

ARTICLE 10: SUPPLEMENTAL REQUIREMENTS

10.100 Lot Requirements

10.110 Existing Lots of Record Less in Area or Frontage than Permitted

When a lot occurs in any zone district in which single family dwellings are permitted and was recorded with Allegheny County prior to adoption of this Ordinance but contains less area and/or has less frontage abutting a public or private road that has been established by this ordinance for the zoning district where the lot is located, such a lot may be developed without need for a variance, provided:

- a. the lot does not abut, along a common side property line, another lot or lots in the same ownership at the time development was proposed, and which if combined with the first lot would produce a property meeting or exceeding the minimum requirements of the zone district;
- b. no further reduction in depth of front, side or rear yards is needed to accomplish development; and
- c. the lot abuts an improved street accepted by the Township or meets all the requirements for a private street contained in the current Subdivision Ordinance and can meet at least seventy (70) percent of the bulk and area requirements for the zoning district the property is located in.

10.120 Minimum Lot Size/Space for on-lot Septic Systems

When a property is dependent upon on-lot sewage disposal, it shall not be developed unless it contains at least one (1) acre of area, width at the front lot line of at least one hundred fifty (150) feet, provided that any regulations in the zone district containing the property do not require a larger area or greater frontage than is herein required, and has received an on-lot septic system permit from the Allegheny County Health Department. A property of sufficient area already recorded at the time of adoption of this Ordinance, but proposed for development lacking access to public sewers, may be developed if found acceptable for on-lot sewage disposal after percolation tests or "open pit tests" as prescribed by the Allegheny County Department of Health and receipt of a permit from the Allegheny County Department of Health.

10.130 Lot Frontage Measurement

Lot frontage shall be measured along the street right-of-way line abutting the property, except that developers owning lots abutting a cul-de-sac portion of the street may use the distance between side lot lines measured along the front setback line as the lot frontage measurement, provided the lot

has at least thirty (30) feet frontage on the abutting street right-of-way. Land owners wishing to develop lots abutting the cul-de-sac portion of a street may use the distance between the side lot lines measured along the front setback line provided the distance along the front setback line equals or exceeds the required frontage measurement in the zoning district and provided further that the lot has at least thirty (30) feet frontage on the abutting cul-de-sac line and provided further that the lot meets all area and bulk requirements for the zoning district.

10.140 Structures Within Easements and Rights-of-way

No structures, temporary or permanent, shall be placed within any easement or right-of-way utilized for the purposes of, but not limited to, ingress, egress, sanitary sewer lines, storm sewer lines, drainage, or other utilities.

Unless determined by the Zoning Officer to be detrimental to the health, safety and welfare of the public, mailboxes, fences, landscaping, etc., may be placed within said areas, but shall be placed at the owner's own risk. The property owner shall be solely liable for any harm to person or property caused by the placement of such structures and shall be solely responsible for any and all damage caused to such structures by Township or others entering the easement or right-of-way to maintain or service utilities or public improvements therein and for all costs associated with the removal or replacement of such structures.

10.150 Mobile Home Parks, see Section 12.333.

10.200 Yard Requirements

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

10.210 Corner

In lots that abut two (2) 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.

10.220 Front Yards on Undeveloped Lots

Where an undeveloped lot occurs between two (2) 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 (2) adjacent principal structures, but not less than fifteen (15) feet.

10.230 Variations in Side Yards Permitted

When the side wall of a structure 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 one-half (1/2) the required side yard setback for the zone district or ten (10) feet, whichever is greater.

10.240 Projections into Required Yards

10.241 All projections from the wall surface of a 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. 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.

10.242 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.

10.243 Satellite dishes- for the purpose of this Ordinance, satellite dishes shall meet the following requirements:

a. Ground Mounted

1. No dish shall be constructed in any front or side yard, but shall be constructed to the rear of the residence or main structure. Satellite dishes may only be placed in any front or side yard if the quality of the reception is impaired or prevented, based on the documentation of a satellite dish provider or installer and accompanying affidavit, duly notarized indicating that the quality of the reception would be impaired or prevented.
2. The dish, including its concrete base slab or other structure, shall meet the rear and side yard setbacks for all accessory structures in the zoning district where located.
3. No dish shall be linked, physically or electronically to a receiver which is not located on the same lot, premises or parcel of land as is the earth station.

4. A dish shall not exceed a grade height of twelve (12) feet.
5. All structural supports shall be of galvanized metal.
6. Wiring between a dish and a receiver shall be placed at least four (4) inches beneath the surface of the ground within rigid conduit.
7. A dish must be bonded to a grounding rod.

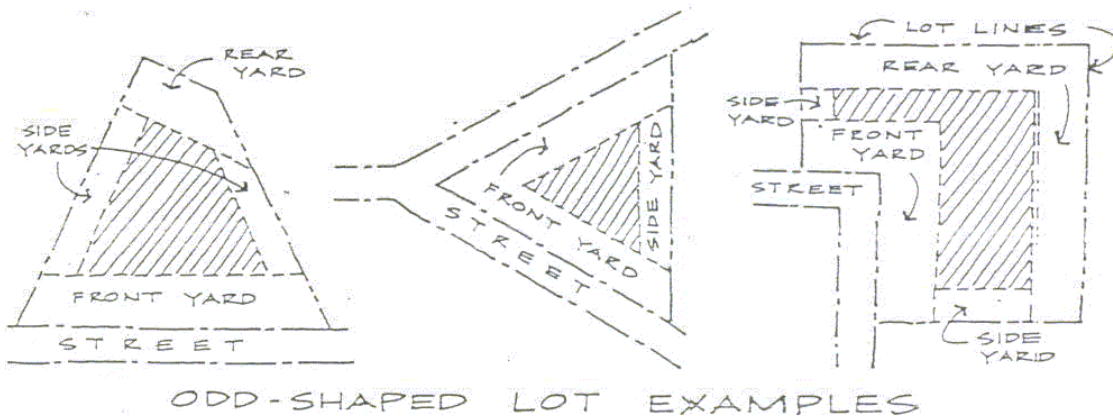
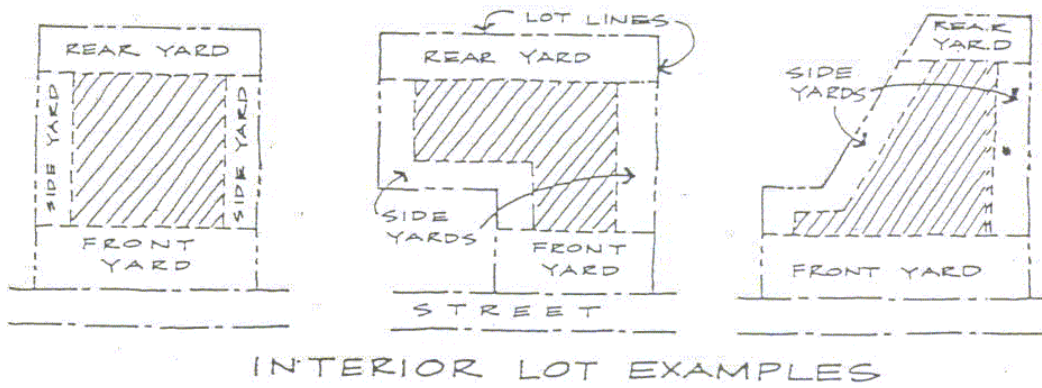
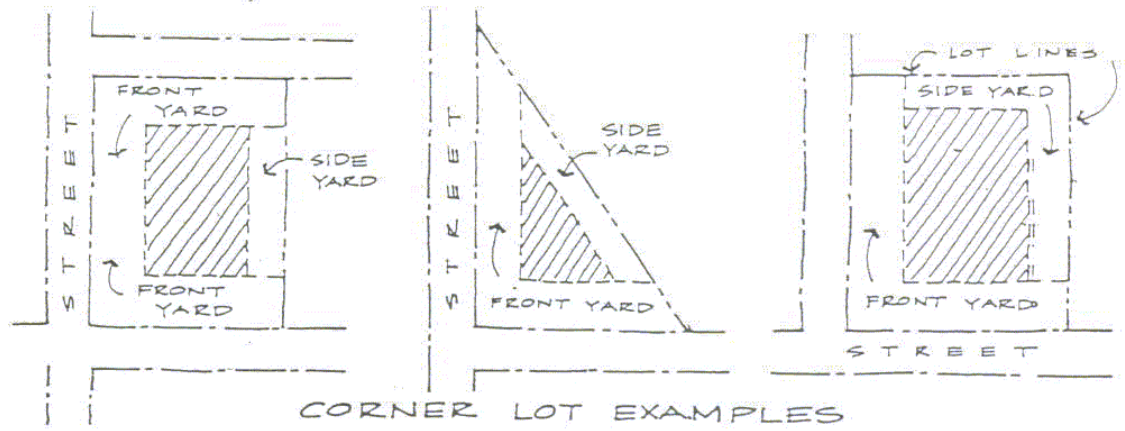
b. Roof-mounted

1. Satellite dishes shall be mounted directly upon the roof of a primary or accessory structure as defined in the building code, and shall not be mounted upon appurtenances such as towers, trees, poles or spires.
2. A dish shall not exceed a height of more than three (3) feet above the roof upon which it is mounted.
3. A dish shall not exceed three (3) feet in diameter.
4. A dish must be bonded to a grounding rod.

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FIGURE 1:

FIGURE 1:



10.250 Buffer yards shall be required in conjunction with the development of any property, except with the development of property for single family detached, residential dwellings, as shown on the following schedule:

DEVELOPMENT PROPOSED	REQUIRED BUFFER YARD			
	A	B	C	D
MULTI-FAMILY (Including PRDs)				
Within Or Adjoining single family or Conservation		X		
Within Or Adjoining multifamily			X	
Within Or Adjoining any NC or HC			X	
Within Or Adjoining undeveloped C or R		X		
Within Or Adjoining any Commercial in RD			X	
Within Or Adjoining any Industrial or ORD			X	
COMMERCIAL IN NC OR HC				
Within Or Adjoining single family	X			
Within Or Adjoining multi-family			X	
Within Or Adjoining undeveloped C or R	X			
Within Or Adjoining any NC or HC				X
Within Or Adjoining any Commercial in RD			X	
Within Or Adjoining any Industrial or ORD			X	
COMMERCIAL IN RD				
Within Or Adjoining single family	X			
Within Or Adjoining multifamily			X	
Within Or Adjoining any NC or HC			X	
Within Or Adjoining any Commercial in RD			X	
Within Or Adjoining undeveloped C or R	X			
Within Or Adjoining any industrial or ORD			X	
INDUSTRIAL, INSTITUTIONAL, ASSEMBLY, EDUCATIONAL OR ORD				
Within Or Adjoining any C or R	X			
Within Or Adjoining undeveloped C or R	X			
Within Or Adjoining any Commercial			X	
Within Or Adjoining any Industrial or ORD			X	
SINGLE FAMILY OR DUPLEX PRD				
Within Or Adjoining any Conservation			X	
Within Or Adjoining any Residential A or B			X	
Within Or Adjoining any Residential C or D		X		
Within Or Adjoining any Commercial		X		
Within Or Adjoining any Industrial or ORD	X			
C = Conservation R = Residential				

The type of buffer yard for the property being developed shall be based upon the zoning district classification of the adjoining property, not the use of the adjoining property,

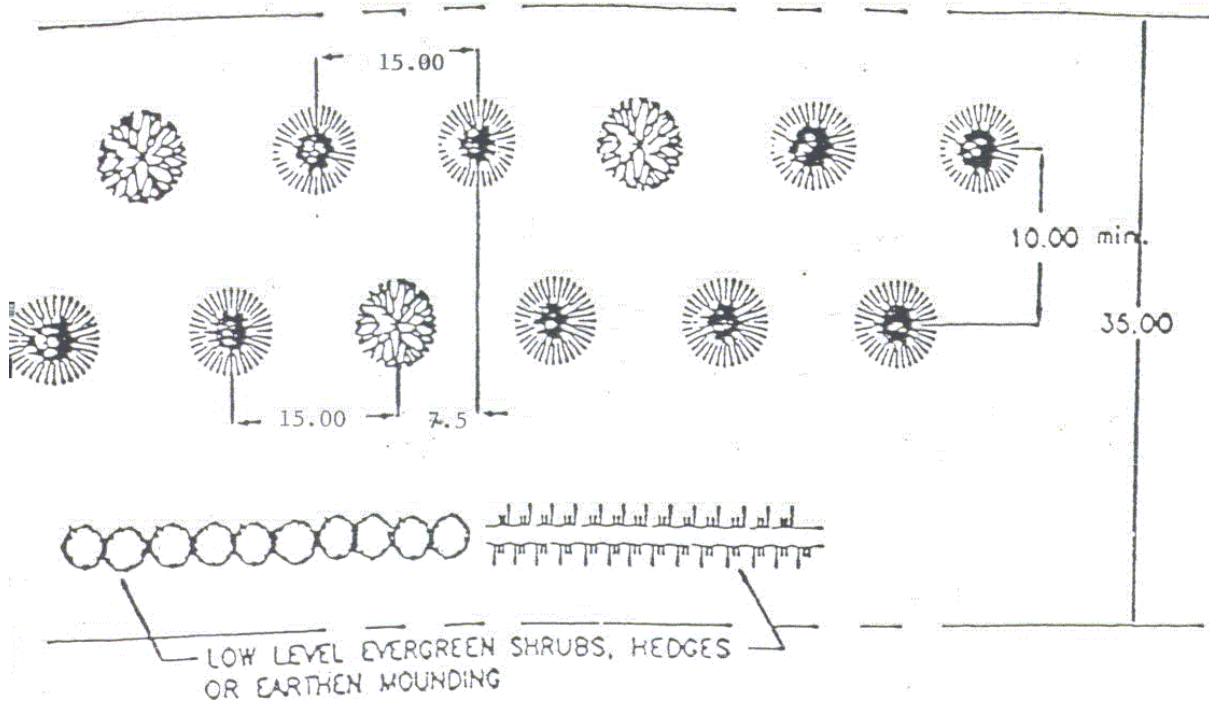
10.251 In some instances, the existing natural topography and vegetation on the site may fulfill the buffer yard requirements, if:

- (1) the required distance from any side or rear lot lines are met;
- (2) the area is adequately treed; and

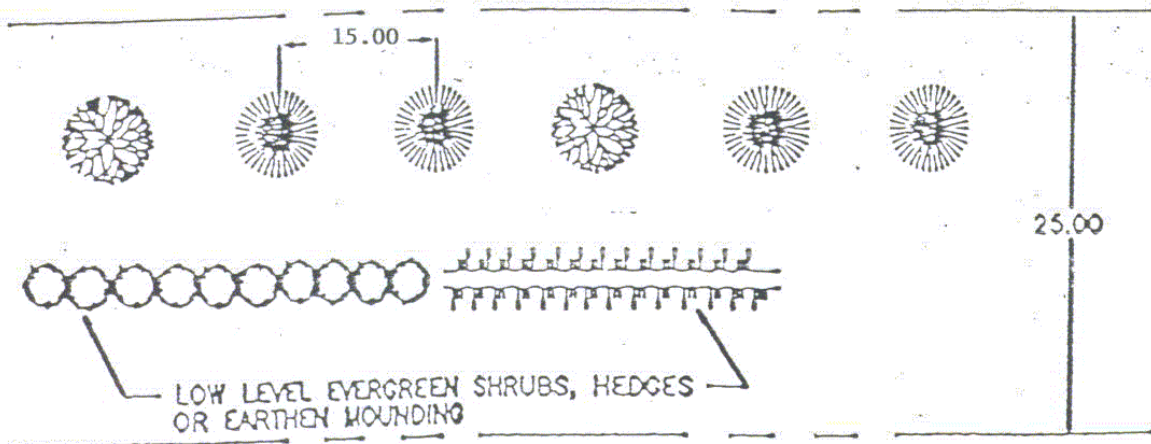
The existing topography and vegetation provide a visual screen, which, in the opinion of the Environmental Advisory Council and Township Council, is at least equivalent to the required buffer yard.

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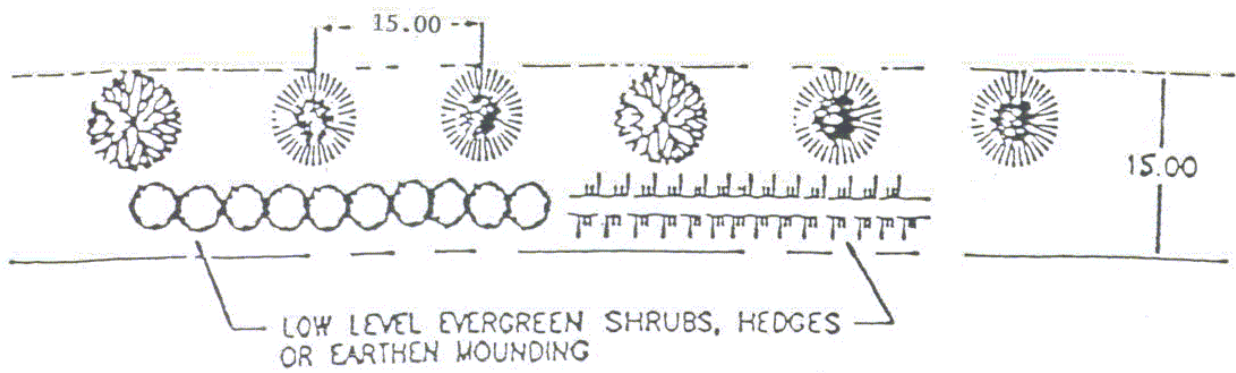
TABLE D:



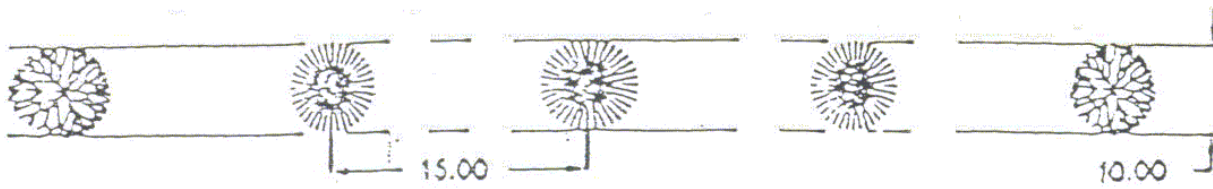
BUFFERYARD A



BUFFERYARD B



BUFFERYARD C



BUFFERYARD D

10.252 Buffer yards Defined. The buffer yards identified in Section 10.250, listed as A, B, C, and D, are hereby defined as follows, and can be viewed in TABLE "D".

Low level shrubs, hedges or mounds shall be of such height that a person facing a passenger car with the shrubs, hedges or mound between him/her and the car, could observe the car's low beam lights only as a result of the diffused or reflected light from the headlights and not because the main, direct beam from those lights was observable. Ground cover is required for each bufferyard. If vegetative cover is used, the maintenance of the ground cover shall be in conformance with the then adopted version of the IPMC.

- a. Buffer yard "A" - No structures or uses, including but not limited to, buildings, accessory structures, parking spaces, access drives and lighting devices, may be located closer than thirty-five (35) feet to any side or rear lot line, provided, however, that if the width of any such buffer yard would exceed, respectively, more than 10% of the width or depth of the subject lot as it existed as of the effective date of this Ordinance, measured along a perpendicular line running from the relevant side or rear lot line, then the size of the buffer yard shall be established through the following formula

On a lot or property with a width or depth of greater than two hundred fifty (250) feet, but less than three hundred fifty (350) feet, the buffer yard required shall be ten percent (10%) of that minimum dimension on that particular side of the property. For example, on lots with a width greater than three hundred fifty (350) feet, the buffer yard for the rear yard shall be ten percent (10) of the depth of the property. The buffer yards for the side yards shall remain the minimum requirement of thirty-five (35) feet. On a lot with a width of less than three hundred fifty (350) feet, and a depth greater than three hundred fifty (350) feet, the buffer yards on the side yards shall be ten percent (10%) of the width of the property. The buffer yard for the rear yard shall remain the minimum requirement of thirty-five (35) feet. In no event, however, shall the side or rear buffer yard be less than twenty-five (25) feet.

This buffer yard shall contain two (2) rows of trees. Each row shall consist of a mixture of deciduous (40%) and evergreen (60%) trees, spaced within the row, fifteen (15) feet apart, measured from the vertical centerline of adjacent trees. The two (2) rows shall be staggered in the manner shown on the drawings in TABLE "D", which shall result in adjacent trees in the two (2) different rows being no more than 7.5 feet apart, measured from the vertical centerline of the trees.

In addition to the above-noted required trees, a row of low level evergreen shrubs or hedges be planted, or earthen mounding shall be constructed in the buffer yard which will provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of passenger cars.

- b. Buffer yard “B” - No structures or uses, including but not limited to, buildings, accessory structures, parking spaces, access drives, and lighting devices, may be located closer than twenty-five (25) feet to any side or rear lot line.

This twenty-five (25) foot buffer yard shall contain a row of plantings which shall be comprised of a mixture of deciduous (40%) and evergreen (60%) trees. These trees shall be spaced fifteen (15) feet apart measured from the center of the trees.

In addition to the above noted required trees, a row of low level evergreen shrubs or hedges shall be planted, or earthen mounding shall be constructed in the buffer yard which shall provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of passenger cars.

- c. Buffer yard “C” - No structures or uses, including but not limited to, buildings, accessory structures, parking spaces, and lighting devices, may be located any closer than fifteen (15) feet to any side or rear lot line. Interconnecting access drives between development sites may be permitted to extend through the buffer yard. Plantings required within this area shall be relocated in another area of the site.

This fifteen (15) foot buffer yard shall contain a row of planting which shall be comprised of a mixture of deciduous (40%) and evergreen (60%) trees. These trees shall be spaced fifteen (15) feet apart measured from the center of the trees.

In addition to the above noted required trees, a row of low level evergreen shrubs or hedges shall be planted or earthen mounding shall be constructed in the buffer yard which shall provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of passenger cars.

- d. Buffer yard “D” - No structures or uses, including but not limited to, buildings, accessory structures, parking spaces, and lighting devices, may be located any closer than ten (10) feet to any side or rear lot Line. Interconnecting access drives between development sites may be

permitted to extend through the buffer yard. Plantings required within this area shall be relocated in another area of the site.

This ten (10) foot buffer yard shall contain a row of planting which shall be comprised of a of deciduous (40%) and evergreen (60%) trees.

These trees shall be spaced no more than fifteen (15) feet apart measured from the center of the trees.

- e. Creativity in design is encouraged. Planting of a different configuration may substitute for any required buffer yard, subject to the approval of the Township Council, the proposed design accomplished everything meant to be accomplished by the above standard buffer yard plantings, i.e. screening, improved aesthetics, etc.
 - f. All buffer yards, as required, shall be provided by the developer or applicant/owner of the subject parcel during the initial phase of construction, where a project is developed in phases, and maintained throughout the development period and thereafter.
- 10.253 When the yard width specified in Section 10.252 (a) through (d) is in conflict with the provision of Table "A" or any other ordinance of the Township of Hampton, the greater distance shall apply. The planting requirement shall be adhered to regardless of the yard requirement.
- 10.254 In instances where an existing structure houses the principal use of the property, and is located within any required buffer yard, a buffer yard of not less than the minimum distance from the existing structure to the property line shall be required. This reduced buffer yard width shall apply only to the yard area in which the existing structure encroaches. If the existing structure is located within the required buffer yard on one (1) side of the building, the required buffer yard, as determined by Section 10.250 shall apply on all other yard areas. All planting requirements shall be adhered to regardless of the buffer yard width.
- 10.255 All yard areas not utilized for parking facilities, driveways, gardens, the planting of trees or shrubs, perennials, or similar uses, must be seeded, sodded, or landscaped within a reasonable period of time. Reasonable period of time shall be determined on a case by case basis and based upon existing weather conditions and forecasts.
- a. The required plantings of trees and/or shrubs must occur as long as, or as soon as, the soil is not frozen to a depth greater than two (2) inches; and

- b. The required sodding or seeding, and/or planting of perennials, must occur by October 15 or by the end of April, whichever most immediately follows the initial occupancy.
- 10.256 Where trees already exist, as defined by Section 10.258 below, within the required buffer yard, these trees shall remain undisturbed, except that diseased or dead material may be removed. If it is determined that some healthy trees must be removed in conjunction with development, a written request to remove such trees must be submitted to the Township, along with an explanation detailing the rationale for the request. These trees shall not be removed until the Township has given written authorization permitting the removal. This permission will not be unreasonably denied; however, those who violate this Section shall be subject to a maximum penalty authorized by this Ordinance.
When any trees, regardless of their physical condition are removed, they shall be replaced by trees suitable to the environment. All such replacement planting shall be in accordance with accepted conservation practices.
- 10.257 All trees required to be planted within the buffer yard shall be a minimum of one and one half (1 ½) inch caliper and shall be planted in accordance with accepted conservation practices. All required trees shall be a minimum of six (6) feet in height at time of planting, measured from the ground adjacent to the planted tree to the top of the tree.
- 10.258 Any existing trees within the required buffer yard which are a minimum of four (4) inches DBH shall be preserved and shall count as a required tree within the buffer yard. At no point, however, shall any required additional trees be separated at a distance greater than the distance specified in the required buffer yard.
- 10.259 It shall be the responsibility of the owner/applicant to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs or bushes. A six (6) month time table for the replacement of diseased or dead plants shall be observed from the date of Township notification about this condition.
- 10.260 Storm water management facilities and structures may be maintained within a buffer yard, but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements.

10.300 Height Requirements

10.310 See Article 4, Definitions

10.320 Maximum Heights Allowed

10.321 See Table "A" at the end of Article 8.

10.322 For accessory uses the maximum height shall be Twenty (20) feet, not to exceed one (1) story.

10.323 Signs shall not exceed the height limitation for permitted uses.

10.324 Refer also to Article 12.338 relating to wireless communication towers and equipment.

10.325 In PRD's in all areas, except RA & RB, a fourth story may be permitted for equipment servicing the building, provided it is properly housed, and which shall not exceed the (10) feet in height, and which may be added to the third floor. Decorative domes may be permitted, provided that the same shall not be habitable, and which shall likewise not exceed ten (10) feet in additional height, but which may be added to a third floor.

10.330 Height Exceptions

10.331 Chimneys, exhaust stacks, church steeples, roof mounted air handling equipment, and communications equipment shall be exempt from maximum height requirements after review of the proposal by the Planning Commission and approval by Township Council based on location of the structure in relation to neighboring properties and streets, and height related to function. If such structures exceed thirty-five (35) feet in height above the ground, they shall not be approved unless application for construction is accompanied by a written opinion of a registered professional engineer attesting to the ability of the structure to withstand maximum forces upon it as to wind, ice and snow loads. Township Council may, where roof mounted equipment will be visible from a public street, and after favorable review of the proposal by the Planning Commission and Environmental Advisory Council, require that such equipment be screened or hidden from view, or organized in arrangement to be visually acceptable. Notwithstanding the foregoing, in no event shall chimneys, exhaust stacks and roof mounted equipment exceed a height above the building by a distance equal to 1/2 of the height of the building (from ground level) upon which such structure is to be placed.

Church steeples, shall in no event, exceed a height in excess of 75 feet from ground level of the church structure; communications facilities in no event shall exceed a height of 200 feet from ground level, except for communications' facilities designed and intended for use by governmental or quasi governmental entities, such as police, emergency medical communications, public works, communications, etc.

10.400 Natural Features

All subdivisions and land developments shall be designed to minimize environmental damage, by carefully fitting the subdivision or development to the natural environment of the site. The purpose of the regulations in this section is to avoid hazardous development, protect natural resources, and promote the public health, safety, and welfare.

10.410 Protection of Watercourses and Wetlands

The purpose of the regulations in this section are to ensure that watercourses and wetlands will be preserved so that they may continue to convey and store water, provide habitat for flora and fauna, and serve as recreational and aesthetic resources. Any proposed encroachment on lakes, ponds, watercourses, floodplains or wetlands shall be regulated as per the Township of Hampton Floodplain Ordinance (No. 475, as amended) and the Pennsylvania Department of Environmental Protection (DEP) encroachment regulations.

- a. Uses Permitted in Flood Ways – All four (4) uses listed below and no others are permitted in the flood way, provided that no increase in the base flood elevation will result:
 1. Recreation uses such as: parks, picnic grounds, hiking and riding trails, fishing areas, wildlife sanctuaries, nature preserves and swimming areas.
 2. Construction of crossings of the floodway by roads, bridges and utility transmission areas.
 3. Installation and maintenance of utility lines.
 4. Dams and impoundment basins.

Uses (1), (2), (3) and (4) above shall be permitted only after the developer shall submit to the Township Engineer a copy of a water obstructions and encroachment permit from the Pennsylvania DEP, Division of Dams and Waterway Management, for the proposed use within the flood way, or evidence from said Department that such permit is not required.

The following shall not be placed or caused to be placed in the designated flood way: fences, except two-wire fences; other matters which may impede, retard, or change the direction of the flow of water or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream or flood water would carry the same downstream to the damage or detriment of either public or private property adjacent to the floodway.

- b. Uses permitted in flood plain area. The following uses and no others are permitted in the flood plain area.
 - 1. Uses permitted within the flood way area as provided in subparagraph (a) above.
 - 2. Sewage treatment plants and pumping stations when constructed to prevent flooding of facilities.
- c. Nonconforming structures and uses (pre-existing) in the flood way and flood plain shall be regulated as per the Township of Hampton Floodplain Ordinance (No. 475, as amended) and the Pennsylvania Department of Environmental Protection (DEP).
- d. No filling, piping, draining or diverting shall be permitted in wetlands, ponds or lakes unless a permit is obtained from the Pennsylvania Department of Environmental Protection (DEP).
- e. Setback or open space easement required. No grading, cutting, filling, removal of vegetation, or other disturbance shall be permitted within fifty (50) feet of the top of the bank of any watercourse or within one hundred (100) feet of any pond, lake or wetland. A watercourse is defined as a waterway having a tributary area of 100 acres or more.
 - 1. In larger subdivisions and land developments, the required setback area should be integrated into a system of open space. In smaller subdivisions and land developments the preservation of these open space areas shall be ensured through recorded easements, deed restrictions, or other means acceptable to the Township Council and upon review of the EAC.
 - 2. Where the required setback or easement would render a site unusable under existing zoning regulation because of the limited size or dimensions of a parcel of land prior to its subdivision, Township Council may reduce the setback to no less than twenty-five (25) feet along pond, lake, or wetland edges. Any reduction in depth of setback which may be allowed by Township Council does not

supersede any requirement for a greater setback imposed by federal or state regulations.

3. Minor earth disturbance and construction within the area of the required setback or easement, required for access for development in other areas of the site, may be allowed in accordance with all regulations of the Department of Environmental Protection and Township flood way or flood plain regulations.
- f. Alteration of Drainage. When a proposed subdivision or land development encompasses or adjoins a watercourse, wetland, or springs area, the design of the proposed development shall ensure that site drainage is not altered in ways that will reduce the ability of any watercourse or wetland to support the vegetation and animal life that characterized the area before development.

10.420 Erosion, sedimentation and storm water runoff from any property shall be controlled as per the Township's SALDO and the Township's Grading Ordinance and in accordance with the regulations of Pennsylvania Code Title 25 – Chapter 102. All earthmoving activities, regardless of size, must have the appropriate erosion and sediment control BMP's implemented and maintained. The Township will require the submittal of a written erosion and sedimentation control plan for all earth disturbances exceeding the minimum area of disturbance listed in Chapter 102.

10.430 Protection of Significant Natural Areas

- a. Every subdivision and land development site plan shall consider, protect, and, to the maximum extent feasible, ensure the preservation of the natural areas and resources that are identified in the following:
 1. The Allegheny County Natural Heritage Inventory, February 1994, prepared for Allegheny County by the Western Pennsylvania Conservancy.
 2. The Hampton Natural Areas Inventory list of prime areas for preservation, as prepared in 1994 by the Hampton EAC survey of natural areas.
- b. Where a proposed subdivision or land development includes an identified natural feature, such as a rare or endangered species, which is regulated by municipal, state, or federal law, the applicant shall provide evidence of compliance with any applicable regulation.

- c. Where proposed development sites include identified natural resources that are not protected or regulated by municipal, state or federal law, the development plan shall incorporate preservation of the feature as an element in the site design, to the maximum extent feasible.
- d. Wherever possible, prime scenic views from roads and/or hilltops shall be preserved for public enjoyment.
- e. Applicants for approval of subdivisions and land developments are urged to include open space areas and facilities to meet the recreational needs of residents and other users of the proposed development. Recreational use may be made of areas where development is restricted for environmental reasons. There may be opportunities to link open space within a development to open space in adjoining areas and to create, over time, continuous systems of open space that will add great value to the development and to the community.

10.440 Steep slopes and very steep slopes shall be protected as follows:

- a. Very steep slopes (over 25%): no environmental disturbance of any kind shall be permitted on these areas.
- b. Steep slopes (15-25%), where any portion of the steep slope contains soils identified on the Township of Hampton Soils Maps as having a high landslide-prone risk; no environmental disturbance of any kind shall be permitted in the steep slope areas containing the high-risk land-slide prone soils.
- c. Steep slopes (15-25%), where any portion of the steep slope contains soils identified on the Township of Hampton Soils Maps as having a moderate landslide-prone risk; disturbances not exceeding twenty-five percent (25%) of the steep slope areas containing the moderate-risk landslide-prone soils may be permitted provided the applicant demonstrates to the satisfaction of the Township Engineer, and Township Council that such disturbances will not adversely impact the stability of the soils.
- d. Steep slopes (15-25%), not involving any areas identified on the Township of Hampton Soils Maps as having landslide-prone soils: no more than fifty percent (50%) of the steep slope area may be environmentally disturbed.

- e. In instances where it can be demonstrated to the satisfaction of the Township Council that no adverse environmental impacts will occur, the determination of the percent slope may be calculated using the “average percent slope.” (See Article 4 Definitions, under Slope for the formula to calculate this.) Use of the “average percent slope” may be utilized, provided that the following has been taken into consideration for making the judgment:
 - 1. The average percent slope has been calculated for the area of disturbance (See Article 4, Definitions, under Slope for slope formula;
 - 2. If the average percent slope is between 15-25%, the total amount of disturbance of these slopes can be either 50% (if no sliding soils) or 25% (if moderate sliding soils), as in c. and d. above;
 - 3. In the case of 15-25% slopes that have a high landslide risk, or the very steep slopes over 25%, Council shall also look at the total area of the proposed disturbance in relation to the total area of the entire site and base their decision on the total amount of overall disturbance to the site, the least possible disturbance being the goal;
 - 4. In the case of 25% and over slopes which are also shown to have landslide prone soils, such a waiver should only be given in the instance of an extremely difficult site from the standpoint of environmental constraints, and then given only for the minimum amount of disturbance needed for the owner to realize a reasonable use and monetary return for his property.
- f. Landslide-prone soils shall be further protected, and excavations, cuts and fills shall be regulated, as per the Township’s Grading and Excavating Ordinance.

10.450 Preservation of Historic and/or Architectural Resources.

- a. Structures of known historic or architectural significance and location of known or probable archaeological sites shall be identified on the existing conditions map and described in the preliminary application materials.
- b. Where the presence of such features is known or suspected, or where required by DEP or another permitting agency, the applicant shall notify the Pennsylvania Historical Museum Commission (PHMC) of the proposed development and request a determination concerning the presence of significant resources from the PHMC.

1. A copy of the notification to the PHMC shall be submitted with the application for preliminary approval.
2. Township Council shall condition preliminary approval upon the applicant's receipt from PHMC of a determination that:
 - (a) No significant resources are present on the site or that the proposed development will not adversely impact resources that may be present; or
 - (b) Significant resources are present or likely to be present on the site; together with an approved plan or program for the mitigation of any adverse impacts of the proposed development upon the historic or archaeological resource.
 - (c) A copy of the required determination by the PHMC shall be submitted with an application for final approval, and no development requiring such a determination shall be finally approved without it.

10.460 Vegetation shall be protected as follows:

- a. Preservation of large or unique trees. All healthy trees with trunks equal to, or exceeding twenty-four (24) inches DBH, or any tree which may be noteworthy because of its species, age, uniqueness, rarity, or status as a landmark due to historical or other cultural associations, and which is located within the area of disturbance shall be preserved unless removal is deemed absolutely necessary. Criteria for evaluating the necessity for removal shall include the following:
 1. The health of the tree, whether it is dead or diseased beyond remedy, or whether it is likely to endanger the public or an adjoining property.
 2. Other constraints of the site, where the applicant demonstrates to the satisfaction of Township Council that no reasonable alternative exists and that removal of a tree is necessary for construction of building foundation, roads, trenching for utilities, or other essential improvements.
 3. In the case where the required replacement ratio will exceed the capacity of the site

- b. Large or unique trees which cannot be preserved shall be replaced, either with identical species or with a mix of equally long-lived native species as follows:
 - 1. For every tree with a twenty-four (24) inch DBH or larger, at least six (6) trees with a minimum caliper of 1 ½ inch; or shrubs may be substituted for up to four (4) of the six (6) replacement trees at a ratio of 2:1.
 - 2. The placement and spacing of the replacement trees shall be subject to the approval of Township Council and advice from the EAC, but shall at a minimum be such to ensure the health and longevity of the replacement trees.
- c. Preservation of other trees and vegetation in general. No removal of trees, shrubbery, foliage, grass, or other natural growth shall be permitted, except in conformance with the provisions of this Ordinance of the Township of Hampton regulating land use and development, except that the activity of “grubbing” shall be permitted.
- d. The mass, or large-scale cutting of trees and clearing of vegetation for the sole purpose of clearing land, unless incidental to imminent development, is prohibited. “Grubbing”, as defined, is permitted for aesthetic, safety or other concerns. This language is not intended to prohibit the culling of diseased, dead or dying plants or trees; the development of flower or vegetable gardens; the removal of single trees or clumps of vegetation for aesthetic, safety or other concerns. It prohibits the mass or large scale defoliation of property preparatory to development until thirty (30) days before the proposed development actually takes place.
- e. In addition to the large or unique trees in Section 10.460 (a):
 - 1. existing trees which are six (6) inches DBH or more, shall be preserved unless they are located in the actual space to be occupied by a structure, or unless it can be clearly shown to be detrimental to the proposed development.
 - 2. Existing trees which are twelve (12) inches to twenty-four (24) inches DBH and are removed for development, shall be replaced with an identical species, or equally long-lived tree species, with a minimum two and one half (2 ½) inch caliper on a one for one basis.

- f. All trees to be preserved shall be protected during construction by utilizing the following procedures:
 - 1. The critical root zone shall be protected by securely staked fencing with a minimum height of thirty-six (36) inches surrounding the tree, or tree area, at a minimum distance of the tree's drip line. No storage or placement of any soil or construction materials, including construction wastes, shall occur within the fenced area. Cables, ropes, signs and fencing shall not be placed on protected trees.
 - 2. The operation of heavy equipment over root systems of such trees shall be minimized in order to prevent soil compaction.
 - 3. Where existing ground levels are raised, drainage tiles shall be placed vertically at old soil level and tops brought up to the surface of the ground and filled with coarse, crushed stone or gravel. The tiles should be placed to the perimeter of the drip line of the tree at a maximum of four (4) feet apart.
 - g. Any tree trunks or exposed roots which are damaged during construction shall be protected from further damage by being treated immediately with professional procedures.
 - h. Non-dormant trees shall be given an application of a more phosphorus based fertilizer to aid in their recovery from possible damage caused by construction operations.
 - i. Any existing trees which are to remain on the site, according to the approved site plan, shall be immediately marked on the site in some bold manner, so that they are not cut down in error. In the event that any of these trees designated to remain are cut down or killed during construction, they shall be replaced with the same species as follows:
 - 1. In the case of mature and larger trees, but less than twenty-four (24) inches DBH, the minimum size allowed for a replacement shall be at least three (3) inches in caliper for deciduous and ten (10) feet in height for coniferous trees.
 - 2. This replacement requirement does not supersede Section 10.460 (b) requirements for replacing unique or twenty-four (24) inch or larger DBH trees.
- 10.470 Disturbance of existing biological communities on the site shall be minimized, such that, except where clearly infeasible or in conflict with other Township objectives of higher priority, the most mature ecological

community on a site after development must be as mature as that before development.

10.480 All disturbed topsoil shall be stockpiled, protected from erosion, and replaced after construction on the site over all graded, non-developed areas so that there might be approximately four (4) inches of topsoil there.

10.490 Avoidance of Hazardous Development

- a. Flood prone areas. Regulated as per Section 10.410 and the Hampton Township Floodplain Ordinance, as amended.
- b. Undermined areas. No land development involving the construction of buildings and no subdivision of land intended to create lots for building construction shall be approved on a site which has been undermined at shallow depths or in an area where there is evidence of past subsidence unless the applicant demonstrates that the proposed subdivision or land development will be safe and will not create hazards for adjacent properties. Evidence of safety shall be one of the following:
 1. If the site or any area of the site has been undermined and has one hundred (100) feet or less of overburden, evidence of the safety of the proposed subdivision or land development shall require site investigation and certification in writing by a professional engineer, experienced in subsidence risk assessment, that the proposed development will be safe.
 2. If the site has been undermined at a depth exceeding one hundred (100) feet of overburden, a subsidence risk assessment by a professional engineer and written certification that the proposed subdivision or land development will be safe may be required if the Township, the County, or the applicant has knowledge of any past occurrences of subsidence in the general vicinity of the site.
- c. Landslide-prone areas.
 1. Regulated as per Section 10.440 of the Ordinance. Also:
 2. When a limited disturbance of unstable areas is requested by an applicant, evidence of the safety of any proposed disturbance shall require site investigation and certification in writing by a registered soils engineer, engineering geologist, or professional engineer with experience in soils engineering, that the proposed activity will not create or exacerbate unsafe conditions.

- d. Contaminated Sites. Township Council shall not approve the subdivision or development of land which is known to contain substances which are classified as hazardous unless the site has been made safe for the proposed development.
1. A contaminated site shall be considered safe for subdivision or development when a remediation plan has been completed and approved by DEP, subject to the provisions of subsection 2, below.
 2. If a remediation plan includes limitations on uses, or other site restrictions that would not apply to other property in the same zoning district, these same limitations and/or restrictions must be included with the proposed subdivision or land development when it is considered for approval by the Township Council.
 3. The subdivision of contaminated land, not including any development or earth disturbance, may be approved prior to remediation if a notation approved by Township Council, after advice from the Township Engineers, is placed on the recorded plan, which indicates that the site or specified lots within the site contain or may contain hazardous substances.

10.500 Performance Standards

The following standards governing the operation of permitted activities in any Commercial, Office, Multi-family Residential or Industrial District shall apply when they are more restrictive than applicable controls of Allegheny County or the Commonwealth of Pennsylvania.

- 10.510 The developer shall produce evidence that the requirements of Allegheny County and the Commonwealth of Pennsylvania, have been or will be met in the conduct of the proposed operation both during and after development.
- 10.520 The following are maximum allowable emissions as measured along property boundaries:
- 10.521 Noise: fifty (50) decibels, whether steady or intermittent, along the boundary of the property containing the noise source, except noise of transportation in motion, or construction of a building, which shall be excluded.

Exemptions to Noise Standards:

The maximum permissible sound level limits set forth above shall not apply to any of the following noise sources:

1. Sound needed to alert people about an emergency or building, equipment, or facility security alarms.
2. Repair or construction work to provide electricity, water or other public utilities between the hours of 7am and 9pm, except for clearly emergency repairs, which are not restricted by time.
3. Household power tools and lawn mowers between the hours of 8am and 9pm.
4. Construction operations (including the occasional use of blasting in construction) and repairs of public facilities (including sidewalks and streets) within the hours of 7am and 9pm, except for clearly emergency repairs, which are not restricted by time.
5. Agricultural activities, but not exempting kennels.
6. Motor vehicles traveling on state-owned streets.
7. Public celebrations and/or performances, specifically authorized by the municipal government body or a county, state, or federal government agency or body.
8. Railroads and aircraft.
9. Un-amplified human voices.
10. Routine ringing of bells and chimes by a place of worship.
11. Police firing range activities
12. Oil and Gas Development (Phase 1 stage only shall meet the requirements established in Article 12.337).

10.522 Smoke: density equivalent to Number 2 on the Ringelmann detection chart measured along property boundaries.

10.523 Glare: In no case shall illumination exceed those parameters established in Section 10.981. The exception to this being an installation for the purpose of illumination of an intersection at a public street or commercial driveway intersection with a public road. However, any installation of this type of lighting shall be of the shielded variety.

10.524 Odors: odors created by any manufacturing or processing operation shall not be discernible beyond the property carrying on a manufacturing or processing operation.

10.530 The following controls on potentially noxious side effects of industrial operations shall also apply and the developer shall demonstrate to the Township Council's satisfaction, that if activities likely to produce these side effects will be a part of the operation, then measures will be taken to conform to these controls:

10.531 Dust: shall be gathered within the structure housing the process producing the dust.

10.532 Radioactivity or Electrical Disturbance: no activities shall be permitted which emit dangerous radioactivity or electrical disturbance beyond the boundary of the property upon which such disturbance originates.

10.533 Outside storage:

- a. solids - solid materials shall be permanently screened from view from any public street and from any adjacent residential areas. This screening also applies to dumpsters.
- b. liquids - liquid materials shall be stored in vented tanks;
 - 1) below grade, or
 - 2) in above grade vessels, not exceeding thirty-five (35) feet in height, surrounded by a dike of sufficient capacity to contain the maximum volume of the tank or tanks thus enclosed.
- c. all outdoor storage of materials, gas, liquid or solid, shall comply with the requirements of the National Fire Code, as adopted by Hampton Township.

10.534 Waste disposal:

- a. SOLID -
 - 1) solid waste shall be removed from construction sites as soon as the container is full or reaches permitted capacity, and shall meet all Pennsylvania Department of Transportation requirements for transportation from the site;
 - 2) solid refuse waste from households, commercial restaurants, food stores, etc. shall be removed from every property at least once weekly for pest control, sanitation and health reasons.
- b. LIQUID - liquid waste shall be directed to the sanitary public sewer or, if certain liquid wastes are not permitted to enter the sewers, they shall be removed from the property producing them and disposed of in a manner complying with State regulations.

10.540 Industrial Standards

The following standards shall apply to all research, development and industrial construction or development, whether new facilities, or expansion of existing operations, proposed after the enactment of this Ordinance:

- 10.541 The buffer yard areas are to be constructed and maintained according to Section 10.250 of this Ordinance. Plantings shall be maintained at their natural height thereafter. The design of the planted buffer yard shall be determined on a case by case basis by a landscape architect or horticulturist paid by the developer. The design shall consider topography and proposed and existing vegetation, and shall be acted upon by the Township Council after review and recommendation by the Environmental Advisory Council.
- 10.542 The operation is one listed as a permitted use or conditional use in Section 8.800 of this Ordinance, (LI, Light Industrial), Section 8.900, (HI, Heavy Industrial), and Section 8.950, (ORD, Office, Research and Development), is clean and quiet (meaning that it is in conformance with Section 10.520) and in addition, the operation generates no vibration, gas accumulation or radiation detectable outside of any of the buildings.
- 10.543 The constituents of process stack emissions, such as particulates, sulfur dioxide, noxious gases and volatile organic compounds, shall be identified by the operator as to the chemical compounds and mass emission rates (such as pounds per day, etc). Further, such emissions into the air shall be reduced to the lowest level attainable by Best Available Control Technology, as defined in the comment below. Such technology is to be proposed by the operator and accepted by the Township after receiving advice from a mutually agreed upon consultant. Emissions shall be subject to annual testing by a qualified, independent consultant approved by the Township and hired by the operator, who shall submit all test results, broken down by chemical and mass emission rate, to the Township. Further, when and if it is made known that there is a hazardous air pollutant as defined in Section 112 of the Clean Air Act, then on a case by case basis, the operator will be required to provide continuous monitoring on process stack emissions for the hazardous pollutants. The Township shall be notified any time that the normal emission rate is exceeded by more than twenty-five (25) percent for three (3) consecutive on shifts.

COMMENT: Best Available Control Technology is an emission limitation based on the maximum degree of reduction of each process stack emission constituents, which the mutually agreed upon consultant determines on a

case by case basis to be achievable, taking into account environmental and economic impacts and other costs. The Best Available Control Technology so determined may be more stringent, but not less stringent, in terms of emission reduction required, than the determination of Best Available Control Technology for the same process stack emission accepted by the Allegheny County Health Department in its administration as set forth in Article 20 of the Rules and Regulations of the Allegheny County Health Department with air pollution control.

10.544 The proposed plan of the development of the property as indicated by the location, height and bulk of the building or buildings and signs, the arrangement of vehicular entrances and interior road network, the layout of the parking lots and truck servicing areas, the site grading, landscaping and tree planting, and the existing development of adjacent properties are shown on a rendered architectural drawing which also specifies the proposed exterior materials of the building or buildings.

10.545 Access to the property is directly from an arterial road, except for an optional controlled exit to a second road for emergency use only.

10.546 No materials, either solid or liquid, used in or produced by the assembly or limited manufacturing operation, including waste or residual products, are stored outside the building or buildings, except on a temporary basis, except that nitrogen may be stored outside in closed containers located so as to be out of view by observers on adjacent properties or streets and secured as required by the Department of Labor and Industry, the Department of Environment Protection and the Occupational Safety and Health Act regulations .

10.547 Lighting to illuminate parking lots, signs and/or buildings is directed downward from the source and away from adjacent streets and residential properties, or a sign may be internally or back lighted, provided no light source is more than thirty (30) feet off the ground directly below and the light intensity does not exceed those parameters established in Section 10.981.

10.548 All utility lines on the property are placed underground.

10.550 Performance Standards Procedure

10.551 Prior to Construction and operation

Any application for a building permit for construction in the Light Industrial District, the Office, Research and Development District or the Heavy Industrial District, shall be accompanied by expert evidence with the cost

borne by the owner of the property, that the proposed use will be operated in accordance with these performance standards. Such statements shall describe in detail the proposed use and process relative to compliance with this Ordinance and any change in the future to the process, as described by the applicant or by a successor company, shall be presented to the Township for approval to insure continued compliance.

10.552 Continued Compliance

Continued compliance with performance standards is required and continued compliance with these performance standards shall be enforced by the Zoning Officer.

10.553 Determination of Violation

The Zoning Officer shall investigate any purported violation of performance standards. If it is determined that a violation exists, such violation shall be terminated as provided in Subsection 10.554 following.

10.554 Termination of Violation

All verified violations shall be terminated within thirty (30) days of the decision of the Zoning Officer and shall be deemed a separate violation for each day following the thirty (30) day period and subject to penalties as set forth in Article **20** of this Ordinance. Appeal from the Zoning Officer's decision shall be to the Zoning Hearing Board.

10.600 Non-Residential Development Site Plan Review

10.610 Any developer or owner of property in any Zoning District who proposes to construct a new building or enlarge an existing building for any use other than as a single family dwelling shall provide the Planning Commission twenty (20) copies of the plans described in Section 10.640. Where an owner or developer proposes to enlarge or relocate parking areas, access drives, signs or other permanent features in his plan, he shall provide the Planning Commission with twenty (20) copies of the plans and supporting drawings sufficient to illustrate his proposal. No Zoning Permit or Occupancy Permit shall be issued for any use upon any lot except a single-family dwelling until a Site Development Plan has been submitted, reviewed and approved in accordance with the provisions established in this ordinance and the Subdivision and Land Development Ordinance No. 583, providing, however, that the existing structures where the occupancy is being changed without any change in use category or new construction

or addition to structure and without change in site are exempt from this requirement.

- a. Where a property owner desires to improve the façade of the building aesthetically, and such improvement shall not constitute an enlargement of the building, no additional site plan review shall be required provided:
 1. The improvement does not reduce or eliminate parking spaces;
 2. The area located within the improvement is not and may not be used for any activity or purpose;
 3. Such improvement does not interfere with any fire lanes, access drives or traffic patterns or violate any activities in 10.642 (b) 3,7, &9;
 4. The improvement does not violate any setback or height requirements and in general complies with all Ordinances relative to any such structure;
 5. Notwithstanding the foregoing, all required permits must be applied for.
- b. Revised site plans shall not be required to be submitted when a property owner wishes to construct an accessory structure or to construct an addition to a previously approved primary structure in any of the Zoning Districts referenced in Section 10.610 which is less than four hundred (400) square feet not affecting any parking spaces or access aisles or other permanent features on the site and which structures are not placed on or within ten (10) feet of any rights-of-ways, easements or parking areas. Placement of any such structures shall be in conformity with all applicable Township regulations (i.e., setback requirements, height limitations, permits, etc.). Multiple accessory structures, or additions to previously approved primary or accessory structures that meet or exceed the four hundred (400) square foot limit shall require a revised site plan.

10.611 Shared Access Lane

Any developer or owner of property in any commercial, office research and development, or industrial district who proposes to construct a new building or enlarge an existing building, or any developers or owners of property situate in a commercial, office research and development, or industrial district who desire to use a common entrance from a public street for purposes of ingress, egress and regress may, upon the submission of an appropriate Site Plan, in accordance with the provisions of this Ordinance, and of the Subdivision Ordinance of the Township of Hampton, Ordinance No. 583, adopted the 23rd of February, 2000, obtain such approval, provided that such shared access driveway shall:

- a. extend in length no further than 800 feet; and

- b. be no less than 35 feet in width containing a paved cart way of no less than 24 feet in width; and
- c. shall not allow parking spaces within ten (10) feet of the paved cart way; and
- d. shall record the appropriate irrevocable Right-of-Way Agreement in the office of the Recorder of Deeds of Allegheny County; and
- e. Meet all of the provisions of this Ordinance and of the Subdivision Ordinance of the Township of Hampton that are not in conflict with the provisions of this section.

10.615 Change of Principal Permitted Use

When a property containing a single permitted use changes use or is abandoned for a period of one (1) year and the property is located in one of the districts identified in Section 10.610, the developer or property owner shall file a site plan meeting the requirements contained in Section 10.642 unless the use is referred to in Section 18.321 and is similar in nature to the previous use. The site plan shall be forwarded directly to the Township Council at least ten (10) days prior to their agenda meeting for its review and possible approval at their next scheduled regular meeting. If the new proposed use has parking requirements different than the previous use and requires the creation of additional parking spaces or areas, then a revised site plan shall be required.

If the existing condition of the site does not conform with any provisions of this Ordinance, where appropriate, the Township Council may require the developer or property owner to construct or install improvements to the site in order to bring it into compliance with the current standards of this Ordinance, i.e., adding landscaping and buffer yards.

This process shall only apply in situations when the primary use of the site is changing and does not apply to sites with multiple uses, i.e., a strip mall. The enlargement, modification or alteration of any permanent features on the site shall require the developer or owner to follow the review procedures outlined in Section 10.630.

10.620 If a developer or owner proposes a use listed as a conditional use in Sections 8.580, 8.680, 8.740, 8.840, 8.930, or 8.980 of this Ordinance, he shall first or simultaneously receive approval of his proposal under the requirements of Article 12 before proceeding to satisfy the requirements of this section.

10.621 In the event that a variance from the requirements of this Ordinance is also requested by the developer, it must be approved by the Zoning Hearing Board before a favorable decision on the site plan 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 Council for an extension of time for action on the site plan application. If the developer fails to agree to 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 site plan 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.

10.630 Procedure for Consideration and Approval

10.631 The developer or owner shall submit the required plans to the Township at least ten (10) working days prior to the regular meeting of the Township Council, for referral by Township Council at their next regular meeting to the Planning Commission and Environmental Advisory Council.

10.632 At their next regularly scheduled meetings following referral, the Planning Commission and Environmental Advisory Council shall review the plans as to conformity with this Ordinance; and the physical arrangement and appearance of the structures on the property; vehicular access and circulation into and within the property; parking layout; pedestrian walks; likely congestion or other dangerous conditions that may be created by the proposed development in adjacent roads; storm drainage systems, signs, outdoor lighting, landscaping and other features of the proposal that may be pertinent to the public health and safety. The developer or owner or their representative is urged to attend these meetings.

10.633 The Planning Commission and Environmental Advisory Council may recommend to (1) approve, (2) approve with conditions, or (3) reject the proposal as presented. The developer or owner may make revisions as suggested by the Planning Commission and/or Environmental Advisory Council and resubmit plans to the Planning Commission and the Environmental Advisory Council.

The Environmental Advisory Council may also assign a Tracker to assist in monitoring the project for compliance with the projects approved development and landscaping plans. The Tracker, if any, shall report his or her findings directly to the Zoning Officer.

10.634 Immediately after the Planning Commission and Environmental Advisory Council have made their recommendations and after the developer or owner proposes no further revisions, the plans shall be submitted to the Township Council, which shall review them at its next regular meeting

along with the Planning Commission's and Environmental Advisory Council's recommendations. The Township Council shall approve or reject the plan, or they may approve it with conditions, which shall be attached to any permit issued for any construction on the property.

- 10.635 After final approval by the Township Council, no changes shall be made in a plan unless the changes are first reviewed by the Planning Commission and the Environmental Advisory Council, and then approved by the Township Council. A change in scheduling or sequence in the development of a plan to be carried out over a time period and approved on this basis shall require review and approval as for any other change.
- 10.636 Separate building permits shall be required for each structure to be erected as part of an approved group of structures on a site regardless of the proposed timing of the construction of each. Site development work, including but not limited to paving, storm drainage structures and landscaping shall be included as part of the work covered under the building permit and subject to the same completion requirements as for the structure.
- 10.637 In addition to meeting all buffer yard requirements, at least ten (10) percent of any property to be developed shall be landscaped per recommendation of the Environmental Advisory Council and approval by the Township Council. Not less than five (5) percent of the total property area shall be landscaping in that portion lying between the principal structure on the property and the abutting street right-of-way. Landscaping shall be primarily vegetation and should provide a combination of several components such as grassed areas, shrubbery, trees, ground cover, boulders or other features and shall be mulched and maintained. Submitted drawings shall clearly show all landscaping elements by type and location.
- 10.638 To the extent possible, parking and truck loading areas shall be arranged to be hidden from view from adjacent residential areas, or screened from view by use of appropriate landscaping materials, fencing or earth mounding, or any combination of these. Parking and loading areas must meet the provisions established in Section 10.250, 10.880 and 13.170.
- 10.639 Once the plan is approved, the development must occur within twenty-four (24) months, unless an extension is requested in writing, and approved by Township Council. If not, the site plan approved is void, and a new plan must be submitted for review.

10.640 Contents of Site Plan Submission

- 10.641 Twenty-six (26) copies of the site plan shall be presented in prints at a scale not smaller than one (1) inch equals fifty (50) feet, six (6) full size copies and twenty (20) 11" x 17" copies. An electronic copy of all submitted material must also be included. A location map at a scale of not less than one (1) inch equals two thousand (2,000) feet shall also be provided, on the same sheet if desired, indicating the site in relation to major roads and major landmarks in the vicinity.
- 10.642 The site plan shall contain, where applicable, at least the following information. Additional information may be required by the Planning Commission at its discretion. For existing structures where only the use is changing, see Section 10.615.
- a. Existing Conditions
1. Contours at two (2) foot intervals; except where slopes exceed twenty-five (25%) percent, which shall be at ten (10) foot intervals. Show existing contours with dashed lines and numbered clearly. State location and elevation of datum to which contour elevations refer: datum used shall be a known, established benchmark. Contours plotted from USGS quadrangle map will not be acceptable for properties with slopes over 15%.
 2. Steep slopes, with categories of slope (including the area of property of each slope in square feet) delineated as follows:
 - (a). 15 - 25%
 - (b). Greater than 25%
 3. Soils. Identify soil series in the Soil Survey of Allegheny County and plot the soil limits on the base map.
 4. Regulated water of the Commonwealth and required setback as defined in Title 25. Environmental Resources, Chapter 1-5, Dam Safety and Waterway Management. If any part of the site lies within a flood plain, as indicated on a certified FEMA map, plot the flood way and the 100-year flood plain boundary on the base map and reference the community panel number, map name, date, and map panel numbers.

5. Vegetative cover. Provide a brief description of the vegetative cover of the site, including type (meadow, woodland, wetland, etc.). Show location of any woodlands on the base map. Trees over 6' DBH shall also be mapped if they are in or near the proposed area of disturbance.
 6. Significant natural features, including plant and wildlife habitat area for rare or endangered species, wetlands, or any other natural feature identified in the Allegheny County Natural Heritage Inventory.
 7. Potentially hazardous features, including quarry sites, surface and subsurface mines, undermined area, underground fires, solid waste disposal sites, contaminated areas, and landslide-prone areas. Show approximate location and cite source information.
 8. Significant cultural features, including cemeteries, burial sites, archeological sites, historic buildings, structures, plaques, markers, or monuments. Show approximate location and cite source information.
- b. Proposed Conditions
1. bearings and distances of all property lines and area of property in feet;
 2. location of adjacent road curbs or edge of paving and existing and proposed curb cuts;
 3. public sanitary sewer, water supply, stormwater management, gas, electric, telephone, and utility lines overhead or underground, existing and proposed, in streets, rights-of-way or in easements, inside the property or within fifty (50) feet of a boundary;
 4. proposed regrading at two (2) foot intervals or spot elevations fifty (50) feet apart in two (2) directions over the property if it is relatively flat, as determined by Township Engineers. The contours or spot elevations should extend fifty (50) feet beyond the property lines;
 5. location, height and use of all existing structures to remain and new structures, with structures to be removed shown by a dotted outline;
 6. distances between all proposed structures or additions and property lines;
 7. paving including access drives from adjacent streets and parking and loading areas on the property, traffic circulation patterns, treatment of

edges, parking layout with dimensions of aisles and spaces and planting areas, number of spaces, pedestrian walkways, proposed sloping of surfaces to storm drainage system, devices to retard stormwater drainage, and profiles of the proposed storm and sanitary sewers;

8. proposed pedestrian and bicycle circulation route, including any easement or rights-of-way.
 9. proposed public or semipublic areas, reserved areas, common ground, open space areas, and any related conditions or restrictions.
 10. proposed landscaping, including the names, sizes, quantities, and approximate location of all proposed plant materials, as well as walls, fences, outdoor lighting, etc.
 11. proposed signs showing elevation view and noting height of the top of the sign above the ground below, and dimensions of sign faces and distances from property lines;
 12. elevation of each wall of each proposed structure showing architectural treatment, or, optionally, a rendered perspective drawing of a structure showing two (2) walls at least one (1) facing the access street;
 13. the name and address of the owner, developer, engineer and architect (if involved) with the Pennsylvania seals and signatures of the professional preparing the surveys and drawings, together with verification from the owner, if not the developer, that he concurs with the plan; and
 14. north arrow, graphic scale, title and date of submission.
- 10.650 Request for Additional Information - Whenever it is determined by the Planning Commission and/or the Environmental Advisory Council that additional information is needed in order to make a proper decision related to the site plan application, Township Council may notify the applicant of such and the information must be provided at the applicant's expense before the application will be considered complete.
- 10.660 Additional Requirements - Whenever unusual circumstances arise not normally considered by requirements and standards, the Township Council may impose conditions upon application approvals that are consistent with the purpose and objectives of this ordinance.

10.700 Environmental Report

10.710 Environmental Report Requirements - If one or more of the following circumstances exist as part of the site plan application, the Planning Commission or Environmental Advisory Council may recommend to Township Council that an Environmental Impact Statement will be required as part of the application:

10.711 Development in undermined areas with less than one hundred (100) feet of overburden, as designated by the United States Geological Survey.

10.712 Development or encroachment involving a natural stream or watercourse or wetland.

10.713 Development within a landslide-susceptibility area as designated by the United States Geological Survey.

10.714 Development involving the removal of ten thousand (10,000) square feet or more of woodland, as designated by the United States Geological Survey, or development involving the removal of natural vegetation of five (5) acres or more in area.

10.715 Any industrial development.

10.720 Environmental Report Content

10.721 A description of the project.

A map indicating:

- a. limits of the following slope areas, including the area of property of each slope in square feet:
 - 1. under 15%
 - 2. 15 - 25%
 - 3. over 25%
- b. all natural watercourses and wetlands;
- c. undermined areas with less than 100 ft. of overburden;
- d. landslide-prone soils;
- e. all woodland areas.

- 10.722 An assessment of the environmental impact of the proposed development with particular attention paid to those items outlined in Section 10.710.
- 10.723 A list of all licenses, permits and other approvals required by municipal, county, or state law and the status of each. The approvals and permits should be required before final consideration of the site plan.
- 10.724 A list of steps proposed to minimize environmental damage to the site and region during construction and operation. The consideration of soil erosion, preservation of trees, protection of water courses, protection of air resources, and noise control are some factors to be considered.
- 10.725 Evidence that the environmental impact statement was prepared by a professional, competent in the field of concern, i.e., a soils engineer for excavation or soils problems, a geologist or geo-technical consultant for undermining and landsliding problems, etc.
- 10.730 Waiver of Environmental Report Requirement - The Township Council may waive the requirement for an Environmental Impact Statement after review of the Environmental Advisory Council, if an applicant requests said waiver in writing, and further, provided said development meets all standards of this ordinance, will be served by both public water and sewer systems, does not involve the relocation, improvement or alterations of any watercourse, and no portion of the site is located within a flood hazard or flood-prone or slide-prone area as designated by the United States Geological Survey.
- 10.740 Waiver of Requirements - Provided the site plan application is in conformance with all other applicable municipal ordinances, that the applicant has requested such in writing, and the Planning Commission or Environmental Advisory Council has reviewed the request, the Township Council may waive, alter, or reduce any requirement or standard of this section under the following circumstances:
- 10.741 Suitable alternative - whenever a proposal presents an alternative which conforms to the spirit and intention of this ordinance.
- 10.742 Unusual site characteristics - whenever a physical feature may exist on or adjacent to the site, which prevents a literal conformance to requirements or standards.

10.800 Landscaping

The standards contained in this section are intended to promote public health, safety, and welfare by filtering noise, softening or diverting light and glare, modifying climatic conditions such as wind and heat, reducing storm water run-off and air pollution, and controlling traffic hazards. The standards are also intended to increase the value to the community from new developments by recognizing the role that landscaping plays in overall community appearance and livability. In general, all areas of a site proposed for development shall be landscaped with trees, shrubs, groundcovers, grasses, and other herbaceous plants, except for those areas which are occupied by buildings, roads, parking lots or other structures, or those areas left in their natural state.

Landscaping shall be provided for all uses and development in all Zoning Districts in accordance with the following:

- 10.810 Planting required in buffer yards as outlined in Section 10.250 cannot be substituted for any required planting mandated for this section. However, any existing healthy shade trees which are not disturbed and are not located within a required buffer yard and are a minimum of two (2) inches DBH, shall count towards the required number of trees to be planted outside of the buffer yard.
- 10.820 A landscaping plan, with detailed drawings, must be submitted and must contain and present the following information:
- a. All required buffer yards with proposed plantings (identifying groundcover, and each proposed tree or bush) drawn to scale and identifying the height and width of any proposed mounds.
 - b. All required plantings, independent of any buffer yard requirements (identifying groundcover and each tree, shrub, the use of sod or seeding, etc. and known to prosper in this area) drawn to scale.
 - c. Any planting in excess of the requirements in Sections 10.250 and 10.800 of this Ordinance.
 - d. Any existing trees or vegetation which are to be preserved, accurately identifying their relative location, approximate size and name.
 - e. Any existing trees or vegetation which will be removed, accurately identifying their relative location.

- 10.830 At least one (1) deciduous shade tree must be planted for each one thousand (1,000) square feet of net floor area in conjunction with any non-residential development unless as provided in 10.870. Street trees, if required, may be counted toward this requirement, but interior parking lot trees shall not be counted.
- 10.840 At least one (1) deciduous shade tree must be planted for each dwelling unit in conjunction with any multi-family development. Street trees may be counted toward this requirement.
- 10.850 All trees which are required to be planted as per the regulations of this Section shall be minimum of two and one half (2 ½) inch caliper at the time of planting and shall be planted in accordance with accepted conservation practices. They shall be spaced with regard to the ultimate spread of the fully developed canopy, but with the following maximum spacing requirements:
- a. for trees with an ultimate height of twenty-five (25) feet or more, a maximum distance not to exceed fifty (50) feet.
 - b. for trees with an ultimate height of less than twenty-five (25) feet, a maximum distance of twenty-five (25) feet on center.
- 10.860 In conjunction with the development of property for any use, the applicant must show that the removal of any trees or natural vegetation is necessary for the imminent and orderly development of the property. Imminent development is defined in Article 4.
- 10.870 Street trees. All new non-residential developments may provide street trees, in accordance with the following standards and all new residential developments, at the developer's discretion, may provide street trees in accordance with the following standards:
- a. Street trees, if required or provided, shall be provided along the entire length of the street right-of-way and on both sides of the street if the street lies within the development.
 - b. All street trees shall be located between ten (10) to fifteen (15) feet off of the street right-of-way.
 - c. Street trees shall be located to enable the maintenance of utilities, required sight distances, and visibility of street and traffic signs.
 - d. The species chosen shall provide shade and shall be appropriate to the location. Factors such as microclimate, soils, habit of growth, salt and

disease tolerance, proximity of sidewalks, overhead utility lines, and social condition (likelihood of soil compaction, damage from air pollution, dogs, deer, etc.) shall be considered.

- e. Any new street and/or parking lot trees in non-residential areas shall be protected by tree grates and/or permanent fencing if suitable protected areas have not been provided.
- f. Mature trees, woodlands, or other high quality existing vegetation which remains undisturbed adjacent to the street right-of-way may be used in the place of, or in conjunction with, the requirements of this section.

10.880 Landscaping of Parking Lots. Landscaping in the interior of parking areas shall be designed to provide visual and climatic relief from large expanses of paving, and to channelize and define areas for safe pedestrian and vehicular circulation.

- a. A minimum of five (5) percent of the total area of any parking lot containing thirty (30) spaces or less shall be landscaped, and at least seven (7) percent of the total area of any parking lot containing more than thirty (30) parking spaces shall be landscaped. For this requirement, the "total area of any parking lot" includes all parking spaces, lanes, roads or aisles for motorized vehicular traffic.
- b. Groupings of at least one large [ultimate height exceeding forty (40) feet] shade tree and three (3) shrubs, or one (1) medium (ultimate height 25-40 feet) shade tree, one (1) small [ultimate height not exceeding twenty-five (25) feet] tree, and three (3) shrubs shall be planted for every ten (10) parking spaces and shall be disbursed throughout the interior of the parking lot. In order to insure the survival of the plant material, the minimum planting area for either grouping will be one hundred ten (110) square feet.
- c. The caliper of all new trees shall be as in Section 10.850.
- d. Trees required in this section shall be planted in protected areas such as along walkways, or within curbed islands located between rows of parking spaces, at the ends of bays, or between parking stalls. Both the overall plan and the species to be planted must be reviewed by the Environmental Advisory Council. This is not meant to prohibit some other innovative landscaping plan, especially for small parking lots, but any plan must be deemed to be at least equivalent to the above scheme.
- e. Curbed landscaping islands shall have a minimum width of nine (9) feet, including curbing.

10.890 All yard areas not utilized for structures, driveways, planting strips or parking facilities must be seeded, sodded or landscaped within a reasonable period of time. The phrase, "reasonable period of time" shall be given the same interpretation given that phrase as it is used in Section 10.255 of this Ordinance.

In the case of single family home development/subdivisions, all street trees, if provided (and any other landscaping required) must be installed prior to the issuance of the occupancy permits for the individual home site. In addition, no subdivision streets, or phases thereof, shall be accepted by the Township of Hampton until the required landscaping plan as shown on the approved final plan has been completed.

10.900 Additional Bulk and Area Requirements

10.910 Conservation "A" and "B" (CA; CB) Districts

10.911 Farming in the "CB" District is not permitted on less than ten (10) acres.

10.912 There shall be only one (1) single family dwelling permitted on each five (5) acre lot.

10.920 Residential "A" (RA) District

10.921 In a plan of lots approved for the "RA" district, the front yard setback line may average fifty (50) feet, with the minimum front yard setback line being forty (40) feet, and the maximum being sixty (60) feet.

10.922 Land with slopes between 15% and 25% are permitted 1/2 density-credit.

10.923 Land with slopes over 25% are permitted 1/4 density-credit.

10.930 Residential "B" (RB) District

10.931 In a plan of lots approved for the "RB" district, the front yard setback line may average forty (40) feet, with the minimum front yard setback line being thirty-five (35) feet, and the maximum, forty-five (45) feet.

10.932 The side yard requirements of forty (40) feet is the total required. One side yard may be a minimum of fifteen (15) feet.

10.933 Land with slopes between 15% and 25% are permitted 1/2 density-credit.

10.934 Land with slopes over 25% are permitted 1/4 density-credit.

10.940 Residential “C” (RC) District

10.941 In a plan of lots approved for the “RC” district, the front yard setback line may average thirty (30) feet, with the minimum front yard setback line being twenty-five (25) feet, and the maximum, thirty-five (35) feet.

10.942 The side yard requirements is a total of twenty-five (25) feet. One side yard may be a minimum of (10) feet. If a buffer yard is required as part of the land development proposal, the width of the required buffer yard shall be used for determining the side yard setback requirement.

10.943 The minimum distance between principal structures on the property shall be thirty (30) feet.

10.944 The density standards for townhouse and apartment units shall be a maximum of four (4) units per acre.

10.945 Each building shall be located on not less than two thousand (2,000) square feet of land area per unit.

10.946 Land with slopes between 15% and 25% are permitted 1/2 density-credit.

10.947 Land with slopes over 25% are permitted 1/4 density-credit.

10.948 In order to preserve the openness of the townhouse/apartment development, fences along the lot lines which would enclose any property, shall be prohibited.

10.950 Residential “D” (RD) District

10.951 The minimum distance between principal structures on the property shall be twenty-five (25) feet.

10.952 The side yard requirement of twenty-five (25) feet is the total required; one side yard may be a minimum of ten (10) feet. If a buffer yard is required as part of the land development proposal, the width of the required buffer yard shall be used for determining the side yard setback requirement.

10.953 Commercial uses must provide a buffer yard that is to be planted in accordance with Section 10.250.

10.954 The density standards for townhouses and apartment dwellings and area and space requirements shall be as follows:

- a. Townhouse - maximum of eight (8) units per acre.
- b. Apartment - maximum of eight (8) units per acre.
- c. Each building shall be located on not less than two thousand (2,000) square feet of land area per unit.
- d. Each unit shall have a minimum of sixteen feet (16) frontage on a road right-of-way.
- e. In order to preserve the openness of the townhouse/apartment development, fences along the lot lines which would enclose any property, shall be prohibited.

10.955 Land with slopes between 15% and 25% are permitted 1/2 density-credit.

10.956 Land with slopes over 25% are permitted 1/4 density-credit.

10.960 Highway Commercial (HC) District

10.961 The side yard requirements are a total of twenty (20) feet, with each side yard being a minimum of ten (10) feet. If a buffer yard is required as part of the land development proposal, the width of the required buffer yard shall be used for determining the side and rear yard setback requirements.

10.962 The minimum distance between principal structures on a lot shall be fifty (50) feet.

10.963 All applicable parts of Section 10.250 and 10.260 must be met.

10.964 The density standards for apartment units shall be a maximum of twenty (20) units per acre. There is no minimum acreage requirement.

10.970 Neighborhood Commercial (NC), Light Industrial (LI), Heavy Industrial (HI) and Office, Research and Development (ORD) Districts

10.971 The minimum distance between principal structures on a lot shall be fifty (50) feet.

10.972 All applicable parts of Section 10.250 and 10.260 must be met. The required buffer yard shall be used for determining the side and rear yard setback requirements.

10.973 Light Industrial (LI), Heavy Industrial (HI) and Office, Research and Development (ORD) Districts shall meet all applicable parts of Section 10.540.

10.980 Lighting

10.981 Outdoor Lighting Standards

Except as otherwise specified herein, outdoor lighting standards listed below apply to all new multifamily residential, non-residential developments and to replacement fixtures in all zoning districts. Township Council may grant exceptions to the shielding requirements, maximum level of illumination, and height of outdoor light fixtures for outdoor recreation facilities on park sites with the finding that the light impacts do not create a public nuisance for abutting residential property.

- a. Shielding required. Except as otherwise exempt, all outdoor lighting shall be constructed with full shielding. Where the light source from an outdoor light fixture is visible beyond the property line, and exceeds the established footcandle limit, shielding shall be required to reduce glare so that the light source is not visible from within any residential dwelling unit. Outdoor lighting for single-family residential use shall be located and/or shielded in a manner to ensure that the intensity and direction of exterior and security lighting does not constitute a public nuisance to abutting residential dwellings.

See Figure 10-1.

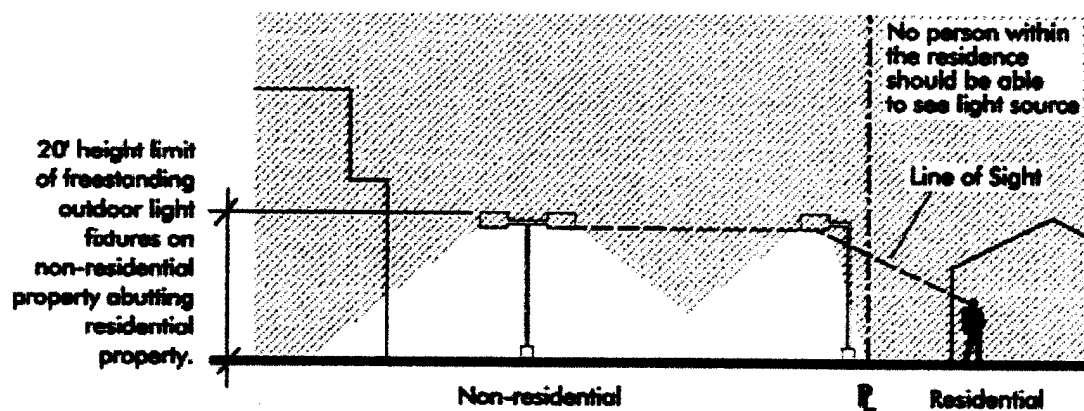
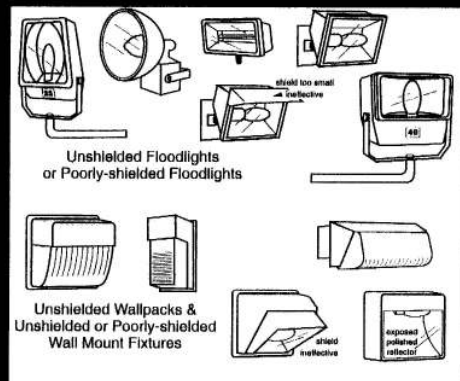


Figure 10-1

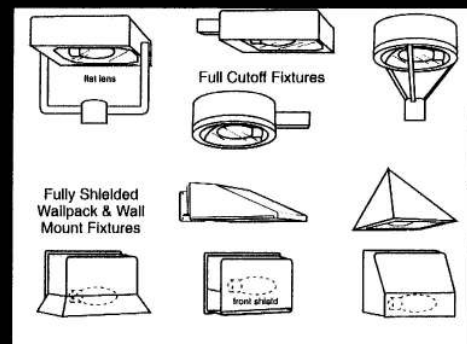
- b. Level of Illumination. During hours of darkness, the minimum and average maintained foot-candles of light shall be consistent with the provisions listed below. A point-by-point photometric calculation listing the number, type, height, and level of illumination of all outdoor lighting fixtures shall be required in conjunction with the development permit application and prior to issuance of a building permit or site improvement plans to ensure compliance with these provisions.
1. Parking lots, driveways, trash enclosures/areas, public phones, and group mailboxes shall be illuminated with a minimum maintained one foot-candle of light and an average not to exceed four foot-candles of light. Also see Section 13.177.
 2. Pedestrian walkways shall be illuminated with a minimum maintained one-half foot-candle of light and average not to exceed two foot-candles of light.
 3. Exterior door of non-residential structures shall be illuminated during the hours of darkness, with a minimum maintained one foot-candle of light, measured within a five-foot radius on each side of the door at ground level.
 4. In order to minimize light trespass on abutting residential property, illumination measured at the nearest residential structure or rear yard setback line shall not exceed the moon's potential ambient illumination of one-tenth foot-candle.
- c. Maximum height of freestanding outdoor light fixtures. The maximum height of freestanding outdoor light fixtures for development abutting residential property shall be 20 feet. However, the Planning Commission may recommend exceptions to this height restriction in conjunction with Design Review if the proposed lighting plan has negligible light glare and spill impacts on adjoining residential properties. Otherwise, the maximum height for freestanding outdoor light fixtures shall be 30 feet.
- d. Type of Illumination. All new outdoor lighting fixtures shall be energy efficient with a rated average bulb life not less than 10,000 hours and shall be of the shielded variety.

NOT Fully Shielded vs. Fully Shielded

Prohibited



Allowed



- e. Hours of Illumination. Automatic timing devices shall be required for all new outdoor light fixtures with off hours (exterior lights turned off) between 11:00 pm and 6:00 am. However, outdoor lights may remain on during business hours of operation for security purposes (e.g., to illuminate walkways, roadways, equipment yards, and parking lots). Outdoor lights may also remain on to illuminate flags representing a country, state or other civic entity.
- f. Outdoor Sports Field/Outdoor Performance Area Lighting
 1. The mounting height of outdoors sports field and outdoor performance area lighting fixtures shall be reviewed on a case-by-case basis by the Planning Commission.
 2. All outdoor sports field and outdoor performance area lighting fixtures shall be equipped with glare control package (louvers, shields, or similar devices).

3. The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.
 4. The hours of operation for the lighting system for any game or event shall not exceed one hour after the end of the event.
- g. Architectural/Landscape Lighting. Outdoor light fixtures used to illuminate architectural and landscape features shall use a narrow cone of light for the purpose of confining the light to the object.
 - h. Sign Lighting. The artificial illumination of signs, both from an internal or external source, shall be designed to eliminate negative impacts on surrounding rights-of-way and properties.
 - i. Canopy lighting. Lighting associated with a canopy used for vehicular shelters, including gas stations and car washes:
 1. Canopy lights, such as service station lighting shall be fully recessed or fully shielded so as to ensure that no light source is visible from, or causes glare on, public right-of-way or adjacent properties.
 2. Lighting installed beneath a canopy shall be pointed downward and substantially confined to the ground surface directly beneath the perimeter of the canopy.
 3. Lighting beyond the perimeter of the canopy shall be consistent with the lighting ordinance for parking areas.

10.982 Lighting Prohibited

The following outdoor light fixtures shall be prohibited as specified below. Existing light fixtures legally permitted, authorized prior to adoption of this Ordinance, may be maintained, but may not be re-directed and/or modified to increase non-conformity.

- a. Neon tubing or band lighting along building structures as articulation.
- b. Searchlights, lasers or other high-intensity beams.
- c. Illumination of entire buildings. Building illumination shall be limited to security lighting and lighting of architectural features authorized by Township Council in conjunction with the required development permit(s).
- d. Roof mounted lights except for security purposes with motion detection and full shielding so that the glare of light source is not visible from any public right-of-way.

- e. Any light that imitates or causes visual interference with a traffic signal or other necessary safety or emergency light.

10.983 Exceptions

This section's standards do not apply to the following types of exterior lighting if one of the following criteria is met:

- a. Ornamental Lighting. Low voltage light fixtures (12 volts or less), low wattage ornamental landscape lighting fixtures, and solar operated light fixtures having self-contained rechargeable batteries, where any single light fixture does not exceed 175 initial light output lumens that do not shine glare, emit direct illumination, or cast a shadow onto adjacent property. Ornamental lighting used as a street right-of-way lighting may be approved if reviewed by the Planning Commission as part of a site plan submission;
- b. Right of way lighting. Public lighting located within and/or intended for the right of way. However, any installation of this type of lighting shall be of the shielded variety.
- c. Temporary lighting. Temporary lighting for approved public sporting events, theatrical, television or performance events. (Requires prior Township approval).
- d. Required lighting. Lighting required by the Federal Aviation Administration or other State or Federal Agency.
- e. Public safety lighting. Temporary lighting for police, fire or public safety construction and repair personnel.
- f. Holiday decorations. Low wattage lights used for holiday decoration for no more than 60 days.
- g. Historic, period or decorative light fixtures. Post top, wall and hanging light fixtures (also referred to as period lighting or decorative lighting) may be used if they are:
 - 1. Equipped with cutoff or semi-cutoff optics
 - 2. Mounted no more than 16 feet above ground level
 - 3. Lamp lumen output no more than 17,600 initial lumens (commercial) or 75 w (residential) lumens.
 - 4. Do not exceed allowable light trespass limits

10.984 Nonconforming Lighting

Conformance triggers. Any new lighting designed after the effective date of this ordinance must be in compliance with the requirements of this Ordinance. Any lighting legally in existence before the effective date of this ordinance that does not comply with its requirements must come into compliance upon the occurrence of any of the following events. Any lighting illegally in existence before the effective date of this ordinance must come into compliance immediately upon adoption of this ordinance.

a. Alterations to existing lighting

1. When poles and support structures are removed and replaced for reasons other than acts of God or accidents, they must be replaced with luminaries, poles and supports that comply with this Section; and
 2. When luminaries are replaced without replacement of poles or support structure, they must be replaced with luminaries that comply with all provisions of this Section. In no event, however, may the existing light intensity levels be reduced below existing lighting levels for the parking area. Routine maintenance, including changing the lamp ballast, starter, photo control, lens, and other required components, is permitted for all existing fixtures. When a fixture housing is changed, the fixture must come into compliance
- b. New parking lots or parking lots additions. When a new parking lot or addition to an existing parking lot is constructed, the new lot or lot addition must be provided with lighting in compliance with this section.
- c. New structures, additions or replacement. When a site is improved with new structures or additions to or replacements of existing structures, the lighting for the new structure, addition or replacement on the site must be upgraded with complying lighting and the parking lot lighting must be upgraded with complying lighting over a portion of the parking area that is equivalent to the amount of parking that would be required for the new structure, addition or replacement.
- d. Change of Use. When the type of occupancy/use for a portion or entire site or structure or site is changed, site lighting must be upgraded throughout the site, as necessary, to comply with this Section for the structure, or portion thereof, and the parking lot be upgraded for the required parking for the occupancy as established in this Ordinance.

- e. Unoccupied sites. When a site has been unoccupied for a period of one year, the lighting must be upgraded to fully comply with this Section prior to any reoccupation of the site.
- f. Conditions of approval. When a development application is made for a site, the Township Council may as a condition of approval require compliance with any or all of the performance standards of this Section, and the extent of compliance required in such cases may be greater than that otherwise required, if deemed reasonably necessary to protect the public health, safety or welfare and to achieve the purposes of this Section.
- g. Nuisance conditions. Lighting that creates a public nuisance must be brought into compliance upon issuance of orders from the Zoning Officer.

Regardless of the requirements of the Section above, when requested by the Township, nonconforming luminaries and lighting installations shall be made to conform with the requirements of this Ordinance or removed within three (3) years from the effective date of this Ordinance.

10.985 Applicability

This Ordinance shall apply to all Use and Occupancy Classifications. Whenever an existing outdoor lighting fixture or installation is being modified, extended, expanded or added to, that fixture or installation shall be subject to the requirements of this Ordinance. Owners or operators of non-conforming fixtures and installations are encouraged to bring their outdoor lighting into voluntary compliance with these requirements.