

**TOWNSHIP OF HAMPTON**  
**ORDINANCE NO. 797**

**AN ORDINANCE OF THE TOWNSHIP OF HAMPTON, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING MISCELLANEOUS PROVISIONS OF ITS ZONING ORDINANCE, AS CODIFIED AT CHAPTER 310 OF THE TOWNSHIP CODE OF ORDINANCES.**

WHEREAS, the Hampton Township Council is authorized by the Municipalities Planning Code to regulate zoning and land use within the Township through its Zoning Ordinance, as embodied in the current Zoning Ordinance, as codified at Chapter 310 of the Hampton Township Code of Ordinances;

WHEREAS, the Hampton Township Council desires to amend various provisions of its Zoning Ordinance, providing miscellaneous new or updated definitions and/or regulations, including but not limited to those pertaining to the following: updated definition for 'accessory structure', adding definitions for 'cartway' and 'wall' types; clarifying 'yard' variation requirements; adding permit exemptions for certain pet containment and irrigation systems, clarifying wall construction methods and permitting requirements, adding permit exemptions for certain deer barrier fencing; adding a two-tiered accessory structures setback requirement based on square footage and height that will reduce setback requirements for certain accessory structures; clarifying non-conforming structure setback requirements and also correcting misc. typos and updating cross-references related Ordinances sections, as more fully set forth and depicted in the marked draft proposed amended Zoning Ordinance which is attached hereto as Exhibit "A" [marked copy] and Exhibit "B" ['clean' copy], both incorporated and made part hereof;

WHEREAS, on July 20, 2017, the Township did, in accordance with the requirements of the Municipalities Planning Code, submit the proposed amendments to the Allegheny County Planning Agency (ACED) for review and comment, in response to which the Township did receive a comment letter from ACED;

WHEREAS, the Township has, in accordance with the requirements of the Municipalities Planning Code, submitted the proposed amendments to its Planning Commission, which gave its recommendations regarding the proposed amendments at its duly noticed public meeting(s);

WHEREAS, on September 27, 2017, the Hampton Township Council held a duly noticed and advertised public hearing to take public comments on the proposed amendments, And has duly advertised this ordinance for consideration and enactment; and

WHEREAS, the Hampton Township Council, having received the public's comments and the recommendations of the Township's Planning Commission, finds that enactment of the proposed amendments to the Township Zoning Ordinance will be beneficial to the Township and consistent with the Pennsylvania Municipalities Planning Code.

NOW THEREFORE, be it Ordained and Enacted by the Hampton Township Council, and it is hereby Ordained and Enacted by authority of same, as follows:

**SECTION 1: AMENDMENTS THE TOWNSHIP ZONING ORDINANCE, AS CODIFIED AT CHAPTER 310 THE TOWNSHIP CODE OF ORDINANCES:**

That the Township of Hampton hereby adopts and enacts those several and miscellaneous amendments to the Township Zoning Ordinance, Chapter 310, as amended, as depicted and described in Exhibit "A" hereto (a 'marked draft' reflecting both the current Zoning Ordinance and including and marking thereon all proposed amendments enacted hereby), such that the Township's Zoning Ordinance shall hereafter read precisely as reflected in said Exhibit "A" hereto, including all additions, deletions, amendments, and other changes as noted in said Exhibit "A", and such that, upon enactment, a 'clean copy' of same, as reflected in Exhibit "B" hereof, incorporating all of said changes marked thereon, shall hereafter constitute the official, operative text of the amended Zoning Ordinance, superseding and replacing all prior Ordinances or parts thereof.

**SECTION 2: EFFECTIVE DATE.**

That the Municipal Manager/Secretary of Hampton Township shall certify to the adoption of this Ordinance and cause the same to be published as required by law, and this Ordinance shall take effect and be in force immediately from and after its enactment as required by law.

**SECTION 3: REPEALER.**

That any and all previous Ordinance(s) which are inconsistent with the terms and provisions of this Ordinance are hereby repealed.

**SECTION 4: VALIDITY, SEVERABILITY**

That the provisions of this Ordinance are severable and if any of its provisions or any part of any provision or individual amendment enacted hereby shall be held to be unconstitutional or otherwise invalid, the decision of the court so holding shall not affect or impair any of the remaining provisions or amendments. It is hereby declared to be the intent of the Township of Hampton that this Ordinance would have been enacted had such unconstitutional provisions or parts thereof not been included herein.

**ORDAINED AND ENACTED INTO LAW on this 27th day of September, 2017.**

**ATTEST:**

**HAMPTON TOWNSHIP COUNCIL**

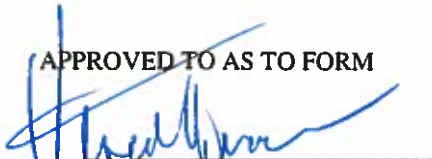


**W. Christopher Lochner,  
Municipal Manager**

By: 

**Victor D. Son,  
President of Council**

APPROVED TO AS TO FORM



**Vincent A. Tucceri, Esquire  
Township Solicitor**

# EXHIBIT A

## DEFINITIONS

**CARTWAY** - that portion of a street internal to a recorded right-of-way which is improved by surfacing with permanent or semi-permanent material and is intended for vehicular traffic.

**HEIGHT** — The vertical distance along the wall of a building measured between the average of the highest and lowest elevation at ground level on the front or rear façade, whichever has the lower ground elevations, and the top of the parapet on a flat roof building or to the average height of the highest roof surface on a sloped roof building except that chimneys, stacks, steeples, roof-mounted air handling equipment, etc., shall not be considered in measuring height, except as modified by § 310-601G. [See Chart “Building Heights Measurement Standards”]

**WALL (BORDER)** – a freestanding structure designed and constructed as a property divider or for privacy.

**WALL (DECORATIVE)** – a structure with sixteen (16) inches of vertical exposure or less constructed as a border or stand-alone structure.

**WALL (RETAINING)** - a structure designed and constructed to resist the lateral pressure of soil, when there is a desired change in ground elevation that exceeds the angle of repose of the soil.

**§ 310-59. Yard requirements.**

Refer to Figure 1 to determine the front, side, and rear yard areas of a lot.

A. Corner. In lots that abut two streets intersecting at one corner of the property, the setback from each street to the building line shall be the front yard setback for the zone district containing the lot. The side yard setback requirements for the zoning district shall be used as the rear yard setback and for the remaining side yards.

B. Front yards on undeveloped lots. Where an undeveloped lot occurs between two developed lots which are not in conformance with existing setbacks, the developer may place a principal structure on the undeveloped lot set back from the front lot line the average distance of the setback of the two adjacent principal structures, but not less than 15 feet.

C. Variations in side yards permitted. When a proposed ~~the~~ side wall of an existing structure or a proposed addition is not parallel to the adjacent side lot line, the structure may be placed so that the average distance of the nearer and further corners of the side wall to the side lot line equals or exceeds the required side yard setback for the zone district containing the lot but in no case shall any point of the structure be closer than 1/2 the required side yard setback for the zone district or 10 feet, whichever is greater.

D. Projections into required yards.

(1) All projections from the wall surface of a primary residential structure, including but not limited to chimneys, canopies, eaves, cornices, stairwells, fire escapes, bay windows, balconies, porches or patios, whether such projections reach to the ground or not, shall be considered a part of the structure in determining setbacks from property lines. However, such projections may extend not more than two (2) feet into required yard areas, provided such projections, except eaves, are not more than six (6) feet in width.

(2) Pool filters and air-conditioning units shall be set back as far as accessory structures from property and street right-of-way lines and, in addition, shall be screened by evergreen landscaping or a low wall to reduce noise and visual intrusion.

**§ 310-60. Height requirements.**

A. See Article IV, Definitions.

B. Maximum heights allowed.

(1) See Table A."

(2) For accessory uses, the maximum height shall be 20 feet, not to exceed one story.

Accessory structure height is the vertical distance measured between the average of the highest and lowest elevation at ground level to the highest overall point of the structure.

**§ 310-72. Hedges, fences, privacy/decorative walls and irrigation systems.**

A. Location: 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, except as follows:

1. upon an application submitted along with a survey and with the written consent of the adjacent property owner(s); or

2. in the case of a townhouse, row house, or other building where the adjoining units in the same structure share a common party wall, a side yard hedge or fence may be placed along the property line separating the two parcels.

B. Maximum Height: Hedges, Fences and walls where permitted in front yards shall not exceed 4 feet in height. No hedge, fence, or privacy/decorative wall in side and rear yards shall exceed six (6) feet in height; except as follows:

1. where a non-attached (non-party wall) dwelling on an adjacent lot is within six (6) feet of the common lot line, then the height shall not to exceed the distance of the adjacent dwelling from the line;

2. Notwithstanding any requirement to the contrary in this Section, a side yard or rear yard fence may be installed with a maximum height along its entire length that matches the height of a pre-existing fence lawfully installed along the common shared border of an adjoining property.

C. Hedges shall be maintained not to exceed the specified maximum height requirements of sub-Section B, above. (Required buffer fences, strips, etc. are not subject to this sub-section, but shall instead be governed by the applicable Bufferyard requirements).

D. 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 feet in height, and shall be maintained so as not to exceed such height. No fence or wall shall be installed within a road right-of-way. 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.

(1) 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.

(2) 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 chapter without the prior written consent of the Zoning Officer. Pet containment or irrigation systems installed at least 13 feet from a cartway shall be exempt from obtaining a permit if located outside an easement or right-of-way.

(3) Fence materials.

(a) 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.

(b) Exceptions.

1. Fence Types No. 1, 5 and 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.
2. Fence Type 1 shall be allowed in agricultural areas.
3. 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.

4. Fence Type 8 shall be allowed when used for traffic control or police security.

D. Unless constructed with the same finished appearance on both sides, all fences, walls, retaining walls, and/or screenings having a rough or unfinished side and/or a side showing supports of bases shall be erected so that said rough and/or unfinished side faces inward toward the interior of the lot and the finished side faces outward toward adjoining properties.

E. 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 four feet in height. Any court with a fence exceeding six feet shall be set back an additional five feet from any property line setback minimum. All lighting shall be of the shielded variety.

F. Security fences surrounding industrial, commercial or public properties may be exempt from § 310-72A and B, provided they are of an open work surface less than 50% of which is opaque. Required buffer fences, strips, etc. are not included under this section.

G. Any existing 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.

H. Retaining walls shall be set back at least three feet from property lines and shall maintain height limitations as required for fences and hedges. Foundations of such walls shall be carried at least 36 inches below finished grade and walls shall be at least eight inches thick. (Alternative construction methods required or supplied by a wall manufacturers will be considered if structural integrity specifications are provided)

Retaining walls more than six 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 feet from any property line and a barrier along the top of the wall shall be required when the wall exceeds six feet in height.

I. Border walls are required to meet fence height and setback regulations.

J. Decorative walls do not require a permit if located outside of an easement or right-of-way.

K. Mesh fencing, specifically manufactured for use as a deer barrier, shall be exempt from height and permit regulations if installed with lightweight supporting posts/pegs.



**310.75 - Special events as an accessory uses; temporary construction or storage structures or devices.**

**Subsection**

**C. Accessory structures.**

(1) Floor area ratio (FAR). Cumulative limit of 100% of main floor square footage of the principle dwelling(s) unit for RA and RB and a 50% FAR for RC and RD (not to exceed 900 square feet). CA and CB or RA and RB with a minimum of five acres shall be 150% of FAR.

(2) 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.

(3) Any accessory structure exceeding 120 square feet, and greater than 12 feet in overall height, shall meet the setback requirement for the primary structure.

Exceptions:

a.) Structures to be located in residential and conservation zoning districts over 120 square feet but equal to or less than 12 feet in height and having no linear (length) dimension exceeding 14 feet may meet setback requirement for accessory structures less than 120 square feet

b.) Open structures which are not secured to permanent footings, and without a roof, such as open play equipment, open gazebos, arbors and trellises, fountains and bird baths, sculpture or other art works do not require a permit if located outside of an easement or right-of-way

(4) No accessory structure or any part thereof shall protrude into or hang over any easement, ROW or setback area.

(5) Accessory structures for nonresidential properties may require a formal site plan submittal. [See § 310-63A(2) of this chapter or Chapter 280, Subdivision and Land Development.]

(6) Accessory structure's wall and roof covering materials shall generally match the primary structure in type and color.

(7) All structures for farm animals, commercial kennels or conditional use allowable shelters shall not be located within one hundred feet of any property line.

(8) Accessory structures shall not be located within the allowable front yard setback area.

**§ 310-104. Nonconforming structures.**

Where a structure exists on a property at the effective date of this chapter or any amendment to it and which was permitted under any prior ordinance or amendment at the time the structure was built, and which does not conform to the requirements of this chapter regarding height, setbacks from street or lot lines, lot coverage, etc., such structure may remain, subject to the following provisions:

- A. No such structure may be altered so that its nonconformity with respect to the location and bulk on the property is increased.
- B. Any replacement of such structure as a result of total damage shall be carried out in conformance with this chapter, except, however, partial or total removal of a structure due to fire or act of God, shall not terminate the nonconforming structure on the premises. Reconstruction shall not exceed what previously existed.
- C. Should such structure be moved, it shall thereafter conform to requirements of this chapter regarding location on the property.
- D. When a surface wall of a building is nonconforming in its relationship to any adjacent property line, such surface wall may be extended along its existing plane for a length not to exceed the existing surface wall length if the criteria established in Section 310.59.C is met but thereafter may not be further extended.
- E. Nonconforming sign structures shall be governed by § 310-92 of this chapter.
- F. The maintaining or strengthening to a safe condition of any nonconforming structure shall not be denied, provided it meets all the requirements of this section.
- G. Nonconforming lighting shall be governed by § 310-66H(4) of this chapter.

ZONING

310 Attachment 1

Township of Hampton

**Table A: Bulk and Area Requirements**

	CA	CB	RA	RB	RC	RD	HC	NC	LI	HI	ORD
Minimum lot size (acres)	5	5 <sup>1</sup>	1	1/2	1/4	¼	X	1/2	2	2	3
Maximum density (units per acre)	1 <sup>1</sup>	1	1	2	4 <sup>1</sup>	8 <sup>1</sup>	X	X	X	X	X
Minimum frontage on right-of-way (feet)	X	200	150	100	60	60	75	75	200	200	200
Minimum front yard setback from right-of-way (feet)	60	60	50 <sup>1</sup>	40 <sup>1</sup>	30 <sup>1</sup>	40	40	40	40	40	
Minimum side yard	40 <sup>1</sup>	40	30	40 <sup>1</sup>	25 <sup>1</sup>	25 <sup>1</sup>	Note 1	Note 1	Note 1	Note 1	Note 1
Minimum rear yard	60	60	50	40	30 <sup>1</sup>	30 <sup>1</sup>	Note 1	Note 1	Note 1	Note 1	Note 1
Accessory structures (< or = 120 square feet) minimum side and rear	40	40	15	10	10	10	Note 1	Note 1	Note 1	Note 1	Note 1
Accessory structures (> 120 square feet) minimum side yards Exception - Note 3	40	40	30	40 <sup>1</sup>	25 <sup>1</sup>	25 <sup>1</sup>	Note 1	Note 1	Note 1	Note 1	Note 1
Accessory structures (> 120 square feet) minimum rear yard Exception - Note 3	60	60	50	40	30 <sup>1</sup>	30 <sup>1</sup>	Note 1	Note 1	Note 1	Note 1	Note 1
Maximum lot coverage <sup>2</sup> (all impervious surfaces)	10%	10%	30%	40%	50%	60%	90%	70%	70%	70%	70% <sup>a2</sup>
Maximum height	35 feet or 3 stories, whichever is the lesser										

NOTES:

<sup>1</sup> See § 310-59E for buffer yard requirements and § 310-66 for additional supplemental requirements.

<sup>2</sup> All required buffer yards in § 310-59E shall be met.

<sup>3</sup> Residential accessory structures > 120 square but < = to 12 feet in height and having no linear (length) dimension exceeding 14 feet may meet setback requirements for accessory structures < 120 square feet

\*Bulk and area requirements for conditional use applications shall be determined by Township Council.

# EXHIBIT B

## DEFINITIONS

**CARTWAY** - that portion of a street internal to a recorded right-of-way which is improved by surfacing with permanent or semi-permanent material and is intended for vehicular traffic.

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B. Front yards on undeveloped lots. Where an undeveloped lot occurs between two developed lots which are not in conformance with existing setbacks, the developer may place a principal structure on the undeveloped lot set back from the front lot line the average distance of the setback of the two adjacent principal structures, but not less than 15 feet.

C. Variations in side yards permitted. When a proposed side wall of an existing structure or a proposed addition is not parallel to the adjacent side lot line, the structure may be placed so that the average distance of the nearer and further corners of the side wall to the side lot line equals or exceeds the required side yard setback for the zone district containing the lot but in no case shall any point of the structure be closer than 1/2 the required side yard setback for the zone district or 10 feet, whichever is greater.

D. Projections into required yards.

(1) All projections from the wall surface of a primary residential structure, including but not limited to chimneys, canopies, eaves, cornices, stairwells, fire escapes, bay windows, balconies, porches or patios, whether such projections reach to the ground or not, shall be considered a part of the structure in determining setbacks from property lines. However, such projections may extend not more than two (2) feet into required yard areas, provided such projections, except eaves, are not more than six (6) feet in width.

(2) Pool filters and air-conditioning units shall be set back as far as accessory structures from property and street right-of-way lines and, in addition, shall be screened by evergreen landscaping or a low wall to reduce noise and visual intrusion.

**§ 310-60. Height requirements.**

A. See Article IV, Definitions.

B. Maximum heights allowed.

(1) See Table A."

(2) For accessory uses, the maximum height shall be 20 feet, not to exceed one story.

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A. Location: 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, except as follows:

1. upon an application submitted along with a survey and with the written consent of the adjacent property owner(s); or

2. in the case of a townhouse, row house, or other building where the adjoining units in the same structure share a common party wall, a side yard hedge or fence may be placed along the property line separating the two parcels.

B. Maximum Height: Hedges, Fences and walls where permitted in front yards shall not exceed 4 feet in height. No hedge, fence, or privacy/decorative wall in side and rear yards shall exceed six (6) feet in height; except as follows:

1. where a non-attached (non-party wall) dwelling on an adjacent lot is within six (6) feet of the common lot line, then the height shall not to exceed the distance of the adjacent dwelling from the line;

2. Notwithstanding any requirement to the contrary in this Section, a side yard or rear yard fence may be installed with a maximum height along its entire length that matches the height of a pre-existing fence lawfully installed along the common shared border of an adjoining property.

C. Hedges shall be maintained not to exceed the specified maximum height requirements of sub-Section B, above. (Required buffer fences, strips, etc. are not subject to this sub-section, but shall instead be governed by the applicable Bufferyard requirements).

D. 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 feet in height, and shall be maintained so as not to exceed such height. No fence or wall shall be installed within a road right-of-way. 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.

(1) 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.

(2) 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 chapter without the prior written consent of the Zoning Officer. Pet containment or irrigation systems installed at least 13 feet from a cartway shall be exempt from obtaining a permit if located outside an easement or right-of-way.

(3) Fence materials.

(a) 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.

(b) Exceptions.

1. Fence Types No. 1, 5 and 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.
2. Fence Type 1 shall be allowed in agricultural areas.
3. 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.

4. Fence Type 8 shall be allowed when used for traffic control or police security.

D. Unless constructed with the same finished appearance on both sides, all fences, walls, retaining walls, and/or screenings having a rough or unfinished side and/or a side showing supports of bases shall be erected so that said rough and/or unfinished side faces inward toward the interior of the lot and the finished side faces outward toward adjoining properties.

E. 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 four feet in height. Any court with a fence exceeding six feet shall be set back an additional five feet from any property line setback minimum. All lighting shall be of the shielded variety.

F. Security fences surrounding industrial, commercial or public properties may be exempt from § 310-72A and B, provided they are of an open work surface less than 50% of which is opaque. Required buffer fences, strips, etc. are not included under this section.

G. Any existing 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.

H. Retaining walls shall be set back at least three feet from property lines and shall maintain height limitations as required for fences and hedges. Foundations of such walls shall be carried at least 36 inches below finished grade and walls shall be at least eight inches thick. (Alternative construction methods required or supplied by a wall manufacturers will be considered if structural integrity specifications are provided)

Retaining walls more than six 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 feet from any property line and a barrier along the top of the wall shall be required when the wall exceeds six feet in height.

I. Border walls are required to meet fence height and setback regulations.

J. Decorative walls do not require a permit if located outside of an easement or right-of-way.

K. Mesh fencing, specifically manufactured for use as a deer barrier, shall be exempt from height and permit regulations if installed with lightweight supporting posts/pegs.



**310.75 - Special events as an accessory uses; temporary construction or storage structures or devices.**

**Subsection**

**C. Accessory structures.**

- (1) Floor area ratio (FAR). Cumulative limit of 100% of main floor square footage of the principle dwelling(s) unit for RA and RB and a 50% FAR for RC and RD (not to exceed 900 square feet). CA and CB or RA and RB with a minimum of five acres shall be 150% of FAR.
- (2) 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.
- (3) Any accessory structure exceeding 120 square feet, and greater than 12 feet in overall height, shall meet the setback requirement for the primary structure.  
Exceptions:
  - a.) Structures to be located in residential and conservation zoning districts over 120 square feet but equal to or less than 12 feet in height and having no linear (length) dimension exceeding 14 feet may meet setback requirement for accessory structures less than 120 square feet
  - b.) Open structures which are not secured to permanent footings, and without a roof, such as open play equipment, open gazebos, arbors and trellises, fountains and bird baths, sculpture or other art works do not require a permit if located outside of an easement or right-of-way
- (4) No accessory structure or any part thereof shall protrude into or hang over any easement, ROW or setback area.
- (5) Accessory structures for nonresidential properties may require a formal site plan submittal. [See § 310-63A(2) of this chapter or Chapter 280, Subdivision and Land Development.]
- (6) Accessory structure's wall and roof covering materials shall generally match the primary structure in type and color.
- (7) All structures for farm animals, commercial kennels or conditional use allowable shelters shall not be located within one hundred feet of any property line.
- (8) Accessory structures shall not be located within the allowable front yard setback area.

**§ 310-104. Nonconforming structures.**

Where a structure exists on a property at the effective date of this chapter or any amendment to it and which was permitted under any prior ordinance or amendment at the time the structure was built, and which does not conform to the requirements of this chapter regarding height, setbacks from street or lot lines, lot coverage, etc., such structure may remain, subject to the following provisions:

- A. No such structure may be altered so that its nonconformity with respect to the location and bulk on the property is increased.
- B. Any replacement of such structure as a result of total damage shall be carried out in conformance with this chapter, except, however, partial or total removal of a structure due to fire or act of God, shall not terminate the nonconforming structure on the premises. Reconstruction shall not exceed what previously existed.
- C. Should such structure be moved, it shall thereafter conform to requirements of this chapter regarding location on the property.
- D. When a surface of a building is nonconforming in its relationship to any adjacent property line, such surface may be extended along its existing plane for a length not to exceed the existing surface length if the criteria established in Section 310.59.C is met but thereafter may not be further extended.
- E. Nonconforming sign structures shall be governed by § 310-92 of this chapter.
- F. The maintaining or strengthening to a safe condition of any nonconforming structure shall not be denied, provided it meets all the requirements of this section.
- G. Nonconforming lighting shall be governed by § 310-66H(4) of this chapter.

## ZONING

### 310 Attachment 1

#### Township of Hampton

**Table A: Bulk and Area Requirements**

	CA	CB	RA	RB	RC	RD	HC	NC	LI	HI	ORD
Minimum lot size (acres)	5	5 <sup>1</sup>	1	1/2	1/4	¼	X	1/2	2	2	3
Maximum density (units per acre)	1 <sup>1</sup>	1	1	2	4 <sup>1</sup>	8 <sup>1</sup>	X	X	X	X	X
Minimum frontage on right-of-way (feet)	X	200	150	100	60	60	75	75	200	200	200
Minimum front yard setback from right-of-way (feet)	60	60	50 <sup>1</sup>	40 <sup>1</sup>	30 <sup>1</sup>	40	40	40	40	40	
Minimum side yard	40 <sup>1</sup>	40	30	40 <sup>1</sup>	25 <sup>1</sup>	25 <sup>1</sup>	Note 1	Note 1	Note 1	Note 1	Note 1
Minimum rear yard	60	60	50	40	30 <sup>1</sup>	30 <sup>1</sup>	Note 1	Note 1	Note 1	Note 1	Note 1
Accessory structures (< or = 120 square feet) minimum side and rear	40	40	15	10	10	10	Note 1	Note 1	Note 1	Note 1	Note 1
Accessory structures (> 120 square feet) minimum side yards Exception -Note 3	40	40	30	40 <sup>1</sup>	25 <sup>1</sup>	25 <sup>1</sup>	Note 1	Note 1	Note 1	Note 1	Note 1
Accessory structures (> 120 square feet) minimum rear yard Exception – Note 3	60	60	50	40	30 <sup>1</sup>	30 <sup>1</sup>	Note 1	Note 1	Note 1	Note 1	Note 1
Maximum lot coverage <sup>2</sup> (all impervious I surfaces)	10%	10%	30%	40%	50%	60%	90%	70%	70%	70%	70% <sup>2</sup>
Maximum height	35 feet or 3 stories, whichever is the lesser										

**NOTES:**

<sup>1</sup> See § 310-59E for buffer yard requirements and § 310-66 for additional supplemental requirements.

<sup>2</sup> All required buffer yards in § 310-59E shall be met.

<sup>3</sup> Residential accessory structures > 120 square but < = to 12 feet in height and having no linear (length) dimension exceeding 14 feet may meet setback requirements for accessory structures < 120 square feet

\*Bulk and area requirements for conditional use applications shall be determined by Township Council.