

**TOWNSHIP OF LOWER SOUTHAMPTON
ORDINANCE NO. 619**

**AN ORDINANCE OF THE TOWNSHIP OF LOWER SOUTHAMPTON, COUNTY OF
BUCKS, COMMONWEALTH OF PENNSYLVANIA,
REPEALING THE ZONING ORDINANCE AND ZONING MAP IN ITS ENTIRETY
AND ADOPTING A NEW ORDINANCE AND MAP AND PROVIDING AN EFFECTIVE
DATE**

WHEREAS, Lower Southampton Township is a Township of the Second Class, organized and operated in accordance with the laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to the Second-Class Township Code of the Commonwealth of Pennsylvania, the Board of Supervisors of Lower Southampton Township ("Board") has the authority to enact and amend provisions of the Lower Southampton Township Code (the "Code") at any time it deems proper; and

WHEREAS, Lower Southampton Township has previously adopted a Zoning Ordinance and numerous amendments thereto; and

WHEREAS, Lower Southampton Township has previously adopted a Zoning Map and modified it from time to time; and

WHEREAS, it has become necessary to update the entire Ordinance to deal with the changing times and requirements of the law.

NOW THEREFORE, be it **ORDAINED and ENACTED**, by the Board of Supervisors of the Township of Lower Southampton, Bucks County, Pennsylvania, as follows:

SECTION I - ZONING ORDINANCE

Attached hereto is the new Chapter 27 Zoning which is being enacted.

SECTION II - REPEALER

The prior Chapter 27, as amended and any and all other Ordinances or parts of Ordinances in violation or in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed.

SECTION III - SEVERABILITY

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, enforceable or unconstitutional, the Board of Supervisors, hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, enforceable, or unconstitutional portion, part, or provision of this Ordinance.

SECTION III - EFFECTIVE DATE

This Ordinance shall become effective immediately following enactment by the Board of Supervisors.

ORDAINED and ENACTED an ordinance of the Township of Lower Southampton this
___ day of _____2026.

BOARD OF SUPERVISORS

Attest:

Township Manager

Chapter 27

ZONING

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Part 1
Title, Purpose And Interpretation

§ 27-101. Title.

An ordinance regulating and restricting the height, number of stories, and size of buildings and other structures; their construction, alteration, extension, repair, maintenance and all facilities and services in or about such buildings and structures; the percentage of lot that may be occupied, the size of yards, courts and other open spaces; the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purpose; and the establishment and maintenance of building lines and setback building lines upon any or all public roads or highways of the Township of Lower Southampton.

§ 27-102. Short title.

This chapter shall be known as and may be cited as the "Lower Southampton Township Zoning Ordinance."

§ 27-103. Purpose.

The purposes of this chapter are the promotion of the public health, safety, morals or the general welfare, and:

- A. To promote, protect and facilitate the public health, safety and general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations; the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use; as well as preservation of the natural, scenic and historic values of the environment and preservation of forests, wetlands, aquifers and floodplains.
- B. To prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers in accordance with an overall program and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures.
- C. To provide standards to control the amount of open space and 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.
- D. To provide methods to implement Article I, § 27 of the Constitution of the Commonwealth of Pennsylvania, which decrees that the people have a right to clean air, pure water and to the preservation of the natural, scenic, historic and aesthetic values of the environment and to protect natural resources which are a part of the ecological system to which we are all bound and, therefore, are the common property of all the people, including generations yet to come, and must be protected to ensure the health, safety and welfare of all the people.
- E. To provide for the use of land for commerce, industry, institutions and residential housing of various dwelling types and reasonable overall community growth.
- F. To regulate the growth of the Township.
- G. To lessen the danger and congestion of traffic on the roads and highways.

- H. To protect the Township's historic buildings and historic resources.
- I. To give effect to policies and proposals of the Comprehensive Plan of Lower Southampton Township of current adoption.
 - (1) To protect the natural environments.
 - (2) To provide a variety of housing opportunities.
 - (3) To help maintain the tax base.
 - (4) To provide and maintain efficient public services and facilities.
 - (5) To maintain and enhance the transportation system.
 - (6) To maintain and enhance the character of Township neighborhoods.
 - (7) To enhance the historic integrity of villages and protect historic resources.
- J. To encourage practices that save energy, reduce harmful environmental impacts, reduce reliance on fossil fuels, and encourage "greener" practices in overall community development.

§ 27-104. Interpretation.

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

§ 27-105. Severability.

The provisions of this chapter shall be severable, and if any of the provisions hereof shall be held to be unconstitutional, invalid or illegal by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this chapter. It is hereby declared to be the legislative intent of this chapter that this chapter would have been enacted had such unconstitutional, invalid or illegal provisions not been included herein.

§ 27-106. Validity.

It is hereby declared to be the intent of the Township of Lower Southampton that:

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

Part 2 Definitions

§ 27-201. General word usage.

Unless a contrary intention clearly appears, the following words and phrases shall have, for the purpose of this chapter, the meanings given in the following sections.

A. For the purpose of this chapter, words and terms used herein shall be interpreted as follows:

- (1) Words used in the present tense include the future.
- (2) The singular includes the plural.
- (3) The word "person" includes a corporation, partnership and association as well as the individual.
- (4) The word "lot" includes the word "plot" or "parcel."
- (5) The term "shall" is always mandatory.
- (6) The word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be occupied."
- (7) The word "Supervisors" and the words "Board of Supervisors" always mean the Lower Southampton Township Board of Supervisors.
- (8) The word "Commission" and the words "Planning Commission" always mean the Lower Southampton Township Planning Commission.
- (9) The word "Board" or the words "Zoning Hearing Board" always mean the Lower Southampton Township Zoning Hearing Board.
- (10) The words "Zoning Officer" always mean the Lower Southampton Township Zoning Officer.

B. Any word or term not defined herein shall be used with a meaning of standard usage.

§ 27-202. Definitions of specific terms.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY BUILDING — See "building."

ACCESSORY USE — See "use."

ALTERATIONS — As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another. As applied to a sign, a change or increase in its exterior dimensions, height or shape/size of the sign face.

ALTERNATIVE THERAPY — Includes the following:

- A. The practice of an individual who uses touch to manipulate the energy systems, acupoints, qi meridians or channels of energy of the human body while engaged within the scope of practice of a profession with established standards and ethics. Such practices include acupressure, Asian bodywork therapy, polarity therapy bodywork, reiki, shiatsu, and tui na.

- B. Reflexology.
- C. The practice of an individual who uses touch, words, and directed movement to deepen awareness of existing patterns of movement in the body and to suggest new possibilities of movement, while engaged within the scope of practice of a profession with established standards and ethics.
- D. Any massage-like activity that does not meet the definition of "massage therapy" set forth hereinafter.

ALTERNATIVE THERAPY PROVIDER — Any establishment where alternative therapy is administered for the payment of a fee or other compensation or consideration, but not including: a hospital; nursing home; medical clinic; the office of a physician, surgeon, physical therapist, chiropractor, or osteopath currently licensed as such by the Commonwealth of Pennsylvania; barbershops or practices licensed by the Department of Cosmetology; or any athletic program of accredited junior and senior high schools or colleges in which a massage is administered by a trainer within the scope of such athletic program.

ANTENNA — A device used to collect or transmit telecommunications or radio signals. Examples are panels, microwave dishes and single poles known as "whips."

AREA —

- A. BUILDING AREA — The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.
- B. GROSS FLOOR AREA — The sum of the areas of the several floors of building structure, including areas used for human occupancy and basements, attics and penthouses, 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 accessory building or in the main building intended and 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.
- C. LOT AREA — The area contained within the property lines of the individual parcels of land shown on a subdivision plan, excluding any area within a street right-of-way, excluding areas within any areas of natural resources, and excluding any area restricted as open space, but not including open space required under this chapter, and any other areas as may be specifically excluded by the terms of this chapter.

BASEMENT — A story partly underground, but having 1/2 or more of its height (measured from floor to ceiling) above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement or determining square footage only if the vertical distance between the ceiling and the average level of the adjoining ground is more than four feet, or if used for business or dwelling purposes.

BUFFER YARD — A strip of required yard space adjacent to the boundary of a property or district of a width not less than that designated by this chapter, and on which is placed shrubbery, hedges, evergreens or other suitable plantings of sufficient height and density to meet the requirements of Township ordinances and to constitute an effective screen and give maximum protection and immediate screening to an abutting property or district.

BUILDING — A structure having a roof which is used for the shelter or enclosure of persons, animals or property. The word "building" shall include any part thereof.

- A. **BUILDING, ACCESSORY** — A subordinate building located on the same lot as a principal building and clearly incidental and subordinate to the principal building subject to the requirements of §27-1403.H.(3). Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.
- B. **BUILDING, PRINCIPAL** — A building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.

BUILDING COVERAGE — That percentage of the plot or lot area covered by the building area.

BUILDING ENVELOPE — That area of a lot that has no building restrictions. The building envelope shall not include the area of any required setbacks (except for driveways which may cross yards), buffer yards, and natural features with one-hundred-percent protection standard.

BUILDING HEIGHT — A vertical distance measured from the mean elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the decklines of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING SETBACK LINE —

- A. **FRONT** — The rear line of the minimum front yard, as herein designated for each use and each district, measured at a distance equal to and no greater than the minimum front yard from the street line.
- B. **SIDE** — A line parallel to the side lot line at a distance therefrom equal to the depth of the minimum side yard required.
- C. **REAR** — A line parallel to the rear lot line at a distance from the rear lot line equal to the depth of the minimum rear yard required.

CELLAR — A story partly underground and having more than 1/2 of its height (measured from floor to ceiling) below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories or square footage, nor shall it be used for dwelling purposes.

CELLULAR TELECOMMUNICATIONS FACILITY — The antennas, 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.

COLLOCATION — The mounting of one or more antennas on an existing telecommunications tower, or any structure that already supports at least one antenna or the installation, mounting, maintenance, modification or replacement of small wireless facilities on an existing utility pole or other wireless support structure.

CONSUMER FIREWORKS — Any combustible or explosive composition or any substance or combination of substances intended to produce visible and/or audible effects by combustion and which is suitable for use by the public that complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (relating to commercial practices) or any successor regulation and which complies with the provisions for "consumer fireworks" as defined in the American Pyrotechnics Association (APA) Standard 87-1, including but not limited to Sections *3.1 and *3.5, or any successor standard. The term does not include devices such as "ground and handheld sparkling devices" as defined in APA Standard 87-1, Section *3.1.1, "novelties" as defined in APA Standard 87-1, Section *3.2, or "toy caps" as defined in APA Standard 87-1, Section *3.3.

DATA CENTER – A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data operations. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations of the data center.

DECISION — Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the County and Judicial District wherein the Township lies.

DECORATIVE POLE — A municipal pole that is specially designed and placed for aesthetic purposes.

DEPARTMENT OF HEALTH — The Department of Health of the Commonwealth of Pennsylvania.

DETERMINATION — Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- A. The Board of Supervisors;
- B. The Zoning Hearing Board.

DISPLAY FIREWORKS — Defined as more fully set forth in 27 CFR 555.11 (Meaning of terms), which is incorporated herein by reference which meet the types of display fireworks devices set forth in the APA Standard 87-1, Section *4.1 which comply with requirements for display fireworks set forth in APA Standard 87-1.

DWELLING — A building containing one or more dwelling units.

- A. **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 intended to be used for living, sleeping, cooking and eating by one family.
- B. **MULTIFAMILY DWELLING or BUILDING** — A building having two or more dwelling units which may have either a common or independent outside access. Said units may be arranged horizontally one above the other or vertically separated by party walls. It is the intention to include within this definition of "multifamily dwelling" all recognized architectural types or structures accommodating two or more dwelling units in the same building, whether the individual units are for lease or sale, but not including townhouses.
- C. **SINGLE-FAMILY DETACHED DWELLING** — A dwelling having: (i) only one dwelling unit from ground to roof; (ii) independent outside access; and (iii) open space on all sides.
- D. **TWO-FAMILY DWELLING** — A dwelling having only one dwelling unit from ground to roof and only one wall in common with another dwelling unit.
- E. **SINGLE-FAMILY ATTACHED DWELLING** — Townhouse units having multiple dwelling units with at least one wall in common with another dwelling unit and arranged in a row of not more than 160 feet in length, with no less than 35 feet of separation between buildings that are constructed such that the front building line is staggered in placement so that the frontage of each unit is of varying depth from the units adjacent to it.

E-CIGARETTES. Any electronically actuated device or inhaler meant to simulate cigarette smoking that uses a heating element to vaporize a liquid solution, popularly referred to as "juice," and that causes the user to exhale any smoke, vapor, or substance other than that produced by unenhanced human exhalation. The juice used in e-cigarettes typically contains nicotine, and for this reason, e-cigarettes and their juice can be classified as both tobacco products and tobacco paraphernalia.

ELECTRIC VEHICLE (EV) – Any motor vehicle, including automobiles, trucks, and motorcycles, licensed and registered for operation on public and private highways, roads, and streets that can operate solely or partially on the power of a rechargeable battery or battery pack (or other storage device that receives electricity from an external source, such as a charger) and meets the applicable state and federal motor vehicle safety standards and registration requirements. Electric vehicles include, but are not limited to, all electric vehicles, plug in hybrid electric vehicles (PHEV), also known as a plug in EV.

ELECTRIC VEHICLE CHARGING STATIONS (EVCS) – Battery charging station equipment with an associated parking space that is publicly accessible and has its primary purpose the storage of electrical energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An EVCS may contain several charging ports/points that charge more than one EV at a time.

ELECTRIC VEHICLE PARKING SPACE – Any parking space that identifies the use to be exclusively for the parking of an electric vehicle.

FAMILY —

- A. Any number of individuals living together on a nontransient basis as a single housekeeping unit and doing their cooking on the premises, when said individuals are related by blood, marriage or adoption, including any number of foster children; no more than five unrelated individuals living together as a single housekeeping unit and doing their cooking on the premises, except when an application for a special exception to enable a greater number of unrelated individuals to occupy a dwelling is reviewed and approved by the Zoning Hearing Board, as provided herein. The definition of "family" shall not apply to the occupants of a club, fraternity house, lodge or residential club.
- B. Notwithstanding the definition in the preceding subsection, "family" shall also be deemed to include any number of mentally or physically handicapped persons occupying a dwelling unit as a single, nonprofit housekeeping units, if such occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in subsection A of this definition.

FIREWORKS — Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or detonation that meets the definition of 1.4 G fireworks or 1.3 G fireworks as set forth in the 2003 International Fire Code, including, but not limited to, those composition or devices defined in APA Standard 87-1, as amended.

FLOOR AREA RATIO — The ratio of the gross floor area of a structure to the gross lot area upon which the use and structure(s) is/are to be located. Total floor area includes the total floor space within a structure, except for those areas devoted to internal atriums.

FOREST — The area comprising 1/4 acre or more of wooded land where the largest trees measure at least six inches diameter at breast height (dbh) 4 1/2 feet from the ground, or a grove of trees forming one canopy where 10 or more trees measure at least 12 inches diameter at breast height.

GROSSLOT AREA — The aggregate total of all areas contained within the deeded or surveyed boundaries of a parcel of land.

HISTORIC DISTRICT OR BUILDING — A building that is or a group of buildings, properties or sites that are:

- A. Listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register.
- B. Determined to be eligible for listing by the Keeper of the National Register of Historic Places who has been delegated the authority by a federal agency to list properties and determine their eligibility for the National Register of Historic Places in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement for Review Regarding the Section 106 National Historic Preservation Act Review Process as specified under 47 CFR Part 1, Appendix C (relating to Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process).
- C. Marked as a historical site by the Pennsylvania Historical and Museum Commission pursuant to Title 37 of Pennsylvania Consolidated Statutes (relating to historical and museums).
- D. Within a historic district created pursuant to the Act of June 13, 1961 (P.L. 282, No. 167), entitled "An act authorizing counties, cities, boroughs, incorporated towns and townships to create historic districts within their geographic boundaries; providing for the appointment of Boards of Historical Architectural Review; empowering governing bodies of political subdivisions to protect the distinctive historical character of these districts and to regulate the erection, reconstruction, alteration, restoration, demolition or razing of buildings within the historic districts."

HOOKAH BAR/LOUNGES — See Smoke Parlor.

IMPERVIOUS SURFACE — Impervious surfaces are those surfaces which do not absorb water. Any area which has been or is proposed to be modified from grass, dirt, vegetation, wooded or ground cover, including but not limited to the area of all buildings, parking areas, driveways, roads, sidewalks and any areas in concrete, asphalt, porous pavers and packed stone, shall be considered impervious surfaces. The Township Engineer shall have the final determination as to whether or not a surface is impervious.

IMPERVIOUS SURFACE RATIO — The total area of all impervious surfaces within the lot divided by the lot area.

LOCAL GAMING DEVICE – A mechanical, computerized or electrical contrivance, terminal, machine, or other device that, upon insertion or payment of cash or cash equivalent as a wager, is available to play or operate one or more games, the play or outcome of which is determined by any element of either chance or skill, and that may deliver, or entitle the player to receive, cash or cash equivalent at the conclusion of one or more such games.

LOT — A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

- A. **CORNER LOT** — A lot which has an interior angle of less than 135° at the intersection of two street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersects at an angle of less than 135°.
- B. **DEPTH OF LOT** — The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.
- C. **LOT WIDTH** — The distance measured between the side lot line at the required building setback line(s). In a case where there is only one side lot line, between such side lot line and the opposite rear lot line or street line.

D. **THROUGH LOT** — An interior lot having frontage on two parallel or approximately parallel streets.

LOT AREA — The area contained within the property lines of the individual parcels of land as shown on a subdivision. The lot area shall be measured to the street line and shall include the area of any easement for subsurface facilities, but excluding any area required as open space and any other areas as may be specifically excluded by the terms of this Chapter.

LOT LINES —

A. **LOT LINE** — Any boundary line of a lot.

B. **LOT LINE, REAR** — Any lot line which is parallel to or within 45° of being parallel to a street line, except for a lot line that is itself a street line, and except that in the case of a corner lot, the owner shall have the option of choosing which of the two lot lines that are not street lines is to be considered a rear lot line although the Zoning Officer shall make the final determination. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line furthest from any street shall be considered a rear lot line.

C. **LOT LINE, SIDE** — Any lot line which is not a street line or a rear lot line.

D. **STREET LINE** — See "Street Line."

LOT WIDTH — The distance between the side lot lines at the required building setback line. In a case where there is only one side lot line, lot width shall be measured between such side lot line and the opposite rear lot or future right-of-way.

MASSAGE THERAPY — Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with hands or with the aid of any mechanical or electrical apparatus, with or without such supplementing aids as rubbing alcohol, liniments or other similar preparations commonly used in this practice. The term does not include the diagnosis or treatment of impairment, illness, disease or disability, a medical procedure, a chiropractic manipulation or adjustment, physical therapy mobilization or manual therapy, therapeutic exercise, electrical stimulation, ultrasound or prescription of medicines for which a license to practice medicine, chiropractic, physical therapy, occupational therapy, podiatry or other practice of the healing arts is required or any other area licensed by the Commonwealth of Pennsylvania.

MASSAGE THERAPY CENTER — Any establishment where massage therapy is administered for the payment of a fee or other compensation or consideration but not including: a hospital; nursing home; medical clinic; the office of a physician, surgeon, physical therapist, chiropractor, or osteopath currently licensed as such by the Commonwealth of Pennsylvania; barbershops or practices licensed by the Department of Cosmetology; or any athletic program of accredited junior and senior high schools or colleges in which a massage is administered by a trainer within the scope of such athletic program.

MEDICAL MARIJUANA ACT — Act 16 of 2016, 35 P.S. § 1023.101 et seq.

MEDICAL MARIJUANA DISPENSARY — A person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which is registered by the Department of Health under the Medical Marijuana Act to dispense medical marijuana. The term does not include a health care medical marijuana organization under Chapter 19 of the Medical Marijuana Act.

MEDICAL MARIJUANA GROWER/PROCESSOR — A person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which is registered by the Department of Health under the Medical Marijuana Act to grow and process medical marijuana. The term does not include a health care medical marijuana organization under Chapter 19 of the Medical Marijuana Act.

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 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.

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.

MOBILE HOME PARK — A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MUNICIPAL AUTHORITY — A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945."

MUNICIPAL POLE — A utility pole owned, managed or operated by or on behalf of the Township.

NFPA 1124 — The National Fire Protection Association Standard 1124, Code for the Manufacture, Transportation and Storage of Fireworks and Pyrotechnic Articles, 2006 Edition, or any subsequent edition.

NONCONFORMING LOT — A lot the area or dimension of which was lawful prior to the adoption or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

NONCONFORMING STRUCTURE — A structure or part of a structure which does not comply with the applicable area, setback, yard, building height, location, size, impervious surface and/or other dimensional requirements of this chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this chapter or amendment. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE — A use, whether of land or of structure, which does not comply with the applicable use provisions in this chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this chapter or amendment or prior to the application of this chapter or amendment to its location by reason of annexation.

NOVELTIES — Articles of trade having amusement value and whose appeal is often transitory, and which is limited to those items for sale described in American Pyrotechnics Association (APA) Standard 87-1, Section *3.2.

OWNER — Includes a duly authorized agent or attorney, a purchaser, devisee, fiduciary and a person having a vested or contingent interest in the property in question.

PERSON — Includes an individual, partnership, firm, corporation, association, estate or trust.

PRINCIPAL —

A. **PRINCIPAL BUILDING** — See "Building."

B. **PRINCIPAL USE** — See "Use."

PUBLIC GROUNDS — Includes:

A. Parks, playgrounds, trails, paths and other recreational areas and public areas.

B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

C. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING — A formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this chapter.

PUBLIC MEETING — A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. § 271 et seq.

PUBLIC NOTICE — Notice published once each week for two 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 prior to the date of the hearing.

RELIGIOUS USE — Any church, religious service or other use incidental to the mission of a religious organization that is accessory to the primary use of a building or parcel for religious services or worship, including primary or secondary schools, places of religious instruction, seminaries, rabbinical schools and on-site day-care services which are limited to providing supervision or care during religious services.

REPORT — Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

SIGN — See Part 20, Signs, of this chapter.

SITE — The "site" shall be defined as the total land area to be proposed for subdivision or land development.

SITE AREA — All land area within the site as designed in the deed and as measured by an actual site survey.

SMALL WIRELESS FACILITY — The equipment and network components, including antennas, transmitters and receivers, used by a wireless provider that meet the following qualifications:

- A. Each antenna associated with the deployment is no more than three cubic feet in volume.
- B. The volume of all other equipment associated with the wireless facility, whether ground-mounted or pole-mounted, is cumulatively no more than 28 cubic feet. Any equipment used solely for the concealment of the small wireless facility shall not be included in the calculation of equipment volume under this paragraph.

SMOKING PARLOR - An establishment offering areas of the establishment for the consumption of tobacco or tobacco products on site.

SMOKE SHOP - Any premises having more than 250 square feet dedicated to the delivery, display, distribution, furnishing, marketing, offering and/or sale of cigarettes, cigars, e-cigarettes, chewing tobacco or other tobacco products and tobacco paraphernalia.

SOBER LIVING FACILITY — Residential facilities where five or more individuals reside together either voluntarily or by court order to recover from drug, alcohol, and/or substance abuse, which serve as an interim environment between rehabilitation facilities/hospitalization and reintegration to independent living. The term shall include recovery houses and halfway houses.

SPECIAL EXCEPTION — A use permitted in a particular zoning district pursuant to the provisions of this chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 10601 et seq. and 10901 et seq.

STORY — That part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story having 75% or more of its wall area above ground level. A half story is a story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above such story.

STREET — Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

STREET LINE — The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way line, provided that: (1) the street right-of-way line shall be not less than 25 feet from the center line of any road or street; and (2) where a future right-of-way width for a road or street has been officially established, then the street right-of-way line shall be the side line of the future right-of-way so established.

STRUCTURE — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

TECHNICALLY FEASIBLE — By virtue of engineering or spectrum usage, the proposed placement for a small wireless facility or its design or site location can be implemented without a material reduction in the functionality of the small wireless facility.

TELECOMMUNICATIONS EQUIPMENT BUILDING — The building in which the electronic receiving and relay equipment for a cellular telecommunications facility is housed.

TEMPORARY STRUCTURE — A structure other than a permanent facility with fixed utility connections, which is in use or in place for a period of 20 consecutive calendar days or less and is dedicated to the storage and sale of consumer fireworks and related items. The term includes temporary retail sales stands, tents, canopies and membrane structures meeting the specifications of NFPA 1124, as amended. The term shall not include a facility that is not licensed to sell consumer fireworks under this chapter.

TOBACCO - Any preparation of the nicotine-rich leaves of the tobacco plant, which are cured by a process of drying and fermentation for use in smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body.

TOBACCO PARAPHERNELIA - Any paraphernalia, equipment, device, or instrument that is primarily designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco, tobacco products, or other controlled substances as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-113(a)(33).

TOBACCO PRODUCT - Any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from the tobacco plant or otherwise derived, which is intended to enable human consumption of the tobacco or nicotine in the product, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. For the purposes of this section, the term "tobacco product" excludes any product that has been specifically approved by the United States Food and Drug Administration (FDA) for sale as a tobacco/smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose.

TOWER — A structure that is intended to support equipment used to transmit and/or receive telecommunications signals. Examples of such structures include monopoles and lattice construction steel structures.

UNDERGROUND DISTRICT — An area designated solely for underground or buried cable facilities and utility facilities.

USE — Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

A. **USE, ACCESSORY** — A use located on the same lot with a principal use and clearly incidental or subordinate to, and customary in connection with, the principal use.

B. **USE, PRINCIPAL** — The main use on a lot.

UTILITY FACILITY — Buildings, other structures and equipment owned or operated by a public utility, as defined in 66 Pa.C.S.A. § 102 (relating to definitions), to provide service.

UTILITY POLE- A pole or similar structure that is or may be used, in whole or in part, by or for telecommunications, electric distribution, lighting, traffic control, signage or a similar function or for collocation. The term includes the vertical support structure for traffic lights but does not include wireless support structures or horizontal structures to which signal lights or other traffic control devices are attached.

VAPE SHOP - Is a retail establishment focusing on the selling of electronic e-cigarette products.

VARIANCE — Relief granted pursuant to the provisions of this chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 10601 et seq. and 10901 et seq.

WIRELESS FACILITY — Equipment at a fixed location that enables wireless service between user equipment and a communications network, including any of the following:

- (1) Equipment associated with wireless services.
- (2) Radio transceivers, antennas, coaxial or fiber optic cables, regular and backup power supplies or comparable equipment, regardless of technological configuration.
- (3) The term includes a small wireless facility.
- (4) The term does not include any of the following:
- (5) The structure or improvements on, under or within which the equipment is collocated.
- (6) The coaxial or fiber optic cables that are not immediately adjacent to or directly associated with a particular antenna.

WIRELESS PROVIDER — A wireless infrastructure provider or a wireless services provider.

WIRELESS SUPPORT STRUCTURE — A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure that could support the placement or installation of wireless telecommunications facilities if approved by the Township.

YARD — An open space unobstructed from the ground up, on the same lot with a structure, extending along a lot line or street line and inward to the structure. The size of a required yard shall be measured as the shortest distance between the structure and a lot line or street line.

A. **YARD, FRONT** — A yard between a structure and a street line and extending the entire length of the street line. In the case of a corner lot, the yards extending along all streets are front yards. In the case of a lot other than a corner lot that fronts on more than one street, the yards extending along all streets are front yards.

- B. YARD, REAR — A yard between a structure and a rear lot line and extending the entire length of the rear lot line.
- C. YARD, SIDE — A yard between a structure and a side lot line, extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

If a standard, code, or statute referenced herein is updated or amended, the update shall automatically apply.

Part 3
Classification Of Districts

§ 27-301. Establishment of districts.

- A. Lower Southampton Township is hereby divided into zoning districts of different types, each type being of such number, shape, kind and area, and of such common unity or purpose and adaptability of use that are deemed most suitable to carry out the objectives of this chapter.
- B. Every parcel of land and every building or other structure in the Township, except as otherwise provided by law or by this chapter, shall be subject to the regulations, restrictions and requirements specified for the district in which it is located.

§ 27-302. Classes of districts.

For the purpose of this chapter, Lower Southampton Township is hereby divided into the following districts, which shall be designated as follows:

R-1	Residential-1 District
R-2	Residential-2 District
R-3	Residential-3 District
R-4	Residential-4 District
C-1	Commercial-1 District
C-2	Commercial-2 District
I	Industrial District
IP	Institutional District

Overlay Districts:

OPAS	Off-Premises Advertising Sign Overlay
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§ 27-303. Zoning Map.

Districts are bounded and defined as shown on the map entitled "Zoning Map of Lower Southampton Township" that accompanies and which, with all explanatory matters thereon, is hereby made a part of this chapter.¹

¹Zoning Map on file at Township Building

§ 27-304. Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries between districts as indicated on the Zoning Map, the following rule shall apply:

- A. Where district boundaries are indicated as coinciding with streets, the district boundary line shall be considered the same as the property line or right-of-way line on the side of the street on which the property to be buffered is located.
- B. Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to street or railroad rights-of-way, 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.

Part 4
R-1 Residential District

§ 27-401. General.

A building or structure may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses and no other, provided that such uses, buildings or structures shall comply with such regulations as yard, lot sizes, lot width, building area, heights, impervious surfaces, easements, buffer yards, off-street parking and other requirements as specified by this chapter.

§ 27-402. Permitted uses.

1. The following uses are permitted by right:

Use 1	Agriculture
Use 3	Single-family detached dwelling
Use 48	Emergency services
Use 49	Municipal Uses
Use 53A	Small wireless facilities within the right-of-way, as regulated by the Small Wireless Facilities Deployment Act, but not in an underground district
Use 54	Utility operating facility
Use 68	No impact home based business
Use 70	Residential accessory building or structure
Use 76	Residential wind energy system
Use 77	Solar energy system
Use 78	Accessory in-law dwelling
Use 83	Keeping of Chickens

2. The following uses are permitted as a special exception when authorized by the Zoning Hearing Board in accordance with the provisions of Part 23 of this chapter:

Use 9	Public or private school
Use 12	Private club or lodge

Use 17	Nursing home/personal care facility, assisted living facility, or convalescent home
Use 18	Cemetery
Use 42	Bed-and-breakfast
Use 53B	Small wireless facilities within the right-of-way and within an underground district as regulated by the Small Wireless Facilities Deployment Act
Use 69	Accessory office
Use 71	Family day care

§ 27-403. Area and dimensional requirements.

All uses shall comply with the area and dimensional requirements listed in this section, unless a greater area or dimensional requirement is stated in Part 14, Use Regulations, for the specific use; in which case the requirements of Part 14 shall apply.

- A. Lot area and width. Minimum lot area: 20,000 square feet.
- B. Minimum lot width: 100 feet at the building line and 100 feet at the front property line shall be provided for each principal use or building permitted in this district.
- C. Building area: Maximum of 20% of the area of any lot shall be occupied by buildings.
- D. Yards.
 - (1) Front yard. There shall be a front yard along each street on which a lot abuts which shall be not less than 35 feet in depth. For lots fronting on arterial and collector streets, there shall be a front yard of not less than 50 feet.
 - (2) Side yards. Unless otherwise provided in this chapter, there shall be two side yards on each lot with not less than 35 feet of aggregate width and neither of which shall be less than 10 feet in width.
 - (3) Rear yard. Unless otherwise provided in this chapter, there shall be a rear yard on each lot which shall be not less than 25 feet in depth.
- E. Impervious surface ratio. No more than 30% of the total lot area shall be covered with impervious surface.
- F. Open space. All residential uses, except for the development of fewer than 10 dwellings, shall be required to set aside open space in accordance with the requirements of this chapter.
- G. Buffer yard. Along any residential zoning district boundary line or along any lot line separating a residential use from a nonresidential use, a buffer yard shall be provided which shall be not less than 25 feet in width measured from such boundary line or from the street line where such street constitutes the district boundary line and shall be in accordance with the provisions of this chapter. Such buffer yards shall overlap with any required yard in this district, and in case of conflict, the largest yard requirement shall apply.

Part 5
R-2 Residential District

§ 27-501. General.

A building or structure may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses and no other, provided that such uses, buildings or structures shall comply with such regulations as yard, lot sizes, lot width, building area, heights, impervious surfaces, easements, buffer yards, off-street parking and other requirements as specified by this chapter.

§ 27-502. Permitted uses.

1. The following uses are permitted by right:

Use 3	Single-family detached dwelling
Use 48	Emergency services
Use 49	Municipal Uses
Use 53A	Small wireless facilities within the right-of-way, as regulated by the Small Wireless Facilities Deployment Act, but not in an underground district
Use 54	Utility operating facility
Use 68	No-impact home-based business
Use 70	Residential accessory building or structure
Use 76	Residential wind energy system
Use 77	Solar energy system
Use 78	Accessory in-law dwelling
Use 83	Keeping of Chickens

2. The following uses are permitted as a special exception when authorized by the Zoning Hearing Board in accordance with the provisions of Part 23 of this chapter:

Use 9	Public or private school
Use 12	Private club or lodge
Use 18	Cemetery
Use 42	Bed-and-breakfast

Use 53B

Small wireless facilities within the right-of-way and within an underground district as regulated by the Small Wireless Facilities Deployment Act

Use 69

Accessory office

Use 71

Family day care

§ 27-503. Area and dimensional requirements.

All uses shall comply with the area and dimensional requirements listed in this section, unless a greater area or dimensional requirement is stated in Part 14, Use Regulations, for the specific use; in which case the requirements of Part 14 shall apply.

- A. Lot area and width. A lot area of not less than 12,000 square feet, with a width of not less than 80 feet at the building line and 80 feet at the front property line, shall be provided for each dwelling. Other principal uses permitted in this district shall have a lot area of not less than 20,000 square feet with a width of not less than 100 feet at the building line and 100 feet at the front property line.
- B. Building area. No more than 30% of the area of any lot shall be occupied by buildings.
- C. Front yard. There shall be a front yard along each street on which a lot abuts which shall be not less than 30 feet in depth for permitted residential uses. For lots fronting on an arterial or collector street, such front yard shall be not less than 50 feet in depth.
- D. Side yards. There shall be two side yards on each lot, which shall be not less than 25 feet in aggregate width, neither of which shall be less than 10 feet in width.
- E. Rear yard. Unless otherwise provided in this chapter, there shall be a rear yard on each lot which shall be not less than 25 feet in depth.
- F. Impervious surface ratio. No more than 40% of the total lot area shall be covered with impervious surface.
- G. Open space. All residential uses, except for the development of fewer than 10 dwellings, shall be required to set aside open space in accordance with the requirements of this chapter.
- H. Buffer yard. Along any residential zoning district boundary line or along any lot line separating a residential use from a nonresidential use, a buffer yard shall be provided which shall be not less than 25 feet in width measured from such boundary line or from the street line where such street constitutes the district boundary line and shall be in accordance with the provisions of this chapter. Such buffer yards shall overlap with any required yard in this district, and in case of conflict, the largest yard requirement shall apply.

Part 6
R-3 Residential District

§ 27-601. General.

A building or structure may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses and no other, provided that such uses, buildings or structures shall comply with such regulations as yard, lot sizes, lot width, building area, heights, impervious surfaces, easements, buffer yards, off-street parking and other requirements as specified by this chapter.

§ 27-602. Permitted uses.

1. The following uses are permitted by right:

Use 3	Single-family detached dwelling
Use 48	Emergency services
Use 49	Municipal Uses
Use 53A	Small wireless facilities within the right-of-way, as regulated by the Small Wireless Facilities Deployment Act, but not in an underground district
Use 54	Utility operating facility
Use 68	No-impact home-based business
Use 70	Residential accessory building or structure
Use 76	Residential wind energy system
Use 77	Solar energy system
Use 78	Accessory in-law dwelling
Use 83	Keeping of Chickens

2. The following uses are permitted as a special exception when authorized by the Zoning Hearing Board in accordance with the provisions of Part 23 of this chapter:

Use 9	Public or private school
Use 12	Private club or lodge
Use 18	Cemetery
Use 42	Bed-and-breakfast

Use 53B

Small wireless facilities within the right-of-way and within an underground district as regulated by the Small Wireless Facilities Deployment Act

Use 71

Family day care

§ 27-603. Area and dimensional requirements.

All uses shall comply with the area and dimensional requirements listed in this section, unless a greater area or dimensional requirement is stated in Part 14, Use Regulations, for the specific use; in which case the requirements of Part 14 shall apply.

- A. Lot area and width. A lot area of not less than 9,000 square feet, with a width of not less than 60 feet at the building line and front property line, shall be provided for each single-family dwelling. Only one single-family detached dwelling or one building for a principal use permitted in this district shall be permitted on any single lot.
- B. Front yard. There shall be a front yard along each street on which a lot abuts which shall be not less than 30 feet in depth, provided that the front yard on the long side of a corner lot may be reduced to a depth of not less than 20 feet. All lots fronting on an arterial or collector street shall have a front yard of not less than 50 feet.
- C. Side yards. Unless otherwise provided in this chapter, there shall be two side yards on each lot which shall have an aggregate width of not less than 20 feet and neither of which shall be less than eight feet in width.
- D. Rear yard. Unless otherwise provided in this chapter, there shall be a rear yard on each lot which shall be not less than 25 feet in depth.
- E. Impervious surface ratio. No more than 50% of the lot area shall be covered with impervious surface.
- F. Open space. All residential uses, except for the development of fewer than 10 dwellings, shall be required to set aside open space in accordance with the requirements of this chapter.
- G. Along any residential zoning district boundary line or along any lot line separating a residential use from a nonresidential use, a buffer yard shall be provided which shall be not less than 25 feet in width measured from such boundary line or from the street line where such street constitutes the district boundary line and shall be in accordance with the provisions of this chapter. Such buffer yards shall overlap with any required yard in this district, and in case of conflict, the largest yard requirement shall apply.

Part 7
R-4 Residential District

§ 27-701. General.

A building or structure may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses and no other, provided that such uses, buildings or structures shall comply with such regulations as yard, lot sizes, lot width, building area, heights, impervious surfaces, easements, buffer yards, off-street parking and other requirements as specified by this chapter.

§ 27-702. Permitted uses.

1. The following uses are permitted by right:

Use 3	Single family detached dwelling
Use 4	Two-family dwelling
Use 5	Single-family attached dwelling
Use 6	Multifamily dwelling
Use 48	Emergency services
Use 49	Municipal Uses
Use 53A	Small wireless facilities within the right-of-way, as regulated by the Small Wireless Facilities Deployment Act, but not in an underground district
Use 68	No-impact home-based business
Use 70	Residential accessory building or structure
Use 76	Residential wind energy system
Use 77	Solar energy system
Use 78	Accessory in-law dwelling
Use 83	Keeping of Chickens

2. The following uses are permitted as a special exception when authorized by the Zoning Hearing Board in accordance with the provisions of Part 23 of this chapter:

Use 9	Public or private school
Use 10	Library or museum

Use 53B

Small wireless facilities within the right-of-way and within an underground district as regulated by the Small Wireless Facilities Deployment Act

Use 71

Family day care

§ 27-703. Area and dimensional requirements.

All uses shall comply with the area and dimensional requirements listed in this section, unless a greater area or dimensional requirement is stated in Part 14, Use Regulations, for the specific use; in which case the requirements of Part 14 shall apply.

A. Lot area and dimensional requirements.

(1) Single-family detached dwelling.

- (a) A lot area of not less than 9,000 square feet.
- (b) Lot width of not less than 60 feet at the building line and front property line shall be provided for each single-family dwelling.
- (c) Minimum yards.
 - 1) Front: 30 feet; 50 feet for arterial or collector streets.
 - 2) Rear: 25 feet.
 - 3) Sides: 20 feet aggregate, no side less than eight feet.

(2) Two-family dwelling.

- (a) Lot area of 10,000 square feet for two dwellings (5,000 square feet per dwelling) is required.
- (b) Lot width for each two-family dwelling shall be 100 feet.
- (c) Minimum yards.
 - 1) Front: 30 feet; 50 feet for arterial or collector streets.
 - 2) Rear: 25 feet.
 - 3) Sides: 20 feet aggregate, no less than eight for each side.

(3) Multifamily dwellings and townhouses.

- (a) Minimum lot area of five acres required.
- (b) Maximum density: five units per acre.
- (c) Lot width for the tract: 200 feet.
- (d) Maximum building length: 160 feet.

- (e) Minimum distance between buildings: 35 feet.
 - (f) Minimum yards.
 - 1) Front: 35 feet.
 - 2) Rear: 50 feet.
 - 3) Side: 35 feet each side.
 - (4) Other principal uses permitted in this district shall have a lot area of not less than 20,000 square feet with a width of not less than 100 feet at the building line and 80 feet at the front property line, unless otherwise required under this chapter.
- B. Where a single-family or two-family dwelling is constructed on a lot, not more than 35% of the area of any lot shall be occupied by buildings or structures.
- C. For all other permitted uses in this district, no more than 25% of the area of the lot shall be occupied by buildings or structures.
- D. Impervious surface ratio. No more than 35% of the total lot area shall be covered with impervious surface.

§ 27-704. Buffer yards.

Along any residential zoning district boundary line or along any lot line separating a residential use from a nonresidential use, a buffer yard shall be provided which shall be not less than 50 feet in width measured from such boundary line or from the street line where such street constitutes the district boundary line and shall be in accordance with the provisions of this chapter. Such buffer yards shall overlap with any required yard in this district, and in case of conflict, the largest yard requirement shall apply.

§ 27-705. Utilities.

Each building in use shall be served by public water and sanitary sewer facilities at the time of development. All public utilities, such as telephone, cable television, electric, etc., shall be placed underground.

§ 27-706. Height regulations.

No dwelling unit shall exceed a vertical height of 35 feet, which height shall be measured in accordance with the definition of "building height" in § 27-202 of this chapter.

§ 27-707. Variation of design.

Buildings shall be designed such that no more than three adjoining dwelling units shall have an identical front yard setback. An average of at least four-foot setback variations per dwelling unit is required.

§ 27-708. Open space.

1. At least 40% of the gross land area of any multifamily development (Use 6) shall be devoted to permanent open space or recreational use, which area shall not include required public improvements, required yards or building setbacks, required buffer areas or streets. Open space shall not include any of the impervious surface coverage occasioned by the multifamily dwelling units, parking areas or required public improvements. Such space shall not include the minimum required yard areas or any

area conveyed to the owner or occupant of any dwelling unit by sale or by lease.

2. No more than 50% of the open space shall be in a floodplain. The specific land area to be devoted to this requirement may be dedicated to the Township, if acceptable to it. If not dedicated to and accepted by the Township, then the provisions set forth hereinafter with regard to administration and maintenance shall become applicable.
3. In the event that the land is not dedicated to the Township, a plan for administration and maintenance of all such open space shall be presented to the Township Supervisors as part of the overall development plan. Such plan shall contain covenants or other restrictions or requirements that will assure future administration and maintenance of such open space.
4. All other residential uses, including single-family (Use 3), two-family developments (Use 4), and single-family attached development (Use 5), except for the development of fewer than 10 dwellings, shall be required to set aside open space in accordance with the requirements of this chapter.

Part 8
C-1 Light Commercial District

§ 27-801. Permitted uses.

A building may be erected or used and a lot may be used or occupied for any of the purposes listed in this section, subject to additional requirements of applicable provisions of this and other Township ordinances.

1. The following uses are permitted by right:

Use 2	Lawn and garden center
Use 9	Public or private school
Use 10	Library or museum
Use 12	Private club or lodge
Use 13	Community center
Use 14	Day-care center
Use 15	Adult day care
Use 17	Nursing home, personal care facility, assisted living facility, or convalescent home
Use 20	Medical or dental office/clinic
Use 21	Business or professional office
Use 23	Retail shop
Use 24	Service business
Use 25	Bank, savings and loan association
Use 26	Restaurant
Use 27	Tavern
Use 28	Repair shop
Use 29	Mortuary or funeral home
Use 30	Hoel
Use 31	Indoor commercial entertainment
Use 32	Outdoor commercial recreation
Use 34	Veterinary office
Use 47	Equipment rental or motor vehicle leasing
Use 48	Emergency services
Use 49	Municipal Uses

Use 50	Railway/transportation station
Use 53A	Small wireless facilities within the right-of-way, as regulated by the Small Wireless Facilities Deployment Act, but not in an underground district
Use 80	Local Gaming Devices
Use 81	Electric Vehicle Charging Stations
Use 82	Electric Vehicle Parking Space

2. The following uses are permitted as a special exception when authorized by the Zoning Hearing Board in accordance with the provisions of Part 23 of this chapter:

Use 35	Motor vehicle fueling station
Use 36	Car wash
Use 51	Public or private parking garage
Use 53B	Small wireless facilities within the right-of-way and within an underground district as regulated by the Small Wireless Facilities Deployment Act
Use 54	Utility operating facility
Use 72	Nonresidential accessory building or structure
Use 75	Nonresidential wind energy system
Use 77	Solar energy system
Use 79	Accessory drive-through facility

§ 27-802. Area and dimensional requirements.

All uses shall comply with the area and dimensional requirements listed in this section, unless a greater area or dimensional requirement is stated in Part 14, Use Regulations, for the specific use; in which case the requirements of Part 14 shall apply.

- A. Minimum lot area. Each lot shall contain an area of not less than 15,000 square feet with a width of not less than 80 feet at the front property line.

- B. Building area. No more than 35% of the area of each lot shall be occupied by building.
- C. Front yards. There shall be a front yard along each street on which a lot abuts which shall be not less than 35 feet in depth.
- D. Side yards. Unless otherwise provided in this chapter, each side yard shall be not less than 10 feet in width.
- E. Rear yard. Unless otherwise provided in this chapter, there shall be a rear yard on each lot which shall be not less than 35 feet in depth.
- F. Buffer yards. Along any residential zoning district boundary line or along any lot line separating a residential use from a nonresidential use, a buffer yard shall be provided which shall be not less than 25 feet in width measured from such boundary line or from the street line where such street constitutes the district boundary line and shall be in accordance with the provisions of this chapter. Such buffer yards shall overlap with any required yard in this district, and in case of conflict, the largest yard requirement shall apply.
- G. Off-street parking and loading space, pedestrian walkways and motor vehicle access shall be provided in accordance with the provisions of this chapter.
- H. Impervious surface ratio. No more than 60% of the total lot area shall be covered with impervious surface.

Part 9
C-2 Heavy Commercial District

§ 27-901. Permitted uses.

A building may be erected or used and a lot may be used or occupied for any of the purposes listed in this section, subject to additional requirements of applicable provisions of this and other Township ordinances.

1. The following uses are permitted by right:

Use 2	Lawn and garden center
Use 9	Public or private school
Use 10	Library or museum
Use 12	Private club or lodge
Use 13	Community center
Use 14	Day-care center
Use 15	Adult day care
Use 20	Medical or dental office/clinic
Use 21	Business or professional office
Use 23	Retail shop
Use 24	Service business
Use 25	Bank, savings and loan association
Use 26	Restaurant
Use 27	Brewery/Tavern/Distillery
Use 28	Repair shop
Use 29	Mortuary or funeral home
Use 30	Hotel
Use 31	Indoor commercial entertainment
Use 32	Outdoor commercial recreation
Use 34	Veterinary office
Use 43	Banquet/catering facility
Use 47	Equipment rental or motor vehicle leasing
Use 48	Emergency services
Use 49	Municipal Uses
Use 50	Railway/Transportation Station
Use 51	Public or private parking garage

Use 53A	Small wireless facilities within the right-of-way, as regulated by the Small Wireless Facilities Deployment Act, but not in an underground district
Use 54	Utility operating facility
Use 79	Accessory drive-through facility
Use 80	Local Gaming Devices
Use 81	Electric Vehicle Charging Stations
Use 82	Electric Vehicle Parking Space

2. The following uses are permitted as a special exception when authorized by the Zoning Hearing Board in accordance with the provisions of Part 23 of this chapter:

Use 16	Hospital Campus
Use 19	Outpatient surgical center
Use 35	Motor vehicle fueling station
Use 36	Car wash
Use 37	Motor vehicle sales
Use 38	Motor vehicle repair garage
Use 39	Trade or professional school
Use 41	Large retail center
Use 53B	Small wireless facilities within the right-of-way and within an underground district as regulated by the Small Wireless Facilities Deployment Act
Use 66	Indoor self storage
Use 72	Nonresidential accessory building or structure
Use 73	Motor vehicle fuel pumps
Use 75	Nonresidential wind energy system
Use 77	Solar energy system

§ 27-902. Area and dimensional requirements.

All uses shall comply with the area and dimensional requirements listed in this section, unless a greater area or dimensional requirement is stated in Part 14, Use Regulations, for the specific use; in which case the requirements of Part 14 shall apply.

- A. Minimum lot area. Each lot shall contain an area of not less than one acre with a width of not less than 150 feet at the front property line, except for the use "large retail center," which shall require lots in accordance with the requirements of Part 14.
- B. Building area. No more than 25% of the area of each lot shall be occupied by buildings.
- C. Front yards. There shall be a front yard along each street on which a lot abuts which shall be not less than 35 feet in depth.
- D. Side yards. Unless otherwise provided in this chapter, each side yard shall be not less than 20 feet in width.
- E. Impervious surface ratio. No more than 60% of the total lot area shall be covered with impervious surface.
- F. Rear yard. Unless otherwise provided in this chapter, there shall be a rear yard on each lot which shall be not less than 35 feet in depth.
- G. Buffer yards. Along any residential zoning district boundary line or along any lot line separating a residential use from a nonresidential use, a buffer yard shall be provided which shall be not less than 25 feet in width measured from such boundary line or from the street line where such street constitutes the district boundary line and shall be in accordance with the provisions of this chapter. Such buffer yards shall overlap with any required yard in this district, and in case of conflict, the largest yard requirement shall apply.
- H. Off-street parking and loading space, pedestrian walkways and motor vehicle access shall be provided in accordance with the provisions of this chapter.

Part 10
I Industrial District

§ 27-1001. Permitted uses.

A building may be erected or used and a lot may be used or occupied for any of the purposes listed in this section, subject to additional requirements of applicable provisions of this and other Township ordinances.

1. The following uses are permitted by right:

Use 9	Public or private school
Use 19	Outpatient surgical center
Use 28	Repair shop
Use 31	Indoor commercial entertainment
Use 32	Outdoor commercial recreation
Use 34	Veterinary office
Use 40	Kennel
Use 48	Emergency services
Use 49	Municipal Uses
Use 50	Railway/transportation station
Use 53A	Small wireless facilities within the right-of-way, as regulated by the Small Wireless Facilities Deployment Act, but not in an underground district
Use 54	Utility operating facility
Use 55	Light manufacturing
Use 56	Research and development facility
Use 57	Wholesale business and storage
Use 58	Crematorium
Use 59	Printing, publishing, binding
Use 60	Contractor offices and shops
Use 61	Carpentry shop
Use 62	Truck terminal
Use 63	Quarry
Use 65	Standard self storage
Use 66	Indoor self storage
Use 67	Fuel storage and distribution

Use 81	Electric Vehicle Charging Stations
Use 82	Electric Vehicle Parking Space

2. The following uses are permitted as a special exception when authorized by the Zoning Hearing Board in accordance with the provisions of Part 23 of this chapter:

Use 3A	Sober Living Facility
Use 7	Mobile Home Park
Use 22	Methadone treatment facility
Use 22A	Alternative Therapy Provider
Use 22B	Message Therapy Provider
Use 33	Adult business
Use 37	Motor vehicle sales
Use 38	Motor vehicle repair garage
Use 44	Limited personal service
Use 45	Private ambulance service
Use 46	Smoke Shop/Smoking Parlor/Vape Shop
Use 47A	Medical marijuana dispensary
Use 47B	Medical marijuana grower/ processor
Use 51	Public or private parking garage
Use 53	Cellular telecommunications
Use 53B	Small wireless facilities within the right-of-way and within an underground district as regulated by the Small Wireless Facilities Deployment Act
Use 64	Solid waste facility
Use 67B	Data Center

Use 67C	Sale of Consumer Fireworks
Use 72	Nonresidential accessory building or structure
Use 74	Heliport
Use 75	Nonresidential wind energy system
Use 77	Solar energy system
Use 79	Accessory Drive-Through Facility

A. Sales of consumer fireworks from either a permanent facility or temporary structure shall be permitted only by special exception in the I District subject to compliance with all of the following specific regulations with respect to such use as well as the general provisions regarding special exceptions contained in § 27-2306 of the Code:

- (1) Such use shall not be located within 1,500 feet of any premises selling alcoholic liquors, alcohol, malt or brewed beverages for consumption on or off the premises.
- (2) Such use shall not be located within 1,500 feet of any local or state park, school or child day-care facility, recreational establishment, house of worship, dwelling, hospital, group home or nursing home.
- (3) Any structure containing quantities of consumer fireworks as defined herein exceeding 50 pounds shall be no closer than 150 feet to any building, state highway, railway, local street or alley, waterway, or utility right-of-way, including, but not limited to, natural gas lines.
- (4) Such use should not be located within 1,500 feet of any premises selling firearms.
- (5) All land development plans for construction, use or renovation of an existing building for the purpose of selling fireworks shall be reviewed by the Code Enforcement Officer for compliance with all required fire safety codes, including, but not limited to, the International Fire Code, and his comments and/or report shall be copied to the official Township-designated fire company.
- (6) Sale of fireworks shall be subject to compliance with all of the provisions of Pennsylvania Act 43 of 2017, as amended pertaining to the sale thereof. Hours of operation shall be confined from 9:00 a.m. to 5:00 p.m. Security and site management shall be provided 24 hours per day.
- (7) All sales of consumer fireworks shall be conducted only within a facility approved by the Pennsylvania Department of Agriculture pursuant to the Pennsylvania Fireworks Law.
- (8) All sales of consumer fireworks as defined herein shall be conducted only from a facility exclusively dedicated to the storage and sale of fireworks.
- (9) If the facility in which the sales of consumer fireworks are conducted is a temporary structure, it shall comply with the following regulations, in addition to the other regulations set forth in Subsection 3A(1) through (8) above:
 - (a) The temporary structure is located no closer than 250 feet to a facility storing, selling or dispensing gasoline, propane or other flammable products.

- (b) An evacuation plan is posted in a conspicuous location for a temporary structure in accordance with NFPA 1124.
 - (c) The outdoor storage unit, if any, is separated from the wholesale or retail sales area to which a purchaser may be admitted by appropriately rated fire separation.
 - (d) The temporary structure complies with NFPA 1124 as it relates to retail sales of consumer fireworks in temporary structures.
 - (e) The temporary structure is located one of the following distances from a permanent facility licensed to sell consumer fireworks under the Act of May 15, 1939 (P.L. 134, No. 65), referred to as the "Fireworks Law," at the time of the effective date of this article:
 - [1] Prior to January 1, 2023: at least five miles.
 - [2] Beginning January 1, 2023: at least two miles.
 - (f) The temporary structure does not exceed 2,500 square feet.
 - (g) The temporary structure is secured at all times during which consumer fireworks are displayed within the structure.
 - (h) The temporary structure has a minimum of \$2,000,000 in public and product liability insurance.
 - (i) The sales period is limited to June 15 through July 8 and December 21 through January 2 of each year.
 - (j) Consumer fireworks not on display for retail sale are stored in an outdoor storage unit.
 - (k) Limitations. The sale of consumer fireworks from the temporary structure is limited to the following:
 - [1] Helicopter, aerial spinner (APA 87-1, 3.1.2.3).
 - [2] Roman candle (APA 87-1, 3.1.2.4).
 - [3] Mine and shell devices not exceeding 500 grams.
 - (l) Storage of consumer fireworks shall be permitted only as an accessory use to the sale of consumer fireworks on the premises.
- (10) The facility from which fireworks are sold, whether permanent or temporary, shall comply with the I-Industrial lot dimensional, area, and parking regulations of the zoning district within which such facility is located, including but not limited to setbacks and buffers.
- (11) If a standard, code, or statute referenced herein is updated or amended, the update shall automatically apply.

§ 27-1002. Area and dimensional requirements.

All uses shall comply with the area and dimensional requirements listed in this section, unless a greater area or dimensional requirement is stated in Part 14, Use Regulations, for the specific use; in which case the requirements of Part 14 shall apply.

- A. Minimum lot area. Each lot shall contain an area of not less than one acre, unless a different lot area is required for a specific use; in which case the lot area required by the use regulations shall apply.
- B. Building area. No more than 50% of the area of each lot shall be occupied by buildings.
- C. Maximum impervious surface. No more than 60% of the lot area shall be impervious surfaces.
- D. Front yards: 50 feet minimum measured from the street line.
- E. Side yards: 25 feet minimum for each side yard.
- F. Rear yard: 35 feet.
- G. Buffer yards. Along any residential zoning district boundary line or along any lot line separating a residential use from a nonresidential use, a buffer yard shall be provided which shall be not less than 25 feet in width measured from such boundary line or from the street line where such street constitutes the district boundary line and shall be in accordance with the provisions of this chapter. Such buffer yards shall overlap with any required yard in this district, and in case of conflict, the largest yard requirement shall apply. The buffer yard shall be completely planted with a mix of shrubs, trees, ground cover, and may include berms.

Township of Lower Southampton, PA
§ 27-1101

ZONING

§ 27-1101

Part 11 RESERVED

Part 12
IP - Institutional
District

§ 27-1201. Permitted uses.

A building may be erected or used and a lot may be used or occupied for any of the purposes listed in this section, subject to additional requirements of applicable provisions of this and other Township ordinances.

A. Uses permitted by right:

Use 1	Agriculture
Use 8	Religious use
Use 9	Public or private school
Use 10	Library or museum
Use 11	Public recreational facility
Use 13	Community center
Use 15	Adult day care
Use 40	Kennel
Use 48	Emergency services
Use 49	Municipal uses
Use 53A	Small wireless facilities within the right-of-way, as regulated by the Small Wireless Facilities Deployment Act, but not in an underground district
Use 54	Utility operating facility
Use 72	Nonresidential accessory building or structure
Use 75	Nonresidential wind energy system
Use 77	Solar energy system
Use 81	Electric Vehicle Charging Stations
Use 82	Electric Vehicle Parking Space

- B. The following uses are permitted as a special exception when authorized by the Zoning Hearing Board in accordance with the provisions of Part 23 of this chapter:

Use 53

Cellular telecommunications facility

Use 53B

Small wireless facilities within the right-of-way and which are also within an underground district as regulated by § 27-1403F(6.2) and by the Small Wireless Facilities Deployment Act

§ 27-1202. Area and dimensional requirements.

All uses shall comply with the area and dimensional requirements listed in this section, unless a greater area or dimensional requirement is stated in Part 14, Use Regulations, for the specific use; in which case the requirements of Part 14 shall apply.

- A. Minimum lot area. Each lot shall contain an area of not less than one acre, unless a different lot area is deemed to be appropriate by the Board of Supervisors.
- B. Minimum lot width: 150 feet.
- C. Building area. No more than 25% of the area of each lot shall be occupied by buildings.
- D. Maximum impervious surface. No more than 50% of the lot area shall be impervious surfaces.
- E. Front yards: 50 feet minimum measured from the street line.
- F. Side yards: 25 feet minimum for each side yard.
- G. Rear yard: 35 feet.

Part 13
Design Criteria

§ 27-1301. Design Criteria.

With each new land development or certificate of occupancy application, the applicant shall submit a plan to the Township, which incorporates aesthetic amenities that can be implemented given site conditions. This shall include, but is not limited to, streetscape improvements, landscaping, street trees, public space and amenities, parking area amenities, architectural elements, unique building materials, street tree furniture, decorative lighting, and decorative sidewalks.

Given the constraints of these types of improvements on existing properties that are already developed, there shall be flexibility with respect to the implementation of these types of improvements.

The Zoning Officer, upon advice of the Township engineer, shall have the final determination with respect to the applicability of these improvements based on the scope of a particular project.

If a project is required to go through the subdivision and/or land development process, reviews shall be conducted in accordance with the Pennsylvania Municipalities Planning Code (MPC), the Lower Southampton Township Zoning Ordinance, and the Lower Southampton Township Subdivision and Land Development Ordinance as it relates to applicability of the aforementioned improvements.

Part 14
Use Regulations

§ 27-1401. Applicability of regulations.

Except as provided by law or in this chapter, in each district no building, structure or land shall be used or occupied except for the purposes permitted in this part and for the zoning districts so indicated in this chapter.

§ 27-1402. Uses by right, special exception, uses not permitted.

1. A use listed as a use permitted by right is permitted subject to such requirements as may be specified in this chapter, subject to the requirements of Chapter 22, Subdivision and Land Development, if applicable, and subject to issuance of a zoning permit in accordance with Part 22 of this chapter.
2. A use listed as a use permitted by special exception is permitted, subject to approval by the Zoning Hearing Board, subject to the requirements of Part 23 of this chapter, and subject to such further restrictions as the Zoning Hearing Board may establish.
3. A use not listed as being permitted by right or special exception in a particular zoning district is not permitted in that zoning district.
4. Forestry use. Notwithstanding the requirements of Subsection 1 through 3 above, forestry shall be a use permitted by right in every zoning district in the Township, provided that the application for the use shall include a forestry plan and soil conservation plan that meets the standards of the Pennsylvania Department of Environmental Protection and the Bucks County Conservation District, but forestry shall not include the following activities that are specifically exempted from this use:
 - A. Removal of diseased or dead trees.
 - B. Removal of trees which are in such a condition or physical position as to constitute a danger to the structures or occupants of properties or a public right-of-way.
 - C. Removal of up to five trees per acre of woodlands per year, not to exceed a total of 25 trees per lot per year or any combination of adjoining lots in common ownership, which are 12 inches or more in diameter, measured at breast height (dbh) (4.5 feet above grade), and not covered by the exemptions in Subsection 5A and B above any number of smaller trees.
5. Cellular telecommunications facility. Notwithstanding any other term or provision of this chapter, a cellular telecommunications facility shall be permitted as a special exception, in accordance with the requirements for such use provided under this part, on any lot or parcel owned or controlled by Lower Southampton Township.
6. Small wireless facilities are regulated in § 27-1403F(6.1) and (6.2) and shall be permitted by right within rights-of-way in all zoning districts in the Township except in areas within zoning districts that are underground districts as defined in § 27-202. Small wireless facilities within the right-of-way and which are also in an underground district shall be permitted by special exception.

§ 27-1403. Uses subject to other regulation.

Uses permitted by right and by special exception shall be subject, in addition to use regulations, to such regulations of yard, lot size, lot width, building area, easements, provisions for off-street parking and loading, buffers and to such other provisions as are specified in other parts of this chapter. All uses permitted in the Township shall be subject in addition to these regulations to all other applicable Township, county, state or federal requirements and licensing regulations and to the requirements of any other agency with jurisdiction. These include, but are not limited to, regulations for licensing of human service activities, requirements for accessibility of the disabled, sewage disposal requirements, water supply regulations, soil erosion and sedimentation control requirements, floodplain regulations, state road regulations, fire protection requirements.

A. Agricultural uses.

- (1) **Use 1, Agriculture.** Tilling of the soil or the keeping or raising of livestock and poultry, provided that:
 - (a) No stable or enclosure for any animal shall be located on a parcel or lot of less than 10 acres in size or within 150 feet of any property line.
 - (b) Commercial kennels are not included in this use.
- (2) **Use 2, Lawn and Garden Center.** Greenhouse or nursery; sale of plants, shrubs, trees and associated materials for the growing of plant material.
 - (a) Minimum lot size: two acres.

B. Residential uses.

- (1) **Use 3, Single-Family Detached Dwelling.** A single detached dwelling unit on an individual lot with private yards on all sides of the house. Detached dwellings may include dwellings constructed on the lot, prefabricated dwellings, manufactured dwellings, modular dwellings and mobile homes.
- (2) **Use 4, Two-Family Dwelling/Twins.** A semidetached dwelling unit having only one wall in common with another dwelling unit, with no more than two dwelling units per structure.
- (3) **Use 5, Single-Family Attached Dwelling (townhouse).** A dwelling unit attached to one or more other dwelling units, all units having separate grade level entrances, and all units being separated from each other by vertical party walls running from grade to roof with no offsets at floor levels, constructed in accordance with the Uniform Construction Code and other ordinances of Lower Southampton Township. Townhouse units shall be arranged such that no row of units shall exceed 160 feet in length with no less than 35 feet of separation between buildings. The front building line of each row shall be staggered in placement so that the frontage of each unit is of varying depth from the units adjacent to it.
- (4) **Use 6, Multifamily Dwelling (apartment, garden apartment).** Dwelling designed and occupied exclusively as a residence and containing two or more dwelling units that may have individual outside entrances or unit entrances from a common entryway.

(5) Use 7, Mobile Home Park.

- (a) Definitions. The following definitions shall apply to mobile home park use:

COMMON OPEN SPACE — A parcel or parcels of land, or a combination of land and water, within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

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 person having a proprietary interest in the land.

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 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. Maximum height of any mobile home cannot exceed 35 feet.

MOBILE HOME PARK — A parcel (or contiguous parcels) of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

- (b) Application procedure. An application for development of a lot or parcel of land for mobile home park purposes shall be made and approved or approved as modified before any zoning permit for such use shall be issued. The Lower Southampton Township Subdivision and Land Development Regulations (Chapter 22) shall govern the processing of all applications for mobile park development and is accordingly incorporated herein in its entirety.
- (c) Approval. In addition to the requirements contained in Chapter 22, Subdivision and Land Development, an application for preliminary or final approval of a mobile home park shall indicate, by drawings, diagrams, maps, text, affidavit or other legal document, the following:
- 1) That the parcel or lot for which application is made is held in single and separate ownership.
 - 2) The placement, location and number of mobile home lots and mobile home pads on a layout map of the parcel at a standard engineering scale.
 - 3) The location and dimension of all driveways, pedestrian ways, curbs, sidewalks and access roads with notation as to type of impervious cover.
 - 4) The location and dimension of all parking facilities.
 - 5) The location, dimension and arrangement of all areas to be devoted to lawns, buffer strips, screen planting and recreation.
 - 6) Location and dimension of all buildings existing or proposed to be built and all existing tree masses and trees of over eight-inch caliper.

- 7) Proposed provisions for handling of stormwater drainage, street and on-site lighting, water supply and electrical supply, in the form of written and diagrammatic analysis with calculations and conclusions prepared by a registered professional engineer.
 - 8) Proposed provisions for treatment of sanitary sewage together with proof that the treatment and disposal of such sewage meets with and has the approval of the agency of the commonwealth having jurisdiction over such matters, consistent with the Township Act 537 Sewage Facilities Plan.
 - 9) Grading plan of entire lot based on field-run topography survey, minimum two-foot contour interval.
 - 10) Collection of solid waste refuse, trash, etc., including location of collection points, description of refuse units, method of planting or other screening, and schedule of collection times.
- (d) Access. Provisions shall be made for safe and efficient circulation to and from public street and highways serving the mobile home park development without causing interference or confusion with the normal traffic flow.
- (e) Site drainage requirements. The ground surface on all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner in accordance with Chapter 22, Subdivision and Land Development, and Chapter 17, Stormwater Management.
- (f) Mobile home park street system. All streets shall be constructed in accordance with the Township specifications applicable to public streets in conventional residential developments under Chapter 22, Subdivision and Land Development.
- (g) Community building. A mobile home park shall permit one community building, which shall conform to the requirements of this part. The community building may contain a management office, common amenities, meeting rooms or any other community purpose use not inconsistent with this part.
- (h) Area and density regulations.
- 1) A mobile home park shall have an area of not less than 20 contiguous acres of land.
 - 2) There shall be not more than five mobile homes or other structures per net acre, being the maximum density permitted on the buildable portion of the lot as determined by this chapter and Chapter 22, Subdivision and Land Development.
 - 3) There shall be no mobile home unit or structure within 15 feet from any other mobile home and no mobile home within 15 feet from any other structure, porch, patio, roof, deck or additional building or construction of any nature whatsoever. No mobile home shall be less than 25 feet from the curbline.
 - 4) At least 20% of the remaining gross area of each mobile home park, after subtraction of required buffer areas, shall be set aside as common open space for the use and enjoyment of the residents of the mobile home park. Such common open space shall be substantially free of structures except for those designed for recreational purposes.
 - 5) Buffered setbacks of at least 50 feet shall be established along all borders of the property. Buffer plantings shall be installed in accordance with Chapter 22, Subdivision and Land Development.

- 6) Impervious surfaceratio. No more than 35% of the total lot area shall be covered with impervious surface.
- 7) Off-street parking areas and walks. Off-street parking for at least two motor vehicles shall be provided at each mobile home sit and shall be designed in accordance with the requirements contained in Chapter 22, Subdivision and Land Development. Off-site common parking areas may be provided in lieu of parking slots at each mobile home site, but in such case parking slots shall be provided at the ratio of two slots for each mobile home site not equipped with on-site parking.
 - a) Additional parking spaces for vehicles of nonresidents shall be provided at the rate of four spaces for each 10 units. Such parking spaces may be provided, either:
 - (i) On street, on one side only; in which case the road-width requirements shall be increased by adding seven feet to the paved width.
 - (ii) By providing sufficient additional off-street parking spaces. In the event that such additional parking spaces are provided off street, then parking shall be prohibited on internal roads, and it shall be the duty of the owner or operator of the mobile home park to enforce this provision.
 - b) Fire protection. Adequate fire protection measures, including fire hydrants, shall be provided in accordance with the Township Fire Code.
 - c) Public utilities, stormwater management. Each mobile home park shall connect to public utility facilities in accordance with Township requirements and shall provide for the proper management of stormwater and erosion and sedimentation control in accordance with relevant Township ordinances.
 - d) Landscaping. All landscaping requirements contained in Chapter 22, Subdivision and Land Development, shall be applicable to mobile home parks under this part.
- (i) Permits required. It shall be unlawful for any person to construct, alter or extend or operate a mobile home park within Lower Southampton Township unless and until he obtains a permit issued by the Lower Southampton Township Zoning Officer in the name of the operator, which shall not be issued until a copy of the Health Department permit has been furnished, all permits for water supply and sewage systems have been obtained, and all other requirements contained herein have been complied with, and final approval of the application has been granted by the Board of Supervisors.
- (j) Fees. Fees for the initial application and preliminary and final approvals shall be prescribed by resolution by the Board of Supervisors of Lower Southampton Township.
- (k) Inspection.
 - 1) Upon notification to the licensee, manager or person in charge of a mobile home park, a representative of Lower Southampton Township may inspect a mobile home park at any reasonable time to determine compliance with this chapter.

- 2) Upon receipt of the application for annual license and before issuing such annual license, the Zoning Officer or other designated representative of Lower Southampton Township shall make an inspection of the mobile home park to determine compliance with this chapter. The Zoning Officer or other representative shall thereafter notify the licensee of any instances of noncompliance with this part and shall not issue an annual license until the licensee has corrected all such violations.
- (l) 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 building, in a condition of proper repair and maintenance. If upon inspection by a Zoning Officer or other representative 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.
- (m) Failure to maintain. The operator and licensee shall thereafter have 30 days in which to correct any such violations; except that, if the violation is determined by the Zoning Officer or other representative 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.
- (n) Responsibilities of the park management.
 - 1) The person to whom a license for a mobile home park is issued shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
 - 2) The park management shall supervise the placement of each mobile home on its home site, which includes securing its stability and installing all utility connections.
 - 3) The park management shall give the Lower Southampton Township Zoning Officer or his designate free access to all mobile home sites, service buildings and other service facilities for the purpose of inspection.
 - 4) The mobile home park operator shall maintain a register of all occupants and shall provide the Township with the name of the owner of each mobile home in the park and notice of the arrival and departure of each mobile home.
 - 5) The person to whom a license for a mobile home park is issued shall be the person responsible for any violations of this chapter and shall be liable for prosecution thereof.
 - 6) The park management shall make provisions so that all park streets shall be maintained in passable condition and snow shall be removed commensurate with Township requirements.
 - 7) A copy of this part and copies of all rules and regulations of the mobile home park management shall be posted at a place accessible to all park occupants.
 - 8) Removal of mobile homes. No mobile home in a mobile home park shall be removed from Lower Southampton Township without first obtaining a permit from the Township Tax Collector, as required by Act 54, 1969, of the Pennsylvania General Assembly. Such permit shall be issued upon payment of a fee to be established

from time to time by resolution of the Board of Supervisors and taxes assessed against the home and all occupants thereof remaining unpaid at the time for permit is requested.

- 9) Revocation or suspension of license. Upon repeated violations by the same permittee, his right to the issuance of a permit or to continue operation under a permit may be suspended for a fixed term or permanently revoked, after notice and hearing, subject to the right of appeal to the Bucks County Court of Common Pleas.
- (6) **Use 3A, Sober Living Facility.** A sober living facility shall only be located in a detached dwelling.

C. Religious, educational, recreational and institutional uses.

- (1) **Use 8, Religious Use.** Any structure or structures used for worship or religious instruction, including social and administrative rooms accessory thereto.
 - (a) The lot shall have direct access to an arterial or collector street as defined and designated by Township ordinances.
 - (b) Housing for religious personnel on such lot shall meet the minimum requirements for residential uses.
 - (c) Day-care and nursery school/kindergarten are permitted as accessory uses to a place of worship.
 - (d) A minimum lot area of one acre shall be provided.
- (2) **Use 9, Public, Religious, Sectarian and Nonsectarian, or Private School.**
 - (a) The lot shall have direct access to an arterial or collector street as defined and designated by Township ordinances.
 - (b) A minimum lot area of two acres is required for any public or private school.
- (3) **Use 10, Library or Museum.** Facility open to the public or connected with a permitted educational use.
- (4) **Use 11, Public Recreational Facility.** A recreational facility owned or operated by the Township, County of Bucks, Commonwealth of Pennsylvania, or the federal government for the purpose of providing outdoor recreation areas, which may include playing fields, natural areas, trails and paths, picnic areas or playgrounds, community centers or other public indoor recreation facilities.
- (5) **Use 12, Private Club or Lodge,** other than a golf course, subject to the following additional provisions:
 - (a) The use shall be for members and their guests only.
 - (b) Minimum lot area shall be four acres when the use is located within a residential district.
 - (c) The use shall have access to and frontage on an arterial road when located within a residential district.

- (6) **Use 13, Community Center, Adult Education Center**, or other similar facility operated by an educational, philanthropic or religious institution, such as a senior citizens center, YMCA, or other similar organization. No outdoor recreation area associated with this use shall be located nearer to any lot line than the front yard setback required for the district in which the use is located.
- (7) **Use 14, Day-Care Center**. Day nursery, nursery school, kindergarten, or other agency giving day care to below-school-age children. This use is not a home occupation or an accessory use to a residence.
- (a) Minimum lot area: one acre.
 - (b) The minimum yard, setback and lot width requirements for the applicable zoning district shall be met, and all area and dimensional requirements of the licensing agency shall be met.
 - (c) An outdoor play area shall be provided. This area shall be located to the side or rear of the lot. The minimum required areas of such an outdoor recreational facility shall be as required under applicable state licensing requirements for each child in the facility.
 - (d) Prior to the granting of a certificate of occupancy, the applicant must obtain a license from the Department of Public Welfare, Bureau of Child Development Programs. Licensure is certification of compliance with Chapter II, § 8A of the Department of Public Welfare's Social Services Manual by this Department to the applicant, subject to licensure under Article X of the Public Welfare Code, as amended.
 - (e) The hours of operation shall be limited from 6:30 a.m. to 6:00 p.m., Monday through Friday, and at no other time and on no other day.
 - (f) Sufficient facilities for passenger loading and unloading shall be provided. A drop off area and automobile stacking lane shall be provided.
- (8) **Use 15, Adult Day Care**. A facility operated to provide older adult daily living services for four or more older or disabled individuals who are not relatives of the operator, for part of a sixteen-hour day. Services provided for the older or disabled individuals may include personal care, nutritional, health, social, educational, recreational, therapeutic, rehabilitative, habilitative and developmental activities.
- (a) This use does not include services provided for persons whose needs are such that they can only be met in a long-term-care facility on an inpatient basis receiving professionally supervised nursing care and related medical and other health services.
 - (b) An applicant for adult day care shall obtain a license from the Pennsylvania Department of Aging in compliance with the 6 Pa. Code Chapter 11, as amended, before an occupancy permit is issued for the use.
 - (c) Sufficient facilities for passenger loading and unloading shall be provided. A drop off area and automobile stacking lane shall be provided.

- (9) **Use 16, Hospital Campus.** An institution, facility, unit or building, or a component of the aforementioned, licensed by the state and providing health-care services and medical or surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, but not limited to, related facilities such as a laboratory, outpatient facility, training facility, emergency medical service facility, physician offices and medical office buildings, subject to the following additional provisions:
- (a) Minimum lot area: 20 acres.
 - (b) Maximum impervious coverage: 60%.
 - (c) Yard requirements.
 - 1) Minimum front yard: 100 feet.
 - 2) Minimum rear and side yard: 50 feet.
 - (d) Open space. At least 20% of the net acreage shall be usable open space; i.e., not devoted to buildings, driveways or other paved areas. The required open space may include no more than 50% of the buffer yard.
 - (e) Buffer yards. Buffer yards shall be provided along all property lines adjacent to residential uses and shall be not less than 25 feet in width.
 - (f) Special development requirements.
 - 1) The site shall have direct access to an arterial street. The existing road system shall be able to accommodate the peak traffic generated by the institution in a safe and efficient manner.
 - 2) A system of efficient ingress, egress and internal vehicular circulation resulting in minimal interference with surrounding traffic flow shall be provided.
 - 3) In addition to sign regulations set forth in this chapter, each internal building is permitted one identification sign per building wall, limited to 5% of the wall area, as measured by the width of the wall to a height of 20 feet, or a maximum size of 20 square feet, whichever is greater. Each site access point from a public street and each internal access point to any parking area or building is permitted one freestanding directional sign, not to exceed six square feet in area.
 - 4) A defined location for the collection of solid waste material and a plan for periodic disposal of the same shall be required. All solid waste shall be stored in covered containers or in permanent structures designated principally for such use. All waste shall be placed within the building envelope.
 - 5) All loading, maintenance, storage, tank and waste facilities shall be located internally on the site such that they are not visible from any adjoining street.
 - 6) Existing hospital campus users shall, as part of an application for approval of an expansion of the facility, submit a master facilities plan, as approved or revised by the institution.
 - 7) Building facades may not be longer than 160 feet without a minimum ten-foot-deep building offset.

- 8) Landscape and buffer requirements.
 - a) All yards: a landscape buffer shall be provided along the property line of each yard area for the entire required depth.
- (10) **Use 17, Nursing Home, Personal Care Facility, Residential Physical Rehabilitation Center, Assisted Living Facility, or Convalescent Home**, subject to the following additional requirements:
 - (a) All facilities shall comply with the applicable state and federal laws and licensing requirements. Proof of compliance shall be made available to the Township.
 - (b) Minimum lot area: two acres.
 - (c) Building area. No more than 30% of the net lot area, i.e., the acreage within the right-of-way lines of the abutting streets, of each lot shall be occupied by buildings.
 - (d) Yard requirements.
 - 1) Minimum front yard: 150 feet or three times the height of the building, whichever is larger.
 - 2) Minimum rear and side yard: 50 feet or one time the height of the building, whichever is larger.
 - (e) Access. All facilities shall have direct access to an arterial road.
 - (f) Open space. At least 40% of the net acreage shall be usable open space, i.e., not devoted to buildings, driveways or other paved areas. The required open space may include no more than 50% of the buffer yard.
 - (g) Utilities. Each building and use shall be served by public water and sanitary sewer facilities at the time of development.
 - (h) Accessory. The use may include accessory uses such as laundry room, retail food sales, beauty and barber shops, stationery and newspaper shops, medical clinic, social service office and other small services, provided that the total area occupied by such services shall not exceed 15% of the total floor space area of the building and shall be intended to serve the residents of the housing development.
- (11) **Use 18, Cemetery**. A burial place or graveyard, including mausoleum or columbarium.
 - (a) Minimum lot area: five acres.
 - (b) Minimum yards (front, side and rear): 100 feet.
 - (c) Lot coverage for accessory buildings and parking facilities. No more than 10% to a maximum of five acres may be devoted to above ground buildings or impervious surfaces not serving as burial markers or memorials.
 - (d) A cemetery may be accessory to a religious use, provided the lot area requirements of this section are met.
- (12) **Use 19, Outpatient Surgical Center**. A medical facility licensed by the state, providing surgical procedures not requiring inpatient confinement following such procedures.

D. Office uses.

- (1) **Use 20, Medical or Dental Office/Clinic** for the examination or treatment of persons as outpatients, including laboratories incidental thereto.
- (2) **Use 21, Business or Professional Office.**
- (3) **Use 22, Methadone Treatment Facility.** A facility licensed by the Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.
 - (a) A methadone treatment facility shall not be located within 500 linear feet of any residential zoning district boundary line or within 500 linear feet of a property used as a residence. It also cannot be located within 500 linear feet of the same use.
- (4) **Use 22A, Alternative Therapy Provider.**
 - (a) An alternative therapy provider shall not be located within 500 linear feet of any residential zoning district boundary line or within 500 linear feet of a property used as a residence. It also cannot be located within 500 linear feet of the same use.
- (5) **Use 22B, Massage Therapy Center.**
 - 1) All persons providing therapy services shall have obtained all necessary licenses required by the Commonwealth of Pennsylvania or the Township. If unlicensed individuals are determined to be providing services, any special exception approval previously granted shall become void.
 - 2) The premises must comply with applicable ordinances of the Township, including but not limited to the building, fire prevention and zoning ordinances of the Township.
 - 3) Treatment rooms shall be at least 50 square feet of floor area and shall maintain a light level of no less than 20 footcandles as metered at three feet above the surface of the floor. (For illustrative purposes only, such light level is equivalent to light from a single forty-watt fluorescent lightbulb in the fifty-square-foot room.) Such rooms shall contain a door incapable of being locked from either the exterior or the interior.
 - 4) Therapies may commence operation no earlier than 7:00 a.m. and extend no later than 10:00 p.m.
 - 5) A massage therapy center shall prominently and publicly display its license on the premises, and each massage therapist's license shall be available for inspection. Price rates charged for any and all services shall be prominently posted in the reception area in a location available for view, and no charges may be made other than in accordance with such posted rates.
 - 6) No person under the age of 18 shall be permitted to enter or remain on the premises or receive any massage.
 - 7) The owner or licensee or duly authorized manager shall be on duty at all times during the hours such establishment is open for business, such owner, licensee or manager shall be identifiable by prominently wearing an identification badge to that affect.
 - 8) Eating or drinking shall not be permitted on the premises, including but not limited to the serving, either for sale or otherwise, or the possession of any alcoholic beverages.

- 9) Animals, except for service animals for the handicapped, shall not be permitted within massage therapy centers.
- 10) A massage therapy center shall not be located within 500 linear feet of any residential zoning district boundary line or within 500 linear feet of a property used as a residence. It also cannot be located within 500 linear feet of the same use.

E. Retail and consumer service uses.

- (1) **Use 23, Retail Shop** selling apparel, books, beverages, confections, drugs, dry goods, flowers, foodstuffs, furniture, gifts, hardware, toys, household appliances, jewelry, notions, periodicals, shoes, stationery, tobacco, paint, records, cards, novelties, hobbies, art supplies, music, luggage, sporting goods, pets, floor covering, garden supplies, and fabrics (provided all products produced on the premises are sold on the premises at retail). For the purposes of this chapter, any retail store that provides for gasoline or fuel sales for motor vehicles directly to retail customers shall be considered to be a motor vehicle fueling station.
 - (a) No more than 250 square feet can be dedicated to the delivery, display, distribution, furnishing, marketing, offering and/or sale of cigarettes, cigars, e-cigarettes, chewing tobacco or other tobacco products and tobacco paraphernalia.
- (2) **Use 24, Service Business.** Establishments providing services such as hair care, laundry/dry cleaning, shoe repair, travel agency or photographer.
- (3) **Use 25, Bank, Savings and Loan Association.** A bank, savings and loan, credit union for consumer use. If a drive-through window is part of the establishment, the regulations set forth in Use 79, shall apply.
- (4) **Use 26, Restaurant.** Eating place for the sale and consumption of food and beverages, with or without drive-in, drive-through or outside carry-out food counters. Restaurant may include the service of alcoholic beverages.
- (5) **Use 27, Tavern/Brewery/Distillery.** An establishment licensed by the Commonwealth of Pennsylvania for the sale and consumption of alcoholic beverages on site.
- (6) **Use 28, Repair Shop.** Establishment for repair of household goods such as appliances or household equipment, or a furniture maker, repair person or upholster. This use shall not include the repair of any motor vehicles, trucks, trailers or heavy equipment.
- (7) **Use 29, Funeral Home.** An establishment used for the preparation of the deceased for display and burial, including an auditorium and temporary storage areas. This use shall not include crematoria, cemeteries, mausoleums or other permanent storage facilities.
- (8) **Use 30, Hotel.** A building or group of buildings for the accommodation of transient guests, containing six or more sleeping units for rent.
 - (a) Access shall be taken from an interior roadway if the hotel is part of a larger complex or from an arterial road is not part of a larger complex.
 - (b) Hotel may incorporate conference facilities, restaurants, swimming pools and other uses normally incidental to hotels.

- (9) **Use 31, Indoor Commercial Entertainment.** An establishment providing completely enclosed recreation activities, including theater, games, courts, video arcades, billiards, bowling, play equipment, batting cages or similar facilities. No audio speakers or equipment shall be installed inside or outside the location of such use which cause music, voices or other sounds to emanate to the exterior of the premises.
- (10) **Use 32, Outdoor Commercial Recreation.** An outdoor recreational facility operated as a commercial venture, which may include games, courts, fields, camps, driving range, chip-and-putt golf, or miniature golf.
- (a) Minimum lot area: five acres.
 - (b) No outdoor active recreation area for any recreational use shall be located nearer to any lot line than 100 feet.
 - (c) Outdoor play areas shall be screened with a planted buffer meeting ordinance requirements.
 - (d) Specific requirements for miniature golf courses, chip and putt courses, batting cages or skate parks:
 - 1) Use shall have its lot frontage on and take access from an arterial highway as defined in the Township ordinances.
 - 2) Minimum lot frontage: 200 feet.
 - 3) Hours of operation shall be limited to daylight hours unless approved by the Township for extended hours as part of the permit process.
- (11) **Use 33, Adult Business.** The adult business use is permitted in appropriate zoning districts, as specified in this chapter.
- (12) **Use 34, Veterinary Office.** Office of a veterinarian where domestic animals are given medical or surgical treatment. Use as a kennel is prohibited except that animals undergoing medical or surgical treatment may be housed if kept inside; use of the facility for boarding is prohibited. A veterinary office which provides care for livestock, farm animals or any other nondomestic animal shall require a minimum lot area of five acres.
- (13) **Use 35, Motor Vehicle Fueling Station.** A facility for the sale of fuels for motor vehicles, minor automobile accessories, and sale of food and beverage items, subject to the limitations of this chapter. This use is distinguished from and does not include a motor vehicle repair garage where automobile parts and accessories are sold and installed within the facility but where there is no fuel sale. Any facility which provides for gasoline or fuel sales directly to retail customers shall be considered to be a motor vehicle fueling station and shall meet the requirements of this use and shall only be permitted in the zoning districts where this use is permitted.
- (a) Dimensional requirements.
 - 1) Minimum lot area.
 - 2) C-1 District: two acres.
 - 3) C-2 District: two acres.
 - 4) Minimum lot width along all streets: 250 feet.

- 5) Minimum distance between all buildings and structures and any residential district or use: 100 feet.
 - (b) This use shall be permitted only where there is frontage on an arterial road.
 - (c) All activities, except those to be performed at the fuel pumps, shall be performed within a completely enclosed building.
 - (d) Fuel pumps and canopies shall be at least 25 feet from any ultimate street right-of-way.
 - (e) All refuse shall be stored within a building or enclosed area.
 - (f) No drive-through windows are permitted for sale of convenience items.
 - (g) Applicant shall present a plan to demonstrate the methods by which any spills of liquids will be contained and shall also demonstrate that the stormwater management system is designed to capture volatile organic compounds, oils and solids. Applicant shall also provide to the Township a copy of a maintenance agreement setting forth the terms for the management of the facilities.
- (14) **Use 36, Car Wash.** An automobile washing facility shall mean a public facility designed for washing motor vehicles, whether by mechanized apparatus or manually and also whether by attendant employees or by the customer-motorist, subject to the following provisions:
- (a) Minimum lot width of not less than 120 feet shall be provided along each street on which the lot abuts.
 - (b) Each facility shall provide paved, off-street stacking or parking spaces for the temporary storage of vehicles waiting to use the facility. A stacking area shall be provided for each wash bay. Under no circumstances shall vehicles be permitted to use abutting streets to temporarily wait to use the car wash facility.
 - (c) A water recycling system shall be employed. Environmentally friendly soaps and solvents shall be used.
- (15) **Use 37, Motor Vehicle Sales.** Sale of motor vehicles by a new or used motor vehicle dealership.
- (a) All preparation, lubrication, repair or similar activities shall be accessory to the principal use and shall be conducted within a building.
 - (b) All automobile parts and similar articles shall be stored within a building.
 - (c) There shall be no more than one access point into the facility from each street on which the facility has frontage, unless more than one is specifically approved during the land development process.
 - (d) An auto body shop may be included as an accessory use, incidental and subordinate to the automotive sales, provided that it meets the regulations of Use 38, Motor Vehicle Repair Garage, and provided that it is located at the rear or side of the building containing the principal use.
 - (e) Parking areas for auto sales customers and for auto service must be clearly delineated so as to separate them from auto display and storage areas.

- (16) **Use 38, Motor Vehicle Repair Garage.** An establishment where motor vehicle parts and accessories are sold and facilities where parts may be installed; an automobile repair garage, including paint spraying and body and fender work. The following requirements shall be met:
- (a) All repair and installation of parts shall be performed within an enclosed building, and all paint work shall be performed within an enclosed paint booth.
 - (b) All automobile parts, refuse and similar articles shall be stored within a building or enclosed area screened from view from the street or surrounding properties.
 - (c) No vehicle shall be stored in the open awaiting repairs for a period exceeding 14 consecutive days. All vehicle storage areas shall be screened from all adjacent roads and properties by a solid fence or compact hedge at least eight feet in height.
 - (d) Dimensional requirements.
 - 1) Minimum lot area: one acre.
 - 2) Minimum lot width along all street: 200 feet.
 - 3) Minimum distance between all buildings and structures and any residential district or use: 100 feet.
 - (e) No sale of fuel to retail customers is permitted. There shall be no fuel pumps.
 - (f) Junk vehicles or unlicensed vehicles may not be stored in the open at any time.
 - (g) This use is permitted only on lots with frontage on an arterial road.
 - (h) No sale or rental of vehicles shall be permitted.
- (17) **Use 39, Trade or Professional School.** A commercial school providing instruction in a trade, electronics, repairs or the arts.
- (18) **Use 40, Kennel.** Facility where animals are kept or boarded for a fee. The kennel may include accessory training, grooming or breeding services.
- (a) Minimum lot area: two acres.
 - (b) No animal housing area shall be closer to any lot line than 100 feet.
 - (c) All animals shall be kept in buildings or in outdoor areas enclosed by fences designed and constructed to prohibit animals from escaping.
 - (d) All kennel facilities shall be designed to include sufficient sound-deadening measures so as to ensure that the noise emanating from the property shall not cause a nuisance to adjacent property owners and, at a minimum, shall ensure that the sound levels do not exceed 65 decibels, as measured at the outside property line.
 - (e) All kennels shall be licensed under the Dog Law Act of 1982, P.L. 784, Act 255, as amended.
- (19) **Use 41, Large Retail Center.** Retail store or complex consisting of connected or interconnected retail stores, having an aggregate floor area of 60,000 square feet or more, shall meet the following requirements:
- (a) This use shall be located on an arterial road.

- (b) Building design. Buildings shall be designed to reflect and enhance the visual, historic and cultural character of Lower Southampton Township. Exterior building materials shall be brick, wood, stone, tile or other traditional materials. No concrete block or tilt-up concrete walls shall be permitted. There shall be no uninterrupted lengths of blank wall longer than 100 feet. Walls shall be differentiated with recesses, windows, facade details, changes in color or materials. All sides of a building shall be architecturally consistent with the front facade, and all building faces visible from the street or abutting properties shall have the same architectural features and style as the front facade.
- (c) Building placement. For any building in excess of 100,000 square feet, no building or permanent structure, other than a permitted sign, shall be erected within 100 feet of a street line or within 50 feet of any property line. The exterior 50% of the setback shall be landscaped with trees, shrubs and ground cover.
- (d) No parking, loading or service area shall be located less than 50 feet from any property line, including the street line. Parking shall be arranged so that at least 50% of the required parking is located to the side or rear of the shopping center buildings.
- (e) Parking, loading or service areas shall not be permitted within the required buffer yards or within the exterior 50% of the required setbacks.
- (f) The proposed development shall be constructed in accordance with an overall plan and shall be designed as a single architectural style with appropriate landscaping. Where building pads are proposed which are not connected to the main structure of the shopping center, these shall be shown on the overall plan and shall be integrated with the shopping center so that pedestrians can walk safely to individual buildings without being endangered by vehicular traffic. All structures in a shopping center shall be connected either as part of one large structure or by means of pedestrian ways or walkways on which pedestrians can move from one building to another without unsafe interference from vehicular traffic.
- (g) The use shall be designed to accommodate safely pedestrian and vehicular traffic. Pedestrian circulation shall be provided throughout the site, and pedestrian connections shall be provided to adjacent sidewalks.
- (h) The plan shall provide for shopping cart corrals if shopping carts are to be used. Cart corrals shall be provided in addition to the required parking spaces.
- (i) The applicant must submit as a part of the preliminary land development or subdivision plan a market analysis indicating the market for the proposed facility and the area from which patrons will be attracted, as well as architectural concept plans and building elevations.
- (j) The use shall include a public amenity, such as an outdoor plaza, patio seating area, water feature, clock tower, or other amenity, that will enhance the character of the area. The scale of the public amenities shall be in proportion to the size of the proposed store.
- (k) As part of the land development agreement for the establishment of a retail store of 60,000 square feet or greater, provisions shall be made for the removal or adaptive reuse of the structure by the applicant should the facility not be used for a period of 12 consecutive months. Financial security may be required by the Township.
- (l) Loading docks shall be shielded from view and shall not be visible from adjacent residential districts or from public streets.

- (m) Maximum impervious surface: 60% of lot area.
 - (n) Maximum building coverage: 40% of lot area.
- (20) **Use 42, Bed-and-Breakfast.** The use and occupancy of a detached dwelling shall be permitted for accommodating transient guests for rent, which does not include residential facilities for chronically ill or other persons who need institutional care due to illness, disability or who are part of a criminal justice program, subject to the following additional conditions and restrictions:
- (a) No more than five guest rooms may be provided.
 - (b) Required off-street parking spaces shall be located either to the rear of the main dwelling or screened from the roadway by a five-foot fence or plant material.
 - (c) There shall be no use of show windows or display or advertising visible outside the premises to attract guests, other than a single, nonilluminated sign, which may not exceed eight square feet.
 - (d) The use shall be carried on primarily by members of the immediate family who reside on the premises.
 - (e) There shall be no separate kitchen or cooking facilities in any guest room. Food served on the premises shall be served only to guests of the establishment.
 - (f) The maximum, uninterrupted length of stay at a guesthouse shall be 14 days.
 - (g) Weddings, receptions, and special events. A bed-and-breakfast may be used for weddings, receptions, meetings and other special events which attract people who are not guests at the bed-and-breakfast only where the following additional requirements are met:
 - 1) The bed-and-breakfast must have frontage on and access to an arterial road.
 - 2) Weddings, receptions and special events may be held no more than eight times per year, and each event shall last no more than one day.
 - 3) Special exception approval is required.
 - 4) There shall be no outdoor amplified music.
 - 5) Provision shall be made for adequate and safe parking, which shall be reviewed as part of the special exception application.
- (21) **Use 43, Banquet/Catering Facility.** A facility available for special dinners, banquets or other dining events by prearrangement with the management of the facility for groups or parties and not open to the general public on a daily basis. Such establishments may include full kitchen facilities and a catering facility, as defined in this section. A catering facility is the use of a building or part of a building where food or beverages, or both, are prepared on the premises and picked up or delivered for off-site consumption as part of a banquet or other dining event for groups or parties. Where such facility is housed on the same premises or within the same building as a banquet facility, food and beverages may also be served and consumed on site. This use shall not be considered a restaurant.

(22) **Use 44, Limited Personal Service.** A retail facility offering psychic readings, body piercing, branding or tattooing of persons, and similar uses. The following requirements shall be met:

- (a) The service must be performed in sanitary conditions and in compliance with all federal, state and local regulations, rules and laws regulating such practices.
- (b) The place of service shall be a minimum of 1,000 feet from the nearest public or private school.
- (c) The limited personal service providers shall display notices as required by Pennsylvania law regarding the necessity of parental consent before any procedure is performed on a minor.

(23) **Use 45, Ambulance/Medical Transport Vehicle.** A facility offering ambulance services for a fee to the general public, when such services are not provided by a volunteer ambulance service, volunteer fire company, or other public or quasi-public organization.

- (a) In addition to any other applicable provision of this chapter, a private ambulance service must meet all of the following requirements:
 - 1) A minimum lot area of one acre.
 - 2) No private ambulance service may be located on a lot with any other commercial, industrial, residential or any other use.
 - 3) No testing of sirens, excessive noise or other disruption may emit from equipment located on the site.
 - 4) No private ambulance service may be located within 500 linear feet of any other private ambulance service.
 - 5) Every private ambulance service shall file with the Township a current copy of any applicable federal, state or county license required for the operation of the business.

(24) **Use 46, Smoke Shop/Smoking Parlor/Vape Shop.** A retail facility using 250 square feet or more for sales of tobacco, tobacco products, e-cigarettes or other tobacco paraphernalia; or a facility offering private areas for the consumption of tobacco or tobacco products on site. This use shall include hookah bars/lounges.

(a) Special exception criteria.

- 1) Smoking parlors shall cease operations between the hours of 11:00 p.m. and 9:00 a.m.
- 2) There shall be no noise or vibration discernible along any property line greater than the average noise level occurring on adjacent streets and properties
- 3) No alcoholic beverages shall be served or consumed on the premises.
- 4) Where located on a parcel within 500 feet of a residential property, smoking parlors must include a planted buffer, fence, or other sound barrier adequate to screen adjacent properties from any activity on the premises.

- 5) Cannot be located within 1000 feet of a school, another smoke shop, smoke parlor, vape shop, day care centers, youth or community center, public park, or religious institution.

(25) **Use 47, Equipment Rental or Motor Vehicle Leasing.** The following requirements shall be met:

- (a) All equipment shall be screened by a wall, fence or landscaping screen not less than six feet in height.
- (b) Motor vehicle leasing shall be subject to the following requirements:
 - 1) Where the equipment rental use is the single use on a lot, minimum lot size shall be one acre.
 - 2) Storage or display of vehicles for lease shall be placed no closer to the future street right-of-way line than 25 feet.
 - 3) Parking areas for motor vehicle leasing customers shall be clearly delineated so as to separate them from vehicle display and storage areas.
 - 4) Servicing of vehicles on the premises shall not be permitted.

(26) **Use 47A, Medical Marijuana Dispensary.**

- (a) Special exception criteria.
 - 1) A medical marijuana dispensary shall provide proof of registration with the Department of Health or proof that registration has been sought and is pending approval, and shall at all times maintain a valid, accurate, and up-to-date registration with the Department of Health. Should registration be denied or revoked at any time, any special exception shall immediately become void.
 - 2) A medical marijuana dispensary shall at all times operate in compliance with all Department of Health regulations pertaining to such facilities.
 - 3) A medical marijuana dispensary must be located on a lot containing not less one acre.
 - 4) A medical marijuana dispensary shall not be operated or maintained on a parcel within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a public, private or parochial school, day-care center, medical marijuana grower/processor and/or another medical marijuana dispensary, or within 500 feet measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a place of worship, public park, community center or a residentially zoned property.
 - 5) A medical marijuana dispensary must operate entirely within an indoor, enclosed, and secure facility. No exterior sales, and no sidewalk displays, shall be permitted. No drive-through, drop off, or pickup services shall be permitted.
 - 6) A medical marijuana dispensary may not operate on the same site as a medical marijuana grower/processor.

- 7) A medical marijuana facility shall be limited to hours of operation not earlier than 9:00 a.m. and not later than 9:00 p.m.
- 8) A medical marijuana dispensary shall submit a disposal plan to, and obtain approval from the Township. Medical marijuana remnants and byproducts shall be disposed of according to an approved plan, and shall not be placed within an exterior refuse container.
- 9) There shall be no emission of dust, fumes, vapors or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the medical marijuana dispensary is operating.
- 10) No one under the age of 18 shall be permitted in a medical marijuana dispensary, unless accompanied by a caregiver as required under Section 506 of the Medical Marijuana Act, as amended.
- 11) No use of medical marijuana shall be permitted on the premises of a medical marijuana dispensary.
- 12) The minimum size of a medical marijuana dispensary facility shall be 2,000 gross square feet in total floor area.
- 13) A medical marijuana dispensary shall submit a security plan to, and obtain approval from, the Township Engineer, the Township Planner, and the Police Chief. The medical marijuana grower/processor shall demonstrate how it will maintain effective security and control. The security plan shall specify the type and manner of twenty-four-hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility as required by Section 1102 of the Medical Marijuana Act and as supplemented by regulations promulgated by the Department of Health pursuant to the Medical Marijuana Act, as amended.
- 14) A medical marijuana dispensary shall provide proof of a contract with a private security company, licensed in accordance with 22 Pa.C.S.A. (the Private Detective Act), and shall be staffed with/monitored by security personnel 24 hours a day and seven days a week.
- 15) A medical marijuana dispensary shall submit a site plan for approval by the Township Engineer and a floor plan for approval by the Township Building Code Official. The floor plan shall identify internal security measures. All medical marijuana product, byproduct, and waste shall be stored in an interior secure vault or receptacle in such a manner as to protect against improper dissemination.

(27) Use 47B, Medical Marijuana Grower/Processor.

(a) Special exception criteria.

- 1) A medical marijuana grower/processor shall provide proof of registration with the Department of Health or proof that registration has been sought and is pending approval, and shall at all times maintain a valid, accurate, and up-to-date registration with the Department of Health. Should registration be denied or revoked at any time, any special exception approval shall immediately become void.
- 2) A medical marijuana grower/processor shall at all times operate in compliance with all Department of Health regulations pertaining to such facilities.

- 3) A medical marijuana grower/processor must be located on a lot containing not less than two acres.
- 4) A medical marijuana grower/processor shall not be operated or maintained on a parcel within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a public, private or parochial school, day-care center, medical marijuana dispensary and/or another medical marijuana grower/processor, or within 500 feet measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a place of worship, public park, community center or a residentially zoned property.
- 5) A medical marijuana grower/processor must operate entirely within an indoor, enclosed, and secure facility.
- 6) A medical marijuana grower/processor may not operate on the same site as a medical marijuana dispensary.
- 7) A medical marijuana grower/processor shall not receive deliveries or make shipments earlier than 9:00 a.m. or later than 9:00 p.m.
- 8) A medical marijuana grower/processor shall submit a disposal plan to, and obtain approval from the Police Chief. Medical marijuana remnants and byproducts shall be disposed of according to an approved plan, and shall not be placed within an exterior refuse container.
- 9) There shall be no emission of dust, fumes, vapors or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the medical marijuana grower/processor is operating.
- 10) No one under the age of 21 shall be permitted in a medical marijuana grower/processor.
- 11) No retail sales of medical marijuana shall be permitted on the premises of a medical marijuana grower/processor.
- 12) No use of medical marijuana shall be permitted on the premises of a medical marijuana grower/processor.
- 13) A medical marijuana grower/processor shall submit a security plan to, and obtain approval from the Police Chief. The medical marijuana grower/processor shall demonstrate how it will maintain effective security and control. The security plan shall specify the type and manner of twenty-four-hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility as required by Section 1102 of the Medical Marijuana Act and as supplemented by regulations promulgated by the Department of Health pursuant to the Medical Marijuana Act, as amended.
- 14) A medical marijuana grower/processor shall contract with a private security company, licensed in accordance with 22 Pa.C.S.A. (the Private Detective Act), and the grower/processor shall be staffed with/monitored by security personnel 24 hours a day and seven days a week.

- 15) A medical marijuana grower/processor shall submit a site plan for approval by the Township Engineer and a floor plan for approval by the Township Building Code Official. The floor plan shall identify internal security measures. All medical marijuana product, byproduct and waste shall be stored in an interior secure vault or receptacle in such a manner as to protect against improper dissemination.

F. Utilities, communications, and transportation uses.

- (1) **Use 48, Emergency Services.** Fire, ambulance or other emergency services of a municipal or volunteer nature. A community room is permitted as an accessory use.
- (2) **Use 49, Municipal Uses** for Lower Southampton Township, including Township building, police station, licenses and inspections office, park and recreation facilities, or any structure owned or operated by any governmental entity.
- (3) **Use 50, Railway/Transportation Station.** A terminal limited to a railroad station or bus station providing passenger transportation services to the general public.
- (4) **Use 51, Public or Private Parking Garage.** Parking garage as a principal use or as an accessory use designed to meet parking requirements for a principal use, subject to the following additional provisions:
 - (a) Such area will be for the parking of cars of employees, customers or guests of establishments in the zoning district where the parking garage is proposed.
 - (b) No sales or service operations shall be conducted within the garage.
 - (c) Parking space size, aisle widths, ramp configuration, and other design standards, as required by Chapter 22, Subdivision and Land Development, shall be met.
 - (d) Maximum height: 35 feet, unless otherwise provided by special exception in exchange for reducing overall site impervious surface by at least 20% to a maximum of 50 feet.
 - (e) The parking garage shall make provisions for bicycle racks and motor scooters, which shall be included in areas protected from precipitation.
 - (f) Parking garage shall include stations for recharging electric vehicles at 5% of the parking spaces.
 - (g) Parking garage shall meet the setback requirements for the district in which it is located.
- (5) **Use 52, Public or Private Parking Lot.** Parking lot as a principal use or as an accessory use designed to meet parking requirements for a principal use, subject to the following additional provisions:
 - (a) Such area will be for the parking of cars of employees, customers or guests of establishments in the zoning district where the parking lot is proposed.
 - (b) No sales or service operations shall be conducted within the parking lot.
 - (c) Parking space size, aisle widths, ramp configuration, and other design standards, as required by Chapter 22, Subdivision and Land Development, shall be met.
 - (d) The parking lot shall make provisions for bicycle racks and motor scooters, which shall be included in areas protected from precipitation.

- (e) Parking lot shall include stations for recharging electric vehicles at 5% of the parking spaces.
 - (f) Parking lot shall meet the setback requirements for the district in which it is located.
- (6) Use 53, Cellular Telecommunications Facility.**
- (a) The following buffer plantings shall be located around the perimeter of the security fence:
 - 1) An evergreen screen shall be planted that consists of either a hedge planted three feet on center maximum or a row of evergreen trees planted 10 feet on center maximum.
 - 2) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
 - (b) An eight-foot-high security fence shall completely surround the tower (and guy wires if used) and equipment and/or building.
 - (c) The tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA 222-E Manual, as amended.
 - (d) A soil report complying with the standards of Appendix I, Geotechnical Investigations, ANSI/EIA 222-E, as amended, shall be submitted to the Township to document and verify the design specifications of the foundation for the tower and anchors for the guy wires if used.
 - (e) Towers and antennas shall be designed to withstand wind gusts of at least 100 miles per hour or as designated in the building code, whichever is greater.
 - (f) An antenna may not be located on a building or structure that is listed on a historic register or is in a historic district.
 - (g) The maximum height of a tower shall be 150 feet, subject to the following conditions:
 - 1) Towers located on parcels abutting residential areas shall not exceed a height of 85 feet.
 - 2) If the applicant can demonstrate that a taller tower is required to provide service or if the tower is designed as a stealth tower to resemble a tree or flag pole, a maximum height of 175 feet may be permitted by the Zoning Hearing Board.
 - 3) In no event shall the distance, at ground level, from a point directly under the center of the tower-mounting structure to the nearest property line or right-of-way, be less than the height of the tower.
 - (h) When a cellular telecommunications facility is combined with an existing use or located on a vacant parcel, the following conditions shall apply:
 - 1) The existing use need not be affiliated with the cellular telecommunications provider.
 - 2) The cellular communications facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic maintenance.
 - 3) Minimum lot areas. The minimum lot area shall be the area needed to accommodate the tower (guy wires if used), the equipment building, security fence and buffer planting. If the title to the land on which the cellular telecommunications facility is

located is conveyed to the owner of the facility, the land remaining with the principal lot shall continue to comply with the minimum lot area for the district.

- 4) Minimum setbacks. The tower and telecommunications equipment building shall comply with the minimum setback requirements for the host lot.
- 5) Access. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
- 6) Where possible, an antenna for a cellular telecommunications facility shall be attached to an existing structure, other than an existing tower, or building, subject to the following conditions:
 - a) Maximum height: 50 feet above the existing building or structure, but in no event higher than the maximum height permitted for a tower under this part.
 - b) If the applicant proposes to locate the telecommunications equipment in a separate building, the building shall comply with the following:
 - (i) The building shall comply with the minimum setback requirements for the subject zoning district.
 - (ii) An eight-foot high security fence shall surround the building.
 - (iii) A buffer yard shall be planted in accordance with Subsection F(6)(b) hereinabove.
 - (iv) Vehicular access to the building shall not interfere with the parking or vehicular circulation on the site for the principal use.
- 7) Before submitting an application for placement of a cellular telecommunications facility on an existing freestanding cellular telecommunications facility or on an existing structure, the applicant shall demonstrate that the proposed cellular telecommunications facility cannot be located on land or a structure owned or controlled by the Township or any other political subdivision or municipality of the commonwealth.
- 8) Elevations of existing and proposed structures showing width, depth and height, and statistical data on the antenna and support structure shall be presented to the Township.
- (i) The following hierarchy shall apply to the location of cellular telecommunications facilities, listed in order of priority:
 - 1) Co-location on a freestanding, existing cellular telecommunications facility.
 - 2) Attachment to an existing structure.
 - 3) Construction of a freestanding cellular telecommunications facility.
- (j) Notwithstanding any other provision of this chapter to the contrary, co-location of an antenna or antennas on an existing freestanding cellular communications facility shall be permitted in any zoning district, provided the applicant shall comply with all design and application requirements contained under this part and shall obtain co-location and building permits and pay any associated fees to the Township.

- (k) Any application proposing the construction of a freestanding cellular telecommunications facility shall include information demonstrating why the proposed service cannot be provided through co-location with an existing facility or by attachment to an existing structure. Such information may include:
- 1) The absence of any existing structures located within the geographic area meeting the applicant's engineering requirements.
 - 2) That existing structures are not of sufficient height to meet the applicant's engineering requirements.
 - 3) That existing structures do not have sufficient structural strength to support applicant's proposed cellular telecommunications facility and related equipment.
 - 4) That the proposed cellular telecommunications facility would cause electromagnetic interference to existing antenna(s) on the existing structure or that antenna(s) on the existing structure would cause such interference to applicant's proposed facility.
 - 5) That the fees, costs or contractual provisions required by the owner of an existing structure to permit co-location or attachment of the proposed cellular telecommunications facility are unreasonable. Construction costs for the attached facility which exceed the construction costs for a freestanding cellular telecommunications facility shall be presumed to be unreasonable.
 - 6) That other limiting factors exist which render existing structures unsuitable for the proposed cellular telecommunications facility.
- (l) The Zoning Hearing Board may require that any proposed freestanding cellular telecommunications facility include space for location of emergency service communications facilities.
- (m) In addition to the criteria set forth hereinabove, when a proposed cellular telecommunications facility applies for a special exception, the applicant shall establish the following criteria:
- 1) The applicant shall demonstrate that the tower for the telecommunications facility is the minimum height necessary for the service area. The applicant shall also demonstrate that the facility must be located where it is to serve the company's system.
 - 2) The applicant shall present documentation that the tower is designed in accordance with the standards cited in this chapter for cellular telecommunications towers.
 - 3) The applicant shall demonstrate that the proposed tower complies with all state and federal laws and regulations concerning aviation safety.
 - 4) Additional buffer yard requirements, if any, shall be as determined by the Zoning Hearing Board.
 - 5) The applicant shall demonstrate that the telecommunications facility must be located where it is proposed in order to serve the applicant's service area.
 - 6) Where the telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement for the proposed facility and that vehicular access is provided to the facility.

(6.1) **Use 53A, Small wireless facilities within the right-of-way**, but not in an underground district, as regulated by the small wireless facilities Deployment Act, but not in an underground district. Small wireless facilities that fall under the Pennsylvania small wireless facilities Deployment Act shall be permitted by right within rights-of-way in all zoning districts in the Township except in areas within zoning districts that are underground districts as defined in § 27-202. If a term that is used or defined within this § 27-1403F(6.1) or within § 27-1403F(6.1) or within § 27-202 is also defined in the small wireless facilities Deployment Act [the Act of June 30, 2021 (P.L. 232, No. 50), 53 P.S. §§ 11704.1 through 11704.11], the Act's definition shall preempt the definition of the same term found in the Zoning Ordinance of Lower Southampton Township. Said preemption shall occur solely for purposes of interpreting or applying § 27-1403F(6.1) or § 27-1403F(6.2).

(a) Installation, replacement, modification or maintenance of small wireless facilities inside the right-of-way shall comply with all of the following requirements:

- 1) The wireless provider shall be required to obtain Township approval through the general permitting process and permission from the owner of the utility facility, utility pole or wireless support structure for installation, modification or replacement of small wireless facilities on a utility facility, utility pole or wireless support structure and Township approval through the general permitting process for the installation of a new utility pole with small wireless facilities attached thereto.
- 2) The installation of a new or modified small wireless facility on an existing utility pole shall not extend more than five feet above the existing utility pole.
 - a) The equipment and network components, including antennas, transmitters and receivers, must meet the following qualifications:
 - (i) Each antenna associated with the deployment is no more than three cubic feet in volume.
 - (ii) The volume of all other equipment associated with the small wireless facility is cumulatively no more than 28 cubic feet. Any equipment used solely for the concealment of the small wireless facility shall not be included in the calculation of equipment volume under this paragraph.
- 3) All structures and facilities deployed by a wireless provider shall be installed, constructed and maintained in a manner so as not to obstruct, endanger or hinder travel or public safety on or within the right-of-way, including not to materially interfere with the safe operation of traffic control equipment, sight lines or clear zones for transportation or pedestrians or compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement and shall be installed and maintained in a manner so as not to damage or interfere with other utility facilities located within a right-of-way or interfere with another utility's use of the utility's facilities located or to be located within the right-of-way.
- 4) All structures and facilities deployed by a wireless provider shall comply with applicable Township codes and shall comply with applicable Federal Communications Commission (FCC) regulations, with the small wireless facilities Deployment Act, and with any other applicable federal or Pennsylvania law or regulations or applicable industry standard.

- 5) If the installation, replacement or maintenance of a small wireless facility or facilities will cause structural or safety deficiencies to a municipal pole, the Township and permit applicant shall work together for any make-ready work or modifications or replacements that are needed to accommodate the small wireless facility.
 - a) The Township shall provide a good-faith estimate for any make-ready work necessary to enable the municipal pole to support the requested collocation by a wireless provider, including pole replacement, if necessary, within 60 days after receipt of a complete application. If the Township demonstrates that the collocation would make the municipal pole structurally unsound, the Township may require replacement of the municipal pole.
 - b) Make-ready work, including pole replacement, shall be completed within 60 days of written acceptance of the good-faith estimate by the applicant.
 - c) The Township may reserve space on an existing municipal pole for future public safety or transportation uses in a documented and approved plan as adopted at the time an application is filed. If the replacement of a municipal pole is necessary to accommodate collocation and the reserved future use, the wireless provider shall pay for the replacement municipal pole and the municipal pole shall accommodate the future use.
- 6) If collocation on an existing utility pole or municipal pole to which the wireless provider has legal access is technically feasible, would not impose substantial additional cost, and would not obstruct or hinder travel or public safety, but the wireless provider demonstrates and self-certifies in good faith to the Township that it cannot meet the service reliability and functional objective by collocating on such existing utility pole or municipal pole instead of installing a new utility pole, a small wireless facility may be installed on a new or replacement utility pole. The maximum permitted height of the facility, which shall include the utility pole and small wireless facility, shall not be taller than 50 feet above ground level unless the wireless provider obtains a grant of a special exception from the Zoning Hearing Board.
 - a) The equipment and network components, including antennas, transmitters and receivers, must meet the following qualifications:
 - (i) Each antenna associated with the deployment is no more than three cubic feet in volume.
 - (ii) The volume of all other equipment associated with the small wireless facility is cumulatively no more than 28 cubic feet. Any equipment used solely for the concealment of the small wireless facility shall not be included in the calculation of equipment volume under this paragraph.
- 7) Historic districts and historic buildings. In addition to the aesthetic design requirements set forth in § 27-1403F(6.1)(b)3d), the Township may require reasonable, technically feasible, nondiscriminatory and technologically neutral design or concealment measures for installation, modification or replacement of small wireless facilities on a utility facility, utility pole or wireless support structure in a designated historic district or on a designated historic building on a case-by-case basis to ensure maintenance to the extent feasible of the aesthetic and historic nature of the historic building and/or historic district. Any design or concealment measures will not have the effect of prohibiting a wireless provider's technology. For the purpose of

staying within the size restrictions applicable to a small wireless facility, design or concealment measures shall not be considered part of the size of the small wireless facility. This § 27-1403F(6.1)(a)7) is not applicable to historic buildings or historic areas to the extent that they are regulated under the National Environmental Policy Act, which requires environmental assessments (EAs) pursuant to the Code of Federal Regulations, Title 47, Section 1.1307(a)(4), as amended.

- 8) Damages to the right-of-way. A wireless provider shall repair all damages to the right-of-way or to any other land so disturbed by the activities of the wireless provider's contractors and restore the right-of-way to substantially the same condition which existed in the right-of-way prior to the performance of the work in the right-of-way by the wireless provider. If the wireless provider fails to make the repairs required by the Township within 30 days after written notice, the Township may perform those repairs and charge the wireless provider the reasonable, documented cost of the repairs plus a penalty of \$500. The Township may suspend the ability of an applicant to receive a new permit from the Township until the applicant has paid the amount assessed for the repair costs and the assessed penalty, unless the applicant has deposited the amount assessed for the repair costs and the assessed penalty in escrow pending an adjudication on the merits of the dispute by a court of competent jurisdiction.
- 9) Compliance with applicable laws for communications services and general requirements for use of the right-of-way.
 - a) The approval of the installation, placement, maintenance or operation of a small wireless facility shall not authorize the provision of any communications services without compliance with all applicable laws and shall not authorize the installation, placement, maintenance or operation of any communications facilities other than wireless facilities and associated utility poles in the right-of-way.
 - b) The construction and maintenance of structures and facilities by the wireless provider shall comply with the current Pennsylvania Electrical Safety Code and all applicable laws, ordinances and regulations and applicable current industry standards for the protection of underground and overhead utility facilities.
 - c) An applicant or the applicant's affiliate shall ensure that a contractor or subcontractor performing construction, reconstruction, demolition, repair or maintenance work on a small wireless facility deployed under the small wireless facilities Deployment Act meets and attests to all of the following requirements:
 - (i) Maintain all valid licenses, registrations or certificates required by the federal government, the commonwealth or a local government entity that is necessary to do business or perform applicable work.
 - (ii) Maintain compliance with the Act of June 2, 1915 (P.L. 736, No. 338), known as the Workers' Compensation Act, and the Act of December 5, 1936 (2nd Sp. Sess., 1937, P.L. 2897, No. 1), known as the Unemployment Compensation Law, and bonding and liability insurance requirements as specified in the contract for the project, as amended.

- (iii) Has not defaulted on a project, declared bankruptcy, been debarred or suspended on a project by the federal government, the commonwealth or a local government entity within the previous three years.
 - (iv) Has not been convicted of a misdemeanor or felony relating to the performance or operation of the business of the contractor or subcontractor within the previous 10 years.
 - (v) Has completed a minimum of the United States Occupational Safety and Health Administration's ten-hour safety training course or similar training sufficient to prepare workers for any hazards that may be encountered during their work on the small wireless facility.
- 10) Fees for small wireless facilities. The Township shall charge an annual fee to an applicant for use of the right-of-way, which may be adjusted on a pro rata basis in accordance with the adjusted fee levels for small wireless facilities, which fee levels are issued by the Federal Communications Commission (FCC).
 - a) The Township shall not charge an annual right-of-way fee per small wireless facility for collocation on a municipal pole over and above the use fees described in § 27-1403F(6.1)(a)10)b).
 - b) Generally, the Township shall charge an annual right-of-way fee of \$270 per small wireless facility or \$270 per new utility pole. If the Township charges an annual fee per small wireless facility or per new utility pole of more than \$270, the fee shall be nondiscriminatory and shall reflect a reasonable approximation of the Township's costs to manage the right-of-way. Fees may be identified in the Township fee schedule and may be amended by resolution.
- 11) Indemnification. Except for a wireless provider with an existing agreement with the Township prior to the effective date of the small wireless facilities Deployment Act, the Act of June 30, 2021 (P.L. 232, No. 50), which agreement permits the wireless provider to occupy and operate in a right-of-way, a wireless provider shall fully indemnify and hold the Township and its officers, employees and agents harmless against any claims, lawsuits, judgments, costs, liens, expenses or fees or any other damages caused by the act, error or omission of the wireless provider or its officers, agents, employees, directors, contractors or subcontractors while installing, repairing or maintaining small wireless facilities or utility poles within the right-of-way. A wireless provider shall not be required to indemnify for an act of negligence or willful misconduct by the Township, its elected and appointed officials, employees and agents.
- (b) Permitting process for small wireless facilities and utility poles or wireless support structures within the right-of-way. The following requirements shall apply to applications for small wireless facilities inside public rights-of-way:
 - 1) Work Requiring a Permit. A zoning permit, which shall be subject to applicable Township Code sections, must be obtained from the Township by a wireless provider for:
 - a) The installation, modification, collocation or replacement of small wireless facilities within the right-of-way; or

- b) Purposes related to small wireless facilities, the installation, modification or replacement of utility structures, utility poles or wireless support structures, including for collocation, with small wireless facilities attached thereto within a right-of-way; or
 - c) The installation of new utility poles with attached small wireless facilities.
- 2) Review of permit application. The Township shall review the permit application for conformance with the Township codes and shall treat the application for the permit as a permitted use in all areas of the Township except when the application seeks the installation, modification or replacement of small wireless facilities within the right-of-way in underground districts, which are areas designated solely for underground or buried cable facilities and utility facilities. Said underground district applications shall be approved only by special exception, and requirements relating to small wireless facilities in underground districts shall be governed by § 27-1403F(6.2) of the Township Zoning Ordinance.
- 3) The permit applications relating to small wireless facilities shall include the following:
 - a) Documentation that includes necessary approvals from the owner of the pole or wireless support structure and includes construction and engineering drawings demonstrating compliance with the criteria listed in § 27-1403F(6.1)(a), including § 27-1403F(6.1)(a)1) through 11) and also including § 27-202 (definition of "small wireless facility") of the Township Zoning Ordinance.
 - b) A report by a qualified engineering expert demonstrating that the small wireless facility or facilities proposed will comply with applicable Federal Communications Commission (FCC) regulations, and any other applicable federal or Pennsylvania law or regulations or applicable industry standards, including but not limited to the current Pennsylvania Electrical Safety Code; National Electric Safety Code; the National Electrical Code; the industry standards pertaining to wind gusts and ice or the standards set forth in ANSI/TIA-222, as amended (Electronics Industry Association and Communications Industry Association); and the structural standards of the American Association of State Highway and Transportation Officials, as amended.
 - c) If the wireless provider is applying to install a new or replacement utility pole as described in § 27-1403F(6.1)(a)6), self-certified documentation made in good faith, including a documented summary of the basis for the applicant's request to install a new or replacement utility pole which demonstrates that collocating on an existing utility pole or municipal pole instead of installing a new utility pole cannot meet the service reliability and functional objective of the wireless provider.
 - d) Documentation demonstrating construction design which achieves minimal aesthetic impact, while allowing for technical feasibility. The aesthetic design documentation shall demonstrate and/or include the following to the extent technically feasible:
 - (i) That accessory equipment shall be of a color that matches the wireless support structure on which such accessory equipment is mounted and an accessory equipment shroud or cabinet shall be of the smallest dimensions

technically feasible.

- (ii) That replacement wireless support structures, including poles, or new wireless support structures, including poles, shall be of comparable materials, color and design to the existing wireless support structure being replaced or for new structures, to the adjacent wireless support structure.
 - (iii) That new wireless support structures shall be connected to electricity with the same method as adjacent wireless support structures.
 - (iv) That for any replacement decorative pole, the new decorative pole shall match the existing decorative pole in shape, design, color and material.
 - e) Diagrams which clearly delineate all proposed equipment and structures, in comparison to previously existing equipment and structures, and which show required dimensions, color, material and type of wireless support structure proposed, and which depict proposed wiring and describe concealment methods for wiring, and which depict any existing structures within 100 feet of the proposed location.
- 4) Capacity or radio frequency. The applicant shall not be required to provide justification for capacity or radio frequency. However, the applicant shall not interfere with Emergency Management Services ("EMS") and/or 9-1-1 capacity and/or radio frequencies.
- 5) Incomplete applications and Permit Processing Deadlines.
- a) Incomplete applications. Within 10 business days of receiving an application, the Township shall determine and notify the applicant in writing whether the application is incomplete. If an application is incomplete, the notice must specifically identify the missing information. The processing deadline shall restart at zero days on the date the applicant provides the missing information. The processing deadline may be tolled by agreement of the applicant and the Township.
 - b) An application shall be processed on a nondiscriminatory basis and the Township shall approve or deny the application within 60 days of receipt of a complete application to collocate and within 90 days of receipt of a complete application to replace an existing utility pole or install a new utility pole with small wireless facilities attached. When a small wireless facility application is deemed approved by the Township's failure to timely respond, the Township has seven days to approve or deny any other permits that are related to the work associated with the small wireless facility application.
- 6) Consolidated applications. An applicant seeking to collocate within the jurisdiction of the Township shall be allowed at the applicant's discretion to file a consolidated application for collocation of multiple small wireless facilities as follows:
- a) The number of small wireless facilities addressed in a consolidated application shall not exceed 20.
 - b) The denial of one or more small wireless facilities in a consolidated application shall not delay processing of any other small wireless facilities in the same consolidated application.

- c) A single applicant shall not submit more than one consolidated or 20 single applications in a thirty-day period. If the Township receives more than one consolidated application or more than 20 single applications within a forty-five-day period, the processing deadline shall be extended 15 days in addition to the processing deadline specified under § 27-1403F(6.1)(b)5a), to allow the Township to complete its initial review under § 27-1403F(6.1)(b)5a).
- d) The following apply:
 - (i) For the purpose of counting the number of small wireless facilities each applicant has before the Township at a given time, small wireless facilities and poles that a wireless provider applicant has requested a third party to deploy, and that are included in a pending application by the third party, shall be counted as pending requests by the wireless provider applicant.
 - (ii) An application tolled under § 27-1403F(6.1)(b)6c), shall count towards the total number of applications included in a consolidated application unless the application is withdrawn by the applicant. As the processing of applications is completed, the Township shall begin processing previously tolled applications in the order in which the tolled applications were submitted, unless the applicant specifies a different order.
- 7) Denial of a permit and curing of deficiencies.
 - a) The Township may deny the permit if the application for small wireless facility deployments sought and corresponding work proposed are not in compliance with applicable Township codes or with the small wireless facilities Deployment Act or with any of the requirements of this § 27-1403F(6.1) or (6.2) (if applicable).
 - b) Within the time frame established under § 27-1403F(6.1)(b)5b), the Township shall document the basis for a denial, including the specific provisions of applicable Township codes on which the denial was based, and send the documentation to the applicant within five business days of the denial.
 - c) The applicant may cure the deficiencies identified by the Township and resubmit the application within 30 days of receiving the written basis for the denial without being required to pay an additional application fee. The Township shall approve or deny the revised application within 30 days of the application being resubmitted for review. Any subsequent review shall be limited to the deficiencies cited in the denial. If the resubmitted application addresses or changes other sections of the application that were not previously denied, the Township shall be given an additional 15 days to review the resubmitted application and may charge an additional fee for the review.
- 8) Time limit for work. The proposed collocation on, modification to or replacement of a utility pole or the installation of a new utility pole with small wireless facilities attached for which a permit is granted under § 27-1403F(6.1) or (6.2) of the Township Zoning Ordinance shall be completed within one year of the permit issuance date unless the Township and the applicant agree in writing to extend the period.

- 9) Length of permit term for small wireless facilities on utility poles or wireless support structures. The Township's approval of the permit allows the applicant to operate and maintain small wireless facilities and any associated equipment on a utility pole covered by the permit for a period of not less than five years, which period shall be renewed for two additional five-year periods if the applicant is in compliance with the criteria set forth in the Township Zoning Ordinance, the small wireless facilities Deployment Act, and the applicant has obtained all necessary consent from the pole owner.
- 10) Suspension or revocation of a permit for noncompliance and subsequent removal of equipment. Within 60 days of suspension or revocation of a permit due to noncompliance with applicable sections of the Township Code or the small wireless facilities Deployment Act or other applicable laws and regulations, the applicant shall remove the small wireless facility and any associated equipment, including the utility pole and any support structures if the applicant's wireless facilities and associated equipment are the only facilities on the utility pole or support structure, after receiving notice and an opportunity to cure any noncompliance.
- 11) Removal of equipment at the end of the permit term. Within 90 days of the end of a permit term or the end of an extension of the permit term, the applicant shall remove the small wireless facility and any associated equipment, including the utility pole and any support structures if the applicant's wireless facilities and associated equipment are the only facilities on the utility pole or support structure.
- 12) Moratorium prohibited. The Township shall not issue, expressly or de facto, any moratorium on filing or processing applications or issuing permits for collocation, for modification or for replacement of utility poles to support small wireless facilities or for installation of new utility poles to support small wireless facilities.
- 13) Work that does not require a permit. Unless the work within the right-of-way involves excavation, closure of a sidewalk or closure of a vehicular lane, or the work requires a permit pursuant to other provisions of the Township Zoning Ordinance or other Township codes, the Township shall not require an application for a permit for the following:
 - a) Routine maintenance or repair work.
 - b) The replacement of small wireless facilities with small wireless facilities that are substantially similar or the same size or smaller and still qualify as small wireless facilities.
 - c) The installation, placement, maintenance, operation or replacement of micro wireless facilities that are strung on cables between existing utility poles by or for a communications service provider authorized to occupy the right-of-way, if compliant with the National Electrical Safety Code.
- 14) Fees for application. The Township shall charge an application fee for the review of a permit application and of plans submitted for the work to be done within the right-of-way. The application fee is subject to adjustments on a pro rata basis in accordance with the adjusted fee levels for small wireless facilities, which fee levels are issued by the Federal Communications Commission (FCC). The Township shall charge a one-time application fee of:

- a) \$500 for an application seeking approval for no more than five collocated small wireless facilities and \$100 for each collocated small wireless facility above five.
- b) \$1,000 for an application seeking approval of a small wireless facility that requires the installation of a new or replacement utility pole or wireless support structure.

15) Agreements.

- a) All agreements between the Township and wireless service providers that are in effect on the effective date of the small wireless facilities Deployment Act shall remain in effect, subject to any termination provisions in the agreements. When an application is submitted after the effective date of the small wireless facilities Deployment Act, a wireless provider may elect to have the rates, fees, terms and conditions established under the Act apply to the small wireless facility or utility pole installed after the effective date of the Act.
- b) The Township shall not enter into an exclusive arrangement with any person for use of the right-of-way for
 - (i) Collocation; or
 - (ii) The installation, operation, modification or replacement of utility poles with small wireless facilities attached.

(6.2) Use 53B, small wireless facilities within the right-of-way and which are also in an underground district by special exception as regulated by the small wireless facilities Deployment Act.

- (a) Requirements for underground districts. The Township shall not use a new designation of an underground district to prohibit small wireless facilities and replacements of municipal poles and their attachments when the area has been so designated 90 or fewer days' prior to the wireless provider's application relating to the underground district.
 - 1) Installation, replacement, modification or maintenance of small wireless facilities in underground districts shall comply with the requirements of § 27-1403F(6.1)(a)1) through 11) of the Township Zoning Ordinance and the requirements of § 27-1403F(6.2)(a)1) through 3) of the Township Zoning Ordinance.
 - 2) Small wireless facilities in underground districts shall be treated as a use permitted only by special exception.
 - a) If the Township generally allows for the replacement of municipal poles and the poles' attachments in an underground district, the wireless provider may apply through the general permitting process in the same manner as it would apply in an area that was not designated as an underground district, except that the grant of the permit shall only be by special exception.
 - b) In addition to the requirements referenced in § 27-1403F(6.2)(a)1), the wireless provider may only be granted permission by special exception for the installation of a new utility pole with small wireless facilities in an underground district if the wireless provider has permission from the owner of the property at the location of the proposed site of the new utility pole.

- 3) Generally, in an underground district that is so designated more than 90 days' prior to an application, a wireless provider shall comply with the same reasonable and nondiscriminatory underground placement rules that other communications services must follow.
- (b) Applications relating to small wireless facilities in underground districts.
- 1) If a wireless provider's application seeks the installation, modification or replacement of small wireless facilities on an existing utility pole or wireless support structure within the right-of-way and in an underground district or seeks the same on a replacement utility pole or wireless support structure at a location within the right-of-way and in an underground district, the Township shall treat the application as an application for a special exception and shall review the application in accordance with the requirements of § 27-2306 and with the requirements of § 27-1403F(6.1)(a)1) through 11) and F(6.1)(b)1) through 14) and with the requirements of § 27-1403F(6.2)(a)1) through 3) of the Township Zoning Ordinance.
 - 2) If a wireless provider's application seeks the installation of a new utility pole within the right-of-way in an underground district, the application shall include documentation that the wireless provider has permission from the owner of the property at the location of the proposed site of the new utility pole. The Township shall treat the application as described in § 27-1403F(6.2)(b)1).
- (c) Section 27-1403F(6.1)(b)15) relating to existing agreements and relating to prohibited exclusive arrangements between the Township and wireless service providers shall apply to small wireless facilities in underground districts.
- (7) **Use 54, Utility Operating Facility.** Subject to the following additional provisions:
- (a) Such structure shall be limited to a transformer station, pumping station, electrical substation, telephone substation, water or sewer facility and any public or private utility, but shall not include telecommunications uses or facilities.
 - (b) Such structure must be required to serve the Township of Lower Southampton.
 - (c) Such structure shall be required to obtain land development approval pursuant to Chapter 22, Subdivision and Land Development if required by the Township.
 - (d) Building and zoning permits shall be required for all utilities.
 - (e) The maximum height of aboveground water storage facilities shall be determined by the Zoning Hearing Board in accordance with the need to protect the community's safety and appearance.
 - (f) The following minimum setbacks from all property lines shall be provided.
 - 1) Water tower: not less than the height of the tower plus 200 feet.
 - 2) Electrical substation: 100 feet.
 - 3) Well facility: 50 feet.
 - 4) Sewer pumping station: 25 feet.
 - 5) Water pumping station: 50 feet.

- 6) All other uses: 50 feet.
- (g) Minimum lot sizes shall be adequate to accommodate the above setbacks, parking requirements and other building requirements.
- (h) All parking spaces and access drives shall be at least five feet from any side or rear lot line. Two off-street parking spaces or one space per full-time employee stationed at the facility, whichever provides the greater number of spaces, shall be provided.
- (i) A buffer yard shall be provided along all property lines which shall include adequate means for visual screening and which shall meet the requirements of this chapter.

G. Industrial uses.

- (1) **Use 55, Light Manufacturing.** The production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products.
- (2) **Use 56, Research and Development Facility.** Research, testing or experimental laboratory for carrying out investigation in the natural, physical, social sciences, engineering or biomedical fields.
- (3) **Use 57, Wholesale business and storage.** Storage and distribution of goods to manufacturers, importers/exporters, wholesalers, transport business. This use shall not include a wholesale club or other facility where retail sales occur or goods are sold to the ultimate consumer.
- (4) **Use 58, Crematorium.** Facility for the cremation of animals or people.
- (5) **Use 59, Printing, Publishing, Binding.**
- (6) **Use 60, Contractor Business Office** for such as building, concrete, electrical, heating, air conditioning, masonry, painting, plumbing, carpentry, cabinetry and roofing, provided the following regulations are met:
 - (a) The building size shall not exceed 25,000 square feet.
 - (b) The building may contain offices for the contractor use as well as storage of material and equipment but may not contain any retail sales areas.
 - (c) No outside storage of material or equipment is permitted.
 - (d) Vehicles are permitted to be parked outside, provided that there shall be no more than 10 vehicles stored on the premises.
 - (e) No retail sales may be conducted from the premises, no client contact nor public access shall be permitted on the premises.
- (7) **Use 61, Carpentry Shop,** such as a carpenter/cabinetry-making shop for retail custom work, provided the following requirements are met:
 - (a) The building size shall not exceed 15,000 square feet.
 - (b) The building may contain offices for the contractor use as well as storage of material and equipment.
 - (c) No outside storage of material or equipment is permitted.

- (d) Vehicles are permitted to be parked outside, provided that there shall be no more than 10 vehicles stored on the premises.
- (e) Retail sales shall be permitted from the carpentry shop.
- (8) **Use 62, Truck Terminal.** The use of land for the storage of trucks or the transfer of freight from one truck to another, excluding the transfer or storage of solid waste.
- (9) **Use 63, Quarry. Extraction of minerals, coal, oil and gas,** subject to these regulations and the requirements of the Surface Mining Conservation and Reclamation act (P.L. 1093, No. 219), the Noncoal Surface Mining Conservation and Reclamation Act (P.L. 1140, No. 223), the Oil and Gas Act, the Bituminous Mine Subsidence and Land Conservation Act, as amended. No mining or extraction of limestone is permitted in resource-protected areas; any limestone extraction in other areas shall be permitted only if the applicant can demonstrate that there will be no harm to the aquifer. When applying for a zoning permit, the applicant shall provide the following plans and information:
 - (a) Plan of general area (within a one-mile radius of site) at a scale of 1,000 feet or less to the inch with a twenty-foot or less contour interval to show:
 - 1) Existing data.
 - 2) Location of proposed site.
 - 3) Land use pattern including building locations and historical sites and buildings.
 - 4) Roads, indicating major roads and showing width, weight loads, types of surfaces and traffic data.
 - (b) Proposed uses or facilities within 100 feet of the site proposed for the use:
 - 1) Subdivisions.
 - 2) Parks, schools and churches.
 - 3) Highways (new and reconstructed).
 - 4) Other uses potentially affecting or affected by the proposed extractive operation.
 - (c) Plan of proposed site at a scale of 100 feet or less to the inch with a five-foot or less contour interval to show:
 - 1) Basic data.
 - 2) Soils and geology.
 - 3) Groundwater data and watercourses.
 - 4) Vegetation with dominant species.
 - 5) Wind data directions and percentage of time.
 - (d) Proposed usage.
 - 1) Final grading by contours.

- 2) Interior road pattern, its relation to operation yard and points of ingress and egress to state and Township roads.
 - 3) Estimated amount and description of aggregate and overburden to be removed.
 - 4) Ultimate use and ownership of site after completion of operation.
 - 5) Source and amount of water if final plan shows use of water.
 - 6) Plan of operation showing proposed tree screen locations.
 - 7) Soil embankments for noise, dust and visual barriers and heights of spoil mounds.
 - 8) Method of disposition of excess water during operation.
 - 9) Location and typical schedule of blasting.
 - 10) Machinery - type and noise levels.
 - 11) Safety measures - monitoring of complaints.
- (e) Minimum lot area: 15 acres.
- (f) Minimum lot width at building setback line: 300 feet.
- (g) Performance standards.
- 1) Operations. Extractive operations shall meet all other standards of this chapter.
 - 2) Setbacks. No excavation, quarry wall, storage or area in which processing is conducted shall be located within 200 feet of any lot line, 200 feet of any street right-of-way, or within 200 feet of any residential or agricultural district boundary line.
 - 3) Grading. All excavations, except stone quarries over 25 feet in depth, shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.
 - a) Excavations shall be graded and backfilled to the grades indicated by the site plan. Grading and backfilling shall be accomplished continually and as soon as practicable after excavation. Grading and backfilling may be accomplished by use of waste products of the manufacturing operation or other clean fill materials, providing such materials are composed of nonnoxious, noncombustible solids.
 - b) Grading and backfilling shall be accomplished in such a manner that the slope of the fill or its cover shall not exceed normal angle of slippage of such materials or 45° in angle, whichever is less. During grading and backfilling, the setback requirements in paragraph (g)2) above may be reduced by 1/2, so that the toe of the graded slope shall not be closer than 100 feet of any agricultural or residential district boundary line, any lot line or any street right-of-way. Stockpiles shall not exceed 100 feet in height.
 - c) When excavations which provide for a body of water are part of the final use of the tract, the banks of the excavation shall be sloped to a minimum ratio of seven feet horizontal to one foot vertical, beginning at least 50 feet from the edge of the water and maintained into the water to a depth of five feet.

- d) Drainage, either natural or artificial, shall be provided so that disturbed areas shall not collect water or permit stagnant water to remain.
- (h) Access. Truck access to any excavation shall be so arranged as to minimize danger to traffic and avoid nuisance to surrounding properties.
- (i) Planting. When planting is the final use to which the tract is put, all that is not covered by water shall be covered with a sufficient amount of arable soils to support vegetation. A planting plan shall be prepared for the entire finished tract using various types of plant material for the prevention of soil erosion and to provide vegetative cover. When buildings are proposed as part of the final use to which the tract is put, planting in areas adjacent to proposed buildings shall be planted with a vegetative cover in keeping with the requirements of the ultimate building purposes.
- (j) Stone quarry. Stone quarries whose ultimate depth shall be more than 25 feet shall provide the following:
 - 1) A screen planting within the setback area as specified in paragraph (g)2) above shall be required. Such a screen shall be no less than 25 feet in width and set back from the excavation so as to keep the area next to the excavation planted in grass or ground cover and clear of any obstruction.
 - 2) A chain-link (or equal) fence at least 10 feet high and with an extra slanted section on top strung with barbed wire shall be placed at either the inner or outer edge of planting completely surrounding the area.
 - 3) Warning signs shall be placed on the fence at intervals of no more than 100 feet.
 - 4) No ground vibration caused by blasting or machinery shall exceed the limits established by the Act of July 10, 1957, P.L. 685, as amended, 73 P.S. §§ 164 to 168, and the rules and regulations adopted thereunder, with the exception that no blasting shall cause a peak particle velocity greater than one inch per second, measured at any property line. Blasting shall not occur between the hours of 10:00 p.m. and 7:00 a.m.
 - 5) Applicants for this use shall submit a water impact study in accordance with the requirements of this chapter.
 - 6) Blasting. No blasting or use of explosives shall be permitted upon said quarry except in accordance with the laws of the Commonwealth of Pennsylvania and in accordance with the regulations that may be promulgated by the Secretary of Labor and Industry of the Commonwealth of Pennsylvania, and prior to the firing of a blast or the setting off of explosives in any quarry in the Township, said owner/operator shall advise, at least 24 hours prior to the time of said detonation, one adult occupant of each dwelling located on a property adjoining the property line of said quarry as to the date and time that said blast will be detonated.
 - 7) Conformity to federal, state and local laws. All permitted quarrying and related uses and operations shall conform to any applicable federal, state and local statutes, ordinances, regulations and standards relative to water or air pollution, particle emission, noise, waste disposal, vibration, land rehabilitation and reclamation, and performance bond requirements. The applicable laws shall include, but not be limited to, the Clean Streams Act and the Surface Mining Conservation and Reclamation Act, as amended.

- 8) The applicant shall submit a reclamation plan which shall designate how the land will be returned to productive use after the completion of quarrying on the site.

(10) **Use 64, Solid Waste Facility.** Solid waste facility shall mean one or more of the following:

COMPOSTING PLANT — A facility at which composting is done. "Composting" shall mean the process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product. "Compostable material" shall mean organic waste which is capable of undergoing composting. Composting activities associated with normal farming operations shall not be included in this definition of "composting plant."

LANDFILL or MUNICIPAL LANDFILL or SANITARY LANDFILL — A Pennsylvania Department of Environmental Protection-approved facility for disposing of solid waste on land without creating nuisances or hazards to the public health or safety.

RECYCLING CENTER — A facility established to receive, process, store, handle and ship recyclable materials.

RESOURCE RECOVERY FACILITY — A plant, establishment, set of equipment or other operation that recovers materials or products, including heat, electricity or recyclable materials, from otherwise waste materials. A resource recovery facility shall not include a landfill.

TRANSFER STATION — A facility which receives and temporarily stores solid waste or recyclable materials at a location other than the generation site and which facilitates the bulk transfer of accumulated solid waste or recyclables to a facility for further processing or disposal.

(a) Dimensional requirements.

- 1) Minimum net lot area: 10 acres.
- 2) Maximum building coverage: 10%.
- 3) Minimum lot width: 450 feet.
- 4) Minimum front yard: 200 feet (400 feet if adjacent to residences or a residential district).
- 5) Minimum side yard: 100 feet (200 feet if adjacent to residences or a residential district).
- 6) Minimum rear yard: 100 feet (200 feet if adjacent to residences or a residential district).

(b) Landscaping shall be provided to buffer and screen the use from surrounding properties, to complement buildings and other structures on the site, and to enhance the overall character of the facility. A buffer zone of 50 feet in width shall be established from the property line, which shall be planted around the perimeter of the site in accordance with the buffer standards of Chapter 22, Subdivision and Land Development.

(c) The facility shall be screened by fencing, walls, berming and other site improvement features to complement the proposed landscaping buffer and shall be surrounded by adequate fencing to prevent unauthorized entry.

(d) The facility shall provide for adequate environmental controls to minimize noise, vibration, glare, heat, odor, smoke, dust, fumes, vapors, gases, air emissions and water effluents, as required under appropriate and relevant Township, federal and state environmental laws.

- (e) The facility shall include efficient mitigation of potential adverse environmental impacts as described in the environmental impact assessment requirements of this section.
 - (f) The facility shall not include any building or structure with a height in excess of 35 feet.
 - (g) The facility shall have a contract with a pest and rodent control company for the regular elimination and control of rat, flies, vermin and other rodents, insects and pests that might become vectors for carrying disease.
 - (h) No use shall emit odorous gases or other odorous matter in such quantities as to be humanly perceptible at or beyond any point at its lot lines.
 - (i) All solid waste facilities shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania and the rules and regulations of the Department of Environmental Protection.
 - (j) Environmental impact assessment required. No solid waste facility shall be approved without the preparation and filing of an environmental impact assessment.
- (11) **Use 65, Standard Self-Storage Facility.** Warehouse/storage units provided for lease to the general public for the purpose of storage of articles.
- (a) Dimensional requirements.
 - 1) Minimum lot area: 10 acres.
 - 2) Maximum building coverage: 60%.
 - 3) Maximum impervious surface ratio: 80%.
 - 4) Minimum setbacks from street line: 75 feet.
 - 5) Minimum setbacks from other lot lines: 100 feet.
 - 6) Minimum lot width: 150 feet.
 - 7) Maximum height storage units: 12 feet.
 - 8) Minimum aisle width between buildings: 26 feet.
 - 9) Maximum size of any individual storage unit: 300 square feet.
 - (b) The storage facilities complex shall be surrounded by a fence at least eight feet in height of a type approved by the Township. The outside perimeter of the fence shall be surrounded by an evergreen hedge which shall provide a visual screen, with evergreens a minimum of six feet in height planted every six feet.
 - (c) Outdoor storage of automobiles, boats, recreation vehicles is permitted if they are within the fenced area, provided that the parked vehicles shall not interfere with traffic movement through the complex and are not visible from the street.
 - (d) An office and residence is permitted as an accessory use to provide for a full-time caretaker.
 - (e) Minimum requirements for lease restrictions.
 - 1) No retail business activities may be conducted from the leased storage units; no rental of trucks or vehicles.

- 2) No storage of explosive, toxic, radioactive or highly flammable materials.
- (12) **Use 66, Indoor Self-Storage Facility.** Warehouse/storage units entirely contained within a structure (existing or proposed) provided for lease to the general public for the purpose of storage of articles.
- (a) Dimensional requirements.
 - 1) Minimum building size: 25,000 square feet.
 - 2) Minimum setbacks from street line: 75 feet.
 - 3) Minimum setbacks from other lot lines: 100 feet.
 - 4) Minimum lot width: 150 feet.
 - 5) Maximum height of buildings: 35 feet.
 - (b) Outdoor storage not permitted.
 - (c) Minimum requirements for lease restrictions:
 - 1) No retail business activities may be conducted from the leased storage units; no rental of trucks or other motor vehicles.
 - 2) No storage of explosive, toxic, radioactive or highly flammable materials.
- (13) **Use 67, Fuel Storage and Distribution.** Storage and distribution of fuel oil, coal or other fuel products. This use does not include a fueling station as defined by this chapter.
- (a) Minimum lot area: five acres.
- (14) **Use 67B, Data Center.** – A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data operations. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations of the data center.
- (a) Dimensional requirements.
 - 1) Minimum Lot Area: 5 acres
 - 2) Minimum Lot Width: 450 feet
 - 3) Minimum Setbacks (Front, Side, and Rear): 250 feet
 - 4) Maximum Building Coverage: 10%
 - 5) Maximum Impervious Surface Coverage: 60%
 - 6) Maximum Building Height: 50 feet
 - (b) Parking. One parking space per employee based on the largest shift plus an additional three visitor spaces.
 - (c) A minimum of one off-street loading area is required.
 - (d) A-100 foot rear and side yard buffer is required to mitigate light and sound impacts.

- (e) Building façades are required to use variant texture and design.
- (f) A professional noise study for the proposed site shall be submitted noting that noise does not exceed 50 decibels at the property line.
- (g) The applicant shall provide certification from all power utilities that the subject use can be serviced for electricity purposes, water, and sewer.
- (h) A lighting plan shall be submitted to ensure that lighting does not spill over on adjoining properties and is shielded.
- (i) A plan shall be submitted to ensure that perimeter fencing and security is adequate.
- (j) An Environmental and Community Impact Analysis shall be submitted to ensure that there is no adverse environmental or community impact.

(15) Use 67C, Sales of consumer fireworks.

H. Accessory uses.

- (1) **Use 68, 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:
 - (a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - (b) The business shall employ no employees other than family members residing in the dwelling.
 - (c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - (d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
 - (e) 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.
 - (f) 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.
 - (g) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
 - (h) The business may not involve any illegal activity.
- (2) **Use 69, Accessory Office of a Physician, Lawyer, Clergyman, Teacher, Architect, Accountant or Tutor.**
 - (a) The area devoted to the permitted professional use shall be located within either the practitioner's dwelling or a building accessory thereto.

- (b) The floor area devoted to such professional use shall be equivalent to not more than 25% of the ground area covered by the practitioner's dwelling, excluding the ground area covered by an attached garage or such other similar building.
 - (c) No more than two employees, assistant or associate, in addition to the resident practitioner shall be employed on the premises.
 - (d) No external alterations shall be made which involve construction features not customary in dwellings.
 - (e) The accessory professional use shall have direct access to an arterial street as herein defined.
- (3) **Use 70, Residential Accessory Building or Structure.** A private garage, bath house, greenhouse, storage shed, or accessory building, which is not an integral structural part of a main building and is an incidental and subordinate building located on the same lot as a principal building. It may be erected in the rear, whenever possible, and/or side yards in a residential zoning district, provided it meets the following:
- (a) Shall not exceed a total of 500 square feet of ground-floor area on any single lot;
 - 1) A footprint of 750 square feet is permitted for properties between one (1) and two (2) acres, and 1,000 square feet for properties over two (2) acres. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.
 - (b) Shall not exceed 50% of the floor area of the principal building;
 - (c) Shall not exceed a height of 15 feet;
 - (d) Shall not be located in front of or within 10 feet of the principal building;
 - (e) Required Setbacks: Side Yard: 6 feet; Rear Yard: 5 feet; Setback from Right-of-Way: 5 feet
- (4) **Use 71, Family Day Care.** A family day-care use is a facility operated for remuneration in which child day care is provided at any one time to up to six children, including relatives of the caregiver and nonrelatives, and where the child-care areas are part of a family residence wherein the caregiver resides, subject to conformance with the following additional regulations:
- (a) A family day-care use shall only be permitted as an accessory use in a single-family detached dwelling.
 - (b) The owner and operator of a family day-care use must obtain a registration certificate from or be licensed by the Pennsylvania Department of Public Welfare. Failure to maintain the registration or license as required shall result in a termination of the special exception approving same, and it shall be the affirmative obligation of the owner and operator of a family day-care use to provide, annually, proof to the Township that the registration certificate or license is valid for each year.
 - (c) A family day-care use must be located in a residence which has frontage on a public street, and the operation of the family day-care use must be conducted in a manner so as not to obstruct the normal flow of traffic. Where necessary to provide for safe transfer of children to and from the facility, the Zoning Officer may require additional off-street parking and driveway area as a condition of the grant of any zoning permit.

- (d) Persons engaged in a family day-care use shall be limited to the members of the household of the operator residing on the premises.
 - (e) There shall be no exterior display, no exterior sign, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building on the premises. There shall be no commodities sold or services rendered that require receipt or delivery of merchandise, goods or equipment by other than passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in residential deliveries.
- (5) **Use 72, Nonresidential Accessory Building or Structure or** Use customarily incidental to the uses permitted in nonresidential districts in connection with such uses, except outside storage, provided that any use accessory to a use permitted only under a special exception shall be established only if and as provided in such exception and shall include the following:
- (a) Office, commercial and industrial uses may provide cafeterias for their customers, employees and/or guests and may provide day-care facilities for their employees, provided that:
 - 1) The employees placing their children in the day-care facility do not leave the premises while the children are on the premises; with the exception that employees may leave the premises on their usual duties.
 - (b) Office uses may include newsstands, coffee shops and/or sandwich shops (which may sell sundries) which primarily serve the employees of the office uses, provided that:
 - 1) The accessory use is only open during normal business hours, i.e., 7:00 a.m. to 6:00 p.m. Monday through Friday.
 - 2) There is no exterior signage for the accessory use.
 - 3) There is no sit-down seating.
 - (c) An accessory building is limited to 500 square feet and a maximum height of 20 feet. All setback regulations for a principal building must be met for the applicable district along with impervious surface and building coverage requirements. The Township shall make the final determination if a land development application is required.
- (6) **Use 73, Motor Vehicle Fuel Pumps.** Standalone facilities for dispensing motor vehicle fuel, with or without a cashier's booth, which is limited to location as an accessory use to a large retail center. NOT a motor vehicle fueling station as defined in this chapter.
- (7) **Use 74, Heliport.** Shall be regulated by the following:
- (a) This use permits a business only in those zoning districts where the use is permitted to establish a heliport for its respective corporate purposes. This use does not permit establishment of an independent helicopter transport business. The use shall be buffered from other adjoining incompatible uses, such as day-care and residential uses and districts. The standards are required to maximize attention to the proper site design, including the location of structures and parking areas, proper ingress and egress, development of an interior street system where applicable, architectural design, landscaping and compatibility of any proposal with natural foliage, soils, contours, drainage patterns and the need to avoid visual intrusions and performance nuisances while maintaining visual continuity throughout the host site.

- (b) Access shall be taken from an interior roadway, a common access drive, approved building landing pad, parking lot or rail line for shipping and freight purposes.
 - (c) Where this use is approved by the Zoning Hearing Board for an at-grade location, and unless otherwise required of the host site, a fence shall be constructed that is a minimum of six feet high along with a dense screen planting of evergreens, berming suggested, 20 feet in depth, as a visual and sound barrier along the boundary on the sides and rear of the parcel. Trees shall be planted in accordance with the tree list set forth in Chapter 22, Subdivision and Land Development.
 - (d) Except for emergency uses and those required by law, the heliport operations shall be scheduled between the hours of 6:00 a.m. and 9:00 p.m.
 - (e) No parcel where a heliport is proposed to be built may be within 500 feet of a building in which a day-care program is maintained except as an accessory use to an inhouse business.
 - (f) This use must comply with all federal, state and local laws.
- (8) **Use 75, Nonresidential Wind Energy System.** A nonresidential wind energy system is a device which converts wind energy to mechanical or electrical energy and which is permitted as an accessory use and structure in nonresidential districts only, in accordance with the following regulations:
- (a) Wind system shall be permitted as an accessory use only. Power generated by a windmill under this section shall not exceed 20 kilowatts. There shall be no commercial use of windmills for the generation of energy, except for that energy generated in excess of the requirements of the property and purchased by a public utility in accordance with existing law or other governmental regulation, so long as the overall energy output of the windmill does not exceed the limits set forth under this paragraph.
 - (b) No wind system shall be permitted in any open space area that has been set aside either as part of a development or preserved through a Township, county, state, federal or conservancy preservation program.
 - (c) A wind energy system may be a freestanding pole structure or may be attached to another structure or building; however, only one windmill shall be permitted on any lot or tract of land.
 - (d) Every proposed wind system, whether freestanding or attached to another structure, shall be designed and engineered to provide for safe operation. Detailed engineering plans, prepared by a licensed professional engineer, for all proposed wind systems shall be submitted with applications for approval. If an attached system is proposed, these engineering studies shall demonstrate to the satisfaction of the Township that the wind system shall not compromise the structural integrity of the building to which it is attached. In addition, all building code requirements must be met.
 - (e) Maximum height. The maximum height of any wind system is 50 feet, measured from the average approved finished grade at the perimeter of the windmill foundation to the highest vertical point of a blade at its maximum vertical position. No nonresidential windmill which is mounted upon an existing structure shall exceed a maximum height of 15 feet above the highest point of the existing structure. For any freestanding wind system which is proposed at a height of 20 feet or greater, a minimum lot area of one acre is required.

- (f) All wind systems shall be set back a minimum of 2.5 times the height of the structure, including the blade as extended to its highest position, from any lot line, aboveground utility line or pole. No windmill shall be placed in a front yard.
 - (g) All facilities shall meet the applicable electrical codes and installation shall be performed by a licensed electrical contractor.
 - (h) Nuisance standards. All wind systems shall be designed to avoid any adverse impacts on surrounding properties. No lights shall be permitted on the wind system. All applications shall contain information on the proposed color, orientation, design of the system, and any electrical interference effects.
 - (i) Access control. Access to the system shall be controlled by a fence with a height of eight feet with locking portal. The ground-level equipment and structures shall be adequately buffered from adjacent properties and street rights-of-way with landscaping or fencing.
 - (j) A minimum of one sign shall be posted near ground level or on the tower structure, warning of high voltage. The electric and utility lines to and from a wind system shall be underground.
 - (k) Access to a windmill shall not be provided any lower than 15 feet at the highest point of the windmill base.
 - (l) There shall be no antennas, advertising or other items or material affixed to or otherwise placed upon a windmill, except those required for safety or otherwise required by the Township.
 - (m) No windmill shall be permitted which lacks an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding and/or excessive pressure on the windmill or any of its component parts. Windmills shall meet any and all applicable manufacturer's specifications, as well as any state or federal standards regarding their installation and operation. All windmills shall be built, operated and maintained to applicable industry standards, as determined by the Institute of Electrical and Electronics Engineers (IEEE) and the American National Standards Institute (ANSI).
 - (n) The Township Zoning Officer may require an annual inspection report, prepared by an independent, licensed professional engineer, to be provided by the owner not less than 30 days from the date of a written notice to the owner requiring such inspection. The report shall certify the structural soundness and proper operation of the windmill.
 - (o) Any windmill which has not been in active and continuous service for a period of one year shall be removed from the property and the site restored to its preconstruction condition.
 - (p) A building permit shall be obtained for any wind energy system, and all systems shall be designed to conform to applicable industry standards, as well as the Uniform Construction Code. All wiring shall conform to the requirements of the National Electric Code (NEC). In addition, each installation shall be made in accordance with any local grid connection and metering requirements of the utility provider.
- (9) **Use 76, Residential Wind Energy System.** A residential wind energy system is a device which converts wind energy to mechanical or electrical energy and which is limited to use on residential lots. Each residential wind energy system shall generate energy exclusively for the underlying residential use, shall be permitted only as an attachment to an existing building and not as a standalone structure, shall have a maximum height equivalent to the maximum building

height permitted in the zoning district in which it is located, and shall be subject to the design, safety, inspection, lot area and removal standards set forth in the requirements for nonresidential wind energy systems contained under this part. Only one windmill may be installed on any lot or tract of ground, and such windmill shall not generate in excess of 10 kilowatts.

(10) **Use 77, Solar Energy Systems.** A solar energy system is permitted as an accessory use in any district, subject to the following standards:

- (a) The solar energy system shall provide power for the principal use of the property and shall not be used for the generation of power for the sale of power to other users; provided, however, that excess energy produced by the system may be sold to a public utility in accordance with existing law or governmental regulation.
- (b) The solar energy system may be mounted on the ground or on a roof and shall receive approval from the local utility provider for the connection of such system to the utility grid.
- (c) No solar energy system mounted upon any structure may exceed the maximum building height for the district where it is located. A ground-mounted system shall not exceed the maximum height for an accessory structure.
- (d) The surface of a ground-mounted system shall be calculated as a part of the overall impervious coverage and shall constitute no more than 2% of the allowable lot coverage or 360 square feet, whichever is less. All ground-mounted systems shall be enclosed in a fenced area.
- (e) No solar energy system shall be located in a front yard. Mechanical equipment associated with the system shall be screened from view from any adjacent parcel and shall be set back a minimum of 10 feet from the rear or side property lines.
- (f) All power connections from a ground-mounted system to a structure shall be located underground. Each installation shall include a shutoff control prominently located in a conspicuous place, which is readily accessible to emergency service providers.
- (g) No advertising devices or signs, including banners, streamers, ribbons, pennants or spinners, shall be affixed to the system. The manufacturer's or installer's identification and any appropriate warning signs and placards shall be displayed on the system, in accordance with the sign regulation contained under this chapter.
- (h) A building permit shall be obtained for any solar energy system, and all systems shall be designed to conform to applicable industry standards, as well as the Uniform Construction Code. All wiring shall conform to the requirements of the National Electric Code (NEC). In addition, each installation shall be made in accordance with any local grid connection and metering requirements of the utility provider.
- (i) Solar energy systems shall meet the requirements of any and all other applicable Township ordinances, codes or regulations.

(11) **In-Law Dwellings.** Accessory In-Law Dwellings are permitted as accessory uses only for single-family detached dwellings.

- (a) The minimum lot area for the use in the district in which the dwelling is located is required for the principal dwelling in order to be eligible to add an accessory in-law dwelling.

- (b) A permit from the Township shall be required.
- (c) Only one accessory in-law dwelling shall be allowed per lot.
- (d) Accessory in-law dwellings shall be part of the principal residence, provided that there is a door connecting the in-law suite to the remainder of the residence. No new separate structures on the same lot with the principal residence shall be permitted to be constructed for this use.
- (e) There shall be no changes to the exterior of the residence which suggest that the dwelling unit is other than a single-family detached dwelling or which otherwise detract from the single-family character of the neighborhood.
- (f) The height of the accessory building to be used for the accessory in-law dwelling shall not exceed the height of the principal dwelling.
- (g) Parking shall be provided for the in-law suite at the rate of one space per bedroom contained within the suite.
- (h) As a condition of the issuance of a permit from the Township for an accessory in-law dwelling, the owner of the property shall provide the Township with an affidavit confirming the relationship of the in-law dwelling. Failure to comply with this provision shall result in the denial/revocation of any requested or issued permit.
- (i) No accessory in-law dwelling shall exceed 25% of the size of the principal dwelling.

(12) Use 79, Accessory Drive-Through Facility.

- (a) A drive-through facility is any vehicle-related commercial facility where a service is provided or goods, food or beverages are sold to the operator of or passengers in a vehicle without the necessity of the operator or passengers disembarking from the vehicle. Any facility which proposes a drive-through or drive-up window as an accessory facility to a retail, service, financial, restaurant or other use where customers are served in their vehicles shall be subject to the requirements set forth in this section.
- (b) General standards. A drive-through facility is subject to the following standards, in addition to those standards for a drive-through facility set forth in the Subdivision and Land Development Ordinance, to the extent such standards exceed or differ from the following standards:
 - 1) Frontage requirements. Minimum lot frontage on at least one street shall be 150 feet for all principal uses with accessory drive-through facilities.

(13) Use 80, Local Gaming Device. – A mechanical, computerized or electrical contrivance, terminal, machine, or other device that, upon insertion or payment of cash or cash equivalent as a wager, is available to play or operate one or more games, the play or outcome of which is determined by any element of either chance or skill, and that may deliver, or entitle the player to receive, cash or cash equivalent at the conclusion of one or more such games.

- (a) No more than five (5) Local Gaming Devices may be placed on the premises of a licensed establishment that holds an active restaurant liquor license, brewery liquor license, limited distillery liquor license, limited winery liquor license or brewery pub license that is in good standing with the Pennsylvania Liquor Control Board.

- (b) In those licensed establishments where Local Gaming Devices may be placed, the following regulations shall apply:
 - 1) The Local Gaming Devices must be located in a segregated Local Gaming Area within the licensed establishment that is visible by employees of the establishment at all times. The segregated Local Gaming Area within the establishment must be segregated and secured from access by minors.
- (14) **Use 81, Electric Vehicle Charging Stations (EVCS).** – Battery charging station equipment with an associated parking space that is publicly accessible and has its primary purpose the storage of electrical energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An EVCS may contain several charging ports/points that charge more than one EV at a time.
 - (a) Electric Vehicle Charging Stations must meet the standards of Pennsylvania Labor and Industry and all building code requirements and shall be an accessory use.
 - (b) Must be in accordance with all applicable Township regulations as it relates to signage.
- (15) **Use 82, Electric Vehicle Parking Space.** – Any parking space that identifies the use to be exclusively for the parking of an electric vehicle.
 - (a) Shall meet or exceed the required parking space size in accordance with the Subdivision and Land Development Ordinance. The Township, upon the advice of the Township engineer, shall review permit flexibility in design given changing technology in the field and accessibility requirements.
 - (b) An EV space can be counted towards the parking space requirements for off-street parking.
- (16) **Use 83 – Keeping of Chickens.** - The keeping of chickens is permitted in every zoning district subject to the following requirements:
 - (a) The keeping of roosters is prohibited.
 - (b) Any commercial use, such as the selling of eggs, is prohibited unless otherwise permitted by the zoning district.
 - (c) Adequate food, shelter, water, and care shall be provided to all chickens at all times.
 - (d) All chickens, chicken coops, and chicken runs must be maintained, housed, and kept in a clean and sanitary condition and in a manner that does not cause a public or private nuisance.
 - (e) Chickens must be confined at all times to a chicken coop or chicken run in accordance with the following and may not roam free off of the property:
 - 1) Only one (1) chicken coop and one (1) chicken run shall be permitted on the property. The maximum permitted height of a chicken coop is fifteen (15) feet and it shall not exceed one-hundred forty-four (144) square feet. Chicken coops and chicken runs must meet the setback requirements of a residential accessory structure. If the property exceeds five (5) acres, this limitation does not apply.
 - 2) Chicken coops and chicken runs shall be located in the rear yard only.

Township of Lower Southampton, PA
§ 27-1501

ZONING

§ 27-1501

Part 15 RESERVED

Part 16
OPAS Off-Premises Advertising Sign Overlay

§ 27-1601. Purpose and intent.

The OPAS Off-Premises Advertising Sign Overlay District is an overlay zoning district whose purpose is to provide an area for the placement of off-premises advertising signs, aka "billboards," in the Township; to provide regulations for such signs — defined as signs which advertise other than the business transacted, services rendered, goods sold or produced on the premises, name of the business, or the name of the person, firm or corporation occupying the premises; to provide standards for construction of such signs; and to locate such signs so that they are not adverse to the health, safety and general welfare of the residents of Lower Southampton Township.

§ 27-1602. Overlay concept.

The OPAS shall be considered an overlay zoning district in any areas of the Township containing nonresidentially zoned property within 50 feet of the right-of-way established for the Pennsylvania Turnpike.

§ 27-1603. Use regulations.

1. An off-premises advertising sign, also known as a "billboard," shall be permitted in the OPAS Off-Premises Advertising Sign Overlay District, subject to the following requirements:
 - A. Size of sign. An off-premises advertising sign may not exceed 672 square feet per side in area, with a maximum length of 48 feet and a maximum width of 14 feet.
 - B. Height and location of sign. The maximum height of an off-premises advertising sign shall be the minimum necessary in order for the sign to be reasonably viewed by the intended motorists and in no event higher than 30 feet measured to the top of the sign. Off-premises advertising signs shall be located no closer than 20 feet from any property line.
 - C. Spacing. Off-premises advertising signs may not be located closer than 25 feet from any street measured from the ultimate right-of-way of such street. Off-premises advertising signs may not be located closer than 300 feet from another off-premises advertising sign measured linearly.
 - D. Number of signs per lot. There shall be no more than one off-premises advertising sign containing not more than two sides per sign on any single lot. Lots containing more than 10,000 square feet of land area may have one sign containing not more than two sides per sign for every 15,000 square feet of lot area as a special exception.
 - E. Content. Off-premises advertising signs shall not contain advertisements for gentlemen's clubs, adult entertainment or adult businesses.
 - F. Lighting. Lighting for off-premises advertising signs and billboards shall be in compliance with the provisions of Township lighting ordinance requirements.
 - G. LED billboards shall be permitted as a special exception subject to the following requirements:
 - (1) Illumination levels as set forth in the Outdoor Lighting Ordinance.
 - (2) One screen image every minute must be reserved for public service messages, amber alerts, or other Township-designed content.

- (3) The applicant must demonstrate that the proposed LED sign will have no adverse impact on any adjacent property.
 - (4) The applicant must demonstrate that the proposed LED sign will not have an adverse impact on the general health, safety, and welfare of the Township.
- H. Lot size. The minimum lot size for a property on which an off-premises advertising sign may be located is 10,000 square feet.
- I. Maintenance of sign. All off-premises advertising signs shall be structurally sound and maintained in good condition. If the signs are not structurally sound or are in poor condition, the signs shall be immediately removed at the sole cost and expense of the owner of the sign in accordance with the provisions of this section. If an off-premises advertising sign is not structurally sound or remains in poor condition, Lower Southampton Township shall notify the owner of the property on which the sign is located and provide the owner 60 days' written notice by certified mail, sent to the owner's last known address, to remove the sign. If the sign is not removed within 60 days from the date of the notice, the Township may remove the sign, and the cost thereof shall be paid by the owner of the property on which the sign is erected. Lower Southampton Township may file a lien against the property or take any action authorized by law to collect the cost of removal if it is not paid by the owner of the property.
- J. Landscaping. Landscaping shall be provided at the base of all off-premises advertising signs in order to shield from view the base, structural elements and foundation of the sign. Trees and shrubbery including evergreen and flowering trees of sufficient size and quantity shall be used to achieve the purpose of this section.

§ 27-1604. Additional regulations.

All off-premises advertising signs shall comply with any and all applicable zoning regulations not specifically established herein and any and all Township, state and/or federal regulations, including but not limited to, the Lower Southampton Township Building Code and all applicable Pennsylvania Department of Transportation regulations.

Part 17
General Requirements Applicable To All Uses And Districts

§ 27-1701. Compliance.

All uses and activities established after the effective date of this chapter shall comply with the following standards.

§ 27-1702. Noise.

All uses and activities shall comply with the Township Noise Ordinance.

§ 27-1703. Smoke.

No smoke shall be emitted from any chimney or other source of visible gray opacity.

§ 27-1704. Dust, fumes, vapors and gases.

1. The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, to animals or vegetation, or to other forms of property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission is herewith prohibited.
2. No use shall emit odorous gases or other odorous matter in such quantities as to be detectable at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the 50% response level of Table I, Odor Thresholds in Air, "Research on Chemical Odors: Part I — Odor Thresholds for 53 Commercial Chemicals," October 1968 or most recent edition, Manufacturing Chemists Association, Inc., Washington, D.C.
3. No emission of liquid or solid particles from any chimney or otherwise shall exceed 0.3 grams per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500° F. and 50% excess air in stack at full load.

§ 27-1705. Heat.

No use shall produce heat perceptible beyond its lot lines.

§ 27-1706. Vibrations.

No use shall cause earth vibrations or concussions detectable beyond its lot lines without the aid of instruments, with the exception of that vibration produced as a result of construction activity.

§ 27-1707. Buffer yards.

1. A completely planted visual barrier or landscape screen of sufficient density and height to constitute an effective screen shall be provided and maintained in the following locations:
 - A. Between any nonresidential district and any residential district or residential use;
 - B. Between any multifamily residential use or mobile home park use and any other residential district or residential use;

C. Or for any other use required by Part 14, Use Regulations, to provide a buffer.

2. The buffer shall be planted along the property lines and may be located within the required side or rear yard setbacks. Additional plantings may not be required where existing planting, topography or man-made structures are deemed acceptable for screening purposes.
3. The buffer yard shall be measured from the district boundary line, property line, or from the near street line where a street serves as the district boundary line.
4. The buffer yard may be coterminous with required front, side, or rear yards and, in case of conflict, the larger yard requirements shall apply.
5. No structure, manufacturing or processing activity or storage of materials shall be permitted in the buffer yard; buffer yards shall be maintained as green, planted open spaces.
6. To the extent the buffer yard regulations contained in § 22-522.5 of Chapter 22, Subdivision and Land Development, exceed the regulations contained in this part, the regulations in the Subdivision and Land Development Ordinance shall be applicable herein.

§ 27-1708. Storage and waste disposal.

1. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, except tanks or drums of fuel directly connecting with energy devices, heating devices or appliances located and operated on the same lot as the tanks or drums of fuel.
2. All outdoor storage facilities for fuel, raw materials and products and of fuel, raw materials and products stored outdoors shall meet any applicable federal or state safety requirements.
3. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.
4. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

§ 27-1709. District regulations.

The regulations for each district pertaining to maximum overall density, minimum lot area, minimum lot area per dwelling unit, minimum lot width, minimum front yard, minimum side yard, minimum rear yard, maximum height, maximum impervious surface, and maximum building coverage are set forth for each district. No principal building or use shall be erected or established except as permitted in the appropriate part of this chapter for the district involved.

§ 27-1710. Lot area.

1. Where a minimum lot area is specified, no principal building or use shall be erected or established on any lot of lesser area except as may be permitted by the terms of this chapter.

2. 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 part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.

§ 27-1711. Minimum lot width.

Where a minimum lot width is specified, no principal building shall be erected on any part of a lot which has a width of less than is specified, except as may be permitted by the terms of this chapter.

§ 27-1712. Exceptions to minimum lot areas and lot widths.

1. The provisions of this chapter shall not prevent the construction of a single-family dwelling, provided the yard requirements are observed, on any lot which was lawful when created and which, prior to the effective date of this chapter, was in separate ownership duly recorded by plan or deed, provided that such lot is not less than 7,000 square feet, and provided it is permitted by special exception by the Zoning Hearing Board in accordance with this chapter.
2. Where two or more adjacent lots, one or more of which is nonconforming, are owned by the same owner, and the ownership of the lots is concurrent, such lots shall be combined to create conforming lots, or to lessen the non-conformity if it is not possible to create all conforming lots. The sale, conveyance, or assignment of a non-conforming lot which is deemed to have been merged by this provision is prohibited and a violation of the Zoning Ordinance.

§ 27-1713. Traffic visibility at corners.

1. The following clear sight triangles shall be provided and maintained at all intersections as measured in all directions from center-line intersections. No existing or proposed structures or plantings between two feet and seven feet above road center line shall be permitted in the clear sight triangle area.
 - A. For fifty-foot rights-of-way or less: seventy-five-foot clear sight triangle.
 - B. For greater than fifty-foot rights-of-way: one-hundred-thirty-foot clear sight triangle.
2. At each point where a private accessway intersects a public street or road, a clear sight triangle of 10 feet, measured from the point of intersection of the street line and the edge of the accessway, shall be maintained, within which vegetation and other visual obstructions shall be limited to a height of not more than two feet above street grade.
3. The Township reserves the right to require the removal of any obstruction that is a safety hazard impacting visibility at any intersection or along any roadway. In addition, all PennDOT sight distance requirements must be met.

§ 27-1714. Spacing of nonresidential buildings on same lot.

Where two or more main buildings for other than residential uses are proposed to be built upon property in one ownership, front, side and rear yards are required only at lot lines abutting other property.

§ 27-1715. Front yard regulations.

1. No building or structure shall be built within the minimum depth from the front of the lot line. For purposes of this section, driveways, required utility facilities and light standards shall not be considered structures.
2. Projections into front yards. Ground-story bays and porches not over half the length of the front wall may project into any front yard 3 1/2 feet. Chimneys, flues, columns, sills and ornamental features may project not more than one foot, and cornices and gutters not more than two feet, over a required front yard.

§ 27-1716. Side yard requirements.

1. Where a minimum width of side yard is specified, no building or structure shall be erected within the specified distance from either side lot line, except as permitted by this chapter. This shall not include required utility facilities.
2. Projections into side yards. Bays, balconies, chimneys, flues, fire escapes may project into a required side yard not more than 1/3 of its width and not more than four feet in any case. Ground-story bays and porches not over half the length of the side wall may project into any side yard 3 1/2 feet.
3. Fences and terraces in side yards. Side yard requirements shall not apply to fences, hedges or walls less than six feet high above the natural grade nor to terraces, steps, uncovered porches or other similar features not over three feet high above the floor of the ground story.
4. Driveways in side yard. Driveways shall be permitted in residential side yards, provided that no driveway may be located within three feet of any side property line.

§ 27-1717. Rear yard requirements.

1. No building or structure shall be built within the minimum depth from the rear lot line specified, except as provided by this chapter. This shall not include required utility facilities.
2. Rear yard requirements for triangular lots. In the case of a triangular lot with no rear lot line, the distance between any point on the building and corner of the lot farthest from the front lot line shall be at least twice the minimum depth specified in the applicable district regulations, provided the minimum lot width requirements are met.

§ 27-1718. Maximum height of buildings.

1. No building shall exceed the maximum height of 35 feet unless otherwise stated for a specific use or district.
2. Height exceptions of maximum regulations. Height limits specified in this section may be exceeded by one foot for each foot by which the width of the front, rear, and side yards is increased beyond the minimum yard requirements, up to a maximum of 50 feet. This exception is applicable only in nonresidential zoning districts.
3. Accessory structure. No accessory structure shall exceed the maximum height of 15 feet.

§ 27-1719. Fences.

1. No fence shall be erected in Lower Southampton Township without the issuance of a permit from the Lower Southampton Department of Licenses and Inspections and the payment of any applicable fee as set forth in the Township's Fee Schedule.
2. Prior to the issuance of a permit, a plan depicting the proposed fence, as well as the height, location on the property and materials of the proposed fence, shall be submitted with the applicable permit application to the Lower Southampton Department of Licenses and Inspections. The applicant shall provide adequate proof of the existence of any property lines depicted on the proposed fence plan.
3. No fence shall be erected in a front yard unless such fence is located a minimum of 15 feet from the edge of the adjacent cartway, and in no event shall any fence be erected in an existing Township or PennDOT right-of-way.
4. No fence exceeding a height of 6 feet shall be erected unless otherwise permitted under this chapter.
5. No fence may be erected or maintained in any Township-controlled easement area unless approved by the Township subject to any agreement required by the Township.
6. No spite fence or spite walls shall be erected. A spite fence or spite wall is any fence or wall that has been erected for the purpose of cutting off the light or air of an adjoining property or erected of unsightly materials for the purpose of annoyance or harassment of an adjoining property, or which has been erected to a height above that necessary for proper and ordinary security or enclosure.
7. Fences and terraces in front yards. Only fencing which does not obstruct view and is fifty percent (50%) open may be located in front yards and no fence over four feet high, nor hedges over three feet high, shall be permitted in a front yard unless in the case of corner lots, where the lot owner shall be permitted to designate one front yard to comply with this section, although the Zoning Officer may make the final determination.

§ 27-1720. Special setbacks.

In addition to the setbacks and yards required by the terms of this chapter, the following special setbacks are required:

- A. Setbacks from resource-protected lands. On lots which include lands with resource restrictions, the minimum building setbacks shall be measured from the limit of the resource-protected lands rather than from the lot lines so that the required minimum yard is free from resource-restricted lands.
- B. Setbacks from street road. This section shall apply to all uses with lot frontage on Street Road and shall apply whenever an application for land development, subdivision, zoning permit or a building permit is made.
 - (1) Setback from the street line for all buildings and structures shall be a minimum of 100 feet.
 - (2) Setback from the street line for parking areas shall be a minimum of 50 feet, provided appropriate landscaping and screening is provided in accordance with Chapter 22, Subdivision and Land Development.
 - (3) The streetscape design shall include berms, landscaping, lighting, pedestrian circulation and access and/or any other criteria as determined to be a part of the uniform streetscape plan for Street Road.

§ 27-1721. (Reserved)

§ 27-1722. Bus shelters.

Notwithstanding any provision of this chapter to the contrary, a bus shelter shall be a permitted use in any zoning district, subject to the following criteria:

1. The use shall be permitted only on established bus routes.
2. The use shall be permitted only on arterial roads.

§ 27-1723. Outdoor waste receptacles.

1. All outdoor waste receptacles, including, but not limited to, dumpsters, cans, recycling bins and recycling dumpsters, must be located in the rear yard wherever possible, but in no event shall be permitted in the front yard. All receptacles must be enclosed completely in an opaque enclosure.
2. The requirements of this section shall not apply to single-family dwellings, townhouses, duplexes or any other individual residential dwelling unit.
3. Enclosures for waste receptacles shall be designed so as to integrate into the architectural style of the structure which the receptacle services and, in the event of a standalone enclosure, shall be completely screened by suitable plantings, including trees and shrubbery, consistent with buffer plantings as defined under Chapter 22, Subdivision and Land Development.

Part 18
Open Space Standards

§ 27-1801. Purpose.

The purpose of this part is to ensure that environmentally sensitive features are protected and that adequate open space to serve the residents of Lower Southampton Township is provided.

§ 27-1802. Open space requirements.

The amount of land to be provided for open space purposes shall be supplied by residential land developers for all single-family residential developments in excess of the 10 homes and multifamily residential developments of twins, apartments, townhouses, etc., as follows. Any uses listed in Part 14 that are required to provide open space shall set aside open space in accordance with that part. If more than one requirement exists for open space, the standard requiring the higher level of open space protection shall be followed.

Dwelling Units Per Gross Acre	% of Total Gross Area to Be Set Aside as Open Space
Less than 1	0%
1 to 1.99	10%
2 to 2.99	20%
3 to 4.99	30%
5 or more	40%

However, in no event shall the open space provided be less than one acre.

§ 27-1803. Open space purposes and uses.

1. Open space land means land that will be used for any of the following purposes. All plans shall designate the use of open space, the type of maintenance to be provided, and a planting plan.
 - A. To conserve natural or scenic resources, including but not limited to streams, wetlands, floodplains, forests. Areas designated as open space to preserve natural resources as required by this chapter shall remain undisturbed and in a natural state.
 - B. To augment recreation or public open space opportunities. An area designated for open field play or fields for active recreation may be designated where the land does not contain natural resource restrictions and where such use is recommended by the Township Park and Recreation Board and approved by the Board of Supervisors and where the size, shape, topography and soils make it suitable and usable for recreational use; lands established as a common green shall be accessible to the public and central to the proposed development.
- (1) Site or sites should be easily and safely accessible for 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 and open space area.
 - (3) Size, shape and location of the site or sites should be suitable for development as a particular type of park.
 - (4) Site or sites should be free of fuel, power and other transmission lines, whether underground or overhead.
 - (5) Site or sites should, to the greatest extent practical, be easily accessible to essential utilities — water, sewerage and power.
 - (6) Site or sites shall have usable a maximum slope of 8% unless otherwise approved by the Township.
 - (7) Site or sites should be compatible with the objectives, guidelines and recommendations as set forth in the Lower Southampton Park and Recreation Plan and Comprehensive Plan, and the developer shall design and develop these areas in accordance with the standards and criteria established within those documents, as amended.
- C. To preserve sites of historic, geologic or botanic interest;
- D. To enhance the value of existing parks, forests, wildlife preserves, nature preserves or other public open spaces by preserving land abutting such existing parks or open space serving the purposes listed in this subsection.
2. Minimum width buffer yards do not count as open space.
3. Required open space shall not include any area required by this chapter for minimum yards, setbacks, special setbacks or building separations.
4. Open space whose purpose or resulting effect is to enhance the private yards of individual lots shall not be considered to meet the requirements for open space set forth in this chapter and shall not be counted in the calculation of minimum required open space. Narrow or irregular pieces of land which serve no public open space function or which are remnants leftover after the lots, streets and parking areas have been laid out shall not be considered to meet the requirements for open space set forth in this chapter and shall not be counted in the calculation of minimum required open space.
5. Administration.
 - A. The developer may offer for dedication the land to be retained as open space to Lower Southampton Township upon the completion of the necessary and agreed upon changes, modifications or improvements to the land needed to make it usable for park and recreation purposes. When the Board of Supervisors deems it to be in the public interest to accept dedicated land, such acceptance shall be by means of a signed resolution to which a property description of the dedicated recreation area shall be attached. All changes and agreements should eventually be listed directly on the signed drawing linens.
 - B. In the event that the land is not dedicated to the Township, a plan for the administration and maintenance of all such open space shall be presented to the Township Supervisors as part of the overall development plan. Such plan shall take one or more of the following forms:

- (1) The owner or developer of the development containing the open space shall post an escrow bond or cash escrow with the Township to insure the administration and maintenance of the open space. The interest which accrues to the bond shall be used by the Township for the maintenance of the open space. The owner or developer of the development containing the open space shall provide the Township with a conservation easement in a form deemed satisfactory to the Township Solicitor.
 - (2) A homeowners' association may maintain and administer common open space but is required to post an escrow bond or cash escrow with the Township to insure such maintenance. The association may not dissolve itself or dispose of the common open space without first offering to dedicate the same to the Township or to an organization specifically conceived and established to own and maintain the open space per the original organization's commitment.
- C. If the homeowners' association desires to dissolve and offers the land and equipment to Lower Southampton Township, the Township shall review the land condition and maintenance costs and the Board of Supervisors shall then determine whether it wishes the land to be dedicated to the Township or whether the homeowners' association is free to dispose of the land. The Board of Supervisors shall require that the land be used for open space or recreational purposes, and such land shall not become a further extension of the original building development or any subsequent development.

§ 27-1804. Fee in lieu of open space.

1. Where the Board of Supervisors agrees with the developer that because of the size, shape, location, access, topography or other physical features of the land it is impractical to set aside land for recreational and/or open space area as required by this chapter, the Supervisors shall require a payment of a fee in lieu of the provision of such land, which shall be payable to the Township prior to approval of each final section of the overall plan by the Board of Supervisors.
2. The amount of the fee shall be substantially equal to the value of the land that would have been set aside and shall be paid to the Township prior to the approval of the final plot. The land shall be valued in its unimproved state. In the event that Township and the developer are unable to agree on the value, the value will be determined by arbitration before three disinterested persons, one thereof to be appointed by the Township, one by the developer, and the third by the two appointed as aforesaid, and the award of such three persons, or any two of them, shall be final and conclusive.
3. All monies paid to the Township pursuant to this chapter shall be kept in a capital reserve fund. Monies in such fund shall be used only for the acquisition of recreation and open space land or capital improvements for open space and park and recreation purposes within the Township.

Part 19
Off-Street Parking And Loading

§ 27-1901. Off-street parking space requirements.

Off-street parking spaces shall be provided and satisfactorily maintained in accordance with the following provisions for each use established, erected, enlarged or altered for any of the following purposes in any district. Where the computation of required parking space results is a fractional number, it shall be rounded up to the next higher number. Accessible parking shall be required in accordance with Building Code requirements.

- A. Use 1: Agriculture. No required parking unless there is retail sale of farm products, in which case adequate off-road parking shall be provided for patrons.
- B. Use 2: Lawn and garden center. One space per 1,000 square feet of gross sales area.
- C. Uses 3, 4, 5, 6, 7: All residential. Three spaces per dwelling unit. Garage spaces do not count as required parking spaces.
- C.1. Use 3A: Sober living facility. Two spaces per dwelling unit. Garage spaces do not count as required parking spaces. One additional off-street parking space shall be provided for each nonresident staff person. One additional off-street parking space shall be provided for each additional two residents over five, unless demonstrated that such individuals are incapable or not permitted to operate a motor vehicle during the period of residency.
- D. Use 8: Place of worship. Ten off-street parking spaces for each 1,000 square feet of gross square foot area.
- E. Use 9: Public or private school:
 - (1) Kindergarten, elementary and middle school. One space for every teacher and employee, plus one space per every one classroom.
 - (2) High school. One space for every teacher and employee, plus one space per every 10 students of school capacity.
 - (3) Additional parking shall be required to accommodate special events, athletic meets, and other school activities. The amount shall be determined in consultation with the Township Zoning Officer.
- F. Use 10: Library or museum. One space per 500 square feet of gross floor area available for patron use.
- G. Use 11: Public recreational facility. To be determined by the Township based on facility use and design.
- H. Use 12: Private club or lodge. One space for each 100 square feet of total floor area.
- I. Use 13: Community center. One space for each 100 square feet of total floor area.
- J. Use 14: Day-care center, and Use 15: Adult day care. One space for every 200 square feet of gross floor area.
- K. Use 16: Hospital campus. One space for every 250 square feet of gross floor area.

- L. Use 17: Nursing home/personal care facility. One space for every three beds.
- M. Use 20: Medical or dental office/clinic, and Use 34: Veterinarian office. One space per 250 square feet of gross floor area.
- N. Use 21: Business, professional or governmental offices. One space for each 200 square feet of gross floor area.
- O. All retail and consumer service uses, except for those uses where another parking requirement is specified. One space per 200 square feet of gross floor area.
- P. Use 41: Large retail centers. One space per every 250 square feet of gross floor area.
- Q. Use 26: Restaurant without liquor license. One off-street parking space per 100 square feet of gross floor area;
- R. Use 26: Restaurant with liquor license. Two off-street parking space per 150 square feet of gross floor area.
- S. Use 43: Banquet/catering facility. Twenty-five spaces per every 1,000 square feet of gross floor area.
- T. Use 29: Mortuary or funeral home. One space for each 100 square feet of gross floor used or intended to be used in the operation of the establishment.
- U. Use 30: Hotel. 1.25 off-street parking spaces for each rental room or suite.
- V. Use 42: Bed-and-breakfast. One off-street parking space for each rental room or suite. If special events are permitted, parking to accommodate attendees, at a rate of one space per every two attendees of capacity, shall be provided.
- W. Use 31: Indoor commercial entertainment, and Use 33: Adult business. One space for each 100 square feet of gross floor area.
- X. Use 32: Outdoor commercial recreation. One space for each five persons of total capacity.
- Y. Use 40: Kennel. One space for every 10 animals of capacity in the kennel.
- Z. Use 35: Motor vehicle fueling station. One off-street parking space for every 100 square feet of gross floor area devoted to convenience commercial sales plus two off-street parking spaces for each service bay. Off-street parking spaces shall not be part of, nor interfere with, access to fueling pumps.
- AA. Use 36: Car wash. One space per employee on duty at any one time, not counting those spaces required for a car wash for stacking area.
- BB. Use 37: Motor vehicle sales. One off-street parking space for each 200 square feet of gross floor area plus four spaces for each service bay.
- CC. Use 38: Motor vehicle repair garage. One off-street parking space for every 200 square feet of gross floor area devoted to retail activities, plus six off-street parking spaces for each service bay, plus one space for each employee. Spaces within service bays shall not be used to meet off-street parking requirements.
- DD. Use 39: Trade or professional school. One off-street parking space per 100 square feet of gross floor area.

- DD.1. Use 46: Smoke shop/smoking parlor/vape shop. Two off-street parking spaces per 150 square feet of gross floor area.
- EE. Use 47: Equipment rental or motor vehicle leasing. One space per 250 square feet of gross floor area.
- FF. Use 48: Emergency services. For uses with a community room or training room, one space for every four persons of capacity.
- GG. Use 49: Municipal uses. Off street parking shall be determined by the Township based on anticipated use for the type of facility involved.
- HH. Use 50: Railway/transportation station. Off-street parking spaces as the Township shall determine adequate to serve customers, patrons, visitors, employees and vehicles normally parked on the premises.
- II. Use 62: Truck terminal. Off-street parking spaces as the Township shall determine adequate to serve customers, employees, visitors and vehicles normally parked on the premises.
- JJ. All industrial uses. One space per 3,000 square feet of gross floor area.
- KK. Use 67B: Data Center. One parking space per employee based on the largest shift plus an additional three visitor spaces.
- LL. Use 68: No-impact home-based business. No additional parking required.
- MM. Use 69: Accessory office. One space for each employee, in addition to the spaces otherwise required for the primary residential use.
- NN. Use 47A: Medical Marijuana Dispensary. One space per 200 square feet of gross floor area.
- OO. Use 47B: Medical Marijuana Grower/Processor. One space per 3,000 square feet of gross floor area.

§ 27-1902. Modification of parking requirements.

In order to prevent the establishment of a greater number of parking spaces than is actually required to serve the needs of nonresidential uses, the Zoning Hearing Board may permit a reduction of parking spaces by special exception if the following conditions are satisfied:

- A. The design of the parking lot, as indicated on the land development plan, must designate sufficient space to meet the parking requirements of this chapter. The plan shall also illustrate the layout for the total number of parking spaces and the stormwater management control measures required for the total number of parking spaces.
- B. The reduction shall provide for the establishment of not less than 70% of the required number of parking spaces as specified in this chapter unless otherwise approved by the Zoning Hearing Board in consultation with the Township engineer.
- C. The balance of the parking area reserved shall not include areas for required buffer yards, parking setbacks, or areas which would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this chapter. The developer shall provide a landscaping plan for the reserved area with the land development plan.

- D. The developer shall enter into a written agreement with the Township guaranteeing that the additional parking spaces shall be provided at the developer's or owner's expense should it be determined that the required number of parking spaces are necessary to satisfy the need of the land development. This decision shall be made at the sole discretion of the Township.
- E. At the time of the above-stated agreement, the developer or owner shall post securities to cover the cost of installing the required parking. The Township shall determine if the additional spaces shall be provided by the developer or if the area shall remain as open space.

§ 27-1903. General regulations applying to required off-street parking facilities.

- 1. Existing parking. Structures and uses in existence at the date of adoption of this chapter shall not be subject to the requirements of this part so long as the kind or extent of use is not changed, and provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.
- 2. Conflict with other uses. No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.
- 3. Preferential parking for all alternative fuel vehicles shall be promoted and shall be in accordance with the regulations for Use 81, Electric Vehicle Charging Stations (EVCS) and Use 82, Electric Vehicle Parking Space.
- 4. Shared parking. Two or more uses may provide for required parking in a common parking area if the total space provided is not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below this total if it can be demonstrated to the Township that the hours or days of peak parking needed for the uses are different and that a lower total will provide adequately for all uses served by the facility. Shared parking will be permitted under the following circumstances:
 - A. The uses subject to shared parking must be either part of a single lot, such as an office park, industrial park, or mixed-use development, or the uses must be on lots that are physically adjacent to each other, with cross easements or other arrangements that allow for shared driveways and shared parking.
 - B. Owners or applicants for all uses proposing to use the shared parking arrangement must provide written agreements in a form acceptable to the Township, outlining the terms of the shared parking arrangement. The Township may require agreements to be recorded against the properties.
 - C. Shared parking may be approved by the Zoning Officer.
- 5. Location of parking spaces. Required off-street parking spaces shall be on the same lot or premises with the principal use served. If this requirement cannot be met, then the size or capacity of the proposed use must be reduced so that all parking requirements can be met.
- 6. Off-site parking. Parking may be provided offsite in accordance with the following requirements and only if approved as a special exception by the Zoning Hearing Board:
 - A. The applicant shall provide an agreement in writing that the parking spaces are available and secured by lease or license, or the applicant shall provide proof of the availability of the required parking spaces which are not needed to meet the requirements of another use which can be used for parking purposes by the applicant. The Township may require agreements to be recorded against the properties.

- B. This option may be used to meet up to 50% of the parking requirement.
 - C. The use for which off-site parking is provided shall be discontinued immediately upon parking arrangements. Renewal of the lease or license shall be provided to the Township annually.
 - D. Off-site parking space arrangements are permitted only where the off-site parking is located no more than 200 feet from the property line of the use it serves and only for nonresidential uses, or in the case where safe, protected pedestrian pathways are provided, the distance may be extended to 300 feet from the property line.
7. Maintenance of parking areas. All parking areas shall be graded, surfaced with asphalt or other suitable material, and drained to the satisfaction of the Township to the extent necessary to prevent dust, erosion and/or flow across streets or other property. All off-street parking spaces shall be marked so as to indicate their location.
8. Condominiums must submit for approval for off-street parking based on the proposed use. The Township reserves the right to request a traffic study or parking analysis subject to review and approval by the Township.

§ 27-1904. Off-street loading.

Suitable and safe off-street loading shall be provided for every nonresidential structure which exceeds 10,000 square feet. Loading docks, truck accessways, clearances and turning radii shall be shown on all land development or zoning permit applications. If it is determined that the use will be served by trucks for loading and unloading, then loading spaces on site shall be provided in accordance with need. No on-street loading or unloading is permitted. Based upon a recommendation from the Township Engineer or Zoning Officer, the Township can approve an alternative configuration or not require an off-street loading area based on the specific requirements of a particular use.

Part 20
Signs

§ 27-2001. Scope.

The provisions of this part shall apply to all signs maintained or hereinafter erected or altered in the Township of Lower Southampton.

§ 27-2002. Definitions.

1. Unless otherwise herein expressly stated, the following terms shall, for the purpose of this part, have the following meanings:

ANCHOR — A mechanical nonplastic means by which various materials and the structural members in the construction or erection of a sign is used.

APPROVED — As applied to any material, device or mode of construction, means approved by the Zoning Officer under this part or by any other standard authority designated by law to give approval of the matter in question, such as the Underwriters' Laboratory or the American Society for Testing Materials (ASTM) or ICC.

BEAM — A horizontal or inclined structural member that carries loads principally by its flexible strength and transmits such loads to other supporting structural members.

REPAIR — The replacement of any part of a sign with equivalent material for the purpose of maintenance that does not affect its plan, size, structural framework or its structural members.

SIGN —

- A. Any structure, device, light or natural object, including the ground itself, or any part thereof, or any device attached thereto or painted or represented thereon, which shall be used to identify, advertise or attract attention to any object, project, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, word, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot.
- B. The word "sign" shall include signs which are affixed to the inside of windows and glass doors and are intended to be seen from roadways or parking lots. No other indoor sign shall be deemed a sign within this part.

SIGN SIZE — The extreme physical dimensions of a sign, excluding any poles 14 inches or smaller in size. Supporting structures in excess of 14 inches shall be considered in the overall size of the sign. Where individual characters are used, whether individually mounted or fastened or jointly mounted or fastened to convey a message, **the total dimension from the beginning of the first character to the end of the last character in the longest line and the top of the uppermost character and the bottom of the lowermost character shall be considered in the calculating the overall sign area, including logos, pictures or any other graphic or artwork.**

§ 27-2003. Applicability of this part.

1. New signs. No sign shall hereafter be erected, attached to, suspended from or supported on any building or structure or site in the Township of Lower Southampton except in accordance with this part or where a variance has been authorized by the proper authority as hereinafter set forth.
2. Existing signs. Any registered, permitted and inspected sign existing at the time this part becomes effective that is not in conformance with this part shall be considered a nonconforming sign.
3. Alterations. No sign shall hereafter be altered in any manner which enlarges or extends it, nor shall it be relocated except in accordance with this part, providing that the changing of movable parts designed to be changed or the repainting of the display matter on the sign shall not be deemed to be alteration or rebuilding as hereinafter set forth.

§ 27-2004. Requirements for permits.

1. It shall be unlawful for any person, either directly, indirectly or by agent, to erect, alter or repair any sign or signs in the Township of Lower Southampton unless application for a permit shall have been made with the Zoning Officer and a permit shall have been issued therefor.
2. **Exemptions.** The following types of signs shall not be counted when calculating the number of signs on a premises, provided such signs conform with the general regulations for signs enumerated herein. The Zoning Officer shall make the final determination whether a permit is required:
 - A. **Name and address of resident**, but not to include any commercial advertising, of not more than **2 square feet** in sign area.
 - B. **No-trespassing signs** or other such signs regulating the use of a property, such as "No Hunting," "No Fishing," etc., of no more than **2 square feet** in area in residential zones and **5 square feet** in all commercial and industrial zones.
 - C. **Real estate signs.** Provided that not more than one sign is placed upon any property held in single or separate ownership unless such property fronts upon more than one street, in which event not more than one sign may be erected on each frontage. Said signs shall not exceed **5 square feet** in area in residential zones and **25 square feet** in all commercial and industrial zones and shall advertise the sale, rental or lease of the premises upon which said signs are located. Such real estate signs shall be removed within 10 days after the premises advertised has been sold, rented or leased.
 - D. **Bulletin boards** for public, charitable or religious institutions, when located on the premises thereof and with a sign area of no more than **25 square feet** if single-faced, nor more than **50 square feet if double-faced**, each face of the sign being counted separately and then totaled in calculating sign area, and if used exclusively for noncommercial announcements.
 - E. **Signs regulating on-premises traffic, parking or other functional subdivision**, such as lavatory facilities, telephone; signs denoting other sections of a building, such as office, etc., when less than **5 square feet** in area and bearing no commercial advertising, as defined in this part unless larger signs are permitted by the Zoning Officer for public safety or convenience.
 - F. **Signs erected by a governmental body** or under the direction of such a body and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, signs identifying public schools and playgrounds, and the like.

- G. **Memorial signs or tablets** and signs denoting the date of erection of buildings. Permitted in all districts.
- H. **Flag, pennant or insignia** of any government or of any religious, charitable or fraternal organization.
- I. **Temporary signs** no larger than **5 square feet** in area, advertising the sale of edible farm products produced on the premises or advertising auctions and special events of charitable or public service groups.
- J. **Permanent residential development signs** not exceeding **25 square feet** in area at major entrances, designed to identify a residential subdivision and containing no commercial advertising, when located within the setbacks contained in this chapter.
- K. **Identification signs** for places of worship, when located on the premises thereof, and with a sign area of no more than **25 square feet**.
- L. **Address** of a nonresidential building or office, not including any commercial advertising, of not more than **2 square feet** in sign area, provided there is no other sign on the property, and that should the name of the business or building be the same as the address, such sign will require a permit. Larger signs may be permitted by the Zoning Officer for public safety or convenience.
- M. **Political Signs** if they are placed no more than sixty (60) days before and removed ten (10) after a primary or general election.

§ 27-2005. Administration.

1. The Zoning Officer shall have the following duties and powers:
 - A. To examine all applications, plans and specifications submitted to the Zoning Officer and to approve or reject them as required by the provisions of this part in accordance with the UCC.
 - B. To inspect all signs during the course of erection and to see that the provisions of this part and of the permit are complied with.
 - C. To keep all applications, plans and specifications and a record of all permits, refusals, inspections, which record shall be filed and open to public inspection.
 - D. To stop the erection, alteration or repair of any sign where the same is being carried on contrary to the provisions of this part; to order the removal of any materials that may be unsafe or unfit for the purpose for which they were intended to be used in accordance with the terms and definitions of this part; and to revoke the permit for such cause.
 - E. To direct that precautions shall be taken by the erection of suitable scaffolding or other protection whenever the work of erecting, altering or repairing of any sign may affect the public safety.
 - F. To keep available to the public at the office of the Zoning Officer copies of this part and application forms.
 - G. To direct that any sign found to be unsatisfactory to this part or because its condition is such that it is unsafe or has become dilapidated to be corrected after the filing of the inspection report.
2. Appeals. Whenever the applicant for a permit or the owner of the premises upon which the sign is to be erected is aggrieved by any decision of the Zoning Officer, such applicant or person may take an appeal to the Zoning Hearing Board, as provided under this chapter.

§ 27-2006. Emergency repairs.

In the event of actual or immeditated danger from falling, electrical shock, fire hazard or any like hazard from a sign, whether the procedures prescribed in this part have been instituted or not, the Zoning Officer shall cause the necessary work to be done to render the sign temporarily safe and shall employ such materials as are found to be necessary to do this. The Township Solicitor shall institute appropriate action against the owner of the sign for the costs incurred in the performance of the emergency work.

§ 27-2007. Types of signs.

1. **Advertising sign.** An off-premises sign which advertises or otherwise directs attention to a commodity, business, industry, home occupation or other similar activity which is sold, offered or conducted elsewhere than on the lot upon which such sign is located.
 - A. Temporary advertising signs. Permitted in C-1 and C-2 Districts if requirements set forth hereinafter are met.
2. **Business sign.** An on-premises sign which directs attention to a business, commodity, service, industry or other activity which is sold, offered or conducted, other than incidentally, on the premises upon which such sign is located, or to which it is affixed.
3. **Official sign.** Signs erected or installed by the State, County, Township or other governmental unit, giving notice of a permitted or prohibited activity under a statute, ordinance or resolution duly enacted pursuant to law. No permit fee shall be required for the erection or installation of official signs.
4. **Real estate sign.** Sign advertising the sale or rental of premises upon which it is erected, when erected by a broker or other person interested in the sale or rental thereof.
 - A. Provided that not more than 1 sign is placed upon any property held in single and separate ownership, unless such property fronts upon more than one street; in which event not more than 1 sign may be erected on each frontage.
 - B. Provided, further, that such sign shall be removed promptly within 10 days after date of settlement or commencement of lease, whichever is applicable.
5. Temporary signs of mechanics, contractors or artisans. Temporary signs of mechanics, contractors or artisans, provided that:
 - A. Such signs shall be erected only on the premises where such work is being performed and shall be limited to a size of **4 square feet**.
 - B. Not more than 1 such sign for each mechanic, contractor or artisan working shall be erected on any premises unless such property fronts on more than 1 street, in which case not more than 1 such sign for each mechanic or artisan shall be erected on each frontage.
 - C. Such signs shall be removed promptly upon completion of the work.
6. **Developmental signs.**
 - A. Sign advertising the sale or development of the premises upon which they are erected, provided that not more than 1 such sign is placed on any property in single and separate ownership unless such property fronts on more than 1 street; in which event not more than 1 such sign shall be erected on each frontage.

- B. Indicating the location and direction of premises available for or in the process of development, but not erected upon such premises, provided that not more than 1 sign is erected on each 500 feet of street frontage.
 - C. Such signs must be maintained in good repair by the erector and must in no way be contrary to the purpose of this part.
 - D. Such signs shall be removed within 20 days after the last dwelling has been sold if such sign is located within a residential district; in all other districts, such signs shall be removed within 20 days after the premises has been initially occupied.
7. **Identification signs.** Institutional signs for schools, churches, hospitals, public or private recreational areas, clubs, multifamily dwellings such as apartments, apartment complexes, PURD developments, mobile home parks, or other similar uses, provided that:
- A. Not more than 1 such sign shall be placed on premises held in single and separate ownership, unless such premises fronts on more than 1 street; in which case 1 such sign may be erected on each frontage. Such sign shall only be erected upon the premises which is identified.
8. **Professional and home occupation sign.** Professional and home occupations of the occupant of a dwelling, provided that:
- A. Not more than 1 such sign shall be erected for each permitted use located upon said premises. **4 square feet maximum.**
 - B. Such sign shall be erected only on the premises wherein the professional use is located.
9. **Temporary, special and promotional signs.** Special events and promotional signs directing persons to temporary exhibits, shows, contests or other special events located in the Township may be erected, subject to the following requirements:
- A. Signs shall not be posted earlier than 1 week before the occurrence of the event to which they relate.
 - B. The erector of such sign or signs shall first apply for and obtain a permit from the Zoning Officer if required and such signs shall be removed promptly within 48 hours after the date of the event to which the signs or posters relate.
10. **Service club signs.** Service club signs advertising meeting times and places of nonprofit service or charitable clubs and organizations.
11. **Public utility signs.** Directional, informational or public service signs such as signs advertising the availability of restrooms, telephone or similar facilities of public convenience, provided they designate the use of the property upon which such sign is erected.
12. **Trespassing signs.** Trespassing signs or signs indicating private driveway or premises, providing that not more than 1 such sign shall be permitted on any property held in single and separate ownership for every 100 feet of street frontage.
13. **Plaza sign.** Ground sign designating only the name of the plaza, mall, shopping center, professional office building or industrial park located on the premises where such sign is erected.

- A. For the purposes of this part, a plaza, mall, shopping center, professional office building or industrial park shall be defined as a combination of 3 or more stores, offices, factories, warehouses, buildings or other such business establishments which share common areas for business and/or parking, whether or not such offices, stores, warehouses, factories or other such business establishments are detached or share common party walls, and whether or not such offices, stores, warehouses, factories or other such business establishments are owned separately or together or in part by one or more individuals.
- B. There shall be only **1 such sign** placed upon the property of such plaza, mall, shopping center, professional office building or industrial park, unless such plaza, mall, shopping center, professional office building or industrial park fronts upon more than one street; in which event not more than **1 such sign may be erected on each street frontage**.
- C. No other ground signs shall be permitted upon said plaza, mall, shopping center, professional office building or industrial park.
- D. The maximum **height** to the top of such sign shall not exceed **16 feet** from ground level.
- E. The total area of such signs shall not exceed the following:
 - (1) **50 square feet** of sign area when signs are situated on premises which have street frontage of **100 feet or less**.
 - (2) **72 square inches of sign area per each foot of street frontage, up to a maximum of 120 square feet of sign area, when signs are situated on premises which have a street frontage of more than 100 feet**.

§ 27-2008. Types of sign construction.

1. Sign structure.

- A. **Ground sign.** A self-supporting sign supported by a structure of any type, other than a building or structure within which the main or an accessory use are conducted on the premises, provided that:
 - (1) Ground signs must meet building code requirements.
 - (2) Signs may not project closer than **5 feet** to any right-of-way line, street line, or side property line and must be **15 feet from the edge of an improved cartway**.
 - (3) Only **1 ground sign** per parcel of ground **per street frontage** is permitted.
 - (4) **Maximum height** of ground signs in the C-1, C-2, and I Districts shall be **16 feet**. In all other zoned districts, the maximum height of a ground sign shall be **5 feet**.
 - (5) The **area** of a plaza or ground sign shall not exceed **72 square inches of sign area per each foot of street frontage**, up to a maximum of 120 square feet of sign area.
 - (6) No ground sign shall exceed **25 feet in length**.
 - (7) No ground sign shall be placed closer than **50 feet** to another ground sign or plaza sign.
 - (8) If a sign is mounted or supported by any structure other than a building, the dimensions of this structure may be considered in the overall size of the sign if it should in any way add to the sign dimensions. The Zoning Officer shall make the final determination.

B. Message Center Signs. Regulations related to message center signs are as follows and shall be limited to ground and plaza signs only:

- (1) Message center signs are permitted as part of the allowable type and size of signage permitted by this Part. The calculation of such signage must be incorporated as part of the overall sign calculation, not in addition to it. All identified area and height requirements of this Part shall apply.
- (2) A Message center sign shall not exceed 50% of the sign area for any one sign, or 40 square feet, whichever is less.
- (3) A maximum of one (1) message center sign is permitted per property.
- (4) Signs may be illuminated from 5 AM to 11 PM, or a half hour past the close of business of the facility being identified or advertised, whichever is later.
- (5) No portion of the sign may flash, pulsate, scroll, twirl, twinkle, oscillate, rotate, blink, change color, or in any way imitate movement.
- (6) The content of a message center sign must transition by changing instantly (e.g. no fade-out or fade-in) and may not change more than once per hour.
- (7) Signs shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing and variations in daytime ambient light. Signs may not exceed 5,000 nits during daylight hours (between sunrise and sunset) and 250 nits for all other times. The manufacturer shall provide a certification confirming these controls.
- (8) Signs shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety, and welfare. The Township reserves the right to require the sign intensity to be reduced if deemed to be too bright after installation. The Township also reserves the right to require the use of a different message color if it determined that it is detrimental to the public health, safety, and welfare.
- (9) Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of wattage, aiming angle, and fixture placement.
- (10) At all times, signs must comply with any operating standards or regulations adopted by the Pennsylvania Department of Transportation or any other governmental entity with appropriate jurisdiction.
- (11) In the case of the dissemination of public information in emergencies, the regulations identified herein are not applicable to local authorities.
- (12) The owner of every message center sign shall coordinate with local authorities if requested to display, when appropriate, emergency information important to the traveling public.
- (13) Off-premises signs are not permitted to contain message centers.
- (14) Nonconforming signs and signs approved by variance are not permitted to contain message centers unless approved by the Zoning Hearing Board.

- C. **Wall sign.** Wall sign placed against the exterior walls, awnings, eaves or other protrusion or part of a building, including painted images, shall be permitted, provided that:
- (1) Such sign does not extend more than 10 inches outside the wall surface it is attached to.
 - (2) Such sign shall not extend beyond the ends of the wall surface on which it is placed.
 - (3) Such signs shall not extend above the top of the wall upon which they are erected.
 - (4) There shall be permitted only **1 wall sign** for each business establishment, which shall be located on the front wall of said business establishment.
 - (5) Notwithstanding any other provision of this part, the **aggregate total area to be occupied by wall signs on any building shall not exceed 15% of the aggregate wall area**, including windows, of the wall on which such signs are attached.
- D. **Nonstationary signs.** A sign which, by means of some mechanical device, changes its position constantly or at regular intervals by rotating around an axis or shifting in horizontal or vertical alignment.
- E. **Movable signs.** Signs which are not fixed to a permanent supporting structure or building and are displayed on a temporary or a long-term basis.
- F. **Vehicular signs.** Any vehicle to which a sign is affixed in such a manner that carrying of such sign or signs no longer is incidental to the vehicle's purpose, but becomes a primary purpose in itself.
- G. **Window display** viewed from any street. Lettering, plate cards, banners or other similar display materials of a temporary nature and not illuminated, attached to the inside of windows. Window displays shall be **limited to not more than 40% of the window area** in which the display is located, measured in accordance with the definitions of sign size under this part. Window displays shall not require a permit; however, any window display which does not meet the provisions of this section shall be considered a wall sign subject to the requirements, limitations and penalty provisions of this part.
- H. **Roof sign.** A sign erected on the roof of any building, either constructed directly upon said building or supported by other means, provided that no roof sign shall protrude beyond the wall of the building on which it is mounted, and provided that **no roof sign shall exceed 50% of the allowable sign area for wall signs** located in said district, nor shall the vertical to horizontal dimension exceed the ratio of 3:1, and shall not exceed 10 feet in height above the roofline; and provided, further, that no more than 1 roof sign may be erected or maintained on a single premises.
- I. **Projecting sign.** Any sign mounted to a wall or other vertical building surface other than a wall sign.
- (1) No signs shall project past any property line, nor over a public sidewalk, nor within 3 feet from a cartway, nor more than 2 feet from the building or structure from which it is suspended, fastened or by which it is supported.
 - (2) Posts or supporting structures shall not be erected within the street lines, nor within any space between the building and the street line.

- (3) A clear space of not less than 10 feet shall be provided below all parts of such signs which project in any direction a distance of more than 1 foot from the supporting structure or building.

2. **Sign illumination.**

- A. **Internally illuminated sign.** A sign designed to give forth artificial light directly through translucent material from a source of light within such sign, including, but not limited to, neon signs. A sign designed to give forth artificial light directly through transparent material shall be prohibited.
- B. **Externally illuminated sign.** A sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere on the lot where said illumination occurs. If such shielding device is defective, such sign shall be deemed to be a directly illuminated sign.
- C. **Flashing sign.** An illuminated sign on which the artificial light is not maintained stationary and constant in intensity or color at all times when in use.
- D. **Festoon sign.** Festoon lighting is a directly illuminated sign comprised of either:
- (1) A group of incandescent light bulbs hung or strung overhead or on a building or structure.
 - (2) Light bulbs not shaded or hooded or otherwise screened to prevent the direct rays of the light from shining on an adjacent property or right-of-way.
- E. **Nonilluminated signs.** A sign which is not illuminated either directly or indirectly.

§ 27-2009. General sign regulations.

All signs maintained or hereafter erected in the Township of Lower Southampton shall comply with the standards set forth in this section. All signs now erected which do not comply with such standards are hereby declared to be nonconforming signs.

- A. The following signs shall not be permitted, erected or maintained in any district, notwithstanding anything else contained in this part or elsewhere.
- (1) Signs which incorporate in any manner any flashing or moving illumination or illumination which varies in intensity or which varies in color, and signs which have any visible moving part(s), visible revolving part(s), or visible mechanical movement of any description, or other apparent visible movement achieved by electrical pulsations or by actions of normal wind currents, except when not visible from motor vehicles traveling on public roadways. This shall not apply to Message Center signs.
 - (2) Hanging signs which simply swing in the wind, clocks, barber poles, and time-and-temperature signs may be exempted, provided they comply with all other provisions of this part.
- B. **Sign illumination.**
- (1) **Top-mounted fixtures required.** Lighting fixtures used to illuminate any outdoor sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding and all other requirements of the Township Lighting Ordinance requirements. Bottom-mounted outdoor sign lighting shall not be used.

- (2) Outdoor signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred to minimize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be in accordance with lighting ordinance requirements.
- (3) Compliance limit. Existing outdoor signs shall be brought into conformance with this chapter within 10 years from the date of adoption of this provision.

C. Prohibitions:

- (1) Electrical illumination of outdoor advertising off-site signs between the hours of 11:00 p.m. and sunrise.
 - (2) Any sign or sign structure or any device attached thereto which constitutes a hazard to public safety or health.
 - (3) Signs which by reason of size, location, content, coloring, or manner of illumination obstruct the vision of drivers, either when driving on a roadway or when entering a roadway from another roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads.
 - (4) Signs on any nonresidential accessory structures.
 - (5) Any sign which obstructs free ingress to or egress from a fire escape door window or other required exit way.
 - (6) Signs which make use of the words such as STOP, LOOK, ONE WAY, DANGER, YIELD, or any similar words, phrases, symbols, lights or characters, in such a manner as to interfere with, mislead or confuse traffic.
 - (7) Signs on public grounds or public rights-of-way, unless erected by a governmental body, or unless required to be so located by ordinance of a governmental body, or unless approved by the Township. No sign located on a public right-of-way shall bear any commercial advertising or announcement.
 - (8) Signs painted on, attached to or supported by a tree, stone, cliff or other natural object.
 - (9) String lights, other than temporary holiday decorations, which are unshielded from off the property on which they are located.
 - (10) Searchlights, pennants, spinners, banners and streamers, except for occasions such as grand openings and then only with special permission of the Zoning Officer. Use shall be limited to a thirty-day period.
- D. Maximum height regulations of signs as set forth in this part shall be measured to the uppermost portion of the sign.
- E. In computing square foot area of a double-face sign, only one side shall be considered, provided both faces are identical. If the interior angle formed by the two faces of the double-faced sign is greater than 45°, then both sides of such sign shall be considered in calculating the maximum permitted sign area.
- F. Minimum height regulations of signs as set forth in this part shall be measured to the bottommost portion of the sign, excluding supporting structures.

- G. No signs, nor the supports, chains and/or braces supporting or staying such signs, shall be so placed or constructed or enclosed so as to obstruct or interfere with any door, window, fire escape or other required means of light, ventilation or egress.
- H. No signs shall be so located as to cause danger to traffic by obscuring the view.
- I. Stability. Signs shall be constructed in accordance with all building code requirements.
- J. Signs in commercial or industrial areas bordering a residential district shall not be located less than **30 feet from the property line** which borders such residential districts.
- K. Signs which face any dwelling located within a residential district may not be illuminated if the sign is located within **200 feet of such residential dwelling**.
- L. Every sign permitted under this part must be constructed of durable materials and must be kept in good condition and repair. Any sign which is allowed to become dilapidated or a menace to persons or property shall be deemed a nuisance.
- M. No sign of an individual or private corporation shall be attached or affixed to any public utility line pole, street sign pole, traffic sign or signal pole, or light pole.

§ 27-2010. Nonconforming signs.

- 1. Any sign existing at the time of the passage of this part that does not conform with the requirements set forth in this part and which was legal when erected shall be considered a nonconforming sign and may continue in nonconformity in accordance with this section. However, if a nonconforming sign ceases to be used for a continuous period of one year or is voluntarily removed by the landowner, such nonconforming sign will be deemed to have been abandoned, and any subsequent sign can only be erected in conformity with the provisions of this part.
- 2. 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 a nonconforming sign be altered or increased or its structure or construction altered or changed. Nothing herein shall prevent the repairing and restoring to a safe condition any part of a nonconforming sign or the structural supports of any such nonconforming sign.
- 3. Any nonconforming sign partially or totally destroyed by fire, explosion, flood or other phenomenon, or legally condemned, may be reconstructed and used at the same location, provided that:
 - A. The reconstructed sign shall not exceed in height, area and volume the sign destroyed or condemned.
 - B. Sign reconstruction shall be completed within one year from the date the sign was destroyed or condemned.
- 4. Signs advertising a nonconforming use, when located on the site where such use is conducted, may be maintained or modernized, without increasing their size, provided that such nonconforming use shall have been in existence prior to the adoption of this chapter.
- 5. No sign shall be erected containing information on which it states or implies that a property may be used for any purpose not permitted under the provisions of this chapter in the zoning district on which the property to which this sign relates is located.

§ 27-2011. Permitted signs.

In all zoning districts within the Township, signs may be erected, altered, maintained or used, only when in accordance with the provisions of this part and the Table of Sign Regulations which is attached hereto as Appendix C.

- A. Where there is a conflict between the provisions of Appendix C and this Part, the provisions of this Part shall apply.

Part 21
Nonconformities

§ 27-2101. Continuation.

The lawful use of any structure or land existing at the effective date of this chapter may be continued although such use does not conform with the provisions of this chapter, except as otherwise provided in this part. This provision does not apply to any use of land or structure unlawful under this chapter.

§ 27-2102. Alteration or extension.

1. Nonconforming structures. Nonconforming structures may be altered, reconstructed or enlarged provided that such alteration, reconstruction or enlargement does not increase the extent of the nonconformity existing on the effective date of this chapter. In the case of a nonconforming structure which is used by a nonconforming use, such alteration, extension or enlargement shall also meet the requirements of Subsection 3 of this section.
2. Nonconforming lots. Nonconforming lots are subject to the applicable dimensional regulations for the zoning district in which such lots are located.
3. Nonconforming uses. Nonconforming uses shall not be altered, reconstructed, extended or enlarged, except in accordance with the following provisions:
 - A. Such alteration, reconstruction, extension or enlargement shall be permitted only by special exception approved by the Zoning Hearing Board.
 - B. Such alteration, reconstruction, extension or enlargement shall be only upon the same lot as in existence at the date the uses became nonconforming.
 - C. Any increase in volume or area of the nonconforming use shall not exceed an aggregate of more than 25% (of said volume or area) during the life of the nonconformity.

§ 27-2103. Restoration.

No structure damaged by fire or other natural causes to the extent of more than 60% of the structure shall be repaired, reconstructed or used except in conformity with the regulations of this chapter. Structures with damage to the extent of 60% or less of the structure may be reconstructed, repaired or used for the same nonconforming use, subject to the following provision:

- A. The reconstructed structure shall not exceed the height, area or volume of the damaged structure except as provided in this part.
- B. Reconstruction shall begin within one year from the date of damage and shall be carried on without interruption.

§ 27-2104. Abandonment.

Whenever a nonconforming use has been discontinued for a period of thirty (30) days and such use has been abandoned, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this chapter.

§ 27-2105. Changes.

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may not be changed to another nonconforming use.

§ 27-2106. Displacement.

No nonconforming use shall be extended to displace a nonconforming use.

§ 27-2107. District changes.

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses or structures existing therein.

§ 27-2108. Nonconforming uses permit required.

Nonconforming use permits shall be issued by the Zoning Officer for all nonconforming uses existing at the effective date of this chapter. To qualify as a lawful nonconforming use under the terms of this chapter, the owner of a nonconforming use existing at the effective date of this chapter shall apply for a nonconforming use permit within 90 days of the effective date of this chapter.

Part 22
Administration

§ 27-2201. Zoning Officer; duties and powers.

The provisions of this chapter shall be administered and enforced by the Zoning Officer, who shall be appointed by the Board of Supervisors.

A. Appointment and powers.

- (1) For the administration of this chapter, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed.
- (2) The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning.
- (3) The Zoning Officer shall administer this chapter in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this chapter.
- (4) The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.
- (5) It shall be the duty of the Zoning Officer, and he shall have the power to:
 - (a) Receive and keep a record of all applications for zoning permits.
 - (b) Process zoning permit applications.
 - (c) Issue permits only where there is compliance with the provisions of this chapter, with other Township ordinances, and with the laws and regulations of the Commonwealth of Pennsylvania and the United States of America. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the Zoning Hearing Board. Approvals by the Board of Supervisors shall be issued only after receipt of approval from the Board of Supervisors.
 - (d) Receive applications for special exceptions and variances and forward these applications to the Zoning Hearing Board for action thereon.
 - (e) Following refusal of a permit, to receive applications for interpretation, appeals and variances and forward these applications to the Zoning Hearing Board for action thereon.
 - (f) Conduct inspections and surveys to determine compliance or noncompliance with the terms of this chapter.
 - (g) Institute in the name of the Township any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation so as to prevent the occupancy or use of any building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.
 - (h) Revoke, by order, a zoning permit issued under a mistake of fact or contrary to the law or the provisions of this chapter.

- (i) Issue enforcement notices, to order and require the abatement forthwith or otherwise of a violation of the provisions of this chapter.
- (j) Record and file all applications for zoning permits with accompanying plans and documents. All applications, plans and documents shall be public records.
- (k) Maintain a map or maps showing the current zoning classification of all land in the Township.
- (l) Prepare and maintain a list of nonconforming uses when directed to do so by the Board of Supervisors.
- (m) Upon the request of the Board of Supervisors, the Planning Commission or the Zoning Hearing Board, present facts, records or reports to assist such body in making decisions.
- (n) Be available to testify in all proceedings before the Zoning Hearing Board to present facts and information to assist the Zoning Hearing Board in reaching a decision.

§ 27-2202. Enforcement notices.

If it appears to the Township that a violation of this chapter has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided by Part 24 of this chapter. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

§ 27-2203. Zoning permits required.

1. Hereafter, no use may be established or changed; no structure shall be erected, constructed, reconstructed, altered, removed; and no building used or occupied, or changed in use, until a zoning permit has been secured from the Zoning Officer. Upon completion of changes in use or construction, reconstruction, alteration or moving of structures, the applicant shall notify the Zoning Officer of such completion. No permit shall be considered as complete or as permanently effective until the Zoning Officer has noted on the permit that the work or occupancy and use has been inspected and approved as being in conformity with the provisions of this chapter.

§ 27-2204. Application requirements for zoning permits.

1. All applications for zoning permits shall be made in writing by the owner, tenant, vendee under contract of sale, or authorized agent on a form supplied by the Township and shall be filed with the Zoning Officer. The application shall include the following information:
 - A. A statement as to the proposed use of the building or land.
 - B. A site layout drawn to scale showing the location, dimensions and height of proposed buildings, structures or uses and any existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.

- C. The location, dimensions and arrangements of all open spaces and yards and buffer yards, including methods to be employed for screening.
 - D. The location, size, arrangement and capacity of all areas to be used for motor vehicles access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
 - E. The dimensions, location and methods of illumination for signs, if applicable.
 - F. Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm drainage.
 - G. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land.
 - H. A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion, or other safety hazards.
 - I. Description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.
 - J. In the case of application for interpretation, variances and special exceptions, the additional information specified in this chapter, Part 23.
 - K. Any other data deemed necessary by the Zoning Officer, Planning Commission or Board of Supervisors to enable it to determine the compliance of the proposed development with the terms of this chapter.
 - L. Applications concerning small wireless facilities must comply with applicable regulations in § 27-1403F(6.1) and (6.2).
2. No permit for any new use or construction which will involve the on-site disposal of sewage or waste and no permit for a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the lot shall be issued until a certificate of approval has been issued by the Bucks County Department of Health or any other agency with jurisdiction.

§ 27-2205. Fees.

All applicants for zoning permits, special exceptions, and interpretation and variance appeals shall, at the time of making application, pay to the Zoning Officer for use of the Township a fee in accordance with a fee schedule adopted by resolution of the Board of Supervisors upon the enactment of this chapter or as such schedule may be amended by resolution of the Board of Supervisors.

§ 27-2206. Life of permit.

1. Any erection, construction, reconstruction, alteration or moving of the building or other structure, including a sign, authorized by a zoning permit shall be commenced, and any change in use of a building or land authorized by a zoning permit shall be undertaken, within 6 months after the date of issuance of the permit. If not, the permit shall be considered null and void. However, in case of erection or construction of a building, the right to proceed with construction may be extended annually without payment of additional fee for an aggregate period of not more than three years, provided that the construction pursuant to said permit has commenced within the first six months.

2. Permits for small wireless facilities are regulated in § 27-1403F(6.1) and (6.2).

Part 23
Zoning Hearing Board

§ 27-2301. Creation of Board.

1. There is hereby created for the Township a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10901 et seq.
2. The membership of the Board shall consist of five residents of the Township appointed by resolution by the Board of Supervisors. The terms of office shall be for three years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township.
3. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
4. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in this chapter.
5. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.
6. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

§ 27-2302. Hearings.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

- A. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
- B. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

- C. The hearings shall be conducted by the Board, or the Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- D. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- E. The Chairman or Acting Chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- F. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and to cross-examine adverse witnesses on all relevant issues.
- G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- H. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- I. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from its solicitor, unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the lot or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- J. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this chapter or of any law, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant

because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in Subsection A of this section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

- K. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- L. The Board of Supervisors shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

§ 27-2303. Jurisdiction.

- 1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - A. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §§ 10609.1, 10916.1.
 - B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Township and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
 - C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit or failure to act on the application therefor, the issuance of any cease and desist order, or the registration or refusal to register any nonconforming use, structure or lot.
 - D. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
 - E. Applications for variances from the terms of this chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the MPC, 53 P.S. § 10910.2.
 - F. Applications for special exceptions under this chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 912.1 of the MPC, 53 P.S. § 10912.1.
 - G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this chapter.
 - H. Appeals from the Zoning Officer's determination under Section 916.2 of the MPC, 53 P.S. § 10916.2.

- I. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P.S. §§ 10501 et seq., 10701 et seq.
2. The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - A. All applications for approvals of planned residential developments under Article VII of the MPC, pursuant to the provisions of Section 702 of the MPC, 53 P.S. § 10702.
 - B. All applications pursuant to Section 508 of the MPC, 53 P.S. § 10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. § 10501 et seq.
 - C. Applications for conditional use under the express provisions of this chapter.
 - D. Applications for curative amendment to this chapter or pursuant to Sections 609.1 and 916.1(a) of the MPC, 53 P.S. §§ 10609.1 and 10916.1(a).
 - E. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in Section 609 of the MPC, 53 P.S. § 10609.
 - F. Appeals from the determination of the Zoning Officer or the Township Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P.S. §§ 10501 et seq., 10701 et seq. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Township Engineer shall be to the Zoning Hearing Board pursuant to this section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission, and all appeals from the decision of the Planning Commission shall be to court.

§ 27-2304. Powers and duties; interpretation.

Upon appeal from a decision by the Zoning Officer, the Zoning Hearing Board shall decide any questions:

1. Involving the interpretation of any provisions of this chapter, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
2. Where it is alleged there is error in any order, requirements, decision or determination, including any order requiring an alleged violation to stop, cease and desist made by the Zoning Officer in the enforcement of this chapter.

§ 27-2305. Powers and duties; variances.

1. Applicability. Upon appeal from a decision by the Zoning Officer, the Zoning Hearing Board shall have the power to vary or adapt the strict application of any of the dimensional requirements of this chapter, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this chapter or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition on such piece of property, the strict

application of any regulations enacted under this chapter would result in peculiar and exceptional and undue hardship upon the owner of such property, but in no other case.

2. Condition. In general, the power to authorize a variance from the terms of this chapter shall be sparingly exercised and only under peculiar and exceptional circumstances.
3. Requirements and standards. No variance in the strict application of the provisions of this chapter shall be granted by the Board unless the Board finds that the requirements and standards are satisfied. The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted; in particular, the applicant shall establish and substantiate that the appeal for the variance is in conformance with all the requirements and standards listed below:
 - A. That the granting of the variance shall be in harmony with the general purpose and intent of this chapter and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.
 - B. That the granting of the variance will not permit the establishment within a district of any use which is not permitted in that district.
 - C. There must be proof of unique circumstances. There are special circumstances or conditions, fully described in the findings, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or buildings.
 - D. There must be proof of unnecessary hardship. If the hardship is general, that is, shared by neighboring property, relief can be properly obtained only by legislative action or by court review of an attack on the validity of this chapter.
 - E. That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose. It is not sufficient proof of hardship to show that greater profit would result if the variance were awarded. Furthermore, hardship complained of cannot be self-created; it cannot be claimed by one who purchases with or without knowledge of restrictions, it must result from the application of the Chapter; it must be suffered directly by the property in question; and evidence of variance granted under similar circumstances shall not be considered.
 - F. The Board may prescribe any safeguard that it deems necessary to secure substantially the objectives of the regulation or provision to which the variance applies.

§ 27-2306. Powers and duties; special exceptions.

1. Applicability. The Zoning Hearing Board shall have the power to approve special exceptions when this chapter specifically requires the obtaining of such approval, and for no other use or purpose.
2. Conditions and standards. In granting a special exception, the Zoning Hearing Board shall make findings of fact consistent with the provisions of this chapter. The Board shall not approve a special exception except in conformance with the conditions and standards outlined in this chapter.

3. General requirements and standards applicable to all special exceptions. The Board shall grant a special exception only if it finds adequate evidence that any proposed development submitted will meet all of the following general requirements as well as any specific requirements and standards listed herein for the proposed use. The Board shall, among other things, require that any proposed use and location be:
 - A. In accordance with the Lower Southampton Township Comprehensive Plan and consistent with the spirit, purposes and the intent of this chapter.
 - B. In the best interest of the Township, the convenience of the community, the public welfare, and be a substantial improvement to the property in the immediate vicinity.
 - C. Suitable for the property in question and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.
 - D. In conformance with all applicable requirements of this chapter.
 - E. Suitable in terms of effects on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard.
 - F. In accordance with sound standards of subdivision practice where applicable.
4. The Zoning Hearing Board may impose whatever conditions regarding layout, circulation and performance it deems necessary to ensure that any proposed development will secure substantially the objectives of this chapter.

§ 27-2307. Expiration of special exception and variances, refiling.

1. A special exception or variance shall expire if the applicant fails to obtain a zoning permit within 1 year of the date of the granting of the special exception or variance unless the project is subject to subdivision and land development approval and said application has been filed.
2. No person shall refile an application for a special exception or variance for 1 year after an application for substantially the same relief has been denied by the Zoning Hearing Board.

§ 27-2308. Powers and duties; challenge to validity of Zoning Ordinance or Map.

The Board shall hear challenges to the validity of this chapter or the Zoning Map, except as indicated in the Pennsylvania Municipalities Planning Code, Act 247, Sections 1003 and 1004(1)(b). In all such challenges, the Board shall take evidence and make a record thereon as provided in § 27-2302. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact, which shall become part of the record to the court.

§ 27-2309. Parties appellant before Board.

Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Board of Supervisors pursuant to the Pennsylvania Municipalities Code), procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions

within a land use ordinance; from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this chapter; from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development or planned residential development may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.

§ 27-2310. Time limitations.

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by the Township if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this chapter or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
2. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

§ 27-2311. Stay of proceedings.

1. Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.
2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
3. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond, and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney's fees incurred by the petitioner.

§ 27-2312. Fees.

The applicant for any hearing before the Zoning Hearing Board shall, at the time of making application, pay to the Zoning Officer, for the use of the Township, a fee in accordance with a fee schedule adopted by resolution of the Township Supervisors upon enactment of this chapter or as such schedule may be amended from time to time.

Part 24
Enforcement

§ 27-2401. Enforcement notice.

1. If it appears to the Township that a violation of this chapter has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided herein.
2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
3. An enforcement notice shall state at least the following:
 - A. The name of the owner of record and any other person against whom the Township intends to take action.
 - B. The location of the property in violation.
 - C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.
 - D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of 10 days.
 - F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

§ 27-2402. Causes of action.

In case 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 Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may 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. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

§ 27-2403. Enforcement remedies.

1. 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 attorneys' fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may

enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.
4. Magisterial District Judges shall have initial jurisdiction over proceedings brought under this section.

Part 25
Appeals And Amendments

§ 27-2501. Enactment of zoning amendments.

1. The Board of Supervisors may amend, supplement or repeal any of the regulations and provisions of this chapter. The procedure for the preparation of a proposed zoning ordinance as set forth in Section 607 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10607, shall be followed.
2. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing. All other posting and notification requirements of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10607, shall be met.
3. In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
4. If after any public hearing held upon an amendment the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
5. At least 30 days prior to the public hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the county planning agency for recommendations.
6. Within 30 days after enactment, a copy of the amendment to this chapter shall be forwarded to the county planning agency.

§ 27-2502. Procedure for landowner curative amendments.

1. A landowner who desires to challenge on substantive grounds the validity of this chapter or the Zoning 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 of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. § 10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided in Section 609, and notice of the hearing thereon shall be given as provided in Sections 610 and 916.1 of the MPC, see 53 P.S. §§ 10609, 10610, and 10916.1, respectively.
2. The hearing shall be conducted in accordance with Section 908 of the MPC, 53 P.S. § 10908, and all references therein to the Zoning Hearing Board shall, for purposes of this section, be references to the Board of Supervisors. If the Township does not accept a landowner's curative amendment brought in accordance with this subsection, and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire chapter and the Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

3. The Board of Supervisors, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
 - B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this chapter or Zoning Map.
 - C. The suitability of the lot for the intensity of use proposed by the lot's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.
 - D. The impact of the proposed use on the lot's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
 - E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

§ 27-2503. Procedure for Township curative amendments.

1. If the Township determines that this chapter, or any portion hereof, is substantially invalid, it shall take the following actions:
 - A. The Township shall declare by formal action this chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days of such declaration and proposal the Board of Supervisors shall:
 - (1) By resolution make specific findings setting forth the declared invalidity of this chapter which may include:
 - (a) References to specific uses which are either not permitted or not permitted in sufficient quantity;
 - (b) Reference to a class of use or uses which requires revision; or
 - (c) Reference to this entire chapter which requires revisions.
 - (2) Begin to prepare and consider a curative amendment to this chapter to correct the declared invalidity.
 - B. Within 180 days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, this chapter pursuant to the provisions of Section 609 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. § 10609, in order to cure the declared invalidity of this chapter.

- C. Upon the initiation of the procedures as set forth in Subsection A, the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Section 609.1 of the MPC, 53 P.S. § 10609.1, nor shall the Zoning Hearing Board be required to give a report requested under Section 909.1 or 916.1 of the MPC, 53 P.S. § 10909.1 or 10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by Subsection A(1). Upon completion of the procedures set forth in Subsections A and B, no rights to a cure pursuant to the provisions of Sections 609.1 and 916.1 of the MPC, 53 P.S. §§ 10609.1 and 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this chapter for which there has been a curative amendment pursuant to this section.
2. The Township, having utilized the procedures set forth in this section, may not again utilize said procedure for a period of 36 months following the date of enactment of a curative amendment or reaffirmation of the validity of this chapter; provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania appellate court decision, the Township may utilize the provisions of this section to propose a curative amendment to this chapter to fulfill said duty or obligation.

APPENDIX A

Zoning Map

ZONING MAP
OF
LOWER SOUTHAMPTON TOWNSHIP
BUCKS COUNTY, PA

December 28, 2022



ZONING DISTRICTS

- (I) Industrial
- (IP) Institutional
- (C1) Light Commercial
- (C2) Heavy Commercial
- (R-1) Residence 20,000 SQ. FT.
- (R-2) Residence 12,000 SQ. FT.
- (R-3) Residence 9,000 SQ. FT.
- (R-4) Residence
- (SF) Single Family

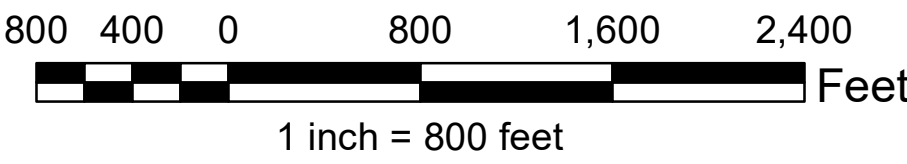
Lower Moreland
Township

Philadelphia
County

Northampton Township

Bensalem Township

Middletown Township



DRAFT

NOTE:
PARCELS AND PACEL DATA TAKEN FROM BUCKS COUNTY MAPS
AND DATA PORTAL, PROVIDED BY THE COMMISSIONERS OF BUCKS
COUNTY AND THE BUCKS COUNTY PLANNING COMMISSION.
WEB SITE: <https://dataportal-bucksgis.opendata.arcgis.com/>



1	7/30/2026	PER ZONING ORDINANCE UPDATE
REVISIONS	DATE	DESCRIPTION

APPENDIX B

Use Chart

Appendix B
Lower Southampton Township
Table of Use Regulations

	USE	R-1	R-2	R-3	R-4	C-1	C-2	I	IP
A.	Agricultural Uses								
Use 1	Agriculture	P	N	N	N	N	N	N	P
Use 2	Lawn/Garden Center	N	N	N	N	P	P	N	N
B.	Residential Uses								
Use 3	Single-Family Detached Dwelling	P	P	P	P	N	N	N	N
Use 4	Two-Family Dwelling	N	N	N	P	N	N	N	N
Use 5	Single-Family Attached Dwelling	N	N	N	P	N	N	N	N
Use 6	Multi-Family Dwelling	N	N	N	P	N	N	N	N
Use 7	Mobile Home Park	N	N	N	N	N	N	SE	N
Use 3A	Sober Living Facility	N	N	N	N	N	N	SE	N

KEY: P—By-Right **SE**-Special Exception **N**—Not Permitted

General Reference Only: Please see Part 14—Use Regulations for detailed uses and specific requirements.

Appendix B
Lower Southampton Township
Table of Use Regulations

	USE	R-1	R-2	R-3	R-4	C-1	C-2	I	IP
C.	Religious/Educational/ Recreational/ Institutional Uses								
Use 8	Religious Use	N	N	N	N	N	N	N	P
Use 9	Private School	SE	SE	SE	SE	P	P	P	P
Use 10	Library/Museum	N	N	N	SE	P	P	N	P
Use 11	Public Recreational Facility	N	N	N	N	N	N	N	P
Use 12	Private Club or Lodge	SE	SE	SE	N	P	P	N	N
Use 13	Community Center	N	N	N	N	P	P	N	P
Use 14	Day-Care Center	N	N	N	N	P	P	N	N
Use 15	Adult Day Care	N	N	N	N	P	P	N	P
Use 16	Hospital Campus	N	N	N	N	N	SE	N	N
Use 17	Nursing Home/Care Facility	SE	N	N	N	P	N	N	N
Use 18	Cemetery	SE	SE	SE	N	N	N	N	N
Use 19	Outpatient Surgical Center	N	N	N	N	N	SE	P	N

KEY: **P**—By-Right **SE**—Special Exception **N**—Not Permitted

General Reference Only: Please see Part 14—Use Regulations for detailed uses and specific requirements.

Appendix B
Lower Southampton Township
Table of Use Regulations

	USE	R-1	R-2	R-3	R-4	C-1	C-2	I	IP
D.	Office Uses								
Use 20	Medical or Dental Office	N	N	N	N	P	P	N	N
Use 21	Business/Professional Office	N	N	N	N	P	P	N	N
Use 22	Methadone Treatment Facility	N	N	N	N	N	N	SE	N
Use 22A	Alternative Therapy Provider	N	N	N	N	N	N	SE	N
Use 22B	Use Massage Therapy Center	N	N	N	N	N	N	SE	N
E.	Retail Uses								
Use 23	Retail Shop	N	N	N	N	P	P	N	N
Use 24	Service Business	N	N	N	N	P	P	N	N
Use 25	Bank	N	N	N	N	P	P	N	N
Use 26	Restaurant	N	N	N	N	P	P	N	N
Use 27	Tavern/Brewery/ Distillery	N	N	N	N	P	P	N	N

KEY: P—By-Right **SE**-Special Exception **N**—Not Permitted

General Reference Only: Please see Part 14—Use Regulations for detailed uses and specific requirements.

Appendix B
Lower Southampton Township
Table of Use Regulations

	USE	R-1	R-2	R-3	R-4	C-1	C-2	I	IP
E.	Retail Uses								
Use 28	Repair Shop	N	N	N	N	P	P	P	N
Use 29	Funeral Home	N	N	N	N	P	P	N	N
Use 30	Hotel	N	N	N	N	P	P	N	N
Use 31	Indoor Commercial Entertainment	N	N	N	N	P	P	P	N
Use 32	Outdoor Commercial Recreation	N	N	N	N	P	P	P	N
Use 33	Adult Business	N	N	N	N	N	N	SE	N
Use 34	Veterinary Office	N	N	N	N	P	P	P	N
Use 35	Motor Vehicle Fueling Station	N	N	N	N	SE	SE	N	N
Use 36	Car Wash	N	N	N	N	SE	SE	N	N
Use 37	Motor Vehicle Sales	N	N	N	N	N	SE	SE	N
Use 38	Motor Vehicle Repair Garage	N	N	N	N	N	SE	SE	N
Use 39	Trade or Professional School	N	N	N	N	N	SE	N	N
Use 40	Kennel	N	N	N	N	N	N	P	P

KEY: P—By-Right **SE**-Special Exception **N**—Not Permitted

General Reference Only: Please see Part 14—Use Regulations for detailed uses and specific requirements.

Appendix B
Lower Southampton Township
Table of Use Regulations

	USE	R-1	R-2	R-3	R-4	C-1	C-2	I	IP
E.	Retail Uses								
Use 41	Large Retail Center	N	N	N	N	N	SE	N	N
Use 42	Bed and Breakfast	SE	SE	SE	N	N	N	N	N
Use 43	Banquet/Catering Facility	N	N	N	N	N	P	N	N
Use 44	Limited Personal Service	N	N	N	N	N	N	SE	N
Use 45	Ambulance/Medical Transport Vehicle	N	N	N	N	N	N	SE	N
Use 46	Smoke Shop/Smoking Parlor	N	N	N	N	N	N	SE	N
Use 47	Equipment/Vehicle Leasing	N	N	N	N	P	P	N	N
Use 47A	Medical Marijuana Dispensary	N	N	N	N	N	N	SE	N
Use 47B	Medical Marijuana Grower/Processor	N	N	N	N	N	N	SE	N

KEY: P—By-Right SE—Special Exception N—Not Permitted

General Reference Only: Please see Part 14—Use Regulations for detailed uses and specific requirements.

Appendix B
Lower Southampton Township
Table of Use Regulations

	USE	R-1	R-2	R-3	R-4	C-1	C-2	I	IP
F.	Utility/ Communications/ Transportation Uses								
Use 48	Emergency Services	P	P	P	P	P	P	P	P
Use 49	Municipal Uses	P	P	P	P	P	P	P	P
Use 50	Railway/Transportation Station	N	N	N	N	P	P	P	N
Use 51	Public or Private Parking Garage	N	N	N	N	SE	P	SE	N
Use 52	Public or Private Parking Lot	N	N	N	N	N	N	N	N
Use 53	Cellular Communications Facility	N	N	N	N	N	N	SE	SE
Use 53A	Small Wireless Facilities (Not in Underground District)	P	P	P	P	P	P	P	P
Use 53B	Small Wireless Facilities (In Underground District)	SE	SE	SE	SE	SE	SE	SE	SE
Use 54	Utility Operating Facility	P	P	P	N	SE	P	P	P

KEY: P—By-Right **SE**-Special Exception **N**—Not Permitted

General Reference Only: Please see Part 14—Use Regulations for detailed uses and specific requirements.

Appendix B
Lower Southampton Township
Table of Use Regulations

	USE	R-1	R-2	R-3	R-4	C-1	C-2	I	IP
G.	Industrial Uses								
Use 55	Light Manufacturing	N	N	N	N	N	N	P	N
Use 56	Research/Development Facility	N	N	N	N	N	N	P	N
Use 57	Wholesale Business/Storage	N	N	N	N	N	N	P	N
Use 58	Crematorium	N	N	N	N	N	N	P	N
Use 59	Printing, Publishing, Binding	N	N	N	N	N	N	P	N
Use 60	Contractor Business Office	N	N	N	N	N	N	P	N
Use 61	Carpentry Shop	N	N	N	N	N	N	P	N
Use 62	Truck Terminal	N	N	N	N	N	N	P	N
Use 63	Quarry	N	N	N	N	N	N	P	N

KEY: P—By-Right **SE**-Special Exception **N**—Not Permitted

General Reference Only: Please see Part 14—Use Regulations for detailed uses and specific requirements.

Appendix B
Lower Southampton Township
Table of Use Regulations

	USE	R-1	R-2	R-3	R-4	C-1	C-2	I	IP
G.	Industrial Uses								
Use 64	Solid Waste Facility	N	N	N	N	N	N	SE	N
Use 65	Standard Self-Storage Facility	N	N	N	N	N	N	P	N
Use 66	Indoor Self-Storage Facility	N	N	N	N	N	SE	P	N
Use 67	Fuel Storage and Distribution	N	N	N	N	N	N	P	N
Use 67B	Data Center	N	N	N	N	N	N	SE	N
Use 67C	Sales of Consumer Fireworks	N	N	N	N	N	N	SE	N

KEY: P—By-Right **SE**-Special Exception **N**—Not Permitted

General Reference Only: Please see Part 14—Use Regulations for detailed uses and specific requirements.

Appendix B
Lower Southampton Township
Table of Use Regulations

	USE	R-1	R-2	R-3	R-4	C-1	C-2	I	IP
H.	Accessory Uses								
Use 68	No-Impact Home-Based Business	P	P	P	P	N	N	N	N
Use 69	Accessory Office	SE	SE	N	N	N	N	N	N
Use 70	Residential Accessory Building or Structure	P	P	P	P	N	N	N	N
Use 71	Family Day Care	SE	SE	SE	SE	N	N	N	N
Use 72	Nonresidential Accessory Building or Structure	N	N	N	N	SE	SE	SE	P
Use 73	Motor Vehicle Fuel Pumps	N	N	N	N	N	SE	N	N
Use 74	Heliport	N	N	N	N	N	N	SE	N
Use 75	Nonresidential Wind Energy System	N	N	N	N	SE	SE	SE	P
Use 76	Residential Wind Energy System	P	P	P	P	N	N	N	N

KEY: P—By-Right **SE**-Special Exception **N**—Not Permitted

General Reference Only: Please see Part 14—Use Regulations for detailed uses and specific requirements.

Appendix B
Lower Southampton Township
Table of Use Regulations

	USE	R-1	R-2	R-3	R-4	C-1	C-2	I	IP
H.	Accessory Uses								
Use 77	Solar Energy Systems	P	P	P	P	SE	SE	SE	P
Use 78	Accessory In-Law Dwellings	P	P	P	P	N	N	N	N
Use 79	Accessory Drive-Through Facility	N	N	N	N	SE	P	SE	N
Use 80	Local Gaming Device	N	N	N	N	P	P	N	N
Use 81	Electric Vehicle Charging Stations (EVCS)	N	N	N	N	P	P	P	P
Use 82	Electric Vehicle Parking Space	N	N	N	N	P	P	P	P
Use 83	Keeping of Chickens	P	P	P	P	N	N	N	N

KEY: P—By-Right **SE**-Special Exception **N**—Not Permitted

General Reference Only: Please see Part 14—Use Regulations for detailed uses and specific requirements.

APPENDIX C

Major Sign Categories

Appendix C—Major Sign Categories

Permitted Signs (R-1, R-2, R-3, and R-4 Districts)

KEY: P—By-Right SE—Special Exception N— Not Permitted

Type of Sign Construction												Illumination			Message Center
	Ground Sign	Wall Sign	Non-Stationary	Movable	Vehicular	Roof	Projecting	External	Internal	Non-Illuminated					
Advertising	SE	N	N	N	N	N	N	SE	N	SE	N				
Business	N	N	N	N	N	N	N	N	N	N	N				
Official	P	P	P	P	P	P	P	P	P	P	P				
Real Estate	P	P	N	N	N	N	N	N	N	P	N				
Temporary (Mechanic or Artisans)	P	P	N	N	N	N	N	N	N	P	N				
Development	P	N	N	N	N	N	N	P	N	P	N				
Identification	P	N	N	N	N	N	N	P	P	P	N				
Professional/ Home Occupation	P	P	N	N	N	N	N	P	N	P	N				
Temporary	P	P	P	P	N	N	N	N	N	N	N				
Public Utility	P	P	P	P	P	P	P	P	P	P	N				
Ground	N	N	N	N	N	N	N	N	N	N	N				
Plaza	N	N	N	N	N	N	N	N	N	N	N				
Trespassing	P	P	N	N	N	N	N	N	N	P	N				

Reference Only: If is a conflict between this chart and the requirements of Part 20, the requirements of Part 20 shall apply. See Part 20 for square footage and other regulations.

Appendix C—Major Sign Categories

Permitted Signs (C-1, C-2, I, and IP Districts)

KEY: P—By-Right SE—Special Exception N— Not Permitted

Type of Sign Construction								Illumination			Message Center
Ground Sign	Wall Sign	Non-Stationary	Movable	Vehicular	Roof	Projecting	External	Internal	Non-Illuminated		
Advertising	SE	N	N	N	N	N	N	SE	N	SE	N
Business	P	P	N	N	N	P	P	P	P	P	p**
Official	P	P	P	P	P	P	P	P	P	P	P
Real Estate	P	P	N	N	N	N	N	N	N	P	N
Temporary (Mechanic or Artisans)	P	P	N	N	N	N	N	N	N	P	N
Development	N	N	N	N	N	N	N	N	N	N	N
Identification	P	N	N	N	N	N	N	P	P	P	N
Professional/ Home Occupation	P	P	N	N	N	N	N	P	N	P	N
Temporary	P	P	P	P	N	N	N	N	N	N	N
Public Utility	P	P	P	P	P	P	P	P	P	P	P
Ground	P	N	N	N	N	N	N	P	P	P	p**
Plaza	P	N	N	N	N	N	N	P	P	P	p**
Trespassing	P	P	N	N	N	N	N	N	N	P	N

Reference Only: If is a conflict between this chart and the requirements of Part 20, the requirements of Part 20 shall apply. See Part 20 for square footage and other regulations.

**Ground and Plaza Sign Only Per Part 20.