

ARTICLE 11: SPECIAL REQUIREMENTS

11.100 Conversion Apartments

- 11.110 Any single family dwelling occupied as such prior to adoption of this ordinance and located in the Residential “C” or “D” zone district may be converted into not more than two (2) dwelling units provided the lot containing the building exceeds the minimum lot area for the district by one and one-half (1 1/2) times.
- 11.120 Each dwelling in a converted single family building shall contain at least 360 square feet if an efficiency apartment, or 480 square feet if a one-bedroom apartment, or 550 square feet if a two-bedroom apartment. Each apartment shall contain a private bathroom and food cooking and storage facilities, and be provided with two (2) parking spaces on the lot.
- 11.130 There shall be at least two (2) means of egress from each dwelling unit, of which at least one (1) shall be directly to the outside at grade or via an exterior stairs to grade.
- 11.140 Each dwelling unit shall have sufficient operable window sash area to equal at least one-twentieth of the floor area and shall be served by a heating system capable of providing sixty-eight (68) degrees Fahrenheit throughout each dwelling unit when the outside temperature is zero (0) degrees Fahrenheit.
- 11.150 No building manifestly designed for nonresidential purposes shall be reconverted to residential use unless such conversion removes a non-conforming use and such building is completely remodeled for permanent residential use.

11.200 Apartments in Commercial Structures

- 11.210 In the Highway Commercial District and the Neighborhood Commercial District apartments may be constructed on the second floor of a building, the first floor of which is devoted to commercial use. No commercial uses and apartments shall be located on the same floor.
- 11.220 The number of apartments permitted shall not exceed in number the result of dividing the lot area in square feet by ten thousand (10,000).
- 11.230 There shall be provided on the property two (2) parking spaces per each apartment for the exclusive use of the apartment occupants.

11.240 There shall be two (2) means of egress directly to the outside at grade provided from the second floor hallway common to the apartments. An exterior metal fire escape may be substituted for one hallway exit.

11.300 Home occupations and Day Care

11.310 Subject to the following rules and regulations, Home Occupations may be permitted in all residential districts provided the occupation is clearly accessory and incidental to the primary dwelling use.

11.320 In addition to no-impact home-based businesses as defined by the Municipalities Planning Code, the following occupations shall be considered suitable as home occupations:

- a. Office of an individual lawyer, engineer, architect, accountant, other similar profession (other than a physician, dentist, or other medical practice), or minister of religion;
- b. Studio of an individual artist, photographer or craftsman, including retail sales of products made on the same premises only;
- c. Business of an individual whose occupation is conducted entirely by telephone and/or correspondence, or from his or her car, provided no retail sales occur on the property and no goods used in the business are stored outside the dwelling, building or in a garage;
- d. Custom dress or tailoring;
- e. Tutoring of academic subjects and art or arts and crafts instruction, limited to groups of not more than three (3) students simultaneously;
- f. Musical instrument instruction but only if provided in a single family dwelling to groups of not more than three (3) students simultaneously;
- g. Beauty shop or barber shop of an individual licensed barber or beautician, to serve only one (1) customer at a time and by appointment only;
- h. Adult day care - a facility registered/licensed by the Commonwealth, located within a dwelling, for the care of not more than six (6) adults, over the age of sixteen (16) years of age, excluding care provided to adults who are relatives of the provider.

- i. Child day care - a facility registered/licensed by the Commonwealth, located within a dwelling, for the care of not more than six (6) children, under the age of sixteen (16) years of age, excluding care provided to children who are relatives of the provider.
 - j. Such other home occupations that meet the criteria of this Section 11.300 which are similar to and compatible with those home occupations listed above, as determined by the Planning Commission and approved by Township Council.
- 11.330 All Home Occupations shall be secondary to the use of the dwelling for living purposes, shall occupy not more than 25% of the habitable floor area of the primary dwelling structure; shall be owned and operated by an owner/occupant of the dwelling; shall employ not more than one (1) clerical or support staff person who does not reside in the dwelling; and, unless otherwise provided above, shall receive office visits by only one (1) client at a time and by appointment only.
- 11.340 No exterior changes shall be made to the dwelling, building or additions made specifically to accommodate the home occupation. No use shall be made of accessory structures on the property and no structure shall be built to accommodate the home occupation. No more than twenty-five (25) percent of one floor of the dwelling may be used for the occupation.
- 11.350 Signs identifying the home occupation shall be in conformance with Section 14.411, except that the nature of the home occupation may be indicated.
- 11.360 Off street parking spaces shall be limited to one vehicle provided on the lot in accordance with Section 13.215 but no more nor less than the number required shall be provided. Township Council may require the parking to be screened by appropriate plantings from adjacent residential properties.
- 11.370 The use shall not significantly intensify vehicular or pedestrian traffic beyond that which is normal for the residences in the neighborhood.
- 11.380 A separate Occupancy Permit for any Home Occupation other than a no-impact home-based business must be obtained prior to the start of activities. The fee will be identical to that required for a commercial establishment.

11.400 Boarding and Rooming Houses

- 11.410 Any single family dwelling occupied by a family whose members are related by blood, marriage or adoption may also accommodate not more than two (2) individual boarders. One (1) parking space shall be provided on the premises for each boarder or roomer to be accommodated.

11.500 Automobile Service Stations

- 11.510 Automotive service stations are permitted as conditional uses in the Highway Commercial District, Neighborhood Commercial District Light, Industrial District and Heavy Industrial District.
- 11.520 Only below grade fuel storage tanks and pump islands may be placed not closer than thirty (30) feet to the road right-of-way line or abutting property lines. Canopy structures are permitted within twenty (20) feet of right-of-way. Access drives shall be located to take advantage of maximum sight distances for motorists and circulation into and through the premises shall be obvious to motorists. The use of the site and access to it will not downgrade adjacent properties or the public health, safety and general welfare. The design and arrangement of the station shall be compatible with adjacent or nearby residential development.
- 11.530 All bulk storage of flammable liquids shall occur in well-vented tanks below grade.
- 11.540 Service station building walls shall be of masonry construction where they are within fifty (50) feet of any property line.
- 11.550 All hoists, pits and all lubricating, greasing, automobile washing and repair equipment shall be entirely within an enclosed building.
- 11.551 All storage of new, used or discarded parts or materials shall be within an enclosed structure.
- 11.560 Access shall be limited to two (2) driveways and one (1) additional driveway on a second street where the property abuts a second street. Each driveway shall not be more than thirty-five (35) feet wide at the property line. No driveway shall be located within seventy-five (75) feet of any street intersection, measured from the point of crossing of intersecting street right-of-way lines abutting the property and the edge of the driveway nearest the intersection.
- 11.570 The entire service area shall be paved with a permanent surface and edged with a curb where it abuts grassed areas. Paved surfaces shall be sloped to an acceptable storm drainage system. Areas of the property not paved shall be left natural, or landscaped and maintained.

- 11.580 Sufficient space shall be provided on each side of each pump island for not less than three (3) vehicles being serviced or waiting service. Not less than eight (8) other parking spaces outside the circulation area around the pump islands shall be provided for customer and employee parking.
- 11.590 No derelict, un-inspected or unlicensed vehicles shall be permitted on the premises for more than one (1) month. Derelict, un-inspected, or unlicensed vehicles awaiting auto body repair or painting shall be kept behind a fence at least four (4) feet high surrounding the vehicles and obscuring a view of them from adjacent properties and roads.

11.600 Hedges, Fences, Privacy/Decorative Walls and Irrigation systems

- 11.610 No hedge, fence, privacy/decorative wall or irrigation system may be erected or placed within one (1) foot of any side or rear property line. No hedge, fence, or privacy/decorative wall shall exceed six (6) feet in height, unless a dwelling on an adjacent lot is within six (6) feet of the common lot line, then the height is not to exceed the distance the adjacent dwelling is from the line. Hedges shall be maintained not to exceed the specified height. Required buffer fences, strips, etc. are not included under this section.
- 11.620 Any front fence or privacy/decorative wall or irrigation system must be a minimum of eight feet from the curb or property line whichever is the lesser dimension, but no less than eight feet from the curb and cannot exceed four(4) feet in height, and shall be maintained so as not to exceed such height. Any fence or wall that is either parallel, perpendicular, or at an angle to the front of the building line, shall be considered a front fence or wall. Required buffer fences, strips, etc. are not included under this section.
- 11.621 The Zoning Officer may require more stringent controls on the placement of hedges, walls, trees, shrubs, landscape material and/or fences where, in his/her opinion, the public safety is involved. Fences and hedges shall not interfere with maintaining sight distances for automobile drivers approaching street intersections within 20 feet of the right-of-way of such intersection.
- 11.622 No fence, pet containment system, hedge, wall, tree, shrub, landscape material or irrigation system shall be placed in a recorded public right-of-way after the date of adoption of this Ordinance without the prior written consent of the Zoning Officer.

11.623 Fence Materials:

Fences in residential, commercial or industrial areas must be constructed of lumber, iron, maintenance free type material or rust-free chain link. Maintenance free type material shall include vinyl, plastic, wrought iron, and rust resistant chain link.

The following materials are prohibited for fences.

1. Barbed wire and electrical fences;
2. Razor wire;
3. Concrete;
4. Masonry, except when less than 30 inches in height and accompanied by a boundary survey at the time of permit application;
5. Chicken wire;
6. Woven or welded wire;
7. Plastic webbing,
8. Makeshift, flimsy materials, such as paper, twine, rope, tin and the like;
9. Plywood;
10. Pressed wood

Exceptions –

- a. Fence Types No. 1, 5 & 6 shall be allowed in side and rear yards for non-perimeter internal garden fences in residentially zoned districts if setback from the property line is a distance equal to or greater than the allowable accessory structure setback for the zoning district and shall not exceed four feet in height
- b. Fence Type 1 shall be allowed in agricultural areas.
- c. Fence Type 7 shall be allowed when used for temporary traffic, police, construction or erosion control. This shall not prohibit the use of plastic materials intended to resemble wood products;
- d. Fence Type 8 shall be allowed when used for traffic control or police security

11.624 All tennis courts placed within 50 feet of any property line in a residentially zoned district must be completely enclosed on both ends by a fence and may be enclosed on one side by a fence. Tennis court fences may be constructed of a metallic material, and chain link fences of a specific mesh gauge are acceptable. Tennis court fences may be up to 10 feet in height along the ends of the court and extend along the sides at this height for 20 linear feet. The remaining length of the fence may not exceed 4 feet in height. Any court with a fence exceeding 6 feet shall be setback an additional 5 feet from any property line setback minimum. All lighting shall be of the shielded variety

11.630 Security fences surrounding industrial, commercial or public properties may be exempt from Sections 11.610 and 11.620, provided they are of an open work surface less than fifty (50) percent of which is opaque. Required buffer fences, strips, etc. are not included under this section.

11.640 Any fence, hedge, post, mailbox, sign, privacy/decorative wall, tree, landscaping items or shrub located in a public right-of-way or other recorded public easement (right-of-way for utilities, etc.) is placed at the owner's risk and may be ordered removed by the Township or other public utility or authority for expansion or maintenance of public services

11.650 Retaining walls shall be set back at least three (3) feet from property lines and shall maintain height limitations as required for fences and hedges. Foundations of such walls shall be carried at least thirty-six (36) inches below finished grade and walls shall be at least eight (8) inches thick. Retaining walls more than six (6) feet in height above finished grade shall be designed by a registered professional engineer and may be approved only after presentation of the engineer's sealed drawings to the Zoning Officer. The faces of retaining walls shall be set back at least three (3) feet from any property line and a barrier along the top of the wall shall be required when the wall exceeds six (6) feet in height.

11.700 Swimming Pools

11.710 All pool construction shall comply with Hampton Township Ordinance No. 84, as amended, and shall be set back from property lines as for an accessory building. (See Table "A") Verification that the pool is not located on any easements or utilities shall be provided along with the permit application.

11.800 Manufactured Homes

11.810 A manufactured home for the purposes of this Ordinance shall be considered a transportable single family dwelling intended for permanent occupancy contained in one (1) unit, or in two (2) units designed to be joined into one (1) integral unit capable of being separated later for movement to another site, such dwelling being ready for occupancy upon arrival on its lot except for placement on its foundation and minor or incidental unpacking and assembly operations.

11.820 Manufactured homes shall meet all requirements of this Ordinance and other ordinances of Hampton relative to single family dwellings in the same zone district.

11.830 Manufactured homes shall be supported upon either a peripheral masonry or concrete foundation wall on a reinforced concrete footer carried to a depth of

at least three (3) feet below finished grade; or masonry foundations piers built on concrete footers, the bottom of which shall be set at least three (3) feet below finished grade.

- 11.840 Manufactured homes shall be securely held to the foundation by tie-downs which may be cast in place of concrete “dead men”, eyelets imbedded in concrete screw augers or arrow-head anchors placed at least at each corner of the manufactured home, each device being rated to sustain a minimum load of 4,300 pounds.
- 11.850 The space between the floor of a manufactured home set on piers and the ground below shall be enclosed by a continuous metal skirting to match the exterior material of the manufactured home and such space shall be ventilated.
- 11.860 Manufactured homes shall be placed on required foundations and skirted within thirty (30) days of arrival on the lot.
- 11.870 No manufactured home shall be occupied until it has received an occupancy permit from the Zoning Officer, after connection to sewage disposal, water supply, and electrical systems. Any manufactured home brought into the Township after June 30, 1987, shall be certified as meeting the requirements of the National Manufactured Housing Construction and Safety Standards Act. No manufactured home shall be removed from the Township until all current and back municipal and School District taxes have been paid in full. The property occupied by the manufactured homes may be liened for the unpaid taxes whether or not such property is owned by the occupants of the manufactured home.
- 11.880 Any enclosed additions added later to a manufactured home, or not part of the original construction, shall match the materials and colors of the original.
- 11.890 No manufactured home lacking toilet and washing facilities or cooking and food storage facilities shall be permitted, nor shall any self-propelled vehicles used as living accommodations, or travel trailers designed for temporary occupancy, be permitted for residential purposes for a period exceeding thirty (30) days per calendar year. Such manufactured home or vehicle shall not be placed in any yard area.
- 11.900 Special Events as an Accessory Use; Temporary Construction or Storage Structures or Devices**
- 11.910 Special Events: On any lot, a landowner and /or developer proposing to conduct a temporary use or event using space outside of principal building structures shall be required to submit a special event application. Special

events may include, but are not limited to, seasonal or holiday plant sales, “car cruises”/car shows, or sidewalk/parking lot displays and sales, and shall also include any other special or temporary event that has the potential to create an increase in traffic, parking, congestion and/or noise than that is typically caused by the principal use of the lot.

- a. The Special Event Application shall be:
 1. Submitted to the Township Zoning Officer; and
 2. Submitted to the Township Zoning Officer at least ten (10) days prior to the proposed special event. (Any special event that constitutes an “Outdoor Amusement” shall also be required to apply for and obtain an Outdoor Amusement License at least sixty (60) days prior to the proposed Special Event as provided in the Township’s Outdoor Amusement Ordinance.)
- b. The special event, at a minimum, shall:
 1. Be conducted on the same lot on which the principal use occurs;
 2. Be directly related to the services and /or products of the principal use, and shall be a use generally permitted in the Zoning District in which the Special Event is located, except for Special Events sponsored and conducted by local schools, religious, civic groups or other local not-for-profit organizations in order to raise funds for charitable, benevolent or other not-for-profit purposes; and
- c. The Special Event, and all associated temporary tents or other structures, shall not compromise the minimum number of required parking spaces for the principal use; shall not obstruct or otherwise interfere with the unfettered ingress/egress to and from the property; shall not be conducted in any public rights-of-way; shall be located in conformance with all applicable yard and setback requirements for the lot; and shall not be located or conducted in any area of the property or in such manner as to have a potential to distract or cause any hazard to the public or to vehicular traffic on the property or on adjacent roads.
- d. All temporary structures associated with any Special Event shall comply with all applicable building code requirements, and all such temporary structures shall be removed and the property restored prior to expiration of the Special Event permit.
- e. Applicant shall be required to obtain a permit for any temporary signs associated with the Special Event, which shall be in accordance with Chapter 14 of this Zoning Ordinance or as otherwise approved by the Zoning Officer.

- f. Unless otherwise approved by Township Council, no Special Event permit shall be issued for a duration in excess of 14 consecutive days, nor may the cumulative number of Special Event permits issued for a lot exceed 14 days within any ninety (90) day period, except that a Special Event permit may be issued to conduct seasonal holiday tree, wreath or other plant sales commencing no earlier than thirty (30) days prior to and concluding on the day of the holiday.

11.920 Temporary Exterior Structures, Dumpsters, and other Storage Devices: In conjunction with the issuance of a demolition or building permit, or where other conditions or circumstances require the use of a temporary exterior storage pod, structure, dumpster, or other similar device, the property owner shall apply for, and receive from, the Zoning Officer a Temporary Use Permit prior to placing any such structure or device on the property for any period in excess of seven (7) consecutive days, subject to the following:

- a. A Temporary Use Permit may be issued for a maximum period of forty-five (45) days unless extended for an additional period of no longer than forty-five (45) days upon written request submitted to the Zoning Officer prior to expiration of the original permit, which the Zoning Officer may approve where warranted by good cause of a necessitous and compelling reason.
- b. The Zoning Officer may require that all such structures, dumpsters, or storage devices be placed in the rear yard or behind the front building line and within all applicable yard setback requirements applicable to accessory structures, unless placement in such location is not possible or feasible, and unless placement in another location is specifically approved by the Zoning Officer. Nor shall any such structure, dumpster, or storage device be placed on the public street or within the street right-of-way without the express approval of the Zoning Officer and Police Department.

11.930 Accessory Structures

11.931 Floor Area Ratio (FAR) – cumulative limit of 100% of main floor square footage of the principle dwelling(s) unit for RA & RB and a 50% FAR for RC & RD (not to exceed 900 sf). CA & CB or RA & RB with a minimum of five acres shall be 150% of FAR.

11.932 Accessory structures shall be no more than 30% of the required rear yard of a lot. Definition – Required Rear Yard is the full width of the lot between the rear property line and the rear line of the principle dwelling(s) projected to the side property lines of the lot.

- 11.933 Any accessory structure exceeding 120 sf shall meet the setback requirement for the primary structure.
- 11.934 No accessory structure or any part thereof shall protrude into or hang over any easement, ROW or setback area.
- 11.935 Accessory structures for non-residential properties may require a formal site plan submittal. (see section 10.610B of this Ordinance or the SALDO)
- 11.936 Accessory structure's wall and roof covering materials shall generally match the primary structure in type and color.
- 11.937 All structures for farm animals, commercial kennels or conditional use allowable shelters shall not be located within one hundred feet of any property line.
- 11.938 Accessory structures shall not be located within the allowable front yard setback area.

ARTICLE 12: CONDITIONAL USES

12.100 General Criteria for Evaluation of Conditional Uses

- 12.110 Conditional Uses are listed in Article 8 of this Ordinance.
- 12.120 The granting of a conditional use by the Township Council, after review and recommendations by the Planning Commission and the Environmental Advisory Council, shall be predicated on the developer's submission of a written application, together with an illustrative site plan containing the information required in Section 10.640, as applicable.
- 12.130 The written submission shall demonstrate that the development for which the conditional use is sought will meet the primary criteria outlined below:
- a. Will not endanger the public health, safety and welfare, if located where proposed, and will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare and vibration;
 - b. Meets all other requirements of this Ordinance in the zoning district where the use is proposed;
 - c. Is in general conformity and is in harmony with the area in which it is proposed;
 - d. Is an appropriate use on the proposed site as a conditional use;
 - e. Is consistent with the comprehensive plan for the development of the municipality;
 - f. Is in conformity with zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use;
 - g. Makes adequate provision for public services, environmental protection, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment;
 - h. Is complementary to the neighborhood in which it is proposed to be established; and
 - i. Will not increase danger and congestion in travel and transportation.

- 12.140 The illustrative site plan shall show to scale the entire property to be ultimately developed and shall indicate the locations, height and use of structures, driveways, parking areas and topographical and/or natural features of the property. An architectural rendering of the structures proposed may also be submitted.
- 12.150 Any development that proposes to create condominium units, or to convert rented units to condominium, shall not be approved until by-laws binding the condominiums to the maintenance of, and responsibility for common spaces inside and outside the buildings, have been reviewed by the Township solicitor and found to be in compliance with existing statutes, ordinances and regulations of the Commonwealth of Pennsylvania, the Township of Hampton and County of Allegheny.

12.200 Procedure for Review of Conditional Use Application and Options Available after Review

- 12.210 The Zoning Officer shall place the application for referral on the agenda of the next regular meeting of the Township Council following the submission of the complete Conditional Use application. Township Council shall thereafter refer the proposal to the Planning Commission and Environmental Advisory Council for review and recommendation.
- 12.220 The Planning Commission may call and hold a public hearing, properly advertised, to gather additional testimony on the proposal, or it may gather such information as it deems necessary to make its recommendations during its regularly or specially scheduled public meetings.
- 12.230 The Planning Commission and Environmental Advisory Council shall submit its recommendations to the Township Council within sixty (60) days after receipt of the completed application, recommending approval, rejection or approval with certain specific conditions.
- 12.240 In accordance with Section 908(1), 908(1.2) and 913.2 of the Municipalities Planning Code (MPC), the Township Council shall hold a Public Hearing on the conditional use application, which shall commence within sixty (60) days from the date of receipt of applicant's completed application, unless applicant has agreed in writing to an extension of time. If deemed appropriate in the Township Council's discretion, it may hold a joint hearing with the Planning Commission. A joint public hearing of the Planning Commission and the Township Council shall fulfill the requirement for a public hearing held by the governing body on the application. Public Notice of the Public Hearing shall be given in accordance with the law. Written notice of the Public Hearing shall be given to the applicant, to the Zoning Officer, and to such other persons who have made timely requests for same, at least one week prior to the hearing. In

addition, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. A recommendation from the Planning Commission should be provided to the Township Council prior to the expiration of any time limitations regarding the Conditional Use decision. In this regard, the requirements set out herein shall not be construed as procedurally mandatory. Within forty-five (45) days of the close of the last session of the public hearing, and otherwise in accordance with Section 908(9) of the MPC, the Township Council shall render its decision on the Conditional Use application, either granting, denying, or granting with such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

A copy of the final decision shall be delivered to the applicant personally or mailed no later than the day following the date of the decision.

It is the intent of this Ordinance that conditional use applications shall be reviewed, hearings held, and decisions rendered thereon, in compliance with the time limits and other procedural requirements as set forth in the Municipalities Planning Code (MPC), as amended from time to time, and that nothing herein is intended to, nor shall be interpreted as, adding any procedural requirements other than those specifically set forth in the MPC. Compliance with the MPC requirements shall constitute compliance with this Ordinance.

- 12.250 The developer may request, in writing, an extension of the time limitations for review, if extenuating circumstances dictate such extension.
- 12.260 If the Township Council grants the conditional use, the Zoning Officer shall issue a building permit as if the conditional use was a principal permitted use provided that the application meets all requirements of this ordinance or any other ordinance of the Township. If the developer does not apply for a building permit for the conditional use within twenty-four (24) months of the granting of the conditional use, the conditional use shall be deemed void. The Conditional Use shall not be deemed void if: the developer has pending an application for financing of the project with an accredited lending institution such as a bank, savings and loan, etc., and the lending institution submits a letter indicating that the financial application is under current review; or, the developer has submitted the appropriate site plan prior to the expiration of the 24 months. In no event, however, should the Conditional Use exceed 36 months without issuance of a building permit.
- 12.270 If the Township Council does not grant the conditional use, or the conditions specified by the Township Council in the grant are unacceptable to the developer, the developer may not reapply for the same conditional use within one (1) year from the date of the Township Council's decision.

12.280 In the event that a variance from the requirements of this Ordinance, relating to a submitted site plan, is also requested by the developer, it must be approved by the Zoning Hearing Board before a decision on the Conditional Use is made by Township Council. Such request for a variance shall be accompanied by a copy of a written request for an extension of time submitted to the Township Council for an extension of time for action on the conditional use application. If the developer fails to request the extension of time the Township Council shall act on the application as though no variance has been granted.

The Planning Commission and Environmental Advisory Council should review the Conditional Use request while a variance request is being reviewed by the Zoning Hearing Board and may recommend approval, rejection, or approval with conditions before a decision is reached by the Zoning Hearing Board.

12.300 Conditional Use Standards and Criteria

All conditional uses, including the following, shall be subject to the standards outlined in Article 10: Supplemental Requirements, Table A, and any relevant Special Regulations in Article 11 and Article 13.

12.301 Dwelling Units:

- a. Structures and outbuildings shall be sited to create least damage to the environment;
- b. Normally overhead service lines and related equipment may be required by the Township to be placed underground in whole or in part;
- c. Buildings shall not be located in any identified flood-prone area, and shall not be constructed on a slope greater than twenty-five percent (25%).
- d. Each building shall be spaced and oriented so as to insure adequate light and air exposure for walls containing main window exposures or main entrances; so as to avoid undue exposure to concentrated loading or parking facilities; and so as to preserve visual and audible privacy between adjacent buildings and adjacent lots. Buildings shall be so arranged as to be accessible by emergency vehicles;
- e. Disturbance of vegetative cover and existing trees shall be minimized and strict erosion control measures shall be practiced in accordance with standards of the Pennsylvania Department of Environmental Protection.
- f. Site plans shall include contours throughout the property and, in the area to be developed, shall be at an interval of five (5) feet, with all proposed earth movement shown;

- g. Areas of the property not occupied by buildings or paved shall be landscaped and or left in natural cover.

**12.302 Municipal and/or Public Utility Service Buildings, Structures or Facilities:
(CB, RA, RB, RC Zoning Districts)**

- a. Parking areas shall be screened from adjacent residential properties;
- b. Normally overhead lines and related equipment may be required by the Township to be placed underground in whole or in part;
- c. Access drives shall provide at least the minimum legally required sight distances for motorists;
- d. Clearance of vegetation within a right-of-way shall not exceed a width of twenty (20) feet;
- e. Necessary above ground structures shall be located to minimize environmental damage and be made as unobtrusive as possible from neighboring properties and streets;
- f. Structures shall be designed to be compatible with surrounding residential developments.

**12.303 Accessory structures needed in the maintenance of recreational activities:
(CA, CB Zoning Districts)**

- a. All structures shall be compatible with area;
- b. All structures shall meet yard and bulk requirements as stated in Table "A" at the end of Article 8;
- c. All structures within 50 feet of adjacent residential property lines shall be screened.

12.304 Bed and Breakfast establishment: (RC, RD, NC and HC Zoning Districts)

- a. No individual rooms shall have kitchen facilities;
- b. A resident manager shall be provided on the premises at all times;
- c. Food and beverage service shall be limited to breakfast, snacks or afternoon tea for registered, paying overnight guests;

- d. The maximum length of stay shall not exceed fifteen (15) consecutive days in a thirty (30) day period;
- e. No retail sales shall be permitted on the premises.

12.305 The raising of livestock and/or fowl or commercial stabling of horses, the latter in the Conservation B District only:

- a. Drainage of barnyard and pasture land shall be arranged to avoid contamination of downstream watercourses;
- b. Areas to be occupied by concentrations of animals shall be located to minimize odors affecting adjacent properties;
- c. Areas to be occupied by animals shall be fenced to adequately contain the animals enclosed.

12.306 Wayside markets for seasonal sales of produce grown on the same property: (CB Zoning District)

- a. Structures shall meet requirements of Table "A" of this ordinance for a permitted use;
- b. Parking on the property shall be provided for at least six (6) customer vehicles;
- c. Access from the adjacent road shall be safe as to sight distances, and no more than two (2) access drives into the property shall be provided and marked as such;
- d. Signs shall not exceed thirty (30) square feet in area (each side) and shall not exceed two (2) in number on the property;
- e. When the market is not in operation, it shall be closed up and secured, and signs shall be removed.

12.307 Cemetery and related activities: (CB Zoning District)

- a. No burial sites or related structures shall be permitted on private residential property;
- b. No crematorium shall be a part of the development unless approved by Township Council;

- c. Outdoor storage of maintenance equipment or supplies, or materials for use in the cemetery, shall be screened from view of observers on properties or public roads adjacent to the cemetery.
- d. Access drives shall be located to take advantage of sight distances for motorists;
- e. No burial sites or structures within one hundred (100) feet of any property line.
- f. Minimum of twenty (20) acres of private property.

12.308 Recreational areas limited to golf courses, country clubs, fishing lakes, pools within municipal parks, parks, playgrounds and fishing preserves: (CB, RA and RB Zoning Districts)

- a. Structures shall be set back at least one hundred (100) feet from all property lines, and boundary areas if wooded shall remain in their natural state;
- b. Access drives shall be located to take advantage of maximum sight distances for motorists;
- c. Parking areas shall be screened from adjacent residential properties;
- d. Lighting shall be oriented so as not to create glare or excessive light conditions on adjacent properties or roads;
- e. Signs shall not exceed thirty (30) square feet in area, shall not exceed two (2) in number on the property, and shall not be lighted.

12.309 Commercial kennels: (HC, NC, and LI Districts)

- a. The operator or owner of any kennel must hold, and provide copies of all current state and local licenses and permits for the location, with the activity and number of animals so specified;
- b. Any exterior fenced area wherein animals exercise or are otherwise exposed must be located a minimum of one hundred and fifty (150) feet from any principal structure on adjacent lots;
- c. The perimeter of the exterior exercise area must be fenced with a minimum height fence of five (5) feet, accessible only through a self-latching gate;

- d. Exterior exercise areas shall be screened from view from adjacent properties and roadways;
- e. Indoor exercise runs shall be required;
- f. Dogs, cats and other kenneled animals shall be kenneled in a sound-proofed, totally enclosed structure only;
- g. Any structure used to house animals shall be equipped with code approved nontoxic, noise-dampening material or acoustic tile;
- h. No kennel may be established within one-half (1/2) of a mile of an existing Kennel;
- i. No additional residential use may be established on land designated as a kennel;
- j. A kennel shall be permitted as an accessory use to veterinary offices in zoning districts where veterinary offices are permitted, subject to all of the conditions established in Section 12.309;
- k. The premises of the kennel shall be maintained in a sanitary condition at all times; excreta shall be cleaned up from outside areas on a daily basis and be removed from the site in an appropriate manner in order to eliminate the potential or odors being emitted onto adjacent properties;
- l. At no time shall any non-domestic animal(s) be kenneled at the facility;
- m. Any sale of related items and supplies must be clearly incidental to the principal use.

12.310 Reserved for future use

**12.311 Churches and other institutional places of worship:
(RA, RB and RC Zoning Districts)**

- a. Structures shall be set back at least one hundred (100) feet from all property boundary lines and road right-of-way lines;
- b. Access drives shall provide at least the minimum legally required sight distances for motorists;
- c. Parking areas shall be required to be screened from adjacent residential properties;

- d. Where living accommodations in the form of group quarters for members of a religious order are a part of the development, such quarters shall not provide for more than twelve (12) individuals;
- e. One (1) single family dwelling may be constructed on the property as part of the development;
- g. Property must contain a minimum of five (5) acres of land;
- f. Lighting shall not create glare conditions on adjacent properties or roads;
- h. Areas of the property not occupied by building or paved shall be left in its natural condition, or landscaped and maintained.

12.312 Schools accredited by the Commonwealth: (RA and RB Zoning Districts)

- a. Such a school shall be the sole occupant of the property;
- b. Structures shall be set back at least one hundred (100) feet from all property boundary lines and road right-of-way lines;
- c. Access drives shall provide at least the minimum legally required sight distances for motorists;
- d. Parking areas shall be screened from adjacent residential properties;
- e. The course of instruction shall not create dirt, noise, glare or other nuisances to adjacent properties;
- f. Lighting shall not create glare conditions on adjacent properties or roads;
- g. Areas of the property not occupied by buildings or paved shall be landscaped and maintained, or left in natural cover;
- h. Property must contain a minimum of five (5) acres of land.

12.313 Hospital, Nursing Home, Retirement or Convalescent Home Licensed by the Commonwealth: (RD, LI Zoning Districts)

- a. Access drives shall provide at least the minimum legally required sight distances for motorists;
- b. Parking areas shall be screened from adjacent residential properties;
- c. Structures shall be set back at least one hundred (100) feet from all property boundary lines;

- d. Lighting shall not create glare conditions on adjacent properties or roads;
- e. Areas of the property not occupied by buildings or paved shall be landscaped and maintained, or left in natural cover.

12.314 Real Estate Sales Office: (RA and RB Zoning Districts)

- a. Access drives shall provide at least the minimum legally required sight distances for motorists;
- b. Parking areas shall be screened from adjacent residential properties;
- c. Parking shall be provided on the property for at least two (2), but no more than six (6) vehicles;
- d. Only one (1) sign not to exceed twenty-five (25) square feet in area shall be permitted on the property;
- e. When the office is not in operation, it shall not be lighted from outside, and in no case shall outside lighting create glare conditions on adjacent properties or streets.

12.315 Personal Care Home (small and large): (RC and RD Zoning Districts)

- a. The appropriate area, bulk and height regulations for the appropriate residential district or the appropriate commercial district must be met;
- b. The lot area shall be provided at a minimum lot area required under the zoning ordinance in which the area might be located plus an additional five hundred (500) square feet for each sleeping room in excess of three (3). Every unit of two (2) beds, or fraction thereof, in a sleeping room shall be counted as a separate sleeping room;
- c. There shall not be more than one (1) personal care home located in any one building;
- d. No personal care home shall be located in a building that is occupied by any other residential type of use except in Residential D (RD);
- e. No personal care home shall be spaced closer than eight hundred (800) feet from any other personal care home. Said distance of eight hundred (800) feet shall be measured by imposing a circular area of an accurate plan by locating a point on the center of the subject building and by extending a radius of eight hundred (800) feet from said center point.

Any other building occupied or used as a personal care home and located totally or partially within said circular space shall be cause for rejection of the application for conditional use;

- f. Prior to approval of any application for establishment or operation of any personal care home, the applicant shall provide proof satisfactory to Township Council, that the applicant either has acquired, or will be able to acquire, all appropriate licenses and permits from the Pennsylvania Department of Public Welfare and the Allegheny County Department of Health, prior to the issuance of a building permit by the Township. No building or other structure shall be occupied as, or used as, a personal care home until a Township Certificate of Occupancy is issued;
- g. Sleeping rooms, accommodations or facilities shall not be located in any basement or cellar and shall comply with all applicable life-safety and health codes;
- h. On-site parking facilities shall be provided at the ratio of one (1) space for every three (3) residents and shall be required to be screened from adjacent residential properties;
- i. The owner and/or operator of the institutional home shall permit inspections of the facility from time to time by Township officials and representatives of the Township including, but not limited to, the Township Fire Marshall, Fire Chief or Assistant Fire Chief, and the Township Zoning officer: Such inspections shall be conducted at reasonable times but shall not be limited to daytime hours, nor to normal business hours. Such inspections shall be conducted to ascertain the continued compliance by the operator with all applicable Federal, State, County and local statutes, ordinances, regulations, and rules;
- j. Township Council may attach such reasonable conditions and safeguards, in addition to those expressly set forth in the zoning ordinances, as Township Council may deem necessary to implement the purposes of this Ordinance.

12.316 Group Care Home: (RB, RC and RD Zoning Districts)

- a. No two (2) such facilities shall be placed closer together than 1,500 feet to one another;
- b. All State and County approvals shall have been issued;

- c. Off street parking shall include one (1) off street parking space for each person employed in the home on the largest shift, one (1) space for visitors and one (1) space for vehicles used to transport residents, and shall be required to be screened from adjacent residential properties;
- d. The owner and/or operator of the institutional home shall permit inspections of the facility from time to time by Township officials and representatives of the Township including, but not limited to, the Township Fire Marshall, Fire Chief or Assistant Fire Chief, and the Township Zoning Officer: Such inspections shall be conducted at reasonable times but shall not be limited to daytime hours, nor to normal business hours. Such inspections shall be conducted to ascertain the continued compliance by the operator and/or with all applicable Federal, State, County and local statutes, ordinances, regulations, and rules.

12.317 Personal, Professional or Business Services: (RD and NC Zoning Districts)

- a. Where paved vehicular areas occur in an area that abuts a residential district, such paved areas shall be held back at least fifteen (15) feet from the property line, and the paving area shall be suitably screened by landscaping or natural cover;
- b. Parking, as required by this Ordinance, shall be based on the single or combined use or uses of the property. Requirements for parking shall be no less than one (1) space per three hundred (300) square feet of floor area of the building being used as an Office;
- c. A building identification sign may be erected on the property; however, the sign shall not be placed within fifteen (15) feet of the edge of the right-of-way of the roadway, shall not exceed sixteen (16) square feet of area, and may be lighted, provided that no reflected glare occurs on adjacent roads or properties;
- d. Signs indicating the names of business occupants of a building may be placed on a signboard not more than twelve (12) square feet in area mounted on the wall of the building or free-standing in the front yard area, such signs not higher than eight (8) feet off the ground, and lighted from within, if illuminated, and may be lighted provided that no reflected glare occurs on adjacent roads or properties;
- e. The developer shall submit a written application, together with an illustrative site plan of the proposal, and the application and site plan shall demonstrate compliance with the criteria set forth in this Article.

12.318 Individual Apartment or Townhouse building or groups of such buildings on the same property: (RC and RD Zoning Districts)

- a. In addition to meeting the screening requirement of Section 10.250, all parking areas shall meet the requirements of Section 13.200 and 10.808;
- b. Parts of the property not occupied by buildings or paving shall be landscaped and maintained or left in natural cover. Edges of paved areas abutting planting shall be curbed.

12.319 Public Parking Lots: (RC Zoning District)

- a. The front yard area of such lots adjacent to, or directly across a street from residential development, shall be planted in a ground cover for a depth of not less than thirty (30) feet, and sideyards for a depth of not less than ten (10) feet;
- b. A dense evergreen hedge, maintained at a height of three (3) feet, shall be placed along the edge of the paved parking lot surface where the lot is parallel to, or directly across the street from residential development, except where abutting the development the parking lot serves and at the entrance of the lot;
- c. Refer to Section 10.880 for additional requirements.

12.320 Private clubs, lodges, fraternal organizations: (LI Zoning District)

- a. All structures shall be no closer than fifty (50) feet from all property lines;
- b. An identification sign up to sixteen (16) square feet is permitted;
- c. Exterior lighting shall be shielded away from adjacent residential properties;
- d. Outdoor speakers are prohibited;
- e. Any use which meets the “outdoor amusement” definition as defined in Ordinance # 454, shall be licensed as required by Ordinance # 454 as amended.

12.321 Highway or Neighborhood Commercial activities similar to those listed under permitted uses. Applicant must submit a written statement describing in detail in which manner the applicant's goods and services are compatible with the goods or services stated as permitted uses, and that the application meets all other applicable requirements of the Ordinance: (HC and NC Zoning Districts)

- a. Proposed business sells goods or services at retail on the premises;
- b. Most, (75%) if not all the business is conducted within a completely enclosed permanent structure;
- c. There are no unusual parking and/or off street loading problems connected with the business;
- d. Outdoor display is controlled and not arranged so as to be distracting to motorists on adjacent roads or to adjacent properties;
- e. The proposed business will not adversely affect the public health, safety and general welfare.

12.322 Contractor's storage yard: Parking, display or storage of heavy equipment and vehicles, as an accessory or principle use and which are not in daily use shall conform to the following:(LI and HI Zoning Districts)

- a. Parking of equipment or vehicles, as used in the daily operation of a business, shall be designated on a site plan submitted in accordance with the requirements of Section 10.600;
- b. Construction equipment used in an on-going land development project, for road building, municipal, utility or authority projects and service or for emergency operations, does not come under this use classification;
- c. Heavy equipment/vehicles includes dump trucks, farm tractors, hi-lifts, bulldozers, semi-trailers, large machinery and similar large equipment;
- d. All parking areas shall be paved, and may only be waived by Council where it is not suitable, such as track vehicles, etc;
- e. Parking areas shall be located one-hundred (100) feet from residential districts and streets abutting such districts;
- f. Parking areas shall be located thirty-five (35) feet from all other zoning districts and streets;

- g. Buffer yards shall be planted in accordance with the requirements of Section 10.250

12.323 Beverage distributor, drive-thru: (HC and NC Zoning Districts)

- a. Access to and circulation through the property shall be adequately situated;
- b. Location shall not cause undue congestion on adjacent streets and there shall be ample space on the property to accommodate at least five (5) cars in each lane waiting for service for drive-thru;

12.324 Drive-in or drive through restaurants, quick food service outlets and drive-in or drive-through banks: (HC and NC Zoning Districts)

- a. Access drives shall provide at least the minimum legally required sight distances for motorists and circulation into and through the property as well as location of parking shall be obvious to motorists;
- b. Areas not paved or occupied by structures shall be landscaped and maintained, or left in natural cover, and the edges of paved areas abutting landscaped areas shall be curbed;
- c. The use of the site and the access to it shall not endanger the public health, safety and general welfare.

12.325 Groups of two, (2) or more retail and service commercial businesses on the same property or with shared parking: (HC, LI and NC Zoning Districts)

- a. The entire complex shall have a common architectural character and be an integrated-design;
- b. Access from adjacent roads shall be carefully designed to minimize congestion and confusion;
- c. Parking areas shall be laid out so that circulation through them and to access points is obvious. Parking lanes should be at right angles or diagonal to the length of the buildings;
- d. Loading areas shall be separate from parking areas;
- e. The edges of paved areas abutting landscaped areas shall be curbed where possible;

- f. Areas to be used for outdoor sales shall be designated and shall not occur on pedestrian circulation areas or in required parking areas.
- g. Any existing site upon which additional retail, service or commercial businesses are desired to be located shall meet the parking requirements and all other Zoning Ordinance requirements in effect at the time the additional structure is erected.

12.326 Wholesale sales: (HC Zoning District)

- a. The structure shall have essentially the appearance of a retail or service commercial building;
- b. Goods for sale at wholesale shall be limited to those listed under principal permitted uses or closely similar goods.

12.327 Non-residential uses: (RD Zoning District)

- a. Individual building or group of buildings containing offices and apartments, provided no office occupies the same floor as, or floors above, any apartments, but limited to the following:
 - 1. Banks, savings and loan associations
 - 2. Retail sale of: wearing apparel, jewelry, notions, or stationary supplies
 - 3. Retail florists
 - 4. Barber shop/beauty shop
 - 5. Pharmacy
 - 6. Restaurant
 - 7. Deli
 - 8. Funeral home
- b. All parking requirements must be met;
- c. All parking areas shall be paved;
- d. In addition to meeting the design requirements of Section 13.170 of this Ordinance, all parking areas must be adequately screened;
- e. Areas of the property not occupied by structures or paved shall be landscaped and maintained or left in natural cover;
- f. The design of the structure shall be compatible with surrounding neighborhood;
- g. All business must be operated/conducted within an enclosed structure;
- h. Access to use shall not endanger public health and safety;

- i. Loading areas shall be separate from parking.

12.328 Restaurant, except drive-in or drive through: NC Zoning District

- a. Parking areas, signs and lighting shall be screened from adjacent residential areas;
- b. Design and arrangement of property shall be compatible with surrounding residential development.
- c. Outdoor food services – Outdoor food services may be offered provided that:
 - 1. All activities remain on property.
 - 2. The outdoor dining activities use is located at least seventy-five (75) feet from a residential district.
 - 3. No noise or odor shall emanate from such restaurant use which adversely affects the use and enjoyment of any residential dwelling unit within three hundred (300) feet of the restaurant.
 - 4. The outdoor dining area shall be kept clean from all litter and debris and shall also be swept and washed with water at the close of the business day.
 - 5. Outside cooking and food preparation is not permitted
 - 6. No music or other audio performance may be broadcast or performed in the outside seating area that is audible from adjacent properties.
 - 7. Table umbrellas must be free of advertising text and images.
 - 8. All fixtures and appurtenances associated with outside services shall meet setback limitations for the primary structure and shall be free of advertising text and images.
 - 9. Outside food service shall be permitted only between the hours of 7:00 am and 10:00 pm Sunday through Thursday and between 7:00 am and 11:30 pm on Friday and Saturday.

12.329 Other assembly and limited manufacturing uses of a nature similar to principal permitted uses LI, HI Zoning District:

- a. All operations shall be entirely within an enclosed building, except as allowed under accessory uses;
- b. Performance standards in section 10.500 shall be strictly adhered to;
- c. Outdoor storage areas shall be screened from nearby public streets and residential properties;
- d. Areas of the property not occupied by structures or paved shall be landscaped and maintained or left in natural cover.

- e. The landscaping must meet the applicable requirements of Article 10.

12.330 Bulk fuel storage and distribution facility: LI Zoning District

- a. Performance standards in Section 10.500 shall be met;
- b. All State and Federal permits will be acquired prior to the issuance of a building permit; all building permits shall be in compliance with all ICC regulations and requirements.
- c. The fuel spill containment area shall be capable of containing at least one and one-half (1 1/2) times the amount of the largest storage tank;
- d. All areas shall be properly landscaped or left in natural cover;
- e. The facility shall be screened from all abutting residential areas and shall comply with the provisions contained in Section 10.250.

12.331 Auto salvage and storage: (LI Zoning District)

- a. The activity must be screened from nearby residences by the appropriate bufferyards as defined in this Ordinance;
- b. The manner of storage of junk shall be arranged in such a fashion that aisles of a minimum width of twenty-five (25) feet between rows of junk are maintained in order to facilitate access for fire fighting and prevent the accumulation of stagnant water. The proposed layout of the salvage yard shall be indicated on the site plan submitted with the application;
- c. No junk shall be stored or accumulated and no structure shall be constructed within fifty (50) feet of any dwelling unit or within twenty-five (25) feet of any other parcel or right-of-way of a public street;
- d. No garbage, organic waste, petroleum products or hazardous waste shall be stored, buried or disposed of on the site. The material stored on the premises must be removed periodically but not less than bi-monthly;
- e. An acceptable plan for rodent and insect control must be presented;
- f. The entire operation shall be surrounded by a fence or type of screening acceptable under the provisions of this Ordinance
- g. All applicable standards of Section 10.400 must be met.

12.332 Commercial recreation: (LI Zoning District)

- a. Access drives shall be located to take advantage of sight distances on public roads;
- b. Lighting of site shall be oriented away from nearby residential areas and adjacent public roads;
- c. Site facilities shall be arranged to minimize impact of noise created on-site by use of plantings or separation of noise producing elements from residential areas.

12.333 Mobile home parks: (LI and HI Zoning Districts)

- a. A minimum of ten (10) acres is required for the development of a mobile home park;
- b. The maximum density shall be six (6) units per acre;
- c. The mobile home park shall conform to all applicable requirements of the Township of Hampton Subdivision and Land Development Regulations and this Ordinance;
- d. The management of the park shall keep an up-to-date register of all park occupants;
- e. The development shall be designed with at least one (1) access street which connects the development with a public street;
- f. Every mobile home must be connected to the public sewer system;
- g. All service and accessory structures must meet the Township of Hampton's Building and Fire Codes;
- h. All mobile home units must meet all State and Federal construction standards.

12.334 Mining: (LI & HI Zoning District)

- a. From and after the effective date of this ordinance, mining for any substances or products, but in particular, for coal, both anthracite and bituminous, slate, or any such igneous material or product, whether surface or deep mining, natural gases, ignitable or the extraction of any minerals or mining operations shall be prohibited in all conservation districts, residential districts, highway commercial, neighborhood commercial districts, and professional offices and office, research and

development districts of the Township of Hampton. These operations may be conducted only as conditional uses subject to the standards and requirements set out in the Zoning Ordinance of the Township of Hampton, the Grading Ordinance of the Township of Hampton, and all other Ordinances applicable thereto.

- b. In the event that it may be demonstrated to the Township Council of the Township of Hampton that the accumulation or buildup of natural gases, oil, or other hazardous or explosive substances is likely to cause risk of injury or death to persons occupying residences in the immediate vicinity of such accumulations or buildups, then, upon proper application to the Township Council of the Township of Hampton, the drilling, extraction or removal of such dangerous or hazardous substances may be permitted, but only under the following circumstances:
 1. The submission by appropriate land owners in the immediate vicinity of prospective emergency, of a certificate of a registered certified oil, gas, or petroleum engineer attesting to the accumulation or significant buildup of such products or gases, and that the same is likely to cause damage to the property of persons or persons within that vicinity, and that such dangers are imminent,
 2. That the person or persons submitting such applications have submitted to the Township Council the names of qualified engineering or professional firms certified or authorized to conduct activities such as the removal or extraction of such gases or materials,
 3. The time or times when such activities are proposed to be conducted, and the manner in which such extraction or removal shall be conducted, including the ultimate disposal of such materials or gases, and
 4. That adequate notice of such danger or imminent risk has been given to the person or persons owning property within three hundred (300) feet of the property. The Township Council shall conduct an immediate hearing after proper notice to the person or persons owning properties within three hundred (300) feet of the property and shall where appropriate, grant such relief as may be required.
 5. The presentation of appropriate permits or licenses from the Department of Environmental Protection or any other Federal or State agency having jurisdiction authorizing the removal of such resources and approving the manner in which such removal is to be accomplished.

Full compliance with the applicable provisions of Article 10 and Article 12 of this Ordinance shall be required.

- c. The owner or owners of any properties upon which has been erected, rigs, or equipment, such as is described in this Ordinance, and which uses have been abandoned or are no longer approved or licensed by the Department of Environmental Protection, or where such rigs or equipment have been abandoned for a period of one (1) year or upward, shall upon notice from the Code Enforcement Officer of the Township of Hampton, remove such rigs, wells, drills or other equipment, within thirty (30) days of such notice. Any excavations, tunnels or holes left remaining after the removal of such equipment, shall be filled and appropriately plugged by the owner or owners of such property upon application to the Department of Environmental Protection or any other agency for the appropriate licenses for such purposes.
- d. Any such equipment which may from the date of this Ordinance be in operation or continuing as a drill, well or other equipment designed for extraction or removal of gases or minerals, shall be immediately enclosed by chain link or equivalent fences, no less than six (6) feet in height, and at least ten (10) feet from the point where such equipment is erected.

12.335 Horses: (RA & RB Zoning Districts)

- a. Manure or other odor or dust producing substances shall not be stored within two hundred (200) feet of any property line.
- b. The required minimum lot size shall not be included in calculation for the fenced-in area for the horses.
- c. All fences used to confine horses shall be setback a minimum of three (3) feet from any side or rear property line and six (6) feet any front property line or road right-of-way, whichever is higher.
- d. Also see Section 11.937

12.336 Alcohol Sales: (NC Zoning District)

- a. All Pennsylvania Liquor Control Board requirements must be met.
- b. Inter-municipal liquor license transfers must submit an application for liquor license transfer and meet requirements of Township Resolution No. 682.
- c. All alcohol sales are limited to the hours of 8:00 am to 11:00 pm.

12.337 Gas and Oil Development and Production – (CA, CB, HI, LI & ORD Zoning Districts)

PURPOSE

This Section provides reasonable criteria for oil and gas development and production use. The use includes the site-specific equipment, structures and disturbance associated with the use. The oil and gas drilling use includes the process of perforating the earth's surface and rock layers to extract fossil fuels, natural gas or oil, for energy development and production.

These regulations apply to all new oil and gas development and production sites, proposed to be constructed, after the effective date of this Ordinance. Should the requirements of this section conflict with any state or federal law or regulation, such state or federal regulation shall prevail. Oil and gas development and production sites constructed or permitted under this Zoning Ordinance prior to the effective date of this Ordinance shall not be required to meet the requirements of this Amendment.

Information to be provided by an applicant is reviewed in the conditional use approval process to ensure that the public health, safety and welfare is protected.

Any physical modification to an existing site materially altering the size, type, location and/or number of wells or other accessory equipment shall require a revised conditional use approval under this Ordinance, including the re-entering and drilling of an abandoned well.

The oil and gas process at the well site warrants the application process be handled in two phases of the conditional use review procedure.

Phase 1, Oil and/or Gas Development: The applicant shall obtain conditional use approval for oil and gas site development following the provisions outlined in sub-sections below. Separate applications shall be filed for each proposed well, however, multiple applications for one site may be reviewed simultaneously. Lots proposed for Phase 1 use shall be a sized to meet required setback requirements and shall be a minimum of twenty (20) acres. This requirement may be met by combining contiguous leased parcels. However, setback requirements shall be met for all perimeter property lines that do not have a mineral interest in, and participation in, the Development.

Phase 2, Oil and/or Gas Production: Where the well is found to be productive, or function as a storage or observation well, the applicant must submit a revised conditional use application for review prior to production, storage or use as an observation well following the provisions outlined in sub-sections below. Lots proposed for Phase 2 uses may be sized to meet setback requirements at 50% of development levels, provided sound attenuation requirements are met.

Use Specific Application/Plan Requirements:

In addition to meeting the submittal requirements of Section 12, any Oil & Gas Conditional Use Applications and/or Revised Conditional Use Applications shall contain the following information and/or provide proof of compliance with:

- a. A narrative describing the proposed development or production use, including:
 1. An overview of the project;
 2. The number of acres to be disturbed for development;
 3. The proposed number of derricks, wells, tanks and other structures
- b. A site address determined by the County 911 addressing program at the time of application for emergency and safety services and the GPS location of the site
- c. Location map of derricks, drilling rigs, equipment, tanks and other structures and all permanent improvements to a site and post construction disturbance in relation to natural resources attributes (e.g. Natural Diversity Inventories, state designated natural areas, cultural resources attributes {e.g. federal, state, and local, register of historic buildings and landmarks, or National Landmark designation}); archaeological attributes
- d. The applicant shall show the proposed routes of all trucks to be utilized for hauling, drilling, or preparation of well and/or transmission sites, and the estimated weights of those trucks and/or vehicles. The applicant shall show evidence of compliance with designated weight limits on Township streets and shall design the hauling routes for gas and oil related traffic to minimize the impact on local streets within the Township. An off-street parking area within the development site shall be provided for vehicles while gaining access to the well site so that normal flow of traffic on the public street is undisturbed. Truck access to any natural gas well or site pad shall minimize danger to traffic and nuisance to surrounding properties. The applicant must describe how each item below will be addressed.
 1. The damage to public roads adjacent to the tract.
 2. The standards of PennDOT are to be followed for all site entrances pertaining to minimum sight distance.
 3. No natural gas well, oil well or site pad should take sole access through a local street, including derrick transport.
 4. Whenever possible a natural gas well, oil well or site pad should have vehicle access from a collector street.
 5. The operator shall execute an Excess Maintenance Agreement and a road maintenance plan in a form acceptable to the Township prior to beginning operations to guarantee restoration of Township streets, which may be damaged during the gas and oil well operations. Based on weekly road surveys the Township Engineer will notify the user if repairs are needed. Issued permits will be revoked if the road repairs are not made within 5 days.

6. Operator shall take the necessary safeguards to ensure that the Township roads utilized remain free of dirt, mud and debris resulting from development activities and/or shall ensure such roads are immediately swept or cleaned if dirt, mud and debris occur.
 7. Operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example, persons waiting for public or school transportation). Where necessary and permitted, during periods of anticipated heavy or frequent truck traffic associated with development, Operator will provide flagmen to ensure the safety of children at, or near, schools or school bus stops and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.
 8. The access road to the well site shall be improved with a dust-free all weather surface in such a manner that no water, sediment or debris will be carried on to any public street. The first 100' of the access road shall be paved.
- e. As part of the conditional use application, the applicant shall submit to the Township, a copy of all materials provided to the Pennsylvania Department of Environmental Protection (PA DEP) with the permit application, including information regarding the type of well (shallow or deep) proposed for the site and any applicable Material Safety Data Sheets (MSDS). The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State and Federal permits, including proof of insurability and shall maintain the required permits throughout the duration of all operations. Any suspension or revocation of the required State or Federal permits shall constitute a violation of zoning approval and will result in the suspension or revocation of zoning approval and/or enforcement of the penalty provision of this Ordinance. All transmission right of way agreements and permits shall be in place prior to approval by the Township.
 - f. Onsite trailers may be used for temporary office facilities; however, such temporary office trailers shall not include overnight occupancy unless specifically requested and approved as part of the conditional use approval. Onsite sanitary facilities shall be provided for all such temporary onsite trailer office facilities.
 - g. Compressor stations/facilities shall be allowed only in the HI zoning district and shall be located inside fully enclosed buildings and shall meet height and setback requirements of this ordinance as well as any UCC construction provisions. Power source for compressor stations shall be from natural gas and/or electricity. Compressor stations/facilities shall meet the noise level performance levels as established in Section 10.524 of this Ordinance.
 - h. Best Management Practices (BMP) shall be incorporated into any proposed site plan.

i. Health, Safety & Welfare

1. Oil and gas development and production shall be in compliance with the Pennsylvania Uniform Construction Code, 34 PA Code Section 403.1-403.142.
2. All components of the development and production use shall conform to all relevant and applicable local, state and national codes, and international standards.
3. Design shall conform to applicable standards, including those of the American National Standards Institute.
4. Upon request the applicant shall submit a statement of equipment certification prior to the issuance of any Certificate of Occupancy.
5. Clearly visible warning signage must be placed on fencing surrounding the pad site.
6. All equipment shall be locked or fenced, as appropriate, to prevent entry by unauthorized persons.
7. The applicant/operator shall provide the Township's First Responders with any and all information to deal with any potential dangerous conditions that may result due to development activities. First Responders shall have on-site orientation and be provided adequate awareness information. Upon request from the Township, applicant/operator will, prior to drilling of an oil and gas well, make available with at least thirty (30) days' notice, at its sole cost and expense, an appropriate site orientation for First Responders. Such site orientation shall be made available at least annually during the period when the applicant/operator anticipates drilling activities in the Township.
8. All tanks used for the storage or the production of oil and gas use, not covered by the Pennsylvania State Gas & Oil Act, shall conform to American Petroleum Institute Standards.
9. Signal Interference. The applicant shall make reasonable efforts to avoid and/or mitigate any disruption or loss of radio, telephone, cellular phone, television or similar signals, and shall mitigate any harm caused by the oil and gas use in a timely manner.
10. Aircraft Considerations. Aircraft signal lighting is not permitted other than as required by the Federal Aviation Administration (FAA).
11. The height of the drilling rig and facilities on site such as drying tanks, etc. during Phase 1 are temporarily exempt from the height limits found in this Zoning Ordinance. However, tower/structures involved in Phase 1 or Phase 2 activities shall be set back from any property line or public street right of way a minimum distance of one hundred percent (100%) of the tower/structure height or greater, if necessary, to guarantee that, in the event of collapse, the structure shall not fall on any adjacent property and all ice-fall or debris from any failure shall be contained on the site.
12. Noise Attenuation - Prior to commencing any drilling or other Phase 1 Development activities, the Operator shall establish a continuous seventy-two (72)-hour ambient noise level at the nearest setback property line or, alternatively, and in lieu of establishing the above seventy-two (72)-hour ambient noise level, the Operator may assume and use, for the purposes of

compliance with this ordinance, a default ambient noise level of 50 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.

The Operator shall provide documentation of any established, seventy-two (72)-hour evaluation relied upon to establish an ambient noise level greater than 50 dBA to the Township's Zoning Officer within three (3) business days of such a request from the Zoning Officer.

The noise generated during construction, drilling and hydraulic fracturing activities when measured at the nearest setback property line shall not exceed the average ambient noise level (as determined by the seventy-two (72) hour evaluation) or default level, whichever is higher:

- a) During drilling activities by more than seven (7) decibels during allowable working hours;
- b) By more than ten (10) decibels during construction, hydraulic fracturing operations during allowable working hours; The Operator shall inform the Township of which level (average ambient noise level or default level) is being used.
- c) All Phase 2 Production activities shall comply with the noise attenuation and other performance standards as established under Section 10.500 of this Ordinance.

13. Fencing standards:

- a) Fences shall not be required on drill sites during initial drilling, completion or re-working operations, as long as 24-hour on-site supervision is provided.
- b) A secured entrance gate on the access road containing a lock box shall be required and all gates are to be kept locked when the applicant, employees, or sub-contractors are not on the premises. The well site address shall be clearly visible on the sign posted on the access gate for emergency 911 requirements. In addition, the subject sign shall include the well name/number and an emergency contact telephone number.
- c) All well heads, storage tanks, separation facilities, or other mechanical or production equipment on the operation site shall be completely enclosed by a permanent chain link fence, to allow sufficient visibility for security monitoring.

d) Standards for the chain link fence and secured gate are as follows:

- 1) The fence shall be at least six (6) feet in height.
- 2) Support posts shall be set in concrete and imbedded into the ground to a depth sufficient to maintain the stability of the fence. Temporary fence posts shall not be required to be set in concrete.
- 3) All chain link fences shall be equipped with at least one (1) gate. The gate shall meet the following specifications:
 - Each gate opening shall be not less than twelve (12) feet wide and be composed of two (2) gates, each of which is not less than six (6) feet wide, or one (1) sliding gate not less than twelve (12) feet wide. If two (2) gates are used, gates shall latch and lock in the center of the span.
 - The gates shall be of black or dark green chain link construction that meets the applicable specifications, or of other approved material that, for safety reasons, shall be at least as secure as the chain link fence.
 - The gates shall be provided with a combination catch and locking attachment device for a padlock, and shall be kept locked when no one is working on the site.
 - Applicant must provide the local Fire Chief with a “universal padlock” or “lock box with a key” to access the well or site pad in case of an emergency.
- 4) Modification. The Zoning Officer may approve other fencing types as may be necessary to maintain community character provided that all production equipment on the site is completely enclosed and secured.
- 5) Screening. When site pads are being constructed, care should be taken to maintain as much natural screening as possible. Existing trees and respective root systems should not be disturbed whenever possible.

Any material stored outside an enclosed structure being used as an incidental part of the primary operation shall be screened by opaque ornamental fencing, walls, or evergreen plant material in order to minimize visibility from any adjacent property.

6) All man-made water and other liquid storage features associated with the development shall be secured with a six foot high fence. During the drilling process, the gas resources development site shall be secured with a fence and a secured gate. Any chain link fencing to be installed shall be dark green or black coated steel wire

7) The applicant shall take steps to mitigate or resolve impacts, whether temporary or permanent, specifically related to the site, that impact all adjacent land, nearby roads, light emission and land use.

14. Hours of Operation:

- a) Development – Dawn to dusk, unless other hours are specifically requested and approved as part of the conditional use approval, No work on Sundays and holidays
- b) Production – Unlimited, if sound attenuation requirements are maintained.

15. Setbacks: Adjacent Use Based

- a) Development – Two Hundred (200) feet from the required fenced in wellsite area to the nearest property line that does not have a mineral interest in and participation in the development. Access roads shall be setback a minimum of fifty (50) feet from the nearest property line that does not have a mineral interest.
- b) Production – 50% of development requirements, if sound attenuation requirements are maintained.

b. Additional Requirements:

The contact information for the Operator shall be provided to the Township.

- 1. Approval of the conditional use shall expire if work authorized in the application for the conditional use is not commenced within 6 months of the date of approval of the conditional use application by Township Council, unless the applicant submits a written request for an extension prior to the expiration of the 6 months after the date of approval.
- 2. A conditional use approval shall be valid only for so long as the well permit is renewed by the Pennsylvania Department of Environmental Protection.

3. During any phase of the gas and oil development and production, the Township Engineer may inspect the site at the request of the Township Council to determine continuing compliance with these standards and criteria and any conditions of approval. The cost of inspection by the Township Engineer shall be borne by the operator.
4. Performance and lighting standards shall apply to any drilling site.
5. Gas and oil development and production activities are prohibited in any floodway and/or 100-year floodplain.
6. The applicant shall provide to the Township Preparedness, Prevention and Contingency (“PPC”) Plan as defined in the PA DEP document Guidelines for the Development and Implementation of Environmental Emergency Response Plans or the most recent applicable guidance document.
7. Upon completion of the development operations, or if the site is closed or abandoned after Phase 1, the Operator shall be required to restore the site area in a manner acceptable to the Township. This may include one or more of the following:
 - a) The submission of a landscaping plan, to be reviewed and approved by the Township, which outlines the proposed methods of restoration.
 - b) Construction of other restoration methods that were included as conditions of approval of the conditional use, or deemed necessary by the Township at the time of final restoration.
8. The applicant shall show that the proposed plans are generally consistent with the land use, Historical and Cultural Resources Plan, Parks, Open Space and Greenways Plan and the Environmental Resources Plan objectives contained the County of Allegheny “Allegheny Places” document.

12.338 Communications Facilities and Tower Sites

The granting of Conditional Use for Communications Facilities and Tower Sites shall be subject to the following Express Standards and Criteria in addition to the submittal of a Revised Site Plan:

- a. The minimum tower site area shall be a one (1) acre parcel. The tower and its accessory components must sit exclusively on its own one (1) acre parcel. Any lease agreement shall be for the entire parcel.

- b. No tower shall be located within 250 feet of an existing dwelling, in an RA or RB Zoning District, or 500 feet of an existing school, hospital or similar use measured from the nearest property line to the nearest property line.
- c. No such tower shall be erected within 2,000 feet of another existing tower measured from the property line of the tower site to the nearest property line of an existing tower.
- d. Shared use of towers and structures shall be encouraged. If shared use of an existing tower is proposed, the applicant shall demonstrate that:
 - 1. The proposed equipment would not exceed the structural capacity of the existing or approved towers.
 - 2. The proposed equipment will not cause RF (Radio Frequency) interference with other existing or proposed equipment for that tower or surrounding towers of residents in the vicinity,
 - 3. Addition of the proposed equipment would not result in NIER (Nonionizing Electromagnetic Radiation) levels which exceed any adopted local, federal or state emission standards.
- e. Communications Facilities and their associated structures may exceed the height limitations of the District, subject however, to Section 10.331 hereof, provided they shall be set back from any property line or public street right of way a minimum distance of one hundred (100%) percent of the tower height or greater, if necessary, to guarantee that, in the event of collapse, the structure shall not fall on any adjacent property and all ice-fall or debris from tower failure shall be contained on the tower site.
- f. Unless the communications facility is located on a building, the tower structure shall be completely enclosed by an eight (8) foot high chain link or similar fence with self-latching gate to limit accessibility to the general public, unless the entire property is secured by such a fence.
- g. All guy wires and all guyed towers shall be clearly marked so as to be visible at all times. All guy wires shall be located a minimum of one hundred (100) feet from any property line.
- h. The applicant shall submit evidence that the structure upon which an antenna is to be constructed, or a tower upon which an antenna is to be constructed, has been designed by a registered engineer, and is certified by a Registered Engineer and is certified by that Registered Engineer to be structurally sound and able to withstand wind and other loads in accordance

with accepted engineering practice; every five (5) years, an additional certification shall be submitted to the Township.

- i. The tower shall be subject to any applicable Federal Aviation Administration (FAA) and Airport Zoning regulations.
- j. No sign or other structure shall be mounted on the tower, except as may be required and approved by the FCC, FAA or other governmental agency.
- k. All lighting shall be shielded and reflected away from adjoining properties to the extent permitted by law.
- l. A minimum of two (2) off street parking spaces shall be provided on the tower site, plus one (1) off street parking space for each on-site personnel.
- m. Existing vegetation on the site shall be preserved to the maximum extent possible.
- n. A minimum twenty (20) foot (in width) easement or right-of-way for access shall be provided to the tower which is adequate to accommodate maintenance and emergency vehicles and which is improved with a dust-free, all-weather (chip and shot) surface sufficient to accommodate the weight of vehicles proposed to use the easement or right-of-way.
- o. In the event any tower ceases to be used as a communication facility for a period of six (6) months, then the owner and/or operator of the tower or the owner of the land on which the tower is located shall be required to remove the same. Failing to do so, the Township may cause the same to be removed and charge the cost of the removal to the foregoing parties. In addition, the Township may file a municipal lien against the land to recover the cost of the removal and attorney's fees, as well as inspection fees incurred by the Township.
- p. The construction, erection, operation and maintenance shall comply with all applicable laws and regulations of the Commonwealth and, in particular, the Department of Environmental Protection, Bureau of Air Quality and its various bureaus and departments and of the Allegheny County Health Department.

12.338A Shared Uses of Towers or Existing Structures

The shared use of towers and/or existing structures, such as water tanks, steeples, electric transmission towers, and buildings shall be encouraged; if shared use of an existing tower or structure is proposed, the applicant shall demonstrate that it is in

compliance with all of the conditions of Subsections D, E, F, G, H, I, J, K, L, M, N, and P of Section 12.338 hereof, and shall be subject further to the following express standards and criteria:

- a. No antenna or groups of antennas upon a tower or placed upon an existing structure shall have, or create, an additional height to the structure of more than twenty (20) feet; with the exception of amateur radio antennas.
- b. No antenna shall be located within two hundred fifty (250) feet of an existing dwelling in a residential district, i.e., RA, RB, RC, and RD Zoning Districts, with the exception of amateur radio antennas, or five hundred (500) feet of an existing school, hospital, or similar use, measured from the antenna(s) to the nearest property line of such uses.
- c. No antenna shall be located or situated within seven hundred fifty (750) feet of another antenna; except that antennas may be located or situated upon the same tower or upon the same structure.
- d. No antenna may be erected upon any structure having historical designation or which is recognized as a historic structure.
- e. Each provider of personal wireless service facilities proposing to erect an antenna upon a structure, tower or other facilities shall be required to obtain approval of the enlargement or expansion of the conditional use, and shall be required to execute applications for enlargement or expansion of the said conditional use, which will be submitted to the Township Council for a conditional use hearing.

12.339 Amateur Radio Antennas

All Amateur Radio Antennas operated by a federally licensed amateur radio operator as part of the Amateur Radio Service may be permitted as a conditional use in Residential A, Residential B and Residential C Zoning Districts provided the radio structure and antennas comply with the following criteria:

- a. Antennas installed on, or attached to, any existing building or other structure, or free standing may not exceed a height of eighty (80) feet in its fully extended position, measured from the base elevation to the top of the supporting tower, mast or pole, excluding any antennas, provided they shall be set back from any property line or public street right-of-way a minimum distance of one hundred percent (100%) of the tower height or greater, if necessary, to guarantee that, in the event of collapse, the structure shall not fall on any adjacent property and all ice-fall or debris from tower failure shall be contained on the tower site. In the event an applicant contends that such

applicant is unable to receive or transmit the necessary signal required or which complies with FCC Regulations, then such applicant may request a hearing before the Council of the Township of Hampton wherein such applicant shall demonstrate through the use of engineering data, expert testimony, or such other means or methods as such applicant deems appropriate to seek an accommodation regarding the height of the antenna.

- b. Any free standing towers, poles, masts, supporting guy wires or antenna shall not intrude into the airspace of an abutting lot, as if a plane was drawn vertically on the lot line. Furthermore such equipment shall follow all FCC Regulations.
- c. A building permit shall be required for the erection or construction of a free standing or building-mounted tower, pole, mast or antenna.
- d. No antenna shall be permitted in any front yard.
- e. The antenna must be erected to comply with manufacturer requirements and accepted engineering standards.
- f. Only one (1) Amateur Radio antenna or one (1) Amateur Radio antenna system is permitted per lot.
- g. Lights and signs may be placed on the antenna only if and to the extent required by the FAA.

12.340 Small Wind Energy Conversion Systems (SWECS)

SWECS may be permitted as a conditional use in Residential A, Residential B and Residential C Zoning Districts provided the SWECS and supporting structure comply with the following criteria:

- a. SWECS installed on, or attached to, any existing building or other structure, or free standing may not exceed a height of fifty (50) feet measured from the base elevation to the top of the structure, provided they shall be set back from any property line or public street right-of-way a minimum distance of one hundred percent (100%) of the total SWECS height or greater. No part of the system, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries on the installation site.
- b. A concrete base shall be required having the capability to support the SWECS and any appurtenances.
- c. A building permit shall be required for the erection or construction of any SWECS.

- d. No SWECS may be installed in a front yard
- e. Only one (1) SWECS shall be permitted per lot.
- f. The SWECS must be erected/installed to comply with manufacturer requirements and accepted engineering standards including provisions for lightning strikes.
- g. Unless required by the FFA, lighting and signage shall be prohibited on any SWECS, nor shall lighting be located in such a manner as to illuminate the system.
- h. Any sound that may be produced by the SWECS shall not exceed 55 decibels at the property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- i. SWECS that are inoperable for six consecutive months must be repaired or removed at the owner's expense within six months of receiving notification.
- j. Clearance of Blades – No portion of the SWECS shall extend within twenty feet of the ground. No blades may extend over parking areas, driveways or sidewalks.
- k. All SWECS shall be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within design limits of the system.