

ARTICLE IV
Use Regulations¹

§ 185-11. Applicability of regulations.

Unless otherwise provided by law or in this chapter, no building or structure shall be constructed, erected or extended, and no building, structure or land shall be used or occupied, except for the purposes permitted in § 185-16, Table of Use Regulations.

§ 185-12. Permit required.

Uses permitted in § 185-16, Table of Use Regulations, shall require the issuance of a zoning permit as specified in Article IX prior to establishment or modification.

§ 185-13. Uses by right and special exception. [Amended 9-20-2005 by Ord. No. 371; 6-16-2009 by Ord. No. 393]

- A. A use listed in § 185-16 is permitted by right in any district under which it is denoted by letter "P," subject to such requirements as may be specified in § 185-16, and upon appropriate authorization as indicated in Article IX.
- B. A use listed in § 185-16 is not permitted in any district under which it is denoted by the letter "N."
- C. (Reserved)²
- D. A use listed in § 185-16 is permitted by the grant of a special exception in any district in which it is denoted by the letter "S," provided that approval is granted by the Zoning Hearing Board subject to the general requirements and standards of § 185-16 and § 185-85.

§ 185-14. Uses are subject to other regulations. [Amended 6-16-2009 by Ord. No. 393]

Uses permitted by right or by special exception shall be subject in addition to use regulations, to such regulations of yards, lot size, lot width, building coverage, height, provisions for off-street parking and loading, and to such other provisions as are specified in other articles herein.

§ 185-15. (Reserved)³

§ 185-16. Table of Use Regulations. [Amended 12-1-1987 by Ord. No. 249; 10-4-1988 by Ord. No. 261; 5-2-1989 by Ord. No. 266; 11-19-1991 by Ord. No. 290; 1-21-1992 by Ord. No. 294; 8-11-1992 by Ord. No. 300; 9-2-1997 by Ord. No. 331; 3-18-2003 by Ord. No. 356; 10-21-2003 by Ord. No. 360; 9-20-2005 by Ord. No. 371; 2-6-2007 by Ord. No. 383; 10-2-2007 by Ord. No. 388; 6-16-2009 by Ord. No. 393; 10-1-2013 by Ord. No. 420; 12-8-2015 by Ord. No. 433; 4-5-2016 by Ord. No. 437; 6-7-2016 by Ord. No. 438; 4-4-2017 by Ord. No. 447;

1. Editor's Note: The Summary Table of Use Regulations is included at the end of this chapter.

2. Editor's Note: Former Subsection C, which provided that a designation of "CU" in § 185-16 indicated a use permitted by grant of a conditional use, was repealed 6-16-2009 by Ord. No. 393.

3. Editor's Note: Former § 185-15, Preexisting conditional uses, was repealed 6-16-2009 by Ord. No. 393.

6-5-2018 by Ord. No. 451]

Use regulations shall be as follows:

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AGRICULTURAL USES											
(1)	Animal husbandry The raising and keeping of live- stock and poultry with the intent of selling any livestock or poultry products.	P	N	N	N	N	N	N	N	N	N
	(a) Minimum lot size shall not be less than five acres.										
	(b) No raising of garbage-fed pigs or the raising of minks will be allowed.										
	(c) No barns, animal shelters, or feed yards shall be located closer than 200 feet from any lot line.										
(2)	Kennel or stable Any lot on which four or more animals are kept, boarded, or trained, whether or not in special buildings or runways, including but not limited to dog and cat kennels, horse stables or riding academies, provided that:	P	N	N	N	N	N	N	N	N	N
	(a) Minimum lot size shall not be less than five acres.										
	(b) No animal shelter or runs shall be located closer than 200 feet from any lot line.										
	(c) The minimum lot size for keeping of a horse or pony as a domestic pet shall be two acres.										
(3)	Crop farming The raising and keeping of field, truck and tree crops.	P	P	P	P	P	P	P	P	P	P
(4)	Greenhouse Provided any goods sold in connection with such greenhouses are subject to the provisions of Use 60.	N	N	N	N	P	S	N	N	N	N

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RESIDENTIAL USES											
(5)	Detached dwelling unit			P	P	P	P	S	P	N	N
	(a) Provided such dwelling is the only dwelling unit to occupy the parcel upon which it is to be located; and upon lots of less than one acre public sewage must be provided.										
	(b) In developments in any of the residential districts which exceed 10 acres in size, the performance standards of § 185-22, Table of Performance Standards as well as the Table of Dimensional Requirements shall apply, and an amount of open land shall be set aside as permanent open space in accordance with § 185-17.										
(6)	(Reserved)										
(7)	Cluster developments Planned development of detached dwelling units on lots with modified dimensional requirements, provided:			S	S	S	S	N	N	N	N
	(a) The tract of land to be developed shall be 10 acres or more in size.										
	(b) Dimensional requirements and performance standards shall be in accordance with Article V of this chapter.										

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RESIDENTIAL USES											
	(c)	An amount of open land shall be set aside as permanent usable open space in accordance with § 185-17.									
	(d)	At least 30% of the lots in the development shall be directly contiguous to the area of permanent open space required in Subsection (c) above.									
(8)	Twin single	N	P	P	P	N	N	N	N	N	N
(9)	Townhouses In addition to the dimensional requirements included in Article V, the following regulations shall apply:	N	P	P	P	N	N	N	N	N	N
	(a)	Lot area: A minimum of five acres is required for townhouses development.									
	(b)	Density, impervious surface ratio, open space ratio shall be in accordance with §§ 185-17 and 185-22.									
	(c)	Each townhouse dwelling unit shall incorporate varied designs, architectural modes and setbacks to avoid a development resembling "row houses," and shall contain not less than three nor more than six dwelling units joined by common walls.									
	(d)	Special requirements:									
	[1]	Municipal facilities: All townhouse dwelling units must be provided with public water and sewer facilities.									
	[2]	Variation of design:									
	[a]	An overall structure of townhouses shall not be permitted with one common roof line or with equal front yard setbacks for all of the buildings, shall have a distinction between dwelling units by varying the unit width or height, providing different exterior materials on the facade or changing the roof lines.									
	[b]	Setbacks shall vary from one dwelling unit to the other so that each is offset from the adjoining unit by a minimum of two feet.									
	[3]	Natural features to be retained: Existing natural features such as clusters of trees, brooks, creeks, streams, and drainage channels shall be retained wherever practicable. These features shall be identified and contained on the topography plan submitted with the preliminary plans of the townhouse development.									
	[4]	Open space shall be in accordance with § 185-17.									
(10)	Duplex	N	P	P	P	N	N	N	N	N	N
(11)	Twin duplex	N	P	P	P	N	N	N	N	N	N
(12)	Garden apartments	N	N	P	P	N	N	N	N	N	N
(12A)	Mid-rise and elderly mid-rise	N	N	N	P	N	N	N	N	N	N

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- (a) Lot area: In the R-5 District, a minimum of five acres with a width of not less than 300 feet at the building setback line and street line; in the R-6 District, a minimum of 10 acres with a width of not less than 100 feet at the building setback line and street line.
- (b) Density, impervious surface ratio, open space ratio shall be in accordance with § 185-17 and § 185-22.
- (c) Buffer yards: Along each side and rear property line which adjoins a residential district boundary, a buffer yard of 75 feet shall be provided. Such buffer yard shall meet the requirements of § 185-60.
- (d) Building orientation: Facing walls are walls opposite to and parallel with one another and wall lines, or wall lines extended of opposite walls intersecting at angles of less than 65°. The minimum horizontal distance between facing walls of any two buildings on one lot or any one building with facing walls:
 - [1] In the R-5 Districts:
 - [a] Where two facing walls both contain a window or windows, there shall in no case be less than a seventy- five-foot separation.
 - [b] Between two facing walls, only one of which contains a window or windows, there shall be in no case less than a fifty-foot separation.
 - [c] Between two facing walls, neither of which contains a window or windows, there shall be in no case less than a thirty-foot separation.
 - [d] Between corners of two buildings where no exterior wall of one building lies in such a way that it can be intersected by a line drawn perpendicular to any exterior wall of other buildings (other than a line that results from colinear walls), there shall be no less than a twenty- five-foot separation.
 - [2] In the R-6 District, the minimum horizontal distance between facing walls of buildings on the site shall be 50 feet or the height of the taller building, whichever is greater, where both facing walls contain windows. Where one or neither facing building walls contains windows, the minimum distance shall be 50 feet.
- (e) Recreation space: At least 10% of the open space shall be devoted to recreation space.

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(f)	In the R-6 District, for the purpose of applying special exceptions and reduced standards, an elderly mid-rise apartment is one subsidized by the federal, state, county or Township government in order to allow occupancy of all the dwelling units by families or individuals who qualify for such subsidized housing because of age and inadequate income or because they qualify therefor as handicapped persons.								
(g)	The owner of an R-6 elderly housing, mid-rise apartment shall file with the Township a notarized statement on January 1 of each year or at other times deemed necessary by the Board of Supervisors indicating the status of tenants with reference to qualification as elderly or handicapped. Occupation of the use by persons not qualifying as elderly or handicapped as defined in Subsection (12A)(f) shall constitute a violation of this chapter by the property owner.								
(13)	Rooming house	N	N	P	P	P	S	N	N
(a)	A rooming house is a building or part of a building occupied by three or more roomers, boarders or lodgers, living as independent individuals, needing no assistance such as physical or custodial care.								
(b)	A roomer, boarder or lodger is a person occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging, or board and lodging by prearrangement for a week or more at a time to an owner or renter or operator. Any person occupying such room or rooms and paying such compensation without prearrangement or for less than a week at a time shall be classified for purposes of this chapter not as a roomer, boarder or lodger, but as a guest of a commercial lodging establishment (motel, hotel, tourist home).								
(c)	The lot upon which such rooming house is located shall have a lot area of not less than 1,500 square feet for each person including staff. This requirement shall be in addition to other lot area requirements of this chapter.								
(13A)	Mobile home park	N	P	N	N	N	N	N	N
(a)	Minimum acreage: A proposed mobile home park development site shall have a minimum lot area of 15 acres.								
(b)	Performance standards: The density in a mobile home park shall not exceed the density of the R-4 District for detached dwelling units. The minimum open space ratio shall be 0.10 and the maximum impervious surface ratio shall be 0.25.								
(c)	Dimensional requirements: Dimensions shall conform with cluster provisions for the R-4 District as outlined in § 185-22, Table of Dimensional Requirements.								

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- (d) Access: Provisions shall be made for safe and efficient circulation to and from public streets and highways serving the mobile home park development without causing interference or confusion with the normal traffic flow.
- (e) Site drainage requirements: The ground surface on all parts of every mobile home development shall be graded and equipped to drain all surface water in a safe, efficient manner as approved by the Township Engineer.
- (f) Mobile home development street system: All streets shall be constructed in accordance with the Township specifications applicable to public streets in conventional residential developments.
- (g) Accessory uses: In addition to the accessory uses permitted in the R-4 District as outlined in § 185-16, mobile home parks shall permit one management office which shall conform to the dimensional requirements in § 185-22 for the RS District "All other permitted uses."

(13B) Family care home P P P P N N N N

Any facility providing residential services to persons residing in a residential facility wherein permanent care or professional supervision is present, subject to the following provisions:

- (a) No more than five persons, plus the professional staff, shall occupy a family care home.
- (b) The family care home shall be a "not for profit" facility and receive all required approvals and licenses from appropriate state and county agencies, and must comply in all respects with applicable provisions of the Township building and fire codes.

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(13C) Family care home for substance abuse rehabilitation: S N N N N N N N N

Any facility providing residential and custodial services to persons requiring rehabilitation from substance abuse and who are not able to live without care or supervision provided by professionals trained to provide such care or supervision, subject to the following provisions:

- (a) No more than five persons, plus the professional staff, shall occupy a family care home for substance abuse rehabilitation.
- (b) No parcel of ground upon which a group home for substance abuse rehabilitation is located shall be permitted within 3,000 feet of the nearest property line of any other parcel which is also used as a family care home for substance abuse rehabilitation or a family care home for disabled persons as defined in § 185-16, Use 13B, of this chapter.

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(c)									N
(d)									
(e)									
(f)									

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INSTITUTIONAL USES									
(14)		P	N	N	N	P	P	N	N
(a)									
(15)		P	P	P	P	P	N	N	
(a)									
(b)									
(c)									
(d)									
(16)		P	P	P	P	P	N	N	
(a)									
(b)									
(c)									

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INSTITUTIONAL USES											
(17)	Cultural facilities, including art galleries, auditoriums, libraries or museums, open to the public or connected with a permitted educational use, and not conducted as a private gainful business.	P	P	P	P	P	P	P	P	N	N
(18)	Community center, adult education center, or other similar facility operated by an educational, philanthropic, or religious institution, subject to the following provisions:	P	P	P	P	P	P	P	P	N	N
	(a) The use shall not be conducted as a private gainful business.										
	(b) No outdoor recreation area shall be located nearer to any lot line than that required front yard depth.										
(19)	Day nursery, nursery school, kindergarten, or other agency giving day care to children, whether or not conducted as a private, gainful business, subject to the following provisions:	N	S	S	S	S	P	P	P	N	N
	(a) The use shall be conducted in a building compatible with the district.										
	(b) Outdoor play areas shall be sufficiently screened and sound-insulated so as to protect the neighborhood from noise and other disturbance.										
(19A)	Older adult daily living center: A facility giving day care to adults who are unable, without care, supervision and the continued assistance of others, to satisfy the need for nourishment, personal or medical care, shelter, and self protection and safety, subject to the following conditions:	N	N	N	N	N	S	S	S	S	N
	(a) A license from the Pennsylvania Department of Aging in compliance with 6 Pa. Code, Chapter 11 — Older Adult Daily Living Centers, is required as a condition of zoning approval and prior to the issuance of an occupancy permit. A copy of the license shall be provided to the Township.										
	(b) The facility shall not provide any care between the hours of 9:00 p.m. and 6:00 a.m.										
	(c) An outdoor recreation area shall be provided with a minimum area of 50 square feet for each adult that the facility is licensed to accommodate. This outdoor recreation area shall be entirely enclosed with a minimum four-foot-high fence and shall be located no closer than 25 feet from any property line. It shall not be located in the front yard and it shall not include any driveways or parking areas.										
(20)	Public recreation facility owned or operated by an agency of the Township or other government.	P	P	P	P	P	N	P	P	N	N
(21)	Private recreation facility not including facilities to a home or a development of dwelling units, subject to the following provisions:	N	N	N	N	N	P	P	P	P	P
	(a) No outdoor active recreation area shall be located nearer to any lot line than the required front yard.										
	(b) Outdoor play areas shall be sufficiently screened and sound-insulated so as to protect the neighborhood from excessive noise and other disturbance.										
(22)	Private club, or lodge operated for members only and not for profit.	N	N	N	N	N	P	P	P	N	N

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INSTITUTIONAL USES												
(23)	Nursing home A nursing home, also commonly known as a convalescent home, is a licensed establishment which provides full-time convalescent or chronic care or both for three or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home; a hospital or sanitarium shall not be construed to be included in this definition; provided: (a) A lot area of not less than five acres is provided. (b) A lot area of not less than 2,000 square feet per patient is provided. *NOTE: Permitted as a special exception if in addition to all other requirements of § 185-22, the following conditions are also satisfied: (1) The use has a direct access to an arterial street as defined in § 185-31C(1)(b). (2) The nursing home is solely for the use of persons residing in dwellings located on the same lot as the nursing home.	N*	N*	N*	N*	P	P	N	N			
(24)	Professional services, excluding abortion clinics and including but not limited to offices of physicians, lawyers, teachers, dentists, architects, engineers, insurance agents, opticians, and medical and related offices, which do not involve the actual storage, exchange, or delivery of merchandise on the premises.	N	N	N	N	P	P	P	P			
(24A)	Massage therapy establishment and alternative therapy establishment Any retail establishment in the Township where massage therapy and/or alternative therapy is being administered by an individual or individuals licensed by the Pennsylvania State Board of Massage Therapy or the Township of Upper Southampton if the establishment meets the following conditions: 1. Hours of operation shall be limited from 7:00 a.m. to 10:00 p.m. daily. 2. The establishment may only be located in shopping centers (Use 41).	N	N	N	N	S	N	N	N			
(25)	Business services limited to offices for real estate, stock and bond brokers, accountants, adjusters, appraisers, computer services, utility companies, including other wholesale business services which are predominantly office oriented.	N	N	N	N	P	P	P	P			
(26)	Public services limited to governmental offices.	N	N	P	P	P	P	P	P		N	
(27)	Bank or other financial institution.	N	N	N	N	P	P	P	P		N	
(28)	Health services, excluding abortion clinics and limited to medical or dental offices, laboratories and clinics.	N	N	N	N	P	P	P	P		N	
(28A)	Abortion clinics subject to the following provisions: (a) Such abortion clinics shall at all times be duly approved by the Pennsylvania Department of Health, and in compliance with the rules of all other regulatory agencies; and	N	N	N	N	N	S	N	N			

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INSTITUTIONAL USES											
	(b) No activity on the premises shall be carried on in violation of a federal or Pennsylvania criminal law.										
(29)	Veterinary office or animal hospital defined herein as any building used by a veterinarian for the treatment, housing or boarding of small domestic animals such as dogs, cats, goats, rabbits, and birds or fowl, provided that:	N	N	N	N	P	P	N	N		
	(a) If only small animals are to be treated (dogs, cats, birds and the like) such hospital or office shall have a minimum lot area as specified in § 185-22.										
	(b) If large animals are to be treated (cows, horses, pigs and the like) such office or hospital may be located only in an RS District and shall have a minimum lot size of five acres.										
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(30)	Shops and stores for the retail sale of antiques, books, beverages, confections, drugs, dry goods, flowers, foodstuffs, gifts, garden supplies, hardware, household appliances, jewelry, notions, periodicals, stationery, tobacco, paint and wearing apparel and other similar uses but not including stores whose market is regional in nature or stores and shops selling pornographic materials. Such uses are subject to the outdoor storage requirements of Use 60.	N	N	N	N*	P	N	N	N		
	*NOTE: S for exclusive use of elderly multiple-family dwellings.										
(30A)	Stores and shops for the retail sale of furniture, carpeting, or other merchandise aimed at a regional market providing:	N	N	N	N	S	S	N	N		
	(a) The store is individual or freestanding.										
	(b) The retail use generates no more than four trips per 1,000 square feet of gross floor area in a twenty-four-hour period.										
	(c) The retail use employs no more than two employees per 1,000 square feet of gross floor area.										
	(d) The minimum lot size shall be three acres.										
	(e) The required setback shall be 100 feet from the streetline.										
	(f) The minimum frontage shall be 250 feet.										
(30B)	Stores and shops selling pornographic materials	N	N	N	N	S	N	N	N		
	(a) The use is located within a shopping center (Use 41) which center is on a site of three acres or more.										
	(b) The building or structure of such use shall be located no closer than 500 feet from any other building or structure having a residential, school, church, recreational, religious, institutional or educational use.										
	(c) No such use shall be located within 2,000 feet of a similar use.										
	(d) No materials sold within shall be visible from any window or door.										

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- (e) No sale of pornographic material shall be made to persons under the age of 18 years.
- (f) All signs for the use shall comply with Article VII of this chapter.
- (g) All applications for this use shall comply with §§ 185-79 and 185-80 of this chapter.
- (h) All pornographic material shall be stored behind the counter.

(30C) Sale of consumer fireworks. Sales of consumer fireworks from a permanent facility or temporary structure shall be permitted only by special exception in the LI District subject to compliance with all of the following specific regulations set forth herein with respect to such use as well as the general provisions regarding the Special Exception contained in § 185-80 of this Code as follows:

N N N N N N S N

- (a) A permanent facility for the sale of consumer fireworks shall comply with the following criteria established in Pennsylvania Act 43 of 2017 as follows:
 - (1) The facility shall be licensed by the Department of Agriculture in accordance with licensing requirements established by the Commonwealth of Pennsylvania;
 - (2) The facility shall be a stand-alone permanent structure;
 - (3) Storage areas shall be separated from wholesale and retail sales areas to which a purchaser may be admitted by appropriately rated fire separation;
 - (4) The facility shall not be closer than 250 feet from any facility selling or dispensing gasoline, propane or other flammable product;
 - (5) The facility shall not be located closer than 1,500 feet from any other facility licensed to sell consumer fireworks; and
 - (6) The facility shall have a monitored burglar and fire alarm system and shall have quarterly fire drills and preplanning meetings conducted by the local fire company.
- (b) A temporary structure shall be permitted if 1) licensed by the Department of Agriculture; 2) complies with Section (a) above; and 3) complies with the requirements and criteria established in Pennsylvania Act 43 of 2017 as follows:
 - (1) The temporary structure is located no closer than 250 feet from a facility storing, selling or dispensing gasoline, propane or other flammable products;
 - (2) An evacuation plan is posted in a conspicuous location for a temporary structure in accordance with NFPA 1124;
 - (3) The outdoor storage unit, if any, is separated from the wholesale or retail sales area to which a purchaser may be admitted by appropriately rated fire separation;

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- (4) The temporary structure complies with NFPA 1124 as it relates to retail sales of consumer fireworks in temporary structures;
 - (5) The temporary structure is located one of the following distances from a permanent facility licensed to sell Consumer Fireworks under the Act of May 15, 1939 (P.L. 134, No. 65), referred to as the Fireworks Law, at the time of the effective date of this chapter:
 - (i) Prior to January 1, 2023, at least five miles.
 - (ii) Beginning January 1, 2023, at least two miles;
 - (6) The temporary structure does not exceed 2,500 square feet;
 - (7) The temporary structure is secured at all times during which consumer fireworks are displayed within the structure;
 - (8) The temporary structure has a minimum of \$2,000,000 in public and product liability insurance and otherwise comply with Township insurance requirements;
 - (9) The sales period is limited to June 15 through July 8 and December 21 through January 2 of each year; and
 - (10) Consumer fireworks not on display for retail sale are stored in an outdoor storage unit; and
 - (11) Limitations. The sale of consumer fireworks from the temporary structure is limited to the following:
 - (i) Helicopter, aerial spinner (APA 87-1, 3.1.2.3).
 - (ii) Roman candle (APA 87-1, 3.1.2.4).
 - (iii) Mine and shell devices not exceeding 500 grams.
- (c) In addition to paragraphs (a) and (b) above, both permanent facilities and temporary structures shall also comply with the following requirements:
- (1) The facility and/or structure shall not be located within 500 feet of any premises licensed by the Pennsylvania Liquor Control Board for the sale of alcoholic beverages;
 - (2) The facility and/or structure shall not be located within 500 feet of any public recreational facility (Use 20), schools (Use 16) and/or day nursery/school (Use 19);
 - (3) The hours of operation shall be no earlier than 9:00 a.m. and no later than 9:00 p.m. prevailing time;
 - (4) Off-street parking shall be provided in accordance with Article VI of this Zoning Ordinance. In the event that a temporary structure is used, parking must be provided for both the underlying use and temporary structure; and

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(5)	The facility and structure shall comply in all respects with the requirements and standards established and applicable federal, state and local law and especially those established in the "Pennsylvania Fireworks Law," ⁴ the "Pennsylvania Construction Code Act" and the "Pennsylvania Uniform Construction Code Act" ⁵ as enacted and amended from time to time by the General Assembly of the Commonwealth of Pennsylvania.								
(30D)	Medical marijuana dispensary Medical marijuana dispensary is permitted as a special exception if such use meets the following conditions and criteria:	N	N	N	N	S	N	N	N
	(a) Hours of operation shall be limited from 9:00 a.m. to 9:00 p.m. daily.								
	(b) The dispensary and operation thereof shall be in full compliance with federal, state and local laws including but not limited to the Medical Marijuana Act. A medical marijuana dispensary shall obtain all required zoning and building permits from the Township and submit an approved permit for the operation of a medical marijuana dispensary that is issued by the Commonwealth of Pennsylvania.								
(31)	Personal services, including barber shop, beauty parlor, laundry or cleaning agency, self-service laundry and wearing apparel. *NOTE: S for exclusive use of elderly multiple-family dwellings.	N	N	N	N*	P	N	N	N
(32)	Repair services including shops for appliances, watches, guns, bicycles, locks, etc.	N	N	N	N	P	N	N	N
(33)	Restaurant where the primary use is serving lunches and dinners to the public for consumption on the premises, subject to the following standards:	N	N	N	N	P	S	N	N
	(a) A minimum lot area of three acres is provided.								
	(b) A minimum frontage of 250 feet on a collector highway as designated in the Comprehensive Plan is provided.								
	(c) All buildings will be set back 100 feet from all street and property lines.								
(34)	Drive-in type restaurants and fast-food service stands where the primary function is serving of sandwiches and fast foods for consumption on or off the premises subject to Subsections (a), (b) and (c) of Use 33.	N	N	N	N	S	S	N	N
(35)	Trade or professional schools, music school or dancing school.	N	N	N	N	P	P	N	N
(36)	Mortuary or funeral home	N	N	N	N	P	P	S	N

4. Editor's Note: See 72 P.S. § 9401 et seq.

5. Editor's Note: See 35 P.S. § 7210.101 et seq.

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COMMERCIAL USES										
(37)			N	N	N	N	P	N	N	N
	Public entertainment facilities. An activity operated as a gainful business, open to the public for the purpose of public entertainment or recreation, including but not limited to bowling alleys, indoor motion-picture theaters, health clubs, video arcades, etc.; but not including outdoor facilities such as outdoor motion-picture theaters, golf courses, driving ranges, amusement parks; provided adequate measures to prevent noise and other noxious influences from disturbing nearby residential properties must be taken by permitted uses.									
(38)			N	N	N	N	S	N	N	N
	Gasoline service stations, including self-service types provided:									
	(a) Each lot shall have an area of not less than 55,000 square feet.									
	(b) Each interior lot shall have a width of not less than 250 feet. For a corner lot the minimum lot frontage shall not be less than 250 feet on each street.									
	(c) The front yard along each arterial street (Second Street Pike and Street Road) on which a lot abuts shall be not less than 60 feet measured from the right-of-way line of such arterial street, except as to gasoline pumps as provided in Subsection (h); the front yard along any other street on which a lot abuts shall be not less than 50 feet measured from the right-of-way line or proposed right-of-way line of the street. In the event that a proposed or future right-of-way line appears on a proposed plan of the Pennsylvania Department of Transportation or the Township of Upper Southampton for the widening of any streets or roads in the Township of Upper Southampton, the required front yard shall be measured from such proposed or future right-of-way line.									
	(d) Each lot shall have two side yards of not less than 25 feet each. On a corner lot the street side yard shall equal the required front yard for lots facing that street.									
	(e) Each lot shall have a rear yard of not less than 25 feet									
	(f) No building or structure shall be less than 100 feet from any residential zone.									
	(g) No building or structure shall exceed 30 feet in height.									
	(h) Gasoline pumps shall be set no less than 30 feet from the street right-of-way or proposed right-of-way line, and not less than 100 feet from any residential line.									
	(i) No gasoline service station shall be permitted within 1,000 feet of a church, public or parochial school, public library, public recreation area, or another gasoline service station.									
	(j) Buffer yards and screening shall be provided and maintained in accordance with § 185-60.									
	(k) All open space except drives, parking stalls, and service areas shall be landscaped. The term "landscaping" shall include:									
	[1]	The treatment and maintenance of open space with shrubs, trees, lawn or flowers to present an attractive, well-kept appearance.								
	[2]	The retention of natural wooded areas. Landscaping may also include ornamental flagstone and brickwork.								

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COMMERCIAL USES

- (l) All activities not performed at the gasoline pumps shall be performed in completely enclosed buildings.
- (m) Access regulations.
- [1] Access shall be by not more than one driveway for each 100 feet of frontage on any street.
 - [2] No two of said driveways shall be closer to each other than 40 feet and no driveway shall be closer to a side property line than 10 feet.
 - [3] Each driveway shall be not more than 40 feet in width, measured at right angles to the center line the driveway, not including permissible curb return radii. The entire flare of any return radius shall fall within the right-of- way.
 - [4] No driveway shall be closer than 10 feet to the point of intersection of two property lines at any corner as measured along the property line, and no driveway shall cross such extended property line.
 - [5] On all corner properties there shall be a minimum distance of 50 feet, measured from the lot line, between any entrance or exit drive and the right- of-way line or proposed right-of-way line of the street which parallels said access drive, and a minimum distance of 40 feet from any adjoining property line.
 - [6] In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property, except for the permitted driveways. On the two ends and street side of each island shall be constructed a concrete curb, the height, location, and structural specifications of which shall be approved by the Township Engineer. Maximum end minimum curb return radii permitted and minimum driveway approach angles to the center line of the street are required as shown on Figure 1.⁶
 - [7] Where there is no existing curb and gutter or side- walk, the applicant may at his option install such safety island and curb, or, in place thereof, shall construct along the entire length of the property line, except in front of the permitted driveways, a curb, fence, or pipe rail not exceeding two feet nor less than eight inches in height.
- (n) Self-service operation. Self-service type gasoline pumps are permitted as either the sole type of pump at a station or in conjunction with attendant-served pumps, provided:
- [1] Instructions for the operation of the dispensers shall be conspicuously posted on the dispenser or dispenser island. The following warning shall also be posted on each dispenser island:

6. Editor's Note: Figure 1, Street Road or Second Street Pike, RS ZOne, is included at the end of this chapter.

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COMMERCIAL USES

"WARNING - IT IS UNLAWFUL TO DISPENSE GASOLINE INTO ANY PORTABLE CONTAINER UNLESS THE CONTAINER IS CONSTRUCTED OF METAL OR IS APPROVED BY THE FIRE MARSHAL."

- [2] Other applicable provisions of the Pennsylvania State Police Fire Marshal's Code (Pa. State Police Regulations for the Storage, Handling, and Use of Flammable and Combustible Liquids, 1971, pursuant to Section I of P.L. 450 of April 27, 1927, as amended) shall be complied with.

(38A)	Automobile repair and car wash facility The repair of automobiles except heavy trucks (those of 6,000 pounds GVW or more) or car washing facility, provided:	N	N	N	N	N	N	P	N
	(a) All repair work shall be performed within an enclosed building. No body shop work or vehicle painting shall be permitted.								
	(b) Buffer yards and screening shall be provided and maintained in accordance with § 185-60.								
	(c) All open space except drives, parking stalls and service areas shall be landscaped. The term "landscaping" shall include:								
	[1] The treatment and maintenance of open space with shrubs, trees, lawn or flowers to present attractive, well-kept appearance.								
	[2] The retention of natural wooded areas. Landscaping may also include ornamental flagstone and brickwork.								
	(d) Access regulations:								
	[1] Access shall be by not more than one driveway for each 100 feet of frontage on any street.								
	[2] No two of said driveways shall be closer to each other than 40 feet and no driveway shall be closer to a side property line than 10 feet.								
	[3] Each driveway shall be not more than 35 feet in width, measured at right angles to the center line of the driveway, not including permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.								
	[4] No driveway shall be closer than 10 feet to the point of the intersection of two property lines at any corner as measured along the property line, and no driveway shall cross such extended property line.								
	[5] All entrance and exit drives shall be located a minimum distance of 50 feet from the proposed or existing right-of-way line which parallels said access drive on all corner properties.								
(38B)	Truck repair and body shop. Truck repair garage and automotive body shop including paint spraying, body and fender work, provided:	N	N	N	N	N	N	P	N
	(a) No building or structure shall be less than 100 feet from any residential zone.								

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COMMERCIAL USES

(b)	All repair and paint work shall be performed within an enclosed building.								
(c)	Buffer yards and screening shall be provided and maintained in accordance with § 185-60.								
(d)	All open space except drives, parking stalls and service areas shall be landscaped. The term "landscaping" shall include:								
[1]	The treatment and maintenance of open space with shrubs, trees, lawn or flowers to present attractive well-kept appearance.								
[2]	The retention of natural wooded areas. Landscaping may also include ornamental flagstone and brickwork.								
(e)	Access regulations:								
[1]	Access shall be by not more than one driveway for each 100 feet of frontage on any street.								
[2]	No two of said driveways shall be closer to each other than 40 feet and no driveway shall be closer to a side property line than 10 feet.								
[3]	Each driveway shall be not more than 35 feet in width, measured at right angles to the center line of the driveway, not including permissible curb radii. The entire flare of any radius shall fall within the right-of-way.								
[4]	No driveway shall be closer than 10 feet to the point of intersection of two property lines at any corner as measured along the property line, and no driveway shall cross such extended property line.								
[5]	All entrance and exit drives shall be located a minimum distance of 50 feet from the proposed or existing right-of-way line which parallels said access drive on all corner properties.								
(39)	Sale of automotive accessories, parts, tires, batteries, and other supplies subject to the following additional provisions:	N	N	N	N	P	N	N	N
(a)	Installation of parts shall be in an enclosed structure.								
(b)	Entry to the structure by vehicles for the purpose of installing parts shall not be taken from the front of the building.								
(40)	Tourist homes, motels and hotels A building or group of buildings containing rooms for rent for the accommodation of transient guests, chiefly motorists, subject to the following conditions:	N	N	N	N	P	S	N	N
(a)	A lot area of not less than five acres shall be provided.								
(b)	The lot shall have direct access to a collector or arterial highway as designated on the Roads and Highways Map of the Comprehensive Plan.								
(c)	No building shall be located within 100 feet of any street or property line.								
(41)	Shopping centers Shopping centers are a cluster of commercial establishments, planned, developed, owned and managed as a unit and related in location, vehicular and pedestrian circulation, size and type of shops to the trade area that the unit serves, provided:	N	N	N	N	P	N	N	N

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COMMERCIAL USES

- (a) A minimum lot area of five acres is required, except that three- acre tracts may be developed as shopping centers if they share access points with existing contiguous shopping centers.
- (42) Automobile sales agency This use is subject to the following: N N N N S N N N
 - (a) A minimum lot area of three acres is provided.
 - (b) A minimum frontage of 200 feet on a collector or arterial highway is provided.
 - (c) A one-hundred-foot setback from all street lines residential is provided with no parking or storage permitted within the setback.

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TRANSPORTATION FACILITIES

- (43) Parking area or garage is defined herein as a lot of record upon which the parking or storing of automotive vehicles is the primary use of said lot, provided:
 - (a) Such area will be used for parking of cars of employees, customers or guests of existing establishments in the same district where subject parking area is proposed.
 - (b) No sale, rental, service or repair operation shall be performed.
 - (c) Except in RS Districts, no charge shall be made for parking.
 - (d) Except in RS Districts, the parking or storage of vehicles shall not be located within a building or structure.
 - (e) The parking or storage of trucks or trailers shall not be permitted.
 - (f) All parking areas shall meet the design standards for off-street parking included in the Chapter 160, Subdivision and Land Development.
- (44) Bus or taxicab terminal Any lot or tract of land which is utilized for the parking and/or storage of taxi cabs or buses utilized for a commercial purpose. N N N N P N N N
- (45) Railroad station, railway express service N N N N P N N N
- (46) Helistop Any landing area used for the landing and taking off of helicopters for the purpose of picking up or discharging of passengers or cargo, subject to the following additional provisions:
 - (a) A minimum landing area of 10,000 square feet with each dimension being at least 100 feet, if a rooftop landing area, the minimum landing area shall be 40 feet by 40 feet.
 - (b) Excepting rooftop landing areas, the entire landing area to be surrounded by a fence at least six feet in height.
 - (c) No fueling, refueling, service or storage facilities shall be included.

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TRANSPORTATION FACILITIES

- (d) The proposed helistop will not adversely affect the adjoining land uses, the safety and welfare of nearby residents, nor the future growth and development of the area in which it is to be located.

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UTILITIES

- (47) Communication facilities including telephone or telegraph exchange, radio or television broadcasting studio, but excluding transmitting towers and micro-relay towers. N N N N P P P P

TELECOMMUNICATIONS

- (47A) Cellular telecommunications tower: A telecommunications tower with antennae shall be permitted as a special exception when such tower complies with the applicable section below S S S S S S S S

- (a) Requirements for all zoning districts for telecommunications towers located outside the public rights-of-way. A cellular telecommunications tower shall comply with all of the following requirements regardless of the zoning district:

[1] The applicant shall demonstrate that the proposed tower cannot be accommodated on an existing or already-approved structure or building, or sited on land owned and maintained by the Township. The applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a one-quarter-mile radius of the site proposed, sought permission to install an antenna on those structures, buildings, and towers and was denied for one of the following reasons:

- [a] The proposed telecommunications facility would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
- [b] The proposed telecommunications facility would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.
- [c] Existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.

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UTILITIES

- [d] A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
- [2] The applicant shall demonstrate that the tower is the minimum height necessary for the service area, and at the proposed location is necessary to fill a gap in the applicant's coverage or capacity network.
- [3] The applicant shall demonstrate that the proposed tower complies with all state and federal laws and safety regulations including but not limited to aviation, engineering and mechanical regulations, etc. Specifically, the applicant shall demonstrate that the proposed tower will not generate radio frequency emissions and electromagnetic fields in excess of the standards and regulations of the Federal Communications Commission (hereafter "FCC"), including, but not limited to, the FCC Office of Engineering Technology Bulletin 65, entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended. Applicant shall submit a study and report establishing compliance.
 - [a] Applicant shall also demonstrate that the proposed tower will not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- [4] Towers shall be designed and constructed to meet all applicable standards of the American National Standards Institute, ANSI/EIA-222 E manual, as amended. Applicant shall submit plans, drawings and structural engineering report demonstrating compliance. The tower shall be designed to withstand wind gusts of at least 100 miles per hour. The tower shall be designed so the tower can accommodate the future placement of antennae by other service providers. All such plans, drawings and reports for a proposed tower shall contain the seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.
- [5] Applicant shall submit a soil report that documents and verifies the design specifications of the foundation for the tower, and anchors for the guy wires, if used, complies with standards of Appendix I: Geotechnical Investigations, ANSI/EIA 222-E, as amended.

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R-3 **R-4** **R-5** **R-6** **RS** **CC** **LI** **CI**

UTILITIES

- [6] The applicant shall demonstrate that the proposed tower employs the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. Application of the stealth technology chosen by the applicant shall be subject to the approval of the Township. Photo simulations showing the view of the tower, before and after the proposed installation and from the northerly, southerly, easterly and westerly directions, shall be provided with the application.
- [7] The location of the tower and related equipment shall comply with all natural resource protection standards established by this chapter.
- [8] A security fence eight feet in height shall completely surround the tower (guy wires if used), related equipment, and equipment building in all nonresidential zoning districts, and a security fence six feet in height shall completely surround the tower (guy wires if used), related equipment, and equipment building in all residential zoning districts.
- [9] The following buffer plantings shall be located around the perimeter of the telecommunications security fence:
 - [a] An evergreen screen shall be planted that consists of a row of evergreen trees, with a minimum height of six feet at time of planting, and shall be planted six feet on center, in a staggered arrangement, in order to provide an immediate screening effect.
 - [b] Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- [10] Towers shall not be artificially lighted, except as required by law, or required as part of a stealth design.
- [11] Towers shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance or emergency repair. Two off-street parking spaces shall be created for such maintenance visits.
- [12] Where the tower is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement for the proposed facility and that vehicular access is provided to the facility.

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R-3 **R-4** **R-5** **R-6** **RS** **CC** **LI** **CI**

UTILITIES

- [13] The tower shall be set back from all adjoining property lines by a minimum distance equal to 150% of the height of the tower; and the telecommunications equipment building shall not exceed 10 feet in height and comply with the minimum setback requirements for the host lot.
- [14] The owner or operator of a tower greater than 35 feet in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the tower. Each person that owns or operates a tower 35 feet or less in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering each tower.
- [15] Towers shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis.
- [16] All towers shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the tower shall be those required by the FCC, or any other federal or state agency.
- [17] Within 30 calendar days of the date that an application for a tower is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. All applications for towers shall be acted upon within 150 days of the receipt of a fully completed application for the approval of such tower and the Township shall advise the applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the one-hundred-fifty-day review period.

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R-3 **R-4** **R-5** **R-6** **RS** **CC** **LI** **CI**

UTILITIES

[18] In the event that use of a tower is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. All abandoned or unused towers, related equipment, and accessory facilities shall be removed within four months of the cessation of operations at the site unless a time extension is approved by the Township.

[19] Prior to receipt of a zoning permit for the construction or placement of a tower, the applicant shall provide to the Township financial security sufficient to guarantee the removal of the tower, which shall remain in place until the tower is removed.

(b) Requirements for all zoning districts for new telecommunications towers located inside the public rights-of-way (ROW). A cellular telecommunications tower in the public ROW shall comply with all of the following requirements:

[1] Towers in the ROW shall comply with the regulations set forth in § 185-16(47A) (a)[1], [2], [3], [4], [5], [6], [7], [10], [11], [14], [15], [16], [17], [18] and [19] of this chapter.

[2] Towers in the ROW shall not exceed 35 feet in height and are prohibited in areas in which all utilities are located underground.

[3] Towers shall be located at, or near, a side yard property line and not directly in front of a dwelling or commercial building, and shall employ a stealth design (i.e., stealth technology) subject to the approval of the Township. Any proposed tower shall be designed structurally, electrically, and in all respects, to accommodate antennae for future users.

[4] Prior to constructing a new tower in the ROW, the applicant must demonstrate that it could not locate its cellular telecommunications facility on existing infrastructure, such as existing utility poles, water towers, or other tall structures. The applicant must demonstrate that a significant gap in wireless coverage or capacity exists in the applicable area and that the type of facility being proposed is the least intrusive means by which to fill that gap.

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UTILITIES

- [5] If such location or co-location described above is not technologically or economically feasible, towers are permitted along certain roads classified as collector roads and arterial roads, as identified in the Upper Southampton Township Comprehensive Plan. A list of such permitted roads is available in the Township Zoning Office.
- [6] Towers and related equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
 - [a] Ground-mounted related equipment, walls, or landscaping shall not be located within 18 inches of the face of the curb.
 - [b] Ground-mounted equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
 - [c] Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
 - [d] Any graffiti on the tower or on any related equipment shall be removed at the sole expense of the owner.
- [7] Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, the owner of the tower in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any facility when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
 - [a] The construction, repair, maintenance or installation of any Township or other public improvement in the ROW;
 - [b] The operations of the Township or other governmental entity in the right-of-way;
 - [c] Vacation of a street or road or the release of a utility easement; or

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UTILITIES

- [d] An emergency as determined by the Township.
- [8] In addition to permit fees as described in this section, every tower in the ROW is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each tower shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above.
- [9] Time, place and manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all towers in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
- (c) Antennae when combined with another use on an existing structure. Antennae that are not mounted on a cellular communications tower may be combined with an existing use on an existing structure as a special exception upon satisfaction of the following conditions:
 - [1] Antennae when combined with another use on an existing structure shall comply with the same regulations that apply to towers as are set forth in § 185-16(47A)(a)[1], [2], [3], [4], [5], [6], [7], [10], [11], [14], [15], [16], [17], [18] and [19] of this chapter.
 - [2] Antennae may be added to nonresidential buildings but shall not be permitted on single-family detached residences, single-family attached residences, or any residential accessory structure. Antennae may be located on utility poles, traffic lights and water towers but shall be prohibited in billboards.

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UTILITIES

- [3] Antennae inside the right-of-way (ROW) shall be located on existing infrastructure, such as existing utility poles, light poles or traffic signal poles. If co-location is not technologically or economically feasible, the applicant, with the Township's approval, may locate its antenna on existing freestanding structures, with the exception of billboards, that do not already act as support structures. Antennae inside the ROW shall not extend the height of the support structure by more than six feet, but in no case shall the support structure and antennae combined exceed 35 feet in height. Applicant must submit sealed plans and documentation to the Township establishing the total height of the antenna.
- [4] For antennae outside the right-of-way, the total height of any support structure and mounted antenna on an existing structure shall not exceed six feet above the maximum height permitted for the existing structure in the underlying zoning district.
- [5] Elevations of existing and proposed buildings and structures showing width, depth, and height, use, statistical and dimensional data on the antenna and existing support structure shall be presented at time of application.
- [6] Stealth technology and design shall be used for all antennae. The applicant shall demonstrate that the proposed antennae employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. Application of the stealth technology chosen by the applicant shall be subject to the approval of the Township photo simulations showing the view of the building or structure, before and after the proposed installation and from the north, south, east and west directions, shall be provided with the application.
- [7] The vehicular access to the building shall, whenever feasible, be provided along the circulation driveways of the existing use.
- [8] An applicant shall locate the telecommunications equipment in an existing structure if technically feasible. If the applicant demonstrates that it cannot, the telecommunications equipment may be located in a separate building if the building complies with the following requirements:

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UTILITIES

Antennae that fall under the Pennsylvania Wireless Broadband Co-location Act (WBCA)⁷ shall be permitted by right in all zoning districts in the Township. The following regulations apply to such applications:

- [a] The Township shall require no more than a building permit from the applicant.
- [b] Within 30 calendar days of the date that an application for an antenna is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within 60 calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision.
- [c] The permit and/or application fees assessed by the Township shall not exceed the limits established in the WBCA.

(48)	Supply utilities including water supply works and storage and electric substations plus necessary rights-of-way and transmission lines, provided:	S	S	S	S	S	S	S	S
	(a) Except in RS and CC Districts, no public business office shall be operated in connection with such use.								
	(b) In no district shall any storage yard or storage building be operated in connection with such use unless such storage facility is essential to service customers in the district in which it is located.								
	(c) All transmission lines shall be underground.								
	(d) A seventy-five-foot buffer yard shall be provided along all property lines.								
(49)	Sanitary utilities including sewerage works, sewage pumping station, plus associated collection lines and rights-of-way, provided such facilities are intended to serve primarily the residents of Upper Southampton Township, but not including refuse dumps, incinerators or sanitary landfills.	P	P	P	P	P	P	P	P
(50)	Fire station	P	P	P	P	P	P	P	P

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R-2
R-3 R-4 R-5 R-6 RS CC LI CI

INDUSTRIAL USES

(51)	Wholesale business and storage, provided:	N	N	N	N	P	P	P	P
	(a) In RS and CC Districts such uses shall be restricted to offices only.								

7. Editor's Note: See 53 P.S. § 11702.3 and Section 6409 of the Middle Class Tax Relief Act.

	R-1	R-2	R-3	R-4	R-5	R-6	RS	CC	LI	CI
INDUSTRIAL USES										
(b)										
(c)										
(52)			N	N	N	N	N	N	P	P
(53)			N	N	N	N	N	N	P	P
(53A)			N	N	N	N	N	N	S	N

Medical marijuana grower/processor is permitted as a special exception if such use meets the following conditions and criteria:

- The operation of growing and processing of medical marijuana shall be in full compliance with federal, state and local laws including but not limited to the Medical Marijuana Act. A medical marijuana grower/processor shall obtain all required zoning and building permits from the Township and submit an approved permit for the operation of a medical marijuana grower/processor that is issued by the Commonwealth of Pennsylvania.
- A medical marijuana grower/processor must operate entirely within an indoor, enclosed and secure facility.
- A medical marijuana grower/processor must be located on a lot containing not less than two acres.
- A medical marijuana grower/processor shall not be operated or maintained on a parcel within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a public, private or parochial school or a day-care center.
- There shall be no emission of dust, fumes, vapors or odors which can be seen, smelled, or otherwise perceived from beyond the walls of the building(s) where the medical marijuana grower/processor is operating.
- No use of medical marijuana shall be permitted on the premises of a medical marijuana grower/processor unless related to the growing process such as quality control.

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INDUSTRIAL USES

(g) A medical marijuana grower/processor shall submit a security plan as required by the Medical Marijuana Act. The medical marijuana grower/processor shall demonstrate how it will maintain effective security and control. The security plan shall specify the type and manner of twenty-four-hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility as required by Section 1102 of the Medical Marijuana Act and as supplemented by regulations promulgated by the Department of Health pursuant to the Medical Marijuana Act.

(54)	Laboratory for research, testing or experimentation	N	N	N	N	N	P	P	P
(55)	Contractors' offices with storage, including building, cement, electrical, heating, plumbing, masonry, painting and roofing contractors, provided the storage provisions of Use 60 are met.	N	N	N	N	N	N	P	N

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ACCESSORY USES

(56)	No-impact home-based business. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity administered or conducted as an accessory use must satisfy the following requirements:	P	P	P	P	N	N	N	N
	(a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.								
	(b) The business shall employ no employees other than family members residing in the dwelling.								
	(c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.								
	(d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.								
	(e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.								
	(f) The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.								
	(g) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.								
	(h) The business may not involve any illegal activity.								

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ACCESSORY USES

(i)	The right to operate a no-impact home-based business shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community.								
(57)	Residential accessory building or structure or use, including but not limited to:	P	P	P	P	N	N	N	N
	(a) Parking spaces.								
	[1] Parking spaces for the parking of passenger automobiles.								
	[2] Parking spaces for the parking of commercial vehicles, provided that all of the following conditions are met:								
	[a] Only one commercial vehicle is permitted per property; and								
	[b] The commercial vehicle does not exceed a registered permitted gross vehicle weight of 10,000 pounds; and								
	[c] The commercial vehicle is needed for travel to and from work by one of the residents living in the principal building; and								
	[d] The commercial vehicle is not loaded with materials, supplies or equipment that are visible to the public; and								
	[e] The commercial vehicle must be parked on a macadam or concrete driveway.								
	[3] Parking of trailers used for business purposes is prohibited. A "trailer" is defined as a licensed vehicle without power, designed to carry property and to be drawn by a motor vehicle.								
	(b) Structures such as fences, walls, private swimming pools, and greenhouses.								
	(c) Buildings such as storage sheds, bath houses and private greenhouses.								
	(d) Professional offices shall not be considered home occupations except under the following conditions:								
	[1] No clients shall be received on a regular basis.								
	[2] No signs or advertising on the premises.								
	[3] No structural alterations made to the premises to accommodate the professional office.								
(57A)	Residential accessory building or structure for use as personal care units:	P	N	N	N	N	N	N	N

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ACCESSORY USES

Where a multiple-family dwelling or dwellings have been legally constructed under the terms of this chapter or prior ordinances, a building or buildings may be authorized on the same tract as an accessory building, structure or use containing personal care units, provided that the occupants thereof shall be limited to persons who are or formerly were residents of the multifamily dwelling or dwellings, provided:

- (a) Any building or structure shall not exceed two stories in height.
- (b) Any building or structure shall be set back not less than 100 feet from all public roads.
- (c) The minimum open space ratio and maximum impervious surface ratio of the tract shall not thereby exceed those set forth in § 185-22, Table of Performance Standards, for multifamily dwellings in the R-6 District.
- (d) The density shall not exceed one personal care unit per 17 apartment units on the tract.
- (e) If appropriate, the Board of Supervisors may require additional landscaping to buffer the proposed use from the roads and adjacent properties.
- (f) The building orientation shall be as set forth in Use 12, multifamily dwelling, Subsection (d), for the R-6 District.

(57B)

Earth station for satellite communication: A structure defined for purposes of this chapter as a parabolic ground based or mountable reflector, together with its pedestal and any other attachments and parts thereof, commonly referred to as a dish antenna, used or intended to receive radio or electromagnetic waves from an overhead satellite shall be permitted subject to the following regulations. This use shall in no event be construed to permit as an accessory use or structure, an earth station for satellite communication used or intend to be used for the propagation or transmission of radio electromagnetic waves, such uses being regulating above pursuant to Use 47, community facility. Earth stations shall be permitted and may be erected, provided that:

P	P	P	P	P	P	P	P	P
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- (a) There is strict compliance with all dimensional requirements set forth in Article V of this chapter except as otherwise provided for herein. No earth stations shall be permitted in any front or side yard area.
- (b) No more than one earth station shall be permitted on any lot.
- (c) The diameter or longest straight-line distance between any two points on the perimeter of any earth station shall not exceed nine feet.
- (d) The total dimensional height of any earth station including base and mounting structure shall not exceed 10 feet.

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ACCESSORY USES

	(e)	When roof-mounted, the earth station shall be not mounted upon chimneys and shall be subject specifically to the provisions of Article V, § 185-42 of this chapter, provided that nothing therein contained shall be construed to increase the dimensional restrictions set forth in Subsections (c) and (d) above.								
	(f)	When mounted other than upon a roof, including the ground, the earth station shall be visually screened, the design of which shall be subject to the approval of the Zoning Officer.								
	(g)	There shall be strict compliance with the Upper Southampton Township Building Code and all other applicable laws, statutes, and regulations of the United States, Commonwealth of Pennsylvania, County of Bucks and the Township of Upper Southampton.								
	(h)	Prior to the erection of any earth station, a zoning permit shall be obtained pursuant to the provisions of Article IV, § 185-12, of this chapter.								
(58)		Accessory uses clearly incidental to, and customary to and commonly associated with, the principal uses permitted in LI and CI Districts:	N	N	N	N	N	N	P	P
	(a)	Retail uses incidental to and in support of any permitted principal uses such as cafeterias, soda or dairy bars, and shops on the same tract as the principal use. Any such use shall be conducted solely for the convenience of employees, shall be wholly within the building containing the principal uses; and shall have no exterior advertising display.								
	(b)	Distribution and storage activities not involving a retail activity on the premises and enclosed within a building.								
	(c)	Recreational facilities solely for the use of employees and their families.								
(59)		Accessory buildings or structures, or uses customarily incidental to the uses permitted in RS, CC, CI and LI Districts with the exception of outdoor storage:	N	N	N	N	P	P	P	P
	(a)	Such accessory uses are provided in conjunction with a permitted primary use.								
	(b)	Any accessory use to a use permitted only by special exception shall be established only if and as provided in such special exception.								
(60)		Outside storage or display. Outside storage or display, other than storage as a primary use of the land, necessary but incidental to the normal operation of a primary use; subject to the following additional provisions:	N	N	N	N	P	P	P	P
	(a)	No part of the street right-of-way, no sidewalks or other areas intended or designed for pedestrian use, no required parking areas, and no part of the required front yard shall be occupied by outside storage or display.								
	(b)	Outside storage and display areas shall occupy an area of less than 1/2 the existing building coverage.								

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ACCESSORY USES

(c) Outside storage and display areas shall be shielded from view from the public streets or adjacent residential districts.

Uses requiring more substantial amounts of land area for storage or display may be exempt from the provision of Subsections (b) and (c) above when granted as a variance by the Zoning Hearing Board. Such uses shall be subject to the following additional provisions:

(d) No more than 25% of the lot area shall be used in outdoor storage or display.

(e) In particular, uses appropriate for consideration under this provision include but are not limited to greenhouses (Use 4). Among the uses that shall not be considered appropriate for inclusion under this provision are retail shops and stores (Use 30), repair shops for appliances (Use 32), gasoline service stations (Use 38), sale of automotive accessories (Use 39), Wholesale business (Use 51), warehousing (Use 52), manufacturing (Use 53), and contractor offices and shops (Use 55).

(61)	Temporary structure or use for construction purposes. A temporary permit may be issued for structures or uses necessary during construction subject to the following additional provisions:	P	P	P	P	P	P	P	P
	(a) The life of such permit shall not exceed six months. It may thereafter be renewed for three-month periods until completion of construction.								
	(b) Temporary use shall be only for those purposes authorized by the Zoning Officer.								
	(c) Such structure or use shall be removed completely upon expiration of the permit without cost to the Township.								
(62)	Drive-in stand not exceeding 400 square feet of gross floor area for the sale of farm, nursery, or greenhouse products produced on the premises where offered for sale, provided:	P	P	P	P	N	N	N	N
	(a) The stand shall not be nearer than 50 feet to any intersection.								
	(b) The stand shall be of temporary construction but shall be maintained in good condition.								
(63)	Travel trailers and recreational vehicles, storage of, subject to the following provisions:	P	P	P	P	N	N	N	N
	(a) In all districts no more than one travel trailer or one recreational vehicle shall be stored on a lot.								
	(b) Such travel trailers shall be owned by the occupant of the lot upon which the travel trailer is stored.								
	(c) Such travel trailers must be unoccupied.								
	(d) The provisions of outside storage included in Use 60 must be complied with.								
	(e) Subsections (a) and (b) above shall not apply to the storage of trailers as a permitted principal use.								
(63A)	Commercial trailer, storage use, subject to the following provisions:	N	N	N	N	P	P	P	P

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- (a) A permit may be issued by the Board of Supervisors for use of a commercial trailer for storage purposes subject to the following provisions:
 - [1] The life of such a permit shall not exceed three months, renewable at three-month intervals from date of expiration of permit.
 - [2] Trailer to be parked in such a manner so that no other provisions of this chapter or any other Township ordinance will be violated.
 - [3] For purposes of interpretation, commercial trailers are to be considered "structures."
 - [4] The provisions of outside storage included in Use 60 must be complied with.

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Use (64). Unspecified use. Any use not otherwise specifically named or established in § 185-16 of this chapter.

§ 185-16.1. OPAS Off-Premises Advertising Sign District. [Added 11-18-2003 by Ord. No. 361]

- A. Establishment of District. The Upper Southampton Zoning Chapter and Map are hereby amended by the creation an overlay zoning district known as the "OPAS Off-Premises Advertising Sign District."
- B. Location of District. The OPAS Off-Premises Advertising Sign District is identified and comprised of all properties or portions thereof within 75 feet on both sides of the Pennsylvania Turnpike right-of-way that are located in a LI limited Industrial or RS Retail Sales District.
- C. Permitted use. An off-premises advertising sign, also known as "billboards," shall be permitted in the OPAS Off-Premises Advertising Sign District subject to the following requirements:
 - (1) Size of sign; limitations. The size of the sign may not exceed 300 square feet per side with a maximum width of 30 feet and a maximum height of 10 feet. The sign shall have no animated, revolving, flashing or protruding features or sound effects.
 - (2) Height and location of sign. The maximum height of the off-premises advertising signs shall be the minimum necessary in order for the sign to be reasonably viewed by the intended motorists and in no event higher than 35 feet measured to the top of the sign. Off-premises advertising signs shall be located no closer than 20 feet from any property line, excluding the Pennsylvania Turnpike. Off-premises advertising signs shall be located as close to the ultimate right-of-way of the Pennsylvania Turnpike as possible.