*)

§27-1604. Sign Requirements for Residential, Recreational and Institutional/Public Districts.

1. The provisions contained under this Section of this Chapter shall apply to the A-R, R-1, R-2, R-3, R-5, C-R, REC, I-P, and E-P Districts. [*Ord. 558*]

2. An individual nameplate or street address sign may be posted on any residential lot provided it does not exceed 2 square feet in area.

3. Property control and restrictions signs including “no trespassing,” “no hunting,” “no solicitation,” and other similar signs may be permitted subject to the following conditions; the area of the sign shall not exceed 2 square feet; the spacing of such signs shall be at least 100 feet apart on the same lot or property; and the sign does not contain any personal message, which is considered irrelevant to controlling or restricting the use of a property or lot.

4. Home occupation signs displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling subject to the following conditions:

- A. No more than one such sign shall be erected for the home occupation use.
- B. The area of such sign shall not exceed 2 square feet.
- C. The sign shall not be illuminated.
- D. The height of the sign shall not exceed a height of 6 feet above the average ground elevation.
- E. The sign shall be fixed flat on the main wall of such building or may be erected in the front yard, but not within 2 feet of the street right-of-way or 5 feet from any other property line.

5. Residential development containing a total of 20 or more residential units may provide a ground sign for the purposes of identifying the name of the development subject to the following criteria:

- A. No more than one ground sign shall be permitted per entrance to the development.
- B. The maximum size of the sign shall be 12 square feet per sign.
- C. The maximum height of a ground sign shall be 6 feet and shall be constructed of weather-resistant wood, vinyl or decorative masonry.
- D. Any wall, fence or similar structure, which integrates or supports such a sign, shall not exceed 6 feet in height or a maximum of 50 square feet.
- E. Unless otherwise permitted on an approved plan, the sign shall not be located within 5 feet of the street right-of-way or within 20 feet of any other property lines, and shall not be located in the clear sight triangle or obstruct sight distance, as required by Northampton Township. The location of such signs shall be approved by the Zoning Officer prior to the issuance of a sign permit.
- F. Prior to the issuance of a sign permit, the applicant shall provide sufficient evidence to the Zoning Officer that adequate measures have been taken to ensure proper maintenance of the sign and any accompanying landscaping, and that the sign will be durably constructed as to require minimal maintenance.
- G. The illumination of such signs may be permitted provided that down-lighting or night-sky friendly lighting fixtures are utilized, which shall be located in a manner so that glare or reflection is not greater than 0.1 footcandle at the street right-of-way line.

6. Directional signs may be permitted provided that: they are utilized within the interior of a development; they are limited to two directional signs per street intersection; they do not exceed 4 square feet in size; and are approved by Northampton Township.

7. A municipal, governmental, recreational, educational or institutional use may have one freestanding or ground sign along each street that the use has sufficient frontage and vehicular accessibility. The total area of each sign shall not exceed 25 cumulative square feet. All other pertinent sign requirements for municipal, governmental, recreational, educational or institutional uses, as defined and specified under this Chapter shall apply.

8. Signs advertising the sale of agricultural products grown or produced on the premises, erected on the same lot therewith, indicating the name of the owner or occupant and the product sold, provided that the total sign area be limited to 12 square

feet.

9. The matrix chart provided under §27-1608 of this Chapter summarizes the categorical sign requirements by type, quantity, height, area, location and permit procedures for each use within Northampton Township.

(*Ord. 160, 4/6/1977*; as amended by *Ord. 542, 6/10/2009, §1*; by *Ord. 543, 8/12/2009, §1*; and by *Ord. 558, 4/27/2011, §13*)

§27-1605. Sign Requirements for Commercial and Industrial Districts.

1. The provisions contained under this Section of this Chapter shall apply to the C-2, C-3, I-1, P-O and VOD Zoning Districts.

2. Unless otherwise specified by this Chapter, the maximum number of on-premises signs for a permitted nonresidential use shall be limited to the following:

A. No more than one ground sign or freestanding sign shall be permitted.

B. Wall or parallel signs shall not exceed 50 cumulative square feet or occupy more than 20 percent of the front building facade, whichever is less. As long as this maximum square footage is not exceeded, however, signs may be placed on any building facade. [*Ord. 558*]

C. In lieu of wall or parallel signs, one projecting sign may be permitted.

D. Window signs shall not occupy more than 20 percent of the cumulative front window space.

E. Unless otherwise permitted by Northampton Township, directional or accessory signs shall not exceed 4 square feet. The quantity and location shall be subject to the approval of Northampton Township as part of the subdivision plan, land development plan or building permit.

3. A freestanding or ground sign may be permitted for all nonresidential uses and developments, subject to the provisions specified under this Part of this Chapter. In addition to those requirements, the following provisions shall apply:

A. A permitted nonresidential use located on a separate lot may have one freestanding sign or ground sign, subject to the following provisions:

(1) The freestanding sign or ground sign shall be an on-premises sign, which may provide a visual display for the nonresidential use located on the same property.

(2) The total area of the freestanding sign or ground sign shall not exceed 25 square feet.

(3) A freestanding sign shall be located at least 5 feet from the street right-of-way line and 20 feet from all other property lines. The height of a freestanding sign shall be no less than 7 feet and no more than 16 feet, as measured from the average ground elevation.

(4) A ground sign shall be located at least 5 feet from the street right-of-way line and 20 feet from all other property lines. The height of a ground sign shall not exceed 6 feet, as measured from the average ground elevation.

(5) No freestanding or ground shall be located within the clear sight triangle or obstruct sight distance at the intersection of a street, driveway or

access lane, as further designated by Northampton Township.

(6) The location of such signs shall be approved by the Zoning Officer prior to the issuance of a sign permit.

B. Retail business establishments containing multiple nonresidential uses with less than 30,000 square feet or developments containing two or more nonresidential uses on the same lot may have one freestanding or ground sign along each street that the development has sufficient frontage and vehicular accessibility. The area of each sign shall not exceed 25 cumulative square feet and shall meet the following criteria:

(1) A freestanding sign shall be located at least 5 feet from the street right-of-way line and 20 feet from all other property lines. The height of the freestanding sign shall be no less than 7 feet and no more than 16 feet, as measured from the average ground elevation.

(2) A ground sign shall be located at least 5 feet from the street right-of-way line and 20 feet from all other property lines. The maximum height of the ground sign shall be no more than 6, as measured from the average ground elevation. Any wall or fence structure, which supports such signs may not exceed 8 feet in height or a maximum of 50 square feet and shall be constructed of weather-resistant wood, vinyl or decorative masonry.

(3) The freestanding or ground sign may identify the name of the development as well as any individual permitted uses contained within the development provided it is constructed as a single component with the ability to be changed at any time.

(4) No freestanding or ground shall be located within the clear sight triangle or obstruct sight distance at the intersection of a street, driveway or access lane, as further designated by Northampton Township.

(5) Wall or parallel signs shall be permitted provided they do not exceed 50 cumulative square feet or occupy more than 20 percent of the front building facade, whichever is less.

C. Retail business establishments containing multiple nonresidential uses with more than 30,000 square feet of cumulative floor area may contain one freestanding or ground sign along each street that the development has sufficient frontage and vehicular accessibility. The area of each sign shall not exceed 40 cumulative square feet and shall meet the following criteria:

(1) A freestanding sign shall be located at least 5 feet from the street right-of-way line and 20 feet from all other property lines. The height of a freestanding sign shall be no less than 7 feet and no more than 16 feet, as measured from the average ground elevation.

(2) A ground sign shall be located at least 5 feet from the street right-of-way line and 20 feet from all other property lines. The maximum height of a ground sign shall be no more than 6 feet, as measured from the average ground elevation. Any wall or fence structure, which supports such signs may not exceed 8 feet in height or a maximum of 60 square feet and shall be constructed of weather-resistant wood, vinyl or decorative masonry.

(3) The freestanding or ground sign may identify the name of the

development as well as any individual permitted uses contained within the development provided it is constructed as a single component with the abilities to be changed at any time. The total number of individual names or uses on any such freestanding sign shall be limited to eight per side.

(4) No freestanding or ground sign shall be located within the clear sight triangle or obstruct sight distance at the intersection of a street, driveway or access lane, as further designated by Northampton Township.

(5) Wall or parallel signs shall be permitted provided that they do not exceed 100 cumulative square feet or occupy more than 20 percent of the front building facade, whichever is less.

D. All other individual nonresidential uses may have one freestanding or ground sign, subject to the provisions specified under this Part of this Chapter.

4. Directional signs may be permitted provided that: they are utilized within the interior of a development; they are limited to two directional signs per street intersection; they do not exceed 4 square feet in size; and, are approved by Northampton Township.

5. A municipal, governmental, recreational, educational or institutional use may have one freestanding or ground sign along each street that the use has sufficient frontage and vehicular accessibility. The total area of each sign shall not exceed 25 cumulative square feet. All other pertinent sign requirements for municipal, governmental, recreational, educational or institutional uses, as specified under this Chapter shall apply.

6. Signs advertising the sale of agricultural products grown or produced on the premises, erected on the same lot therewith, indicating the name of the owner or occupant and the product sold, provided that the total sign area be limited to 12 square feet.

7. The matrix chart provided under §27-1608 of this Chapter summarizes the categorical sign requirements by type, quantity, height, area, location and permit procedures for each use within Northampton Township.

(*Ord. 160, 4/6/1977*; as amended by *Ord. 542, 6/10/2009, §1*; by *Ord. 543, 8/12/2009, §1*; and by *Ord. 558, 4/27/2011, §§14, 15*)

§27-1606. Off-Premises Advertising Signs or Billboards.

1. Off-premises advertising signs or billboards, as defined by this Chapter are permitted by conditional use, provided that it is located along the north side of Jacksonville Road within the I-1 Zoning District and within 150 feet of the centerline of Jacksonville Road.

2. All off-premises advertising signs or billboards shall not exceed 160 square feet. The spacing of such signs shall be at least 1,000 linear feet apart from another off-premises advertising sign or billboard on the same side of the road.

3. All off-premises advertising signs or billboards shall be located in a manner to comply with the following requirements for setback, separation distance, height and arrangement:

A. Off-premises advertising signs or billboards shall be located at least 10 feet from the street right-of-way line and no further than 150 feet from the

centerline of Jacksonville Road.

B. Off-premises advertising signs or billboards shall be located at least 30 feet from all other property lines.

C. Off-premises advertising signs or billboards shall be located at least 200 feet from the center of the nearest intersection involving public roads.

D. The maximum height of all such off-premises advertising signs or billboards shall be no less than 10 to the bottom edge of the sign and no more than 25 feet to the top edge of the sign, as measured from the average ground elevation.

E. No more than one support structure containing an off-premises advertising sign or billboard shall be permitted on any lot. The support structure may be designed to permit no more than one advertising sign or billboard for each viewable direction along Jacksonville Road.

F. When two off-premises advertising signs or billboards are orientated in a back-to-back arrangement, they shall be parallel and directly opposite from each other and shall not be spaced by more than 5 feet. The size and shape of the signs should not deviate from each other and they shall utilize the same support structure.

G. When two off-premises advertising surface signs or billboards are orientated in a V-type arrangement, they shall be at least 15 feet apart at the mid-point distance nor shall the interior angles be greater than 45 degrees. The size and shape of the signs should not deviate from each other and they shall utilize the same support structure.

H. No off-premises advertising sign or billboard shall be located in any manner that disrupts or distracts the operator of a motor vehicle.

4. All off-premises advertising signs or billboards shall be located to comply with the following design requirements:

A. All off-premises advertising signs or billboard shall be designed, located and constructed in accordance with all local and state codes. As part of this requirement, all permit applications shall include signed and sealed plans from a licensed engineer within the Commonwealth of Pennsylvania.

B. All off-premises advertising signs or billboards shall be constructed and erected on a steel unipole or steel I-beams meeting the minimum standards established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising.

C. The support structure for all off-premises advertising signs or billboards shall be constructed and erected on permanent footings, as determined by the licensed engineer responsible for the permit application.

D. No off-premises advertising sign or billboard shall be constructed and erected which resembles any official marker, logo and/or insignia of any governmental entity or other organization without written consent.

E. The off-premises advertising sign or billboard shall not contain vulgar messages or depict any lewd, pornographic, lascivious or other offensive acts.

F. The off-premises advertising sign or billboard shall be maintained and inspected by the applicant of the permit on an annual basis. As part of this

requirement, the applicant shall inspect the following: the support structure to determine if is sound and in good repair; the lighting to determine if it operating sufficiently; the display area to determine if is in good condition and free of graffiti; the area within the lease area to determine if it is clear of overgrown vegetation, debris, trash and other unsightly materials; and all other items that should be inspected periodically, as determined appropriate by the Zoning Officer.

5. All off-premises advertising signs or billboards shall be located to comply with the following lighting, visual display and illumination requirements:

A. All off-premises advertising signs or billboards may be illuminated provided that such illumination is directed downwards towards the sign and shielded so as to prevent the illumination from being directed towards the street or adjacent properties.

B. Off-premises advertising signs or billboards containing flashing, intermittent, scintillating, reflective and/or moving lighting features shall be prohibited.

C. The provision for exterior lighting, as specified by this Chapter shall also apply to the illumination off-premises advertising signs or billboards.

6. If the conditional use application is approved by Northampton Township, all off-premises advertising signs or billboards shall be located to comply with the following permit requirements:

A. The applicant shall submit a written agreement with the permit application indicating that the owner of the property has agreed to lease the property to the commercial sign or advertising company and has approved the proposed display or message contained on the off-premises advertising sign or billboard.

B. Three complete permit applications shall be submitted to Northampton Township, as required by the provisions of this Chapter. The permit application shall include the required permit fee.

C. The permit application shall contain the following information: three copies of the plans and diagrams drawn accurately to scale depicting the dimensions of the lot, cartway, right-of-way, location of the sign; the exact size, dimensions and location of the off-premises sign or billboard to be placed on the lot or building, together with its type, construction, materials to be used, support structures, and the manner of installation; and any other useful information, which may be required of the applicant by the Northampton Township Engineer or Zoning Officer.

D. The completed permit application, plans and support diagrams shall be signed and sealed by a licensed engineer within the Commonwealth of Pennsylvania.

E. The permit application shall be granted or refused within 30 days from the date of the permit application has been filed with Northampton Township.

7. In addition to the provisions established herewith, the applicant and property owner for all off-premises advertising signs or billboards shall comply with all other pertinent provisions, as established by Northampton Township.

(*Ord. 160, 4/6/1977; as amended by Ord. 542, 6/10/2009, §1; by Ord. 543, 8/12/2009, §1;*

and by *Ord. 558*, 4/27/2011, §16)

§27-1607. Prohibited Signs.

1. The following signs shall be considered as prohibited signs, which shall not be permitted within Northampton Township:

A. Spinning, animated, twirling or any other moving objects used for commercial advertising purposes with or without a message, where the spinning, animation and/or twirling occurs.

B. LED, flashing, blinking, twinkling, animated, or other message changing devices used for commercial advertising purposes. [*Ord. 558*]

C. Signs placed, inscribed or supported upon the highest roofline or upon any structure, which extends above the highest roofline of any building.

D. Wall signs that partially extend above the roofline of the building to which they are attached.

E. Roof signs, which are attached, erected or placed on top of a principal or accessory building.

F. Artistic murals, depicting scenic, historical, cultural, educational, or other similar visual scenes, may be painted on the side of a building, provided they are aesthetic, socially acceptable, and that the content has been reviewed and approved by the Northampton Township Board of Supervisors.

G. Banners, flags, balloons, streamers, spot lights, floodlights and other similar promotional features, which have not been authorized by Northampton Township.

H. Portable signs.

I. Signs located on parked vehicles.

J. Signs containing vulgar messages or depicting any lewd, pornographic, lascivious or other offensive acts.

K. Any sign exceeding the provisions for location, placement, type, area, height, clearance, visibility, sight distance, projection, quantity and illumination, as specified within the Northampton Township.

L. Signs that resemble or imitate any official traffic sign, signal or device, which are located or placed within 100 feet of a street right-of-way and/or within 200 feet of a traffic control device.

M. Posted signs of a temporary nature which are tacked, stapled, nailed, posted, glued, hung or otherwise attached to a tree, utility pole, traffic control sign, light stand, fence or other such permanent object.

N. Caution tape or crime scene tape that is not utilized for emergency management purposes.

O. Signs considered as a detriment to the health, safety and/or general welfare of the community.

(*Ord. 160*, 4/6/1977; as amended by *Ord. 542*, 6/10/2009, §1; by *Ord. 543*, 8/12/2009, §1; and by *Ord. 558*, 4/27/2011, §17)

§27-1608. Summarization Chart for Categorical Sign Requirements.

1. The matrix chart on the following pages provide an abbreviated summary of the categorical sign requirements by type, quantity, height, area, location and permit procedures for certain uses and activities within Northampton Township. Additional land use and development requirements may apply.

2. Where a discrepancy should exist between the provisions contained within the text portion of this Chapter and the provisions contained within Summary Matrix Chart for Categorical Sign Requirements, the provisions contained within the text portion of this Chapter shall prevail.

3. The provisions specified within this matrix chart shall be subject to the interpretation of the Zoning Officer. Should a dispute arise concerning the interpretation of these regulations, the person aggrieved by the interpretation may file an appeal with the Zoning Hearing Board.

Summary Matrix Chart For Categorical Sign Requirements

Use	Type of Sign	Maximum Number	Maximum Height	Maximum Size or Sign Area	Setback Requirements		Permitted Zoning Districts	Permit Required
					ROW	Property Line		
Permanent On-Premises Residential Signs	Individual Name and Street Address	1	6 feet	2 square feet	----	5 feet	All Districts	No
	Property Control or Restrictions Sign	1 per 100 linear feet	6 feet	2 square feet	2 feet	2 feet	All Districts	No
	Home Occupation Sign	1	6 feet	2 square feet	2 feet	5 feet	All Districts	Yes
	Subdivision or Development Sign containing 20 or more units	1 per main entrance	6 feet	12 square feet	5 feet	20 feet	All Districts	Yes
Permanent On-Premises Nonresidential Signs	Freestanding Sign for Single Use or Ground Sign for Single Use	1	16 feet	25 square feet	5 feet	20 feet	C-2, C-3, I-1, P-O and VOD	Yes
			6 feet	25 square feet	5 feet	20 feet	C-2, C-3, I-1, P-O and VOD	Yes
	Wall or Parallel Sign	----	30 feet, or to the permitted building height	20% of building face; max. 50 cum. sq. ft. on one designated side	----	----	C-2, C-3, I-1, P-O and VOD	Yes
	Projecting Sign	1	16 feet	25 square feet	----	----	C-2, C-3, I-1, P-O and VOD	Yes
	Window Sign	----	20 feet	50% of cumulative front window space	----	----	C-2, C-3, I-1, P-O and VOD	Yes
	Directional or Traffic Control Sign	----	10 feet	4 square feet per sign	----	10 feet	C-2, C-3, I-1, P-O and VOD	Yes
Nonresidential Developments and Uses	Freestanding Sign or Ground Sign for Nonresidential Developments	1 per main entrance	16 feet	25 cumulative square feet for all uses	5 feet	20 feet	C-2, C-3, I-1, P-O and VOD	Yes
			6 feet	25 cumulative square feet for all uses	5 feet	20 feet	C-2, C-3, I-1, P-O and VOD	Yes
	Freestanding Sign or Ground Sign for Retail Uses with less than 30,000 square feet of floor area	1	16 feet	25 cumulative square feet for all uses	5 feet	20 feet	C-2, C-3, and VOD	Yes
			6 feet	25 cumulative square feet for all uses	5 feet	20 feet	C-2, C-3, and VOD	Yes
	Freestanding Sign or Ground Sign for Retail Uses with more than 30,000 square feet of floor area	1 per main entrance	16 feet	40 cumulative square feet for all uses	5 feet	20 feet	C-2, C-3, and VOD	Yes

Use	Type of Sign	Maximum Number	Maximum Height	Maximum Size or Sign Area	Setback Requirements		Permitted Zoning Districts	Permit Required
					ROW	Property Line		
			6 feet	40 cumulative square feet for all uses	5 feet	20 feet	C-2, C-3, and VOD	Yes
Off-Site Advertising Sign/Billboard	Freestanding Advertising Sign or Billboard within 150 feet of the centerline of Jacksonville Road	1 per 1,000 linear feet	25 feet	160 square feet	10 feet	20 feet	I-1	Yes
Permanent On-Premises Municipal Governmental, Recreational, Institutional and other Uses	Freestanding Sign for Single Use or Ground Sign for a Single Use	1 per main entrance	16 feet	25 square feet	5 feet	20 feet	All Districts	Yes
			6 feet	25 square feet	5 feet	20 feet	All Districts	Yes
	Wall or Parallel Sign	6	30 feet, or to permitted building height	20% of building face; max. 50 cum. sq. ft. on one designated side	----	----	All Districts	Yes
	Projecting Sign	1	16 feet	25 square feet	----	----	All Districts	Yes
	Directional or Traffic Control Sign	6 per acre	10 feet	4 square feet per sign	----	10 feet	All Districts	Yes
Agricultural Uses	Produce Sales	1	10 feet	12 square feet	5 feet	20 feet	All Districts	Yes
Temporary On-Premises Signs	Subdivision or Development Sign	1	6 feet	32 square feet	5 feet	20 feet	All Districts	Yes
	Contractor and Financing Sign	1	6 feet	32 square feet	5 feet	20 feet	All Districts	Yes
	Real Estate and Marketing Sign	1	6 feet	32 square feet	5 feet	20 feet	All Districts	Yes
	Special Event or Seasonal Sign	1	6 feet	32 square feet	5 feet	20 feet	All Districts	Yes

General Notes concerning the Summary Chart for Categorical Sign Requirements

- (5) The matrix chart provides an abbreviated summary of the basic sign requirements for certain uses and activities within Northampton Township. Additional land use and development requirements may apply. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within Summary Matrix Chart for Categorical Sign Requirements, the provisions contained within the text shall prevail.
- (6) Where a discrepancy should exist between the provisions contained within the text portion of this Chapter and the provisions contained within Summary Matrix Chart for Categorical Sign Requirements, the provisions contained within the text portion of this Chapter shall prevail.
- (7) The provisions specified within this matrix chart shall be subject to the interpretation of the Zoning Officer.

(Ord. 160, 4/6/1977; as amended by Ord. 542, 6/10/2009, §1; and by Ord. 543, 8/12/2009, §1)

Zoning Map Amendments

Ord./Res.	Date	Subject
<i>Ord. 479</i>	2/27/2002	Zoning Map Amendment
<i>Ord. 480</i>	3/13/2002	Zoning Map Amendment
<i>Ord. 489</i>	4/23/2003	Zoning Map Amendment
<i>Ord. 498</i>	11/17/2004	Zoning Map Amendment
<i>Ord. 505</i>	8/10/2005	Zoning Map Amendment
<i>Ord. 537</i>	12/17/2008	Revising the Northampton Township Zoning Map as follows: Parcel 1 is to be revised from the R-2 Zoning District to the C-2 Zoning District; Parcel 2 is to be revised from the R-2 Zoning District to the C-2 Zoning District; and Parcel 3 is to be revised from the C-2 to I-P in order to resolve a mapping error.

