

DRAFT

ORDINANCE NO. _____

**NORTHAMPTON TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING THE CODE OF NORTHAMPTON TOWNSHIP,
SPECIFICALLY CHAPTER 27, KNOWN AS THE NORTHAMPTON
TOWNSHIP ZONING ORDINANCE, FOR THE PURPOSE OF
AMENDING SECTIONS RELATED TO DEFINITIONS AND GENERAL
TERMINOLOGY, ACCESSORY BUILDINGS, STRUCTURES, AND USES, OFF-
STREET LOADING REQUIREMENTS, PHYSICAL PERFORMANCE
REQUIREMENTS, COMMERCIAL VEHICLES, RECREATIONAL VEHICLES,
UTILITY TRAILERS AND BOATS, REMOVAL OF TOPSOIL, VISIBILITY AT
INTERSECTIONS, STORAGE OF JUNK VEHICLES, KEEPING OF
LIVESTOCK, IMPERVIOUS SURFACE AND STORMWATER
MANAGEMENT, ADMINISTRATIVE PROCEDURES, AMENDMENTS AND
PENALTIES, SIGNS, AND ADDRESSING INCONSISTENCIES IN ADDITION
TO AMENDING CHAPTER 22, KNOWN AS THE NORTHAMPTON
TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE,
TO MODIFY LIGHTING REQUIREMENTS**

NOW, THEREFORE, BE IT ENACTED and **ORDAINED** by the Board of Supervisors of Northampton Township as follows:

SECTION 1. PART 2, DEFINITIONS, Definitions and General Terminology., is hereby amended to delete and rewrite the following definition in §27-201.4. as follows:

COMPREHENSIVE PLAN – The Comprehensive Plan of 2018 of Northampton Township, as amended, as prepared in accordance with the Pennsylvania Municipalities Planning Code requirements.

SECTION 2. PART 11, SUPPLEMENTAL REGULATIONS, Accessory Buildings, Structures and Uses., is hereby amended to delete §27-1104.1. in its entirety and to rewrite as follows:

1. Residential lots containing accessory buildings, structures and uses, including any garages, barns, carports, decks, patios, terraces, gazebos, pavilions, greenhouses, utility sheds, storage sheds, tennis courts, domestic animal shelters, or other similar accessory buildings, structures and uses, shall comply with the provisions specified under §27-1105 of this chapter. The Zoning Officer shall have the final determination as to the classification of the structure.

Section 27-1104.2. shall remain as written.

SECTION 3. PART 11, SUPPLEMENTAL REGULATIONS, Residential Accessory Buildings, Structures and Uses., is hereby amended to delete §27-1105.1., in its entirety and to rewrite as follows:

1. Residential lots containing a permitted residential dwelling unit shall comply with the following general provisions:
 - A. The accessory building, structure or use shall be subordinate and customarily incidental to the principal building and utilized as an accessory use on the lot occupied by the principal building.
 - B. The accessory building, structure or use shall not be located in the front yard.
 - C. The land area occupied by the accessory building or structure shall account towards the building coverage calculations for the lot and zoning district to which it is located.
 - D. The land area occupied by the residential accessory building or structure shall account towards the impervious surface ratio calculations for the lot and zoning district to which it is located.
 - E. The maximum height of any accessory building or structure shall be 15 feet unless otherwise indicated.
 - F. No permanent residential accessory building or structure shall be constructed on any lot prior to the commencement of construction of the principal building to which it is an accessory component.

SECTION 4. PART 11, SUPPLEMENTAL REGULATIONS, Residential Accessory Buildings, Structures and Uses., is hereby amended to delete §27-1105.2. in its entirety and to rewrite as follows:

2. The following provisions shall apply to detached residential garages, barns, carports, and similar buildings and structures:
 - A. Compliance must be met with the following square footage limitations with respect to the footprint of the building or structure:
 - (1) A maximum of 1,000 square feet is permitted for properties up to two (2) acres with a maximum height of fifteen (15) feet. The required side and rear yard setbacks are both fifteen (15) feet each.
 - (2) A maximum of 1,500 square feet is permitted for properties between two (2) and five (5) acres with a maximum height of twenty (20) feet. The required side and rear yard setbacks are both twenty (20) feet each.

- (3) A maximum of 2,000 square feet is permitted for properties over five (5) acres with a maximum height of twenty (20) feet. The required side and rear yard setbacks are both thirty (30) feet each.
- (4) If located in the side yard, no portion of the building or structure can extend past the front building line of the house.
- B. No more than one detached residential garage, barn, carport, or similar structure is permitted per lot. If the property exceeds two acres, two structures are permitted.
- C. No structure can be used for business purposes, habitation, or for the storage of any hazardous materials other than routine items that are customary to a residential dwelling, such as gasoline for mowers and other similar materials.
- D. In no case can the footprint of the building or structure exceed the footprint of the residential dwelling or exceed the square footage limitations identified in §27-1105.A.
- E. Detached residential garages, barns, carports, and similar structures on a lot occupied by a single-family attached dwelling, single-family semi-detached dwelling, townhouse, or other dwelling having a common lot line may be located along the common lot line, provided that they do not project onto the adjacent property and they are located at least five (5) feet from the rear property line.

SECTION 5. PART 11, SUPPLEMENTAL REGULATIONS, Residential Accessory Buildings, Structures and Uses., is hereby amended to add §27-1105.3.A.(1) as follows:

- 3.A.(1) Unenclosed porticos and similar structures may project into the required setbacks.

All other sections shall remain as written.

SECTION 6. PART 11, SUPPLEMENTAL REGULATIONS, Residential Accessory Buildings, Structures and Uses., is hereby amended to delete §27-1105.5. in its entirety and to rewrite it as follows:

- 5. The following provisions shall apply to utility sheds, storage sheds, gazebos, pavilions, pool houses, and similar structures:

- A. Utility sheds or storage sheds located on a lot occupied by a single-family detached dwelling unit may be erected in the rear yard behind the back building line of the residential dwelling and shall be located at least seven (7) feet from the property line. All such utility or storage sheds shall not exceed 240 square feet in floor area and shall not exceed twelve (12) feet in height. Sheds larger than 240 square feet are subject to the requirements of Subsection 2 and shall be classified as a detached residential garage, barn, carport, and similar building or structure.
- B. Unless otherwise specified by this chapter, utility sheds, storage sheds, gazebos, and all other accessory buildings or structures that are located on a lot occupied by a single-family attached dwelling or semidetached dwelling may be erected in the rear yard behind the back building line of the residential dwelling and shall be located at least five (5) feet from the property line. All such accessory buildings or structures shall not exceed 80 square feet in floor area and shall not exceed 12 feet in height. Sheds larger than 80 square feet are subject to the requirements of Subsection 2 and shall be classified as a detached residential garage, barn, carport, and similar building or structure.
- C. No more than one utility shed or storage shed shall be permitted per lot. If the property exceeds two acres, two structures are permitted.
- D. All utility sheds or storage sheds shall be located, designed, constructed and installed in accordance with the manufacturer's specifications and the building codes of Northampton Township.
- E. Gazebos, pool houses, pavilions, and similar structures are permitted on a lot occupied by a single-family detached dwelling unit, single-family attached dwelling, or single-family semidetached dwelling, provided it is located in a manner to comply with the building setback requirements of the underlying zoning district to which it is located. In addition, these structures shall not be located in any front yard.

SECTION 7. PART 11, SUPPLEMENTAL REGULATIONS, Residential Accessory Buildings, Structures and Uses., is hereby amended to add §27-1105.7.A. as follows:

- 7.A. If the cumulative playing surface is less than 1,000 square feet, a fifteen (15) foot setback is required from all property lines.

SECTION 8. PART 11, SUPPLEMENTAL REGULATIONS, Fences., is hereby amended to delete §27-1107.1. in its entirety and to rewrite it as follows:

- 1. Authorized fences shall be erected only in the side yards, rear yards or other portion of a lot behind the front building setback line.

- A. In all residential districts, dwellings that are located on a corner lot are permitted to place privacy fences in the secondary front yard a distance of one-half the required front yard setback.
- B. To the extent possible as determined by the Zoning Director, existing plantings and vegetation shall be preserved.

All other sections shall remain as written.

SECTION 9. PART 11, SUPPLEMENTAL REGULATIONS, Off-Street Loading Requirements., is hereby amended to add §27-1109.5. as follows:

- 5. Based upon a recommendation from the Township engineer and/or traffic engineer, the Township can approve an alternative configuration based on the specific requirements of a particular use.

SECTION 10. PART 11, SUPPLEMENTAL REGULATIONS, Physical Performance Requirements., is hereby amended to delete the language in §27-1111.1. that states “commercial or industrial.”

All other language shall remain as written.

SECTION 11. PART 11, SUPPLEMENTAL REGULATIONS, Physical Performance Requirements, Light and Glare., is hereby amended to delete §27-1111.1.E. in its entirety and to rewrite it as follows:

E. Light and Glare.

- (1) All lighting design and glare control shall be in accordance with all Township ordinances and specifications, including §22-617 of the Subdivision and Land Development Ordinance.

All other sections shall remain as written.

SECTION 12. PART 11, SUPPLEMENTAL REGULATIONS, Commercial Vehicles; Recreational Vehicles, Utility Trailers or Boats., is hereby amended to delete subsections (a) and (b) in §27-1112.1.A.(3). §27-1112.1.B. is deleted in its entirety as well.

SECTION 13. PART 11, SUPPLEMENTAL REGULATIONS, Removal of Topsoil., is hereby amended to delete §27-1113. in its entirety and to mark this section as “*Reserved*.”

SECTION 14. PART 11, SUPPLEMENTAL REGULATIONS, Visibility at Intersections., is hereby amended to add §27-1114.1. as follows:

1. The Township can require any deemed hazard at an intersection that impacts line-of-sight to be removed to ensure clear visibility to pedestrians and motorists.

SECTION 15. PART 11, SUPPLEMENTAL REGULATIONS, Storage of Junk Vehicles., §27-1115. is hereby amended to delete “three months” and replace it with “one month.”

SECTION 16. PART 11, SUPPLEMENTAL REGULATIONS, Keeping of Livestock, is hereby amended to delete §27-1118. in its entirety and to replace it as follows:

§27-1118. Keeping of Livestock.

Keeping of livestock for either personal or commercial uses shall be restricted to a farm unit or open space in the AR, CR, and EP Districts. (Note that a “farm unit” is defined as five acres.)

SECTION 17. PART 11, SUPPLEMENTAL REGULATIONS, is hereby amended to add a new §27-1127. as follows:

§27-1127. Impervious Surface and Stormwater Management.

In all residential zoning districts, an additional five (5) percent of impervious surface coverage is allowed over the maximum permitted for said district subject to the installation of a stormwater management system approved by the Township engineer accounting for the additional impervious surface coverage. If applicable, compliance with the stormwater management ordinance must also be met. The Township reserves the right to inspect and/or require self-reporting to ensure the adequacy of the stormwater management system.

SECTION 18. PART 13, ADMINISTRATIVE PROCEDURES, Certificates of Use, Occupancy and Compliance., §27-1306. is hereby amended as follows:

§27-1306.1.B. is amended to delete “within 30 days of the completion thereof” and to replace it with “in accordance with Pennsylvania Uniform Construction Code (UCC) requirements.” All other language in this section shall remain as written.

§27-1306.1.C. is amended to delete “within 30 days of the application therefor” and to replace it with “in accordance with Pennsylvania Uniform Construction Code (UCC) requirements.” All other language in this section shall remain as written.

§27-1306.1.A. and D. shall remain as written.

SECTION 19. PART 13, ADMINISTRATIVE PROCEDURES, Duration of Permits., §27-1307. is hereby deleted in its entirety and rewritten as follows:

§27-1307. Duration of Permits.

Every permit issued shall be valid for the time frame established in the Pennsylvania Uniform Construction Code (UCC) and the Zoning Director may grant extensions in accordance with the provisions established therein.

SECTION 20. PART 15, AMENDMENTS AND PENALTIES, Amendments., §27-1501. is hereby deleted in its entirety and rewritten as follows:

§27-1501. Amendments.

All amendments shall be in accordance with the Pennsylvania Municipalities Planning Code (MPC) requirements.

SECTION 21. PART 16, SIGNS, General Standards and Requirements., §27-1603.17. F. is hereby deleted in its entirety and rewritten as follows:

F. No portion of the sign may flash, pulsate, scroll, twirl, twinkle, oscillate, rotate, blink, change color, or in any way imitate movement that is objectionable or hazardous.

§27-1603.17. G. and H. are deleted in their entirety and the remaining sections are renumbered accordingly.

SECTION 22. Chapter 22, Northampton Township Subdivision and Land Development Ordinance, Part 6, Engineering Design Standards, B. Standards and Specifications, is hereby amended to delete §22-617., *Lighting*, in its entirety and to rewrite as follows:

§22-617. Lighting.

1. Definitions: Shall be in accordance with ANSI/IES LS-1-20, Lighting Science: Nomenclature and Definitions for Illuminating Engineering, as well as:
 - A. **BUG.** A luminaire classification system that classifies backlight (B), uplight (U) and glare (G).
 - B. **Canopy.** A covered, unconditioned structure with at least one side open for pedestrian and/or vehicular access. (An unconditioned structure is one that may be open to the elements and has no heat or air conditioning.)

- C. **Footcandle.** A unit of illuminance. One footcandle is one lumen per square foot (lm/ft²).
- D. **Glare.** Lighting entering the eye directly from luminaires, or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.
- E. **IESNA.** An acronym for the Illuminating Engineering Society of North America, a professional guidance body for lighting engineers.
- F. **LED.** Light Emitting Diode.
- G. **Light Spill.** Light emitted by a lighting installation that falls outside the boundaries of the property on which the installation is sited.
- H. **Mounting Height.** The height of the photometric center of a luminaire above grade level.
- I. **New Lighting.** Lighting for areas not previously illuminated; newly installed lighting of any type except for replacement lighting or lighting repairs.
- J. **Seasonal Lighting.** Temporary lighting installed and operated in connection with holidays or traditions.
- K. **Temporary Lighting.** Lighting installed and operated for periods not to exceed 60 days, which may be extended only upon approval of the Township.

2. Applicability.

- A. *New Uses, Buildings and Major Additions or Modifications.* For all proposed new land uses, developments, buildings, and structures that require a permit, all outdoor lighting fixtures shall meet the requirements of this Section. All building additions or modifications to buildings resulting in an increase of twenty-five (25) percent or more of additional dwelling units, gross floor area, or parking spaces, either singly or with multiple additions subsequent to the effective date of this provision, shall invoke the requirements of this Section for the entire property, including previously installed and any new outdoor lighting. Cumulative modification or replacement of outdoor lighting constituting twenty-five (25) percent or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on a nonconforming site, shall constitute a major addition for purposes of this section.

B. *Minor additions.* Additions or modifications of less than twenty-five (25) percent to existing uses, as defined in the preceding subsection, and that require a permit, shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting. Any new lighting on the site shall meet the requirements of this Section with regard to shielding and lamp type; the total outdoor light output after the modifications are complete shall not exceed that on the site before the modification, or that permitted by this Section, whichever is larger.

C. Street lighting shall be required for all subdivision and land development projects at the discretion of the Board of Supervisors upon the advice of the Township staff and consultants.

3. Plan Requirements.

A. Lighting Plans shall be submitted to the Township for review and approval and shall include a ten foot by ten foot (10'x10') point by point illuminance grid extending 10 feet beyond the property lines.

B. Lighting Plans shall include a Luminaire Schedule including:

- (1) Fixture catalog number
- (2) Fixture IES file
- (3) Quantity of fixtures
- (4) Mounting height of fixtures
- (5) Light Loss Factor used in lighting calculations

C. Lighting Plans shall include Site Lighting Statistics for illuminated areas including:

- (1) Building entrances
- (2) Sidewalks
- (3) Parking areas
- (4) Gasoline canopies
- (5) Other areas as deemed necessary by the Township

D. Site Lighting Statistics for each area shall include:

- (1) Maximum Illumination Levels
- (2) Minimum Illumination Levels
- (3) Average Illumination Level
- (4) Average to Minimum Ratio
- (5) Additional information as required to determine compliance with IES guidelines

E. Lighting Plans shall clearly show the limits of each Statistical Area.

- F. Lighting Plans shall include installation details and fixture and pole cut sheets.
- G. Lighting Plans shall clearly show the following proposed improvements as they relate to the proposed lighting:
 - (1) Above and below ground utilities
 - (2) Existing and Proposed Trees and Landscape Material
- H. Lighting Plans shall bear the seal and signature of the professional lighting consultant responsible for preparation of the plan if requested by the Township.
- I. Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, the permittee shall submit prior to substitution a change request to the designated official for approval, together with adequate information to assure compliance with this Ordinance, which must be received prior to substitution.
- J. Based on the nature of the project, the Township Engineer may modify these plan requirements to not require certain details or require additional information if deemed necessary for the scope of the review.
- K. The Township reserves the right to require a professional services escrow for review and inspection costs.

4. Illumination Levels.

- A. Lighting, where required or permitted by this chapter, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society (IES) as contained in the most current editions of the following publications:
 - (1) IES The Lighting Handbook
 - (2) IES RP-20 – Lighting for Parking Facilities
 - (3) IES RP-33 – Lighting for Exterior Environments
 - (4) IES G-1 – Guide for Security Lighting for People, Property and Critical Infrastructure

5. Control of light.

- A. For the lighting of horizontal tasks such as, but not limited to, roadways, sidewalks, entrances and parking areas, fixtures shall meet IES backlight, uplight, and glare (BUG) criteria as defined in IES TM-15-11 or most current addendum. Acceptable backlight (B) and glare (G) values shall be

determined by fixture location whereas maximum uplight (U) value shall be 0.

- B. Unless otherwise allowed or limited by the Township, (e.g., for safety or security or all-night operations), lighting for commercial, industrial, public recreational and institutional applications shall be controlled by automatic switching devices to extinguish outdoor lighting fixtures between 11:00 p.m. and dawn in order to mitigate glare and sky-lighting consequences.
- C. The intensity of illumination projected onto a residential use from another property shall not exceed 0.1 footcandle at the property line. The illumination projected from any property onto a nonresidential use shall at no time exceed 1.0 footcandle at the property line.
- D. Unless approved by the Township, lighting structures shall not exceed 20 feet in height in shopping centers or other commercial areas and industrial/office campuses. Lighting structures shall not exceed 15 feet in height in multifamily and planned residential developments, residential streets, sidewalks and pedestrian walkways.
- E. No bare or direct light source shall be visible beyond the lot lines. This applies to all pole-mounted lights, building mounted lights, sign lights, walkway lights, and any other type of illumination. No light shall shine directly into windows or onto streets and driveways off the premises. These standards shall not apply to temporary holiday lights displayed during the winter season.

6. Prohibited Lighting.

- A. The use of sky beams or searchlights for advertising purposes is prohibited.
- B. The use of laser or coherent light sources or similar high intensity light for outdoor advertising or entertainment when projected above the horizon and not in total projected at a screen is prohibited.

7. Installation.

- A. Lighting standards shall be located no less than three feet from the curb in parking areas or on concrete pedestals at least 30 inches high above the pavement, or suitably protected from potential vehicular impact by other approved means.

8. Street Lights.

- A. The developer shall install or cause to be installed, at the developer's expense, streetlights acceptable to the Township and serviced by underground conduit in accordance with a plan to be prepared by the developer's engineer and approved by the respective utility company and by the Township. Provision shall be made for energizing said lighting when fifty (50) percent of the dwellings in a given subdivision or land development have been occupied or as requested by the Township. The developer shall be responsible for all costs involved in lighting the streets until such time that the streets are accepted or dedicated as public streets by the Township. Said anticipated costs shall be required as part of the improvements escrow.
- B. In residential subdivisions, appropriate conduit and wiring shall be installed underground even though standards and lighting fixtures may not be required or constructed immediately. In lieu of conduit and wiring, a fee may be imposed by the Board of Supervisors, at its sole discretion, when it is deemed impractical or unnecessary for such conduit and wiring to be installed at the time of the construction of the residential subdivision. Such a fee shall be initially established by the Board of Supervisors by resolution. Such fee provisions may be changed from time to time by the Board of Supervisors.
- C. All lighting within the Township's Village Overlay District shall be constructed in accordance with the Northampton Township Comprehensive Plan and §22-619, Village Overlay District Design Requirements, and Appendix 22-A, Village Overlay Design Standards. Where requested by the Township, the use of decorative street lights shall be required.

9. Recreational Lighting.

A. Outdoor Recreation Lighting.

- (1) Outdoor lighting of recreational activities shall be permitted only when the applicant shall bear the burden of proving that the proposed lights do not impact or offend abutting property owners or the community in general. The Township may require the addition of buffer plantings or exercise other options to minimize the impact of the lights on neighboring properties, roads and/or the community at-large. This may include the installation of shields and/or the reduction of lighting output. Lighting must be a minimum of 15 feet from any property line.

- (2) All lighting installations shall be designed to achieve no greater than the minimal luminance levels for the activity as recommended by the IES guidelines.
- (3) No bare or direct light source shall be visible beyond the lot lines. All lights shall be limited to 15' in height and be extinguished by 10:00 PM. Lighting fixtures shall be specified, mounted, and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.
- (4) The quantity of luminaires shall be the minimum required to provide adequate illumination to safely conduct the primary use of the facility.
- (5) For institutional and school district properties, the Township may modify these requirements, including height, based on review by the Township engineer in an effort to produce a lighting design that achieves the required objectives contained herein in an alternative fashion.

10. Temporary Lighting.

- A. Temporary lighting shall comply with the provisions of this chapter.
- B. Temporary lighting that does not comply with the provisions of this chapter shall be allowed by permit only.

11. Exemptions.

- A. Emergency lighting for police, fire, medical, and rescue personnel are exempt from the provisions of this section.
- B. Municipal outdoor recreation lighting is exempt from the provisions of this section.
- C. Temporary lights for the night construction, repair or modification of Township or state-owned highways are exempt from the provisions of this section.
- D. The lighting of the national and state flags is exempt from the provisions of this ordinance provided that the minimum amount of light needed to illuminate the flag is utilized and all lighting is directed solely at the flag to be illuminated and that the state or federal regulations requiring lighting are followed.

12. Compliance Monitoring.

A. Safety Hazards.

(1) If Northampton Township judges a lighting installation creates a safety hazard, the person(s) responsible for the lighting shall be notified and required to take remedial action.

B. Nuisance lighting and inadequate illumination levels.

(1) When Northampton Township judges an installation produces unacceptable levels of nuisance light, skyward light, excessive or insufficient illumination levels or otherwise varies from this chapter, the Township may cause notification of the person(s) responsible for the lighting and require appropriate remedial action.

13. Building Permit Applications.

A. To extent that it is determined applicable, all requirements of §22-617 shall apply to building permit applications that do not go through the subdivision and land development process.

B. All building permit applications within the Township's Village Overlay District shall be constructed in accordance with the Northampton Township Comprehensive Plan and §22-619, Village Overlay District Design Requirements, and Appendix 22-A, Village Overlay Design Standards. Where requested by the Township, the use of decorative street lights shall be required.

SECTION 23. Chapter 22, Northampton Township Subdivision and Land Development Ordinance, Part 3, Procedures and Requirements, §22-304.5.G.(13)(c)4, is amended to delete the language that states “§27-1111 of the Zoning Ordinance [Chapter 27]”, and replace it with “§22-617 of the Subdivision and Land Development Ordinance [Chapter 22].”

SECTION 24. SEVERABILITY.

In the event that any section, sentence, clause, phrase or word of this ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent or otherwise foreclose enforcement of any of the remaining portions of this ordinance.

SECTION 25. REPEALER.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

ORDAINED and ENACTED by the Board of Supervisors of Northampton Township

this _____ day of _____, 2021.

BOARD OF SUPERVISORS
NORTHAMPTON TOWNSHIP

Adam Selisker, Chairman

ATTEST: _____
Frank O'Donnell, Secretary

8/6/21