

Chapter 350

Zoning

[HISTORY: Adopted by the Board of Supervisors of the Township of Southampton Amendments noted where applicable.]

Article I

General Provisions

350-101 **Title.**

This chapter shall be known, and may be cited as, the "Southampton Township Zoning Ordinance."

350-102 **Effective date.**

Having been enacted into law by the Board of Supervisors of Southampton Township on **Add date**, this chapter shall take effect immediately.

350-103 **Interpretation.**

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety and general welfare of the Township and its residents. It is not intended by this chapter to interfere with, abrogate or annul any duly adopted code or ordinance of the Township, or any regulations, rules or permits previously adopted or issued thereunder, or the rules and regulations of any agency or body of the State of Pennsylvania or the federal government which may have jurisdiction in a matter, nor is it the intent of this chapter to interfere with, abrogate or annul any easements, covenants, building restrictions or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of the building, or requires larger open spaces than are imposed or required by such ordinances, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this chapter shall control.

350-104 **Validity.**

If any article, section, subsection, or provision in this chapter is declared to be illegal, unconstitutional, or invalid, by any court, such decision shall not affect or impair the validity of this chapter as a whole or any other article, section, subsection, or provision, or remaining portion of this chapter. The Board of Supervisors of Southampton Township, Cumberland County, Pennsylvania hereby declares that it would have adopted this chapter and each article, section, subsection, and provision thereof irrespective of the fact that any one or more of the articles, sections, subsections, or provisions, may be declared illegal, unconstitutional, or invalid.

350-105 **Repealer.**

All ordinances or parts of ordinances in conflict with this chapter or inconsistent with the provisions of this chapter are hereby repealed to the extent necessary to give this chapter full force and effect.

350-106 **Purpose.**

- A. The purpose of this chapter is implementation of the Township Comprehensive Plan and the promotion of the health, safety, and general welfare of the present and future inhabitants of the Township by:
- (1) Giving effect to policies and proposals of the Township Comprehensive Plan.
 - (2) Dividing the unincorporated area of the Township into districts according to the use of land and buildings, the intensity of such use including bulk and height, and surrounding open space.

- (3) Controlling and regulating the growth of the Township, concentrating development in areas where adequate utilities, roads and services can be provided, and limiting development in areas where these facilities are not or should not be provided.
 - (4) Regulating and restricting the location and use of buildings, structures and land for trade, industry, residences, and other uses.
 - (5) Providing standards for all types of dwelling units so that all the people may have access to decent, sound, and sanitary housing.
 - (6) Securing safety from fire, panic, flood, and other dangers.
 - (7) Providing adequate privacy, light, and air.
 - (8) Protecting the tax base by facilitating cost-effective development within the Township.
 - (9) Conserving the values of property throughout the Township.
 - (10) Protecting landowners from adverse impacts of adjoining developments.
- B. Each purpose listed above serves to balance the interests of the public, those of individual property owners, and the Township.

350-107 Community development objectives.

Community development objectives are based upon an analysis of existing conditions in the Township and region, and an assessment of the desires of its residents. The objectives listed below are consistent with the Amended Comprehensive Plan of Southampton Township, adopted December 23, 2019. The Board of Supervisors will undertake to provide for the health, safety, and general welfare of Township residents by maintaining a planning effort that:

- A. Preserve and protect the townships Natural Resources.
- B. Preserve the townships forested areas and the rural character of the township.
- C. Encourage economic growth in appropriate locations in the township.
- D. Provide a variety of housing types that are available to all township residents.
- E. Maintain and improve the township transportation net.
- F. Prevent the loss and damage of property from flooding events.
- G. Eliminate spot blight in the township.
- H. Maintain and improve the township transportation infrastructure investments.

Article II

Terminology

350-201 Word usage.

Certain words, phrases and terms are listed and defined in § **350-202** to facilitate the interpretation of this chapter for administrative purposes and in the performance of duties by appropriate officers and by the Zoning Hearing Board. In addition, the following provisions and rules shall be observed and applied throughout this chapter, except as otherwise expressly stated in the text:

- A. Words used or defined in one tense or form shall include other tenses and derivative forms.
- B. Words in the singular number shall include the plural number and words in the plural number shall include the singular number.
- C. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
- D. The word "shall" is mandatory.
- E. The word "may" is permissive.
- F. The word "person" includes individuals, firms, corporations, associations, trusts and any other similar entities.
- G. Unless otherwise expressly stated herein, the word "occupied" includes the words "designed or intended to be occupied;" the word "used" includes the words "arranged, designed or intended to be used."
- H. The words "Township" or "Municipality" mean Southampton Township, Cumberland County, Pennsylvania.
- I. The words "Township Board," "Board" or "governing body" mean the Board of Supervisors of Southampton Township.
- J. The words "Planning Committee" mean the Southampton Township Planning Committee.
- K. The words "Recorder" and "Recorder of Deeds" mean the Cumberland County Recorder of Deeds.
- L. In case of any difference of meaning or implication between the text of this chapter and any caption, illustration or table, the text shall control.

350-202 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONMENT

To cease or discontinue a use or activity without intent to resume but excluding temporary or short-term interruptions to a use or activity during periods or remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

ABUTTING

Having a common border with or being separated from such common border by an alley or easement.

ACCESS

A means of vehicular approach or entry to or exit from property.

ACCESSORY APARTMENT

A secondary dwelling unit contained within a single-family detached dwelling or an accessory building and on the same lot.

ACCESSORY BUILDING, USE, OR STRUCTURE

A building or use which:

- A. Is subordinate to and serves a principal building or principal use.
- B. Is subordinate in area, extent or purpose to the principal building or principal use served.
- C. Is located on the same lot as the principal building or principal use.
- D. Greater than 250sqft

ACCESSORY SOLAR ENERGY SYSTEM (ASES)

An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one or more freestanding ground or roof-mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

ADULT-RELATED FACILITIES

A business or club which engages in one or more of the following areas of sales, services, or entertainment:

- A. **ADULT ARCADE** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion-picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
- B. **ADULT BOOKSTORE or ADULT VIDEO STORE** A commercial establishment which, as one of its principal business purposes, offer for sale or rental for any form of consideration any one or more of the following: 1) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas or 2) instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.
- C. **ADULT CABARET** A nightclub, bar, restaurant or similar commercial establishment which features 1) persons who appear in a state of nudity; or 2) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or 3) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- D. **ADULT MOTEL** A hotel, motel or similar commercial establishment which 1) offers accommodations to the public for any form of consideration, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from a public right-of-way which advertises the availability of these adult types of photographic reproductions; or 2) offers sleeping rooms for rent four or more times in one calendar day during five or more calendar days in any continuous thirty-day period.

E. **ADULT MOTION-PICTURE THEATER** A commercial establishment where for any form of consideration films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

F. **ADULT THEATER** theater, concert hall, auditorium, or similar commercial establishment which features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or specified sexual activities.

AGRICULTURAL USES

Agricultural uses shall include the following:

- A. The tilling of the soil, the raising of crops, fruits and vegetables, greenhouses, and nurseries.
- B. Processing and direct marketing of agricultural products produced by the farmer in their natural or manufactured state
- C. The hatching and raising on a commercial scale of poultry, rabbits, fish, or dairy farming.
- D. The raising and grazing of horses, cattle, sheep, goats, and other like animals including supplementary feeding of such animals, provided that such raising, or grazing is not part of, nor conducted in conjunction with, a livestock slaughterhouse or animal by-products business.
- E. The keeping and raising of hogs, provided that there shall be no feeding of any market or house refuse, garbage, or offal, other than that produced on the premises.
- F. The slaughtering, dressing, and marketing of poultry, cattle, sheep, hogs, and rabbits incidental to the operation of a farm.
- G. Public and private stables and riding academies.
- H. Bee keeping.
- I. Viticulture.
- J. Horticulture
- K. Aquaculture

AGRICULTURAL

Preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged in by farmers or are consistent with technological development within the agricultural industry.

AGRITOURISM ENTERPRISE

Accessory uses conducted on a working farm and offered to the public or to invited groups for the purpose of recreation, entertainment, education, or active involvement in the farm operation. These activities must be related to agriculture or natural resources and incidental to the primary farm operation on the site. These activities may include a fee for participants. Examples include but are not limited to hayrides, corn mazes, farm tours, rodeos, educational exhibits, etc.

AGRICULTURE, INTENSIVE (INTENSIVE AGRICULTURAL USE)

Intensive agricultural uses include but are not limited to:

A. Slaughter areas;

B. Areas for processing of manure;

C. Concentrated animal feeding operations, as defined herein; and

D. Concentrated animal operations, as defined herein:

(1) CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

Federal regulations define a CAFO as an animal feeding operation that: (a) confines more than 1,000 animal units (AU); or (b) confines between 301 to 1,000 AU and discharges pollutants into waters of the United States through a man-made ditch, flushing system or similar man-made device, or directly into waters of the United States that originate outside of and pass over, across or through the facility or otherwise come into direct contact with the animals confined in the operation (1 AU = 1,000 lbs.). Animal quantities equivalent to 1,000 AU are 1,000 slaughter and feeder cattle; 700 mature dairy cattle; 2,500 swine each weighing more than 25 kilograms (55 pounds); 30,000 laying hens or broilers (if a facility uses a liquid manure system); and 125,000 broilers or 82,000 laying hens (if a facility uses something other than a liquid manure system).

(2) CONCENTRATED ANIMAL OPERATIONS (CAO)

An agricultural operation where the animal density of all livestock and fowl on the farm exceeds two animal units (2,000 lbs.) per acre of crop, hay, and pastureland. An operation with less than eight animal units shall not be considered a CAO, regardless of the animal density. Animal units shall be calculated using the Standard Animal Weights listed in Pennsylvania Act 38 Nutrient Management Program Technical Manual, by the Pennsylvania State Conservation Commission.

ANIMAL FEEDING OPERATION (AFO)

Federal regulations define an AFO as a facility where animals have been, are/or will be stabled or confined and fed or maintained for a total of 45 days or more in any twelve-month period, and where crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

AGRICULTURAL OPERATION

An enterprise that is actively engaged in the commercial production and operation and preparation for market of crops, livestock, and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged in by farmers or are consistent with technological development within the agricultural industry.

ALLUVIAL SOILS

Soil formed from material, such as gravel, sand, or clay, deposited by a stream of water and showing little or no modification of the original materials or soil forming processes.

ALTERATIONS

As applied to a building or structure, any change or rearrangement in the total floor area, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

ANTENNA

Any device used for the transmission or reception of radio, television, wireless telephone, pager or any other wireless communication signals along with necessary base cabinets or equipment shelters.

This definition shall not include private satellite dishes or television antennas or amateur radio equipment whether ham or citizen band.

APARTMENT

A dwelling unit contained in a building comprising three or more dwelling units, each of which has an entrance to a hallway or balcony in common with at least one other dwelling unit.

AREA, BUILDING

The aggregate of the maximum horizontal cross section area of all the buildings on a lot, excluding cornices, eaves, gutters, or chimneys projecting not more than 30 inches, bay windows not extending through more than one story and not projecting more than two feet, uncovered porches, terraces, balconies and steps.

AUTOMOBILE REPAIR SERVICE (Residential and Non- Residential)

Facilities for rendering services such as lubrication, washing and repairs vehicles.

AUTOMOBILE GARAGE, PRIVATE

An accessory building for the storage of one or more automobiles and/or other vehicles, accessory and incidental to the primary use of the premises, provided that no business, occupation, or service is conducted therein nor space therein for more than one automobile is leased to a nonoccupant of the premises.

AUTOMOBILE SERVICE STATION

A building, lot, or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks and which may include accessory facilities for rendering services such as lubrication, washing and repairs.

BASE FLOOD

The flood which has been selected to serve as the basis upon which the Floodplain Conservation District management provisions of this chapter have been prepared; for purposes of this chapter, the 100-year flood as delineated on the FHB/FIRM Maps prepared by the Federal Insurance Administration, U.S. Department of Housing and Urban Development.

BASE FLOOD ELEVATION

The 100-year flood elevation, as defined and delineated by the Federal Insurance Administration, U.S. Department of Housing and Urban Development. The base flood elevation shall be established as a point on the boundary of the Floodplain Conservation District as defined in § 166-19, closest to the construction site in question.

BASEMENT

A story partly underground but having 1/2 or more of its height above the average level of the adjoining ground.

BED-AND-BREAKFAST

A dwelling used as an owner-occupied residence which also offers lodging overnight and normally a morning meal. These dwellings shall have no more than six rooms for overnight guests, not including the rooms used by the owners and their immediate family. Meals other than breakfast may be served when requested, and only to individuals who are staying at the facility overnight. Rooms may not be rented out on a permanent or extended basis or used as apartments.

BERM

An earthen mound designed to create a visual and sound barrier between a use and adjoining properties, streets, and adjacent uses.

BILLBOARD

A sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

BUFFER

A strip of land that may be planted and maintained in shrubs, bushes, trees, grass, or other landscaping. This area may contain a berm.

BUILDABLE AREA

The space remaining on a zoned lot after the minimum open space requirements, such as coverage, yards, and setbacks, have been met.

BUILDING

A structure built, maintained, or intended for use for the shelter or enclosure of persons, animals or property of any kind, a fence or a shed of any kind whether affixed to the real estate or not. The term is inclusive of any part thereof.

BUILDING SETBACK LINE

The line within a property defining the required minimum distance between any building or structure and the front, side or rear property line. It shall be a straight line parallel to the front, side or rear property line of rectilinear lots. On a curvilinear lot, the building setback line shall be radial to the arc. No point on the parallel to the tangent shall be a distance less than the minimum setback distance.

BUILDING, HEIGHT OF

A measurement of the average finished grade to the highest visible point of the roof.

BUILDING, PRINCIPAL

A structure which is the principal use of the lot and is not an accessory building.

BUFFER YARD

A strip of land planted and maintained in shrub, bushes, trees, grass, or other landscaping material and intended to provide an area of separation between different districts or uses.

CAMPGROUND

A parcel of land used by campers for seasonal, recreation, or other similar temporary living purposes, in buildings of a movable, temporary, or seasonal nature, such as cabins, trailer campers, tents or shelters, but not including a mobile home camp court, or park where a fee for membership or use is collected for service.

CARPORT

An open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts.

CELLAR

A story partly underground and having more than 1/2 of its clear height below the average level of the adjoining ground with a floor ceiling height of less than 6.5 feet. A cellar shall not be considered in determining the required number of stories.

CEMETERY

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

CLUSTER DEVELOPMENT

A development design option which allows the minimum lot areas and yard requirements to be reduced so that buildings and lots can be grouped together.

COMMON OPEN SPACE

A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. Additionally, the open space shall not include floodplains, stormwater management facilities, and environmentally sensitive areas.

COMMUNICATION TOWER

A structure and necessary auxiliary components used for the purpose of sending and receiving electronic signals as an integral component of a communication system.

COMMERCIAL BREEDING OF ANIMALS

As a person or company, engaged in the business of breeding animals for sale and who harbors more than 2 intact females for the primary purpose of breeding animals for sale.

COMMERCIAL USE

Any reproduction or purpose that is marketed, promoted, or sold and incorporates a financial transaction.

CONDITIONAL USE

A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district subject to approval by the Board of Supervisors in conjunction with Article **IX** of the Pennsylvania Municipalities Planning Code, and is subject to special requirements in addition to the usual requirements of the district in which it may be located.

CONVERSION APARTMENTS

Conversions of established single-family dwellings into two or more apartment dwelling units, provided that sanitary sewer is available, each lot or parcel of land so used has an area of not less than 10,000 square feet and a width of not less than 80 feet at the building line and no more than a total of eight dwelling units are located within the structure.

CONDOMINIUM

Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land, and may include dwellings, offices, and other types of space in commercial buildings or on property.

CONSERVATION AREA

Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest.

CONSERVATION EASEMENT

An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open, or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing land uses.

CONSTRUCTION

The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

COOPERATIVE

Ownership in common with others of a parcel of land and of a building or buildings thereon which would normally be used by all the occupants, together with individual rights of occupancy of a particular unit or apartment in such building or buildings or on such parcel of land, and may include dwellings, offices and other types of space in commercial buildings or on property where the lease, sale or exchange of a unit is subject to the agreement of the group of persons having common ownership.

CUL-DE-SAC

A local or minor street intersecting another street at one end and terminated at the other by a vehicular turnaround.

CUT

An excavation; the difference between a point on the original ground and a designated point of lower elevation on the final grade; and also means the material removed in excavation.

DAIRY

A commercial establishment for the manufacture or processing of dairy products.

DAY CARE (NO-IMPACT HOME BASED BUSINESS)

A private residence where care, protection and supervision are provided by the owner or tenant of such residence, at least twice a week, for five or fewer children under 18 years of age, excluding those of the adult provider, in lieu of care and supervision ordinarily provided by parents in their own homes, with or without charge.

DAY-CARE CENTER (commercial)

Children's day-care center shall mean any building or structure operated by any nursery, person, association, corporation, institution, or agency which provides care and supervision, at least twice a week, for six or more children under 18 years of age or special needs adults, in lieu of care and supervision ordinarily provided by parents in their own homes, with or without charge. Such day care use shall be compliant with applicable state regulations.

DEED RESTRICTION

A restriction on the use of the land set forth in the deed or instrument of conveyance. Such restriction usually runs with the land and is binding upon subsequent owners of the property. The governing body is not responsible for enforcing a deed restriction.

DENSITY, GROSS

The quotient of the total number of dwelling units divided by the net area, in acres, of a site.

DETENTION BASIN

A vegetated pond designed to drain completely after storing runoff only for a given storm event and release it at a predetermined rate and is also known as a "dry pond."

DEVELOPER

Any landowner, agent of such landowner, or tenant with permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations, and the subdivision of land.

DEVELOPMENT PLANS

The provisions for development, including a planned residential development; a plat of subdivision; all covenants relating to use, location and bulk of buildings and other structures; intensity of use or density of development; streets, ways and parking facilities, common open space, and public facilities. The phrase "provisions of the development plan" when used in this chapter shall mean the written and graphic materials referred to in this definition.

DISTRIBUTION AND LOGISTICS CENTER

A structure used for the receipt, order processing, storage and distribution of goods, products, cargo, and materials characterized by the breakdown of large orders from a single source into smaller orders or components and/or consolidation of several orders or components into a larger order or component for distribution to one or more recipients.

DRAINAGE FACILITY

Any ditch, gutter, culvert, storm sewer, basin, or other structure designed, intended or constructed for the purpose of diverting surface waters from, or carrying surface waters off, streets, public rights-of-way, parks, recreational areas or any part of any subdivision or contiguous land area.

DWELLING

A building or structure designed for living quarters for one or more families, including mobile homes which are supported by a permanent foundation, but not including tents, cabins, travel trailers, motels, hotels, rooming houses, boarding homes, convalescent homes or other accommodations used for transient occupancy.

DWELLING UNIT

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING, ATTACHED (TOWNHOUSE)

Three or more adjoining dwelling units, each of which is separated from the others by one or more unpierced walls from ground to roof.

DWELLING, MULTIPLE-FAMILY (Apartment)

A building designed for or containing three or more dwelling units, sharing access from a common hall, stair or balcony.

DWELLING, SEMIDETACHED

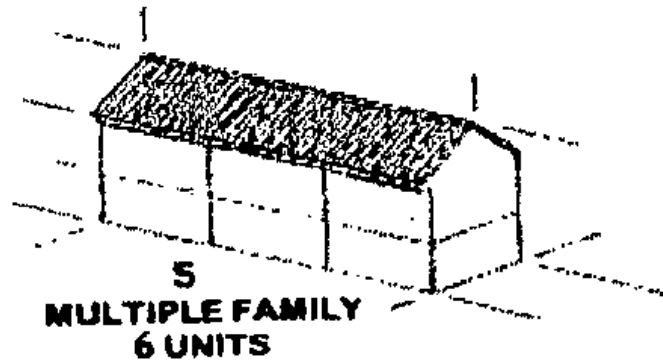
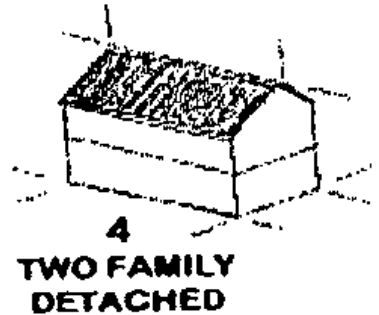
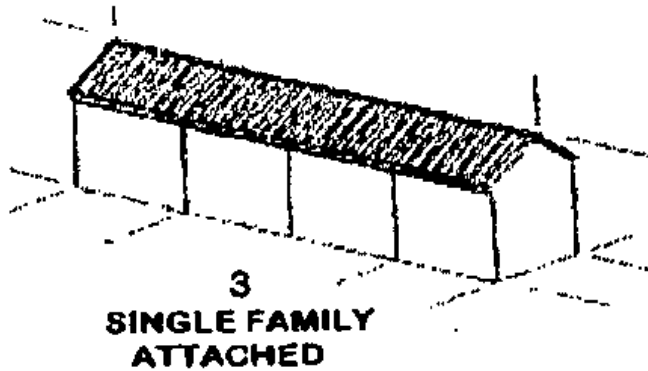
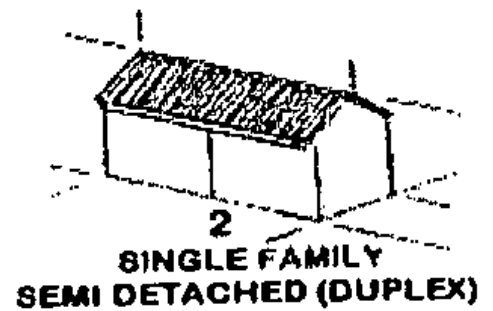
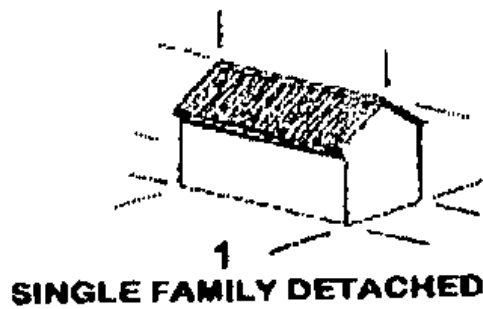
Two dwelling units, attached side to side, sharing only one common wall with the other; or two dwelling units arranged one over the other.

DWELLING, SINGLE-FAMILY DETACHED

A dwelling designed for and occupied by not more than one family and having no roof, wall or floor in common with any other dwelling unit.

DWELLING, TWO-FAMILY, DETACHED

A building used by two families, with one dwelling unit arranged over the other and having two side yards.



EASEMENT

The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

ECHO HOUSING (ELDER COTTAGE HOUSING OPPORTUNITIES)

Also known as "granny flat" or elder cottage housing. It permits a family member, related by blood, marriage, or adoption, to live independently but close to relatives on the same lot. The housing shall be connected to the utility system of the main dwelling unit.

ESSENTIAL SERVICES

The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies or private corporations under contract to a municipality, of gas, electrical, telephone, steam or water transmission or distribution systems, and sewage disposal systems, including buildings, enclosures, wells, pumping stations, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic light signals, hydrants, and other similar equipment and accessories and services in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other agencies or private corporations under contract to a municipality including firehouses or fire companies and emergency services under agreement with the municipality or for the public health or safety or general welfare.

FACILITY OWNER

The person or persons or entity or entities having a legal or equitable interest in the wind energy facility, including the respective successors and assigns.

FAMILY

One or more persons related to each other by blood, adoption, marriage, or otherwise by law, who are occupying the same dwelling unit and are living and cooking together as a single housekeeping unit, exclusive of foster children, household servants, and not more than two additional persons who are not so related. Apart from the above, not more than four persons living and cooking together as a single housekeeping unit though not so related shall be deemed to constitute a family. A "family" as herein defined specifically excludes a boarding- or rooming house, lodging house, club, fraternity, hotel or any similar group living arrangement.

FARM

Any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry, or dairy products, including necessary farm structures within the prescribed limits and the storage of equipment customarily incidental to the primary use. For the purpose of this chapter, a farm shall not include the raising of fur-bearing animals, riding academy, livery or boarding stables, or dog kennels.

FARM BUILDING

A building on a farm used for storing grain or animal feed and housing farm animals.

FARM-RELATED BUSINESS

A use at which goods and services are rendered in support of local farming operations or to supplement on-farm income. Examples of farm-related businesses include, but are not limited to:

- A. Sales or repair of agricultural equipment.
- B. Blacksmith shops, farriers.
- C. Butcher shops.
- D. Grain mills.
- E. Processing and sales of agricultural products not produced by the owner.
- F. Seed, feed, fuel, and fertilizer distributors.
- G. Composting and other farm waste storage facilities.
- H. Welding shops.
- I. Arts and crafts manufacturing and sales.
- J. Woodworking, furniture and cabinet making shops.
- K. Nurseries.
- L. Other similar uses not specifically listed as permitted which, in the opinion of the Zoning Officer that are of the same general character and which will not be detrimental to the district.

FENCE

Any structure, constructed of wood, metal, wire mesh or masonry, erected for the purpose of screening one property from another either to assure privacy or to protect the property screened. For this chapter, a masonry wall is considered to be a fence.

FILL

The sand, gravel, earth, or other material placed or deposited such as to form an embankment or raise the elevation of the land surface.

FLICKER

A repeating cycle of changing light intensity.

FLOOR AREA, GROSS

The sum of the floor area for each of a building's stories measured from the exterior limits of the faces of the structure. The floor area of a building includes basement floor area and includes attic floor area only if the attic area is considered habitable. It does not include cellars and unenclosed porches or any floor space in an accessory building or in the principal building which is designed for the parking of motor vehicles in order to meet the parking requirements of this chapter, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

FORESTRY

The management of forest and timberlands when practiced in accordance with accepted silviculture principles.

GARAGE, PRIVATE

A building for the private use of the owner or occupant of a principal building, situated on the same lot as the principal building, for the storage of motor vehicles, with no facilities for mechanical service or repair of a commercial or public nature. (An accessory building)

GARAGE, PUBLIC

A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles. (Not an accessory building)

GLARE

The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GROSS LEASABLE AREA

The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

GROUND CLEARANCE

The minimum distance between the ground and any part of the wind turbine blade, as measured from the lowest point of the arc of the blades.

GROUND FLOOR

The floor of a building nearest the mean grade at the front of the building.

GROUP HOME

A dwelling operated by a responsible individual, family, or organization with a program to provide supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental, or physical handicap. Group homes must be licensed where required, and a copy of such license shall be delivered to the municipality prior to approval of the use.

HALFWAY HOUSE

A noninstitutional living arrangement with treatment and support services for persons with substance abuse problems or for inmates and parolees approaching parole release date or release from a corrections institution. The halfway house (community corrections center) operates under the rules and regulations of the Pennsylvania Department of Health or Department of Corrections or similar authorities. The residents are provided full-time supervision and counseling on employment, vocations, finances and community living.

HAZARDOUS MATERIAL

Materials which have the potential to damage health or impair safety. Hazardous materials include, but are not limited to, inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorus, selenium, and arsenic and their common salts, petroleum products, and radioactive material. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks, and large containers.

HOME OCCUPATION

A business, profession, occupation or trade conducted for gain or support and located entirely within a residential building, or a structural accessory thereto, which use is accessory, incidental and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.

HOSPITAL

An institution as approved by the State Medical Board in which patients or injured persons are given medical or surgical care.

HOTEL

A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building as an accessory use.

HOUSEHOLD PETS

Any cat, dog, bird, hamster and such other animal as is customarily house kept. "House pet" shall not include the keeping of horses, pigs, rabbits or baby chicks, chickens or any such farm animals.

HUB HEIGHT

The distance measured from the surface of the tower foundation to the highest point of the wind turbine hub to which the blade is attached.

HUNTING, FISHING AND PRIVATE RECREATIONAL CLUB

A club, created for the purpose of seasonal hunting and fishing and primitive camping, exclusively provided for members and guests, where seasonal membership fees are collected for the privilege of hunting or fishing.

IMPERVIOUS COVER

Any material impenetrable by precipitation, including buildings, structures and paved areas. For purposes of this chapter, "impervious cover" shall be deemed to include gravel driveways and parking areas.

INDUSTRIAL PARK

A planned, coordinated development of a tract(s) of land with two or more separate industrial buildings. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

INDUSTRY, HEAVY

A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using, flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

INDUSTRY, LIGHT

A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, and sales, but excluding basic industrial processing.

JUNKYARD

Any area and/or structure used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material or for the collecting, dismantling, storage and salvaging of machinery or vehicles primarily not in running condition and for the sale of parts thereof.

KENNEL

An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training or selling of animals is conducted as a business.

LAND USE PERMIT

See zoning permit

LOT

A designated parcel, tract or area of land established by a plat or otherwise permitted by law and to be used, developed, or built upon as a unit.

LOT AREA (NET)

The area contained within the property lines of a lot, excluding space within any public right-of-way, but including the area of easement.

LOT AREA (GROSS)

The area contained within the property lines of a lot, including space within any public right-of-way.

LOT COVERAGE

The percentage of the lot area covered by any and all impervious surfaces.

LOT DEPTH

The mean horizontal distance between the street line and rear lot line, measured along the mean direction of the side lines of the lot.

LOT FRONTAGE

The lot dimension measured along the street line of any street abutting a lot.

LOT LINE

A line bounding a lot which divides one lot from another or from a street or any other public or private space.

LOT LINE, REAR

That lot line which is parallel to and most distant from the front lot line of a lot; in the case of an irregular, triangular or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.

LOT LINE, SIDE

Any lot line other than a front or rear lot line.

LOT OF RECORD

Any validly recorded lot which at the time of its recordation complied with all applicable laws, ordinances and regulations.

LOT WIDTH

The mean horizontal distance between the side lot lines measured at the building setback line. Where there is only one side lot line, lot width shall be measured between such lot line and the opposite lot line or future right-of-way line.

LOT, CORNER

A lot at the junction of and abutting on two or more intersecting streets or private roads or at the point of abrupt change of a single street or private road, where the interior angle is less than 135° and the radius of the street or private road line is less than 100 feet. In the case of lots which have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.

LOT, DOUBLE FRONTAGE

An interior lot having frontage on two streets.

LOT, INTERIOR

A lot other than a corner lot.

LUMBER MILL OR PLANING MILL

A facility where logs or sawed lumber are cut for sale.

MANUFACTURING

The process and/or converting of raw, unfinished or finished materials or products, or any or either of them, into an article or substance of different character or for use for a different purpose; industries furnishing labor in the case of manufacturing, rebuilding or refinishing of manufactured articles.

METEOROLOGICAL TOWER

A tower used for the measurement of wind speed.

MICROWAVE ANTENNA FOR SATELLITE COMMUNICATION

A parabolic ground-based reflector, together with its pedestal and any other attachments and parts thereof, commonly referred to as a "dish shaped antenna," used or intended to receive radio or electromagnetic waves from an overhead satellite.

MIXED USE DEVELOPMENT

Blend of multiple uses, such as residential, commercial, cultural, institutional, or entertainment, where those functions are to some degree physically and functionally integrated, and that provides pedestrian connections.

MOBILE HOME or MANUFACTURED HOME

A. **MOBILE HOME** A transportable, factory-built, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. "Mobile home" is the preferred term used to refer to such units built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

B. **MANUFACTURED HOME** A factory-built single-family structure that is manufactured under the authority of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

For purposes of this chapter, a mobile home or manufactured home shall be considered as a single-family dwelling unit and one such unit shall be permitted on a single tract of land in all zones that permit single-family dwellings, provided that no other dwelling units exist on the tract, and that all other applicable provisions of this chapter are met. In addition, unless specifically referenced otherwise by the text of this chapter, the terms "manufactured home" and "mobile home" shall be deemed to refer to the same type of residential housing and said terms may be used interchangeably in the text.

MOBILE HOME/MANUFACTURED HOME COURT OR PARK

Any site, lot or tract of land upon which two or more authorized mobile homes/manufactured homes are parked permanently or temporarily, either free of charge or for revenue purposes, and shall include any appurtenant facilities used or designed as part of the equipment of such mobile home/manufactured home court or park.

MOBILE HOME/MANUFACTURED HOME SUBDIVISION

An area designed exclusively for mobile homes or manufactured homes and mobile dwelling units where lots are not rented but sold.

MOTEL

A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and provided with accessory off-street parking facilities. The term "motel" includes buildings designed as tourist courts, auto courts and other similar designations but shall not be construed to include mobile or immobile trailers or homes.

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.

NONPARTICIPATING LANDOWNERS

Any landowner except those on whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.

NONCONFORMING LOT

A lot, the area or dimension of which was lawful prior to the adoption or amendment of this chapter but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE

A structure or part of a structure manifestly not designed to comply with the applicable use provisions in this chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such chapter or amendment, or prior to the application of such chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE

A use, whether of land or a structure, which does not comply with the applicable use provisions in this chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such chapter or amendment, or prior to the application of such chapter or amendment to its location by reason of annexation.

NURSERY, HORTICULTURE

Any lot or parcel of land used to cultivate, propagate, and grow trees, shrubs, vines, and other plants, including the buildings, structures, and equipment customarily incidental and accessory to the primary use.

OBSTRUCTION

Any wall, dam, wharf, embankment, levee, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter, in, along, across, or projecting into any channel, watercourse or flood-prone area, which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or is placed where the flow of the water might carry the same downstream causing damage of life and property.

OCCUPANCY, MIXED

Occupancy of a building or land for more than one use.

OCCUPIED BUILDING

A residence, school, hospital, church, public library, commercial building or other building used for public gathering that is in use when the permit application is submitted.

OPEN SPACE

An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, swimming pools, wooded areas and watercourses. Open space shall not include driveways, parking lots or other surfaces designed or intended for vehicular travel.

OPERATOR

The entity responsible for the day-to-day operation and maintenance of the wind energy facility.

OUTDOOR STORAGE

The keeping of any goods, materials, or equipment outside of a Building for more than 24 hours, excluding Vehicle Recycling Facilities, Vehicle Storage Yards, Towing and Impound Yards, and Outside Display of Merchandise.

PARKING SPACE

An off-street space available for the parking of a motor vehicle and which, in this chapter, is held to be an area 10 feet wide and 18 feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

PARTICIPATING LANDOWNER

A landowner upon whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.

PERSONAL SERVICES

Includes such uses as barbershops, beauty salons, photographic studios, coin-operated laundromats, tailors, dressmaking, millinery and dry cleaning and laundry operations.

PLACE OF WORSHIP

A nonprofit use of land or a building or buildings as a place of worship, convent, monastery or similar religious institution, including rectory and parish houses for an organization solely or primarily used as a religious institution when located on the same premise.

PLANNING AGENCY

A planning commission, planning department, or a planning committee of the governing body.

PORCH

A roofed, open, screened or glass-enclosed structure projecting from the front, side or rear wall of a building.

PRINCIPAL SOLAR ENERGY SYSTEM (PSES)

An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one or more freestanding ground- or roof-mounted solar collector devices, solar related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

PROFESSIONAL OFFICES

Includes but are not limited to offices for real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, physicians, lawyers, clergymen, teachers, dentists, architects, engineers, insurance agents, opticians, banks, financial institutions, contractors (excluding storage) and similar office-oriented uses.

PUBLIC HEARING

A formal meeting held pursuant to public notice by the Board of Supervisors, Zoning Hearing Board or Planning Commission, intended to inform and obtain public comment prior to taking action in accordance with this chapter.

PUBLIC IMPROVEMENT

Any improvement, facility or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs, such as vehicular and pedestrian circulation systems; storm sewers; flood control improvements; water supply and distribution facilities; sanitary sewage disposal and treatment; and public utility and energy services.

PUBLIC NOTICE

Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

QUARRYING

The purpose of extracting stone, sand, clay, gravel, or topsoil for sale, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

RECREATION, ACTIVE

Leisure time activities, usually of a more formal nature and performed with other individuals, often requiring equipment and taking place at prescribed places, site or fields. Such areas usually require physical alteration of the area before they can occur and are intensively used, such as playgrounds, ball courts and swimming pools.

RECREATION, PASSIVE

Leisure-time activities, usually of an informal nature and which can be carried out with little alteration or disruption to the area in which they occur, such as hiking and picnicking.

RECREATIONAL VEHICLE

A vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which has its own motive power or is mounted on or drawn by another vehicle, including camping trailer, motor home, travel trailer and truck camper; and a body width of no more than eight feet and a body length of no more than 35 feet when designed for the road, whether licensed or not licensed.

REGULATORY FLOOD ELEVATION

The 100-year flood elevation plus a freeboard safety factor of 1 1/2 feet.

REPAIR SERVICES

The restoration and maintenance of object, which are compatible with each other uses in the zoning district. Includes but not limited too such uses as radio, television and appliance repair shops, plumbing shops, carpenter shops, and shoe repair shops.

RESTAURANT

A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

RESTAURANT, FAST FOOD

Any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either 1) foods, frozen desserts, or beverages are usually served in paper, plastic, or other disposable containers, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed; and/or 2) the establishment includes a drive-up or drive-through service facility or offers curbside service.

RETAIL BUSINESS

Includes such uses as variety stores, apparel stores, drugstores, grocery stores, antique shops, music shops, sporting goods stores, and book, stationery, magazine, candy, and tobacco shops.

RETIREMENT HOUSING (complex)

Dwellings exclusively designed for and occupied by senior citizen residents 55 years of age or older, in a building with central kitchen facilities providing meals for the residents. There is no minimum age requirement for the spouse of a resident who is 55 years of age or older.

RIGHT-OF-WAY

Land reserved for use as a street, alley, interior walk or for other public purposes.

ROOMING HOUSE or BOARDINGHOUSE

A dwelling where lodging is provided, for compensation, for five to 10 persons who are not members of a family occupying that dwelling unit and who do not occupy the dwelling as a simple housekeeping unit.

ROTOR

That portion of the wind turbine, i.e., blades and associated hub and shaft, which is intended to be moved or activated by the wind.

SCHOOL

Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania.

SCREENING

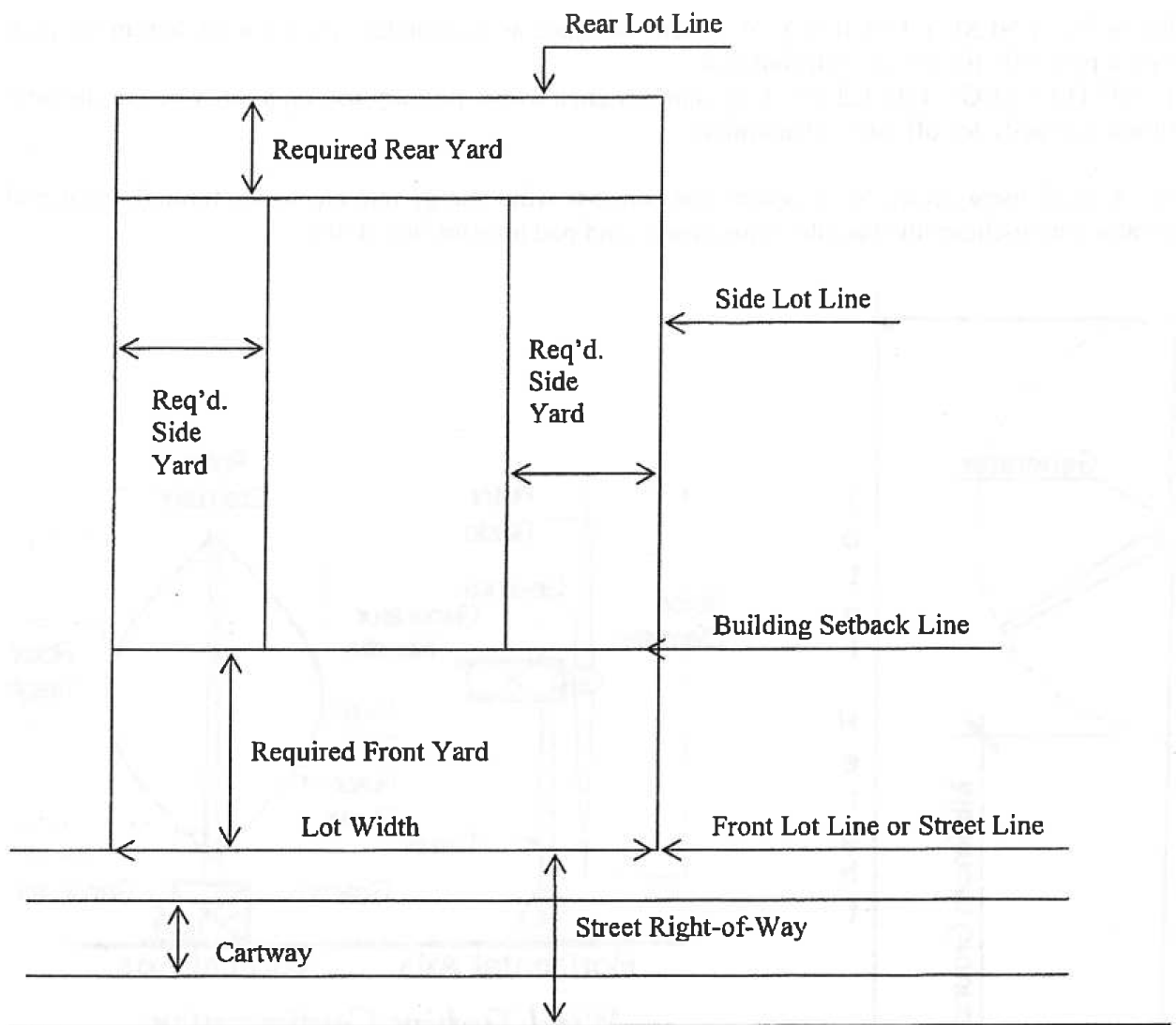
The use of plant or landscaping materials, fencing, walls and/or earthen berms to aid in the concealment of such features as parking areas and vehicles within them or open storage areas, and to provide privacy between two or more different land uses which abut one another.

SELF- STORAGE FACILITY

A building or group of buildings in a compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers or garage-type units for the storage of customers' goods, belongings or wares.

SETBACK

The setback of a building from a particular lot line is the horizontal distance from such lot line to the part of the building nearest to such lot line.



SHADOW FLICKER

Alternating changes in light intensity caused by a moving wind rotor blade casting shadows on the ground and stationary objects.

SHED

A single-story building/structure not to exceed 12' in height and less than 250 sqft.

SHOPPING CENTER

A group of retail businesses planned and designed to function as a unit for the lot on which it is located, with off-street parking provided as an integral part of the unit.

SHORT TERM RENTAL

Any dwelling or portion thereof that is available for use, or is used, for lodging of guests by paying a fee or other compensation for a period of less than thirty consecutive days. Common platforms include but not limited too. Airbnb, Flipkey, Home Away, and Vrbo.

SHOOTING RANGE

The horizontal distance which a projectile can be propelled. A place where shooting a firearm is practiced, to include but not limited to shotguns, rifles, pistols and / or bow and arrows.

SIGN

Any structure, device, light or object, including the ground itself or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, word, model, number, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement and which is intended to be seen from off the premises or from a parking lot, and shall be deemed to include signs which are affixed to the insides of windows and glass doors and are intended to be seen from roadways or parking lots.

SOLAR EASEMENT

A right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner, for the purpose of assuring adequate access to direct sunlight for solar energy systems.

SOLAR ENERGY

Radiant energy (direct, diffused and/or reflective) received from the sun.

SOLAR PANEL

That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

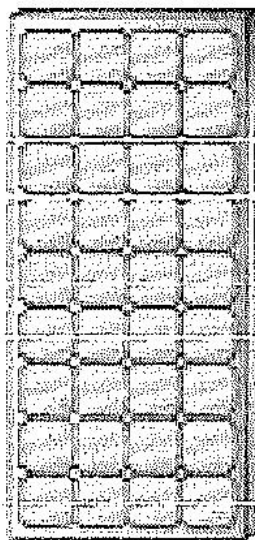
SOLAR RELATED EQUIPMENT

Items, including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures, used for or intended to be used for collection of solar energy.

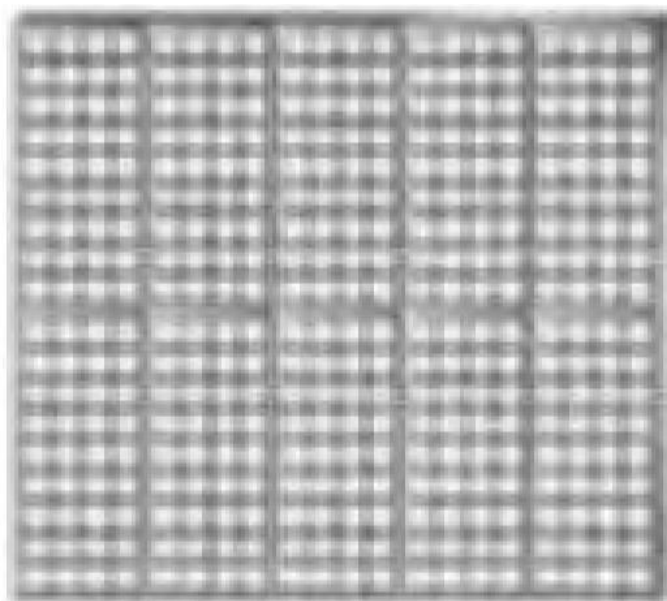
- A. **SOLAR ARRAY** A grouping of multiple solar modules with the purpose of harvesting solar energy.
- B. **SOLAR CELL** The smallest basic solar electric device which generates electricity when exposed to light.
- C. **SOLAR MODULE** A grouping of solar cells with the purpose of harvesting solar energy.



Cell



Module



Array

SPECIAL EXCEPTION

A use permitted in a particular zoning district pursuant to the provisions of Article VI and IX of the Pennsylvania Municipalities Planning Code. **STABLE, COMMERCIAL**

A building or land where horses are kept for remuneration, hire, sale, boarding riding or show.

STABLE, PRIVATE

Any building, incidental to an existing residential, principal use, that shelters horses for the exclusive use of the occupants of the premises.

STORY

A story is that part of a building between the surface of any floor and the next floor above it or, in its absence, then the finished ceiling or roof above it. A "split level" story shall be considered a second story if its floor level is six feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building which is more than two feet below the top plate shall be counted as a story; and, if less than two feet below the top plate, shall be counted as a half-story. A basement shall be counted as a story if it averages more than five feet above grade.

STREET

Any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or other way, whether public or private, used or intended to be used by vehicular traffic or pedestrians.

STREET LINE or STREET RIGHT-OF-WAY LINE

The street line is that line determining the limit of the street or highway right of the public, either existing or contemplated. Where a definite right-of-way width has not been established, the street line shall be assumed to be at a point 25 feet from the center line of the existing street.

STREET WIDTH

The distance between right-of-way lines measured at right angles to the center line of the street.

STRUCTURAL ALTERATION

Any change in the supporting or structural members of a building or structure, such as the bearing walls, partitions, columns, beams, girders, etc., or any change in the dimension or configuration of the rooms or exterior walls.

STRUCTURE

Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. Structure means a building of any kind and includes a fence and a shed whether or not affixed to the land.

TEMPORARY USE

A use or structure on improved or unimproved real estate which is of impermanent nature, and is used for less than 60 days.

TINY HOUSE

A dwelling unit placed on a property for occupancy as either a primary or principal use dwelling unit with a habitable floor area of 400 square feet or less with a foundation or on wheels.

TINY HOUSE CLUSTER

More than one TINY HOUSE per lot.

TIMBER HARVESTING

Timber harvest means the cutting or removal of timber for purposes of sale or profit for wood product purposes, such as lumber, biomass, or firewood,

TOTAL HEIGHT

When referring to a wind turbine, the distance measured from the surface of the tower foundation to the highest point of a wind rotor blade when the blade is positioned at 90° to the surface of the ground.

TOTAL TRACT AREA

The land area contained within the boundaries of a tract, exclusive of the areas of such permanent easements as are associated with overhead power transmission lines and underground pipelines, and land within the right-of-way of existing public roads that are present on the land at the time of development.

TOWER

The supporting structure of a wind turbine or communication antennas are placed, on which a rotor and accessory equipment are mounted.

TRAILER

An unpowered vehicle towed by another.

TREE FARMING

A commercial operation or business such as a tree plantation, tree nursery, or Christmas tree farm that grows trees for sale, and includes a privately owned forest that is managed for timber production.

TRUCK TERMINAL

Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

USE

The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

USE OF BUILDING

Any and every use conducted within a building or accessory thereto.

USE, PRINCIPAL

The specific primary purpose for which land is used.

VARIANCE

The permission granted by the Zoning Hearing Board following a public hearing that has been properly advertised as required by Act 247, as amended, for an adjustment to some regulation which, if strictly adhered to, would result in an unnecessary hardship and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of this chapter.

WAREHOUSING

Is the process of storing physical inventory in a building. This use prohibits vehicle servicing and repair facilities, fueling, dispensing and storage of petroleum products, and overnight accommodations. This definition includes distribution and logistic centers.

WETLAND

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

WIND ENERGY FACILITY

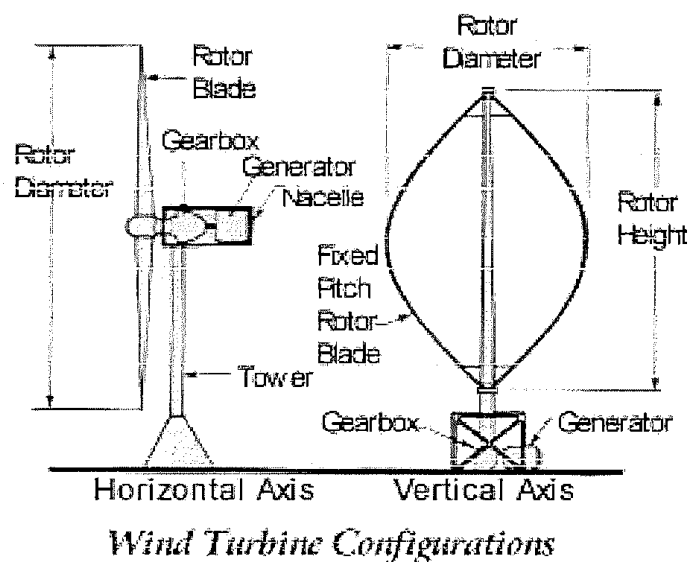
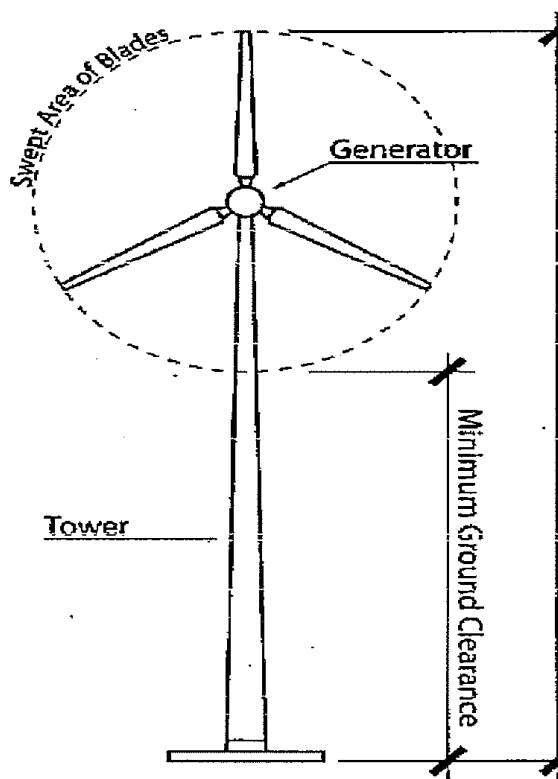
An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmissions lines and other appurtenant structures and facilities.

A. **ACCESSORY WIND ENERGY FACILITY** A system designed as a secondary use on a lot, wherein the power generated is used primarily for on-site consumption.

B. **PRINCIPAL WIND ENERGY FACILITY** A system designed as the primary use on a lot, wherein the power generated is used primarily for off-site consumption.

WIND TURBINE

A wind energy conversion system that converts wind energy into electricity using a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.



YARD

An open space on the same lot with a building or building group lying between the front, rear or side wall of a building and the nearest lot line, unoccupied except for projections and the specific minor uses or structures allowed in such open space under this chapter.

YARD, FRONT

An open unoccupied space on the same lot with a main building, situated between the street line and front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered porches whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

YARD, INTERIOR

An open unoccupied space between the buildings of a dwelling group or between a building and its accessory buildings, not a front, side, or rear yard.

YARD, REAR

A yard on the same lot with a main building, situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the main building.

YARD, SIDE

A yard on the same lot with the building, situated between the required setback line and the side line of the lot and extending from the front lot line to the rear lot line. Any lot line not a rear line or a front line shall be deemed a sideline.

ZONING DISTRICT

A portion of the Township or adjacent municipality(s) within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter (or the adjacent municipality's Zoning Ordinance).

ZONING MAP

The Official Zoning Map of Southampton Township which is an integral part of this chapter and which is kept up-to-date and on display at the Township office, and/or office of the Township Secretary.

ZONING/LAND USE PERMIT

A permit stating that the purpose for which a building, structure, fence or shed of any kind, whether or not affixed to the land, is to be used is in conformity with the uses permitted and all other requirements under this chapter for the zone in which it is located or is to be located.

Article III

Districts and Map Established

350-301 **Zoning classifications.**

For the purpose of regulating the location, size and use of buildings, structures and land for residence, trade, industry or other purposes, Southampton Township is hereby divided into the following districts, or zones, which shall be known as:

Districts

Agricultural District

Woodland Conservation District

Village Center District

Commercial District

Manufacturing District

350-302 **Zoning Map.**

The boundaries of the above districts are delineated on a map entitled Southampton Township Zoning Map which accompanies, and, with all explanatory matter thereon, is hereby made a part of this chapter.

350-303 **Interpretation of district boundaries.**

Where uncertainty exists as to the boundaries of the districts shown on the Zoning Map, the following rules shall apply.

- A. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed as following such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

- C. Boundaries indicated as approximately following municipality limits shall be construed as following such municipality limits.
- D. Boundaries indicated as approximately following the center lines of streams, rivers or other bodies of water shall be construed as following such center lines.
- E. Boundaries indicated as parallel to or extensions of features indicated in § **350-303A** through **D** above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or are in circumstances not covered by § **350-303A** through **D**, the Zoning Officer shall interpret the district boundaries. An appeal may be taken to the Zoning Hearing Board, as provided herein.

350-304 Effect of establishment of districts.

- A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all the regulations herein specified for the district in which it is located, and unless and until a zoning permit has been secured from the Zoning Officer.
- B. No yard or open space required in connection with any building or use shall be considered as providing a required open space for any other building on the same or any other lot.
- C. No lot shall be formed from part of a lot already occupied by a building, unless such building, all yards, and open spaces connected therewith, and the remaining lot comply with all requirements prescribed by this chapter for the district in which said lot is located. No building permit shall be issued for the erection of a building on any new lot thus created unless such building and lot comply with all provisions of this chapter.
- D. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.
- E. Any use not permitted by this chapter shall be deemed to be prohibited. Any list of prohibited uses contained in any section of this chapter shall not be deemed to be an exhaustive list but has been included for the purposes of clarity and emphasis, and to illustrate, by example, some of the uses frequently proposed that are deemed undesirable and incompatible and thus prohibited.

350-305 Permitted Use in each district.

The following tables list the types of uses permitted by this Zoning Ordinance. Uses are divided into permitted Uses (Zoning decision by Zoning Officer); and Permitted by Conditional Use (zoning decision by Governing Body). Uses that are not permitted are designated by “-”. Many of the uses permitted by the above two categories must comply with specific criteria, which are found in Article X. The Zoning Code section numbers where the criteria are located are noted in the tables.

Table 350-305

350-305 USES PERMITTED IN EACH DISTRICT					
All uses permitted by right, conditional use or special exception shall meet the specified criteria requirements in this ordinance.					
R = Use permitted by right CU = Use permitted by conditional use S = Use permitted by special exception					
	Agri-cultural	Wood-land con-servation	Village center	Commercial	Manufactur-ing
Adult related facilities 350-1005	-	-	-	-	CU
Agricultural uses	R	R	-	-	-
Airport and heliport 350-1007	CU	-	-	-	-
Attached dwelling (townhouse)	-	-	R	-	-
Automobile Service Station 350-1051	-	-	-	CU	CU
Automobile Repair Service (residential) 350-1051	CU	CU	-	R	-
Automobile Repair Service (nonresidential) 350-1051	CU	CU	-	R	-
Bed and breakfast 350-1008	R	R	R	-	-
Campground 350-1010	CU	CU	-	-	-
Cemetery	R	-	-	-	-
Cluster development 350-1011	-	-	CU	-	-
Commercial breeding of animals 350-1014	R	CU	-	-	-
Commercial uses 350-1012	-	-	-	R	CU
Commercial Day Care 350-1015	-	-	CU	CU	-
Communication tower 350-1013	CU	CU	CU	-	-
Dwelling- two family detached			R		
Essential services 350-1018	R	R	R	R	R
Farm related business 350-1019	CU	CU	-	-	-
Forestry 350-1021	R	R	R	R	R
Garage Public Parking 350-1315	-	-	-	CU	CU
Golf course 350-1022	CU	-	-	-	-
Group home 350-1023	-	-	CU	-	-
Halfway House	CU	CU	-	-	-
Hotel	-	-	-	R	
Hunting, fishing, and private recreational club 350-1024	CU	CU	-	-	-
Industrial Park 350-1026	-	-	-	CU	CU
Industry light / Heavy 350-1026	-	-	-	-	CU
Intensive ag operation 350-1027	CU	CU	-	-	-
Junkyard 350-1028	CU	CU	-	-	-
Kennel 350-1047	CU		-	CU	CU
Lumber Mill/ Plaining Mill 350-1021	CU	CU	-	-	-
Mixed use development 350-1029	-	-	CU	-	-
Mobile home park 295-600	-	-	CU	-	-
Multi-family conversion 350-1031	-	CU	CU	-	-
Multiple family dwelling (apartment)	-	-	R	-	-
Multiple Family (Apartment conversion) 350-1031	-	-	R	-	-
Municipal building and use 350-1029	R	R	R	R	R
Place of worship	R	R	R	R	R

350-305 USES PERMITTED IN EACH DISTRICT					
All uses permitted by right, conditional use or special exception shall meet the specified criteria requirements in this ordinance.					
R = Use permitted by right CU = Use permitted by conditional use S = Use permitted by special exception					
	Agri-cultural	Wood-land con-servation	Village cen-ter	Commercial	Manufactur-ing
Principal solar energy (PSES) 350-1035	-	-	-	-	R
Principal wind energy (PWEF) 350-1036	-	R	-	-	-
Professional office 350-1034	-	-	R	R	-
Public conservation areas	-	R	-	-	-
Quarrying and other extractive use 350-1037	CU	-	-	-	-
Repair service 350-1038	CU	CU	-	R	-
Retail business /BUSINESS CONVERSIONS 350-1009	-	-	CU	R	R
Retirement housing 350-1040	-	-	R	-	-
Sanitary landfill 350-1041	CU	-	-	-	-
Schools public and private 350-1042	R	R	R	-	-
Semidetached dwelling (duplex)	-	-	R	-	-
Self-Storage Facility 350-1050	CU	CU	-	CU	CU
Shooting range 350-1043	CU	CU	-	-	-
Short term rental 350-1044	R	R	-	-	-
Shopping Center	-	-	-	CU	-
Single family detached dwelling	R	R	R	-	-
Temporary Use 350-1208	R	R	R	R	R
Tree farming 350-1045	R	R	-	-	-
Timber Harvesting 350-1021	-	R	-	-	-
Tiny House 350-1046	R	R	R	-	-
Tiny House Cluster 350-1046	-	-	CU	-	-
Uses of the same general character 350-309	CU	CU	CU	CU	CU
Veterinarian and animal hospital 350-1047	CU	CU	CU	CU	CU
Warehousing 350-1048	-	-	-	-	R
ACCESSORY USES					
Accessory apartment 350-1002	R	-	R	-	-
Accessory solar energy (ASES) 350-1003	R	R	R	R	R
Accessory wind energy (AWEF) 350-1004	R	R	-	-	-
Agritourism 350-1006	R	R	CU	-	-
Day care No impact 350-1015	-	-	R	-	-
Home occupation 350-1025	R	R	R	-	-
ECHO housing 350-1017	R	R	R	CU	CU
No impact home-based business 350-1032	R	R	R	R	R
Office use associated with a permitted use.	-	-	-	-	R
Outdoor storage 350-1033	R	R	-	R	R

350-305 USES PERMITTED IN EACH DISTRICT

All uses permitted by right, conditional use or special exception shall meet the specified criteria requirements in this ordinance.

R = Use permitted by right

CU = Use permitted by conditional use

S = Use permitted by special exception

	Agri-cultural	Wood-land con-servation	Village cen-ter	Commercial	Manufactur-ing
Uses and structures which are customarily associated with the permitted uses	R	R	R	R	R
Roadside stands	R	R	R	R	R
Garden house, tool house, play-house, wading and swimming pools	R	R	R	-	-
One dwelling unit in conjunction with a permitted use	R	R	R	R	R
Signs 350-1316	R	R	CU	-	-
	R	R	R	R	R

Article IV

A Agricultural District

350-401 **Purpose.**

- A. The Agricultural District includes areas of prime agricultural soils, active farms, and other predominately agricultural uses. These regulations are designed to help protect and stabilize the characteristics associated with productive agriculture, and to permit, with exceptions, those uses and activities which are agricultural in nature, while allowing limited residential activity. The Agricultural District encourages the preservation of the Township's most productive farmland; encourages farm and related uses of the type that do not create infrastructure demands; and discourages large scale residential development and other incompatible land uses.
- B. In an Agricultural District the regulations set forth in this article and referenced by this article shall apply.

350-402 **Permitted uses. See Table 350-305**

§ 350-403 **Accessory uses. See Table 350-305**

§ 350-404 **Conditional uses. See Table 350-305**

350-405 **Lot area and yard regulations.**

A. Maximum area of subdivided land.

(1) Upon the effective date (**add date**) of this chapter, the maximum land area that can be developed for non-farm use from a parent parcel shall be equal to 10% of the gross area of the parent parcel (i.e., 100-acre farm: $100 \times 0.1 = 10$ acres). The following paragraph shall be completed for the property being developed and added to the plan notes.

(2) Any subsequent owner of any parcel or land legally existing on the (**add date**) effective date of this chapter shall be bound by the actions of previous owners, in that such current owner may only subdivide or develop for the purposes of nonagricultural use. Any subdivision or land development plan hereafter filed for a tract of land in the Agricultural District shall specify the amount of any unused quota and which lot or lots shall carry with them the right to erect or place thereon any unused development quota as determined by the provisions of this section.

- (a) For each tract of contiguous land in single ownership that is 10 acres or less as of the effective date of this chapter, there may be one additional residential lot subdivided when meeting the requirements of the Pennsylvania Department of Environmental Protection.
- (b) Section 350-405(A) shall not apply to ECHO housing or temporary farm employee housing, unless new lots are created for such units.

B. Any lot, tract or parcel shall comply with the following:

				Minimum Yard Set-backs			
Use	Minimum Lot Size (SQFT)	Min. Road front	Maximum Impervious Lot Coverage	Front (feet)	Side (feet)	Rear (feet)	Maximum Building Height** (feet)
Single-family detached dwellings	*	24	30%	35	15 each	25	35
Farm related Uses	10 acres	50	20%	50	30 each	30	None
Other principal uses	*	N/A	30%	50	35 each	50	40
(Residential) Accessory buildings and structures	N/A		Included with above	Not permitted in required front yard	15	25	25
Shed	N/A			Not permitted in required front yard	5	5	12

* See PA ACT 537 and the Township Sewage Officer

** Maximum height limitations do not include chimneys, spires, unoccupied towers, elevator penthouses, tanks, silos, antennas or other similar projections.

350-406 Farm regulations.

- A. Livestock may be kept on parcels of land less than 10 acres and shall be housed in farm buildings in compliance with Item B below.
- B. Farm Accessory structures (all farm building excluding the main barn) shall not be constructed closer than 75 feet to a front property line or right-of-way line of a public street, nor closer than 100 feet to a side or rear property line.
 1. No buildings may be erected within an area designated in a utility or drainage easement.
 2. When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this chapter applicable to the principal building.
 3. Where a property has a corner lot no accessory building shall be placed in the required front setback or the clear sight triangle.
- C. A manure management plan for such operation must be approved in accordance with regulations adopted pursuant to the Pennsylvania Nutrient Management and Odor Management Act, 3 Pa.C.S.A. § 501 et seq., if required. Any such plan shall be on file with the Township. Such plan shall become a condition of each zoning permit issued. Failure to comply with the manure management plan on

file shall be cause for the Township, through the Zoning Officer, to revoke the zoning permit.

- D. All other new construction, whether as a separate structure or an addition to an existing structure, and whether or not it is subject to compliance with manure management regulations, shall conform to setback requirements of§ **350-405** and Chapter 288 of the township code

350-407 Agricultural Nuisance Disclaimer

- A. All lands within the Agricultural Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owner, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, the "Right to Farm Law," may bar them from obtaining a legal judgment against such normal agricultural operations.
- B. All farming operations which are in compliance with applicable manure management regulations shall not be subject to further restriction on account of odor, except as provided under Article **XII**, § **350-1202** of this chapter, where odors emitted are determined not to be the result of normal agricultural operations.
- C. All subdivision and land development plans submitted after February 26, 2013, that include land within the Agricultural District shall include a note that duplicates this section (350-407.A) and which must be transferred to the purchaser by the seller.

350-408 Off-street parking.

Off-street parking shall be provided as required by Article **XIII**, § **350-1211**.

350-409 Signs

The placement, type and size of all signs erected in the Agricultural District shall be regulated by the provisions of Article **XII**, § **350-1212**.

Article V

WC Woodland Conservation District

350-501 **Purpose.**

- A. The purpose of the Woodland Conservation District is to protect and preserve the densely wooded southern third of Southampton Township. Protecting wooded steep slope areas from indiscriminate deforestation and development, and preserving the aesthetics, recreation potential, natural resources and watershed functions are primary objectives within this district.
- B. In a Woodland Conservation District, the regulations set forth in this article and referenced by this article shall apply.

350-502 **Permitted uses. See Table 350-305**

350-503 **Accessory uses. See Table 350-305**

350-504 **Conditional uses. See Table 350-305**

350-505 **Lot area and yard regulations.**

- A. Any lot, tract or parcel shall comply with the following

Minimum Yard Setbacks

Use	Minimum Lot Area (SQFT)	Minimum Lot Width (feet)	Maximum Impervious Lot Coverage	Front (feet)	Side (feet)	Rear (feet)	Maximum Building Height** (feet)
Single-family detached dwellings	2 Acres*	24	30%	35	15 each	25	35
Other Principal Uses	2 Acres*	50	20%	50	30 each	30	35
Accessory buildings and structures	N/A	N/A	Included with above	Not permitted in required front yard	15	25	25
Shed	N/A	N/A	Included with above	Not permitted in required front yard	5	5	12

* See PA ACT 537 and the Township Sewage Officer

** Maximum height limitations do not include chimneys, spires, unoccupied towers, elevator pent-houses, tanks, silos, antennas or other similar projections.

350-506 Off-street parking.

Off-street parking shall be provided as required by Article XII, § 350-1211.

350-507 Signs.

The placement, type and size of all signs erected in a Woodland Conservation District shall be regulated by the provisions of § 350-1212.

Article VI
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Article VII

VC Village Center District

350-701 Purpose.

- A. The Village Center District is intended to provide a variety of housing opportunities, along with a mix of service oriented and limited retail uses, in areas where public utilities are, or could be extended. It is designed to encourage more dense development relative to other zoning districts within this chapter, and provide for retail and service facilities which primarily serve the needs of the immediate surrounding neighborhood.
- B. In a Village Center District the regulations set forth in this article and referenced by this article shall apply.

350-702 Permitted uses. See Table 350-305

350-703 Accessory uses. See Table 350-305

350-704 Conditional uses. See Table 350-305

350-705 Area and yard regulations.

				Minimum Yard Setbacks		
Use	Minimum Lot Width (feet)	Maximum Impervious Lot Coverage	Front (feet)	Side (feet)	Rear (feet)	Maximum Building Height** (feet)
Single Family	24	60%	35	15 each	25	35
Semi Detached Duplex (2 units) (per unit)	24	60%	35	15each	25	35
Attached (Townhouse per unit)	24	60%	35	15 each	25	35
Multiple Family (apartment)	50	60%	50	30 each	30	100
Multiple Family (Apartment conversion) See 350-1031	80	10,000 Sq. Ft.				
Other Permitted Uses	50	60%	50	30 each	30	100
Accessory buildings and Structures	N/A	Included with above	Not permitted in required front yard	15 each	25	25
Sheds (not to exceed 250 SQ.FT.)	N/A	Included with above	Not Permitted in Required Front Yard	5 each	5	12

*See Act 537 and the Township Sewage Officer

** Maximum height limitations do not include chimneys, spires, unoccupied towers, elevator pent-houses, tanks, silos, antennas, or other similar projections.

350-706 Off-street parking.

Off-street parking shall be provided as required by Article **XII**, § **350-1211**.

350-707 Signs.

The placement, type and size of all signs erected in the Village Center District shall be as regulated by the provisions of Article **XII**, § **350-1212**.

Article VIII

(C) Commercial District

350-801 Purpose.

- A. It is the purpose of this district to make appropriate provisions for a variety of commercial activities which generally can be supported by the local population, or by travelers using the interstate highway. Most of these commercial uses are oriented to automotive access and require location along a frequently traveled highway.

350-802 Permitted uses. See Table 350-305

350-803 Accessory uses. See Table 350-305

350-804 Conditional uses. See Table 350-305

350-805 Area, yard, height and coverage regulations.

- A. Area regulations. The area of any tract or parcel of land to be used for commercial purposes shall be of sufficient area to accommodate the physical structure(s) when complying with the required setbacks, impervious coverage limits and off-street parking regulations of this chapter.

* Landscaped areas shall be measured from the property line inward.

* Does not include sheds.

- B. Multiple buildings. Where two or more commercial structures are proposed for the same parcel, or where an additional separate structure is proposed on a parcel containing one or more other commercial structures, a minimum distance of 30 feet shall be maintained between structures. This minimum shall be increased by five feet for each additional story in height over one, of each of the adjacent structures.
- C. Yard regulations: existing residential uses. All residential uses existing within any Commercial District shall conform to front, side and rear yard setbacks and impervious coverage regulations as required in the VC Village Center District (see Article VII).
- D. Yard regulations: existing lot of record and prior development. Properties which are not able to comply with the yard regulations of this article due to their size or the location of existing structures may be permitted to develop or be used as commercial properties, provided that:
- (1) The property owner has demonstrated to the satisfaction of the Township that efforts to obtain additional land adjacent to the property in question have been unsuccessful;
 - (2) Eighty-five percent or more of the off-street parking required for the proposed use can be provided in compliance with this chapter;
 - (3) The impervious coverage maximum does not exceed 65% of total lot area;
 - (4) Setbacks and required landscaped areas are not less than 50% of the minimums stated in this chapter; and
 - (5) All other codes and ordinances are complied with.
- E. Landscaping. shall comply with § 350-1203

		Minimum Yard Setbacks			
Use	Maximum Impervious Lot Coverage	Front (feet)	Side (feet)	Rear (feet)	Maximum Building Height (feet)
Permitted uses	65%	50 (20' landscaped)	30 Each (10' landscaped)	30 (10' landscaped)	100
Accessory Uses	Included with above	50 (20' landscaped)	30 each (10' landscaped)	30 (10' landscaped)	100
Sheds	Included with above	Not permitted in required front yard	5 each	5	12

350-806 Off-street parking regulations.

Off-street parking shall be provided as required by Article **XIII**, § **350-1315**.

350-807 Sign regulations.

The placement, type and size of all signs erected in a Commercial District shall be regulated by the provisions of Article **XII**, § **350-1211**.

350-808 Service entrances.

Where possible, each and every commercially or manufacturing used building shall be provided with a service entrance. Service entrances may be located at the rear, side or front of buildings, however, they may be located at the front only when side conditions make it impossible or hazardous to locate on the side or rear. Deliveries of stock, merchandise and/or supplies shall not be made to the main public entrance during business hours.

Article IX

(M)/Manufacturing District

350-901 Purpose.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Manufacturing District is intended to permit and encourage the establishment of industrial land uses on appropriate sites within the Township. The Manufacturing District encompasses a class of uses that will be compatible with surrounding or abutting, less intensive land uses, and includes industries that are characterized as needing sites of several acres or more, develop attractive facilities and contain processes that are inoffensive to both man and the environment. It seeks to achieve optimum utilization of areas devoted to these uses, and discourages any use which would substantially interfere with the development, continuation or expansion of such industrial uses. The Manufacturing District is further intended to promote the harmonious development of Southampton Township while permitting economic diversification and increased employment opportunities for its citizens.

350-902 Permitted uses. See Table 350-305

350-903 Accessory uses. See Table 350-305

350-904 Conditional uses. See Table 350-305

350-905 Area, setback, height and coverage regulations.

- A. Area regulations. The area of any tract or parcel of land to be used for industrial purposes shall be of sufficient area to accommodate the physical structure(s) when complying with the required setbacks, impervious coverage limits and off-street parking requirements of this chapter.

Setback regulations.

	Minimum Yard Setbacks				
Use	Maximum Impervious Lot Coverage	Front (feet)	Side (feet)	Rear (feet)	Maximum Building Height (feet)
Permitted Uses	65%	50	75 Each	75	100
Other permitted uses	65%	50	75 Each	75	100
Accessory Uses	65%	50	75 Each	75	100
Sheds		Not permitted in required front yard	5	5	12

** Maximum height limitations do not include chimneys, spires, unoccupied towers, elevator penthouses, tanks, silos, antennas or other similar projections.

350-906 Landscaping and screening.

The following provisions, along with the provisions of § **350-1203** and **350-1210** shall determine the requirements for minimum landscaped area and screening in the Manufacturing District.

350-907 Off-street parking regulations.

Off-street parking shall be provided as required by Article **XII**, § **350-1211**.

350-908 Sign regulations.

The placement, type and size of all signs erected in the Manufacturing District shall be regulated by the provisions of Article **XII**, § **350-1212**.

ARTICLE X

Specific Criteria

for Conditional Uses and Uses Permitted by Right

350-1001 Application.

In addition to the Supplemental Regulations listed in Article XI, the following sets forth standards that shall be applied to each individual conditional use, or use permitted by right. These standards must be satisfied prior to approval of any applications for a conditional use. The applicant for a conditional use shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance. All uses must comply with the standards expressed within the underlying zone unless the standards of this article expressed for each conditional use or use permitted by right specify different standards. In such cases, the specific conditional use or use permitted-by-right standards of this article shall apply.

350-1002 Accessory apartment.

Accessory Apartments are permitted by right, and in the (A) Agricultural and (VC)Village Center subject to the following criteria:

Defined as "a secondary dwelling unit contained within a single-family detached dwelling or an accessory building thereto," an accessory apartment may be permitted subject to the following standards:

- A. Only one accessory apartment may be permitted. Such accessory apartment shall have an entrance which provides direct access.
- B. An accessory apartment may only be permitted and may only continue in use as long as the principal dwelling is occupied by the owner of said dwelling.
- C. The lot area for the principal dwelling shall meet the minimum lot area requirement for the applicable district where located.
- D. The exterior architectural character of the principal dwelling shall not be altered in a manner which departs from the primary feature of the building as a single-family detached dwelling unit.
- E. One additional off-street parking space shall be provided.
- F. The applicant shall submit a plan and supporting documentation to establish compliance with the standards herein.
- G. The applicant must show that the present and future sewerage needs of the property are and will be met. The Township may require an inspection of existing system(s) or may require review by the appropriate public sewer authority.

350-1003 Accessory solar energy systems (ASESs).

ASES's are permitted as Accessory Use in all zoning districts, subject to the following criteria as well as the current FAA regulations:

The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, as amended, 53 P.S. § 10101 et seq., enables a municipality through its zoning ordinance to regulate the use of property and to promote the conservation of energy through access to and use of renewable energy resources.

A. Regulations applicable to all accessory solar energy systems:

(1) ASESs shall be permitted as a use by right in all zoning districts.

(2) Exemptions.

(a) ASESs with an aggregate collection and/or focusing area of 10 square feet or less are exempt from this chapter.

(b) ASESs constructed prior to February 26, 2013, shall not be required to meet the terms and conditions of this chapter. Any physical modification to an existing ASES, whether or not existing prior to February 26, 2013, that materially alters the ASES shall require approval under this chapter. Routine maintenance or like-kind replacements do not require a permit.

(3) The layout, design, installation, and ongoing maintenance of ASESs shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by Southampton Township, and with all other applicable fire and life safety requirements. The manufacturer specifications for the system shall be submitted as part of the application.

(a) Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards of the Southampton Township codes under which the ASES was constructed. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions by Southampton Township in accordance with applicable ordinances.

(4) An installer shall meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:

(a) Is certified by the North American Board of Certified Energy Practitioners (NABCEP).

(b) Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.

(c) For residential applications, a registered home improvement contractor with the Attorney General's office.

(5) All on-site utility, transmission lines, and plumbing shall be placed underground to the extent feasible.

(6) The owner of an ASES shall provide Southampton Township with written confirmation that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.

(7) The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.

(8) Glare.

(a) All ASESs shall be placed such that concentrated solar radiation or glare does not project onto nearby properties or roadways.

(b) The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

(9) Solar easements.

(a) Where a subdivision or land development involves the use of solar energy systems, solar easements may be provided. Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements.

(b) Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to:

[1] A description of the dimensions of the easement, including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;

[2] Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;

[3] Enumerate terms and conditions, if any, under which the easement may be revised or terminated;

[4] Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.

(c) If required, an ASES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

(10) Prior to the issuance of a land use permit, applicants must acknowledge, in writing, that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or b) the right to prohibit the development on or growth of any trees or vegetation on such property.

(11) Decommissioning.

(a) Each ASES and all solar related equipment shall be removed within 12 months of the date when the use has been discontinued or abandoned by the system owner and/or operator, or upon termination of the useful life of the ASES.

(b) The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of 12 continuous months.

(c) The ASES owner shall, at the request of Southampton Township, provide information concerning the amount of energy generated by the ASES in the last 12 months.

(12) Permit requirements.

(a) Land use permit applications shall document compliance with this section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the ASES is constructed.

(b) The land use permit shall be revoked if the ASES, whether new or preexisting, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this chapter.

(c) The ASES must be properly maintained and be kept free from all hazards, including but not limited to faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner and directing the owner of the ASES to conform or to remove the ASES.

B. Regulations applicable to roof mounted and wall mounted accessory solar energy systems:

(1) A roof mounted or wall mounted ASES may be located on a principal or accessory building.

(2) The total height of a building with an ASES shall not exceed by more than four feet above the maximum building height specified for principal or accessory buildings within the applicable zoning district.

(3) Wall mounted ASESs shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.

(4) Solar panels shall not extend beyond any portion of the roof edge.

(5) For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of Southampton Township that the roof or wall is capable of holding the load imposed on the structure.

C. Regulations applicable to ground mounted accessory solar energy systems:

(1) Setbacks.

(a) The minimum yard setbacks from side and rear property lines shall be equivalent to the principal structure setback in the zoning district.

(b) Ground mounted ASESs are prohibited in front yards, between the principal building and the public street.

(2) Height. Ground mounted ASESs shall not exceed 20 feet in height above the ground elevation surrounding the systems.

(3) Coverage.

(a) The surface area of the arrays of a ground mounted ASES, regardless of the mounted angle of any solar panels, and the area beneath the ground mounted ASES shall be included in the lot coverage calculation for the lot on which the system is located.

(b) The total surface area of the arrays of ground mounted ASESs on the property shall not exceed more than 20% of the lot area.

(c) The applicant may be required to submit a stormwater management plan that demonstrates compliance with the municipal stormwater management regulations.

(4) Screening.

(a) Ground mounted ASESs shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen consisting of at least 75% evergreen species. In lieu of a planting screen, a decorative fence meeting requirements of this chapter may be used.

(5) Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.

(6) Ground-mounted ASESs shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.

350-1004 Accessory wind energy facilities (AWEFs).

Accessory wind energy facilities are permitted by right in the Woodland Conservation and the Agricultural zoning district, subject to the following criteria as well as the current FAA regulations:

The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, as amended, 53 P.S. § 10101 et seq., enables a municipality through its zoning ordinance to regulate the use of property and to promote the conservation of energy through access to and use of renewable energy resources.

A. Regulations applicable to all accessory wind energy facilities:

(1) AWEFs shall be a permitted use in all zoning districts.

(2) Exemptions.

(a) Any physical modification to an existing AWEF, whether or not existing prior to February 26, 2013, that materially alters the size, type and number of wind turbines or other equipment shall require approval under this chapter and meet the requirements of the Uniform Construction Code. Routine maintenance or like-kind replacements do not require a permit.

(3) The layout, design, installation and ongoing maintenance of AWEFs should conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society of Testing and Materials (ASTM), or other pertinent certifying organizations and comply with the PA Uniform Construction Code and all applicable building and electrical codes enforced by Southampton Township, and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application

(4) Two ground mounted AWEFs are permitted on a lot.

(5) Noise.

(a) The sound produced by the AWEF shall not exceed 50 dBA as measured at the property line at ground level.

(b) Noise limits may be exceeded during short-term events such as utility outages and/or severe wind storms.

(c) Methods for measuring and reporting acoustic emissions from PWEF shall be equal to or exceed the minimum standards for precision described in American Wind Energy Association (AWEA) Standard 2.1 - 1989, titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier, as amended.

(6) When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall comply with the accessory building requirements of the underlying zoning district.

(7) The owner of an AWEF shall provide Southampton Township with written confirmation that the public utility company to which the AWEF will be connected has been informed of the customer's intent to install a grid-connected system and approved of such connection. Off-grid AWEF shall be exempt from this requirement.

(8) All on-site utility, transmission lines, and cables shall be placed underground.

(9) The display of advertising is prohibited except for identification of the manufacturer of the system.

(10) AWEFs shall not be lighted, except for any lighting required to comply with Federal Aviation Administration (FAA) or Pennsylvania Department of Transportation Bureau of Aviation (BoA) regulations.

(11) AWEFs shall be painted a nonreflective, flat color such as white, off-white or gray, unless required to be colored differently from FAA or BoA regulations.

(12) AWEFs shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components.

(13) An AWEF shall not cause shadow flicker on any occupied building on a nonparticipating landowner's property.

(14) No part of any AWEF shall be located within or above the required setbacks of any lot, or extend over parking areas, access drives, driveways or sidewalks.

(15) The potential ice throw or ice shedding for an AWEF shall not cross the property line of the lot on which the AWEF is located nor impinge on any right-of-way or overhead utility line.

(16) The owner of the AWEF shall ensure that the design and operation avoids disruption or loss of radio, telephone, television, cell, internet or similar signals, and shall mitigate any harm caused thereby.

(17) Decommissioning.

(a) Each AWEF and related equipment shall be removed within 12 months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.

(b) The AWEF shall be presumed to be discontinued or abandoned if no electricity is generated by such AWEF for a period of 12 continuous months.

(c) The AWEF owner shall, at the request of Southampton Township, provide information concerning the amount of energy generated by the AWEF in the last 12 months.

(18) Permit requirements.

(a) Land use permit applications for accessory wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer. Applications shall also include drawings that show the location of the AWEF on the property, property lines, rights-of-way, occupied buildings on adjoining properties, and aboveground utility lines located on the lot. Permits must be kept on the premises where the AWEF is constructed.

(b) The land use permit shall be revoked if the AWEF, whether new or preexisting, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the AWEF not to be in conformity with this chapter.

(c) For standard soil conditions (not including gravel, sand, or muck), foundations developed by the wind turbine manufacturer shall be acceptable for AWEF installations of 20kW or less and will not require project-specific soils studies. Applicants proposing projects involving substandard soil conditions or installations of AWEF greater than 20kW may be required by the Zoning Officer to submit detailed soil studies.

(d) The AWEF must be properly maintained and be kept free from all hazards, including but not limited to faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the AWEF to conform or to remove the AWEF.

B. Requirements for ground mounted AWEF.

(1) Ground mounted AWEF may be placed on lots containing a minimum of two acres assuming they meet the height and setback restrictions found in this section.

(2) AWEFs shall be set back from property lines, occupied buildings, aboveground utility lines (including guy wires), railroads and/or road rights-of-way by a distance equal to the total height of the structure, plus 15 feet.

(3) Ground mounted AWEFs are prohibited in front yards, between the principal building and the public street.

(4) AWEFs shall not be artificially lighted unless required by the FAA.

(5) Safety and security.

(a) The owner shall post electrical hazard warning signs on or near the AWEF.

(b) Ground mounted AWEFs shall not be climbable up to 15 feet above the ground surface.

(c) Access doors to any AWEF electrical equipment shall be locked to prevent entry by unauthorized persons.

(d) The blade tip or vane shall have a minimum ground clearance of 15 feet as measured at the lowest point of the arc of the blades.

350-1005 Adult related facilities

Permitted by Conditional Use in the Manufacturing Zoning District

(1) Purpose. The purpose of this section is to provide for the establishment of adult related facilities and adult business as defined herein and elsewhere in this chapter in such a manner as is appropriate and reasonable, and to establish reasonable regulations which take into consideration the potential for adverse impact from such adult related facilities upon adjoining property owners, occupants and uses.

(2) Interpretation and application. This section shall be interpreted and applied in a manner consistent with the U.S. Constitution and shall not be applied to unduly restrict or infringe upon rights guaranteed thereby.

(3) Severability. The provisions of this section shall be severable and, in the event any one thereof shall be determined to be invalid or unenforceable, such determination shall not operate to repeal or invalidate the remaining provisions.

(4) The use and occupancy of any land, building or structure as an adult business shall be subject to the following:

(a) An adult business shall be permitted only in a Commercial/Manufacturing District.

(b) An adult business shall not be permitted to be located within 800 feet of any of the following:

[1] Any building or other structure used for residential purposes.

[2] The geographical boundary line of the Township.

(c) An adult business shall not be permitted to be located within 1,000 feet of any of the following:

[1] Any other adult business.

[2] Any public or private school, public park or playground, or any church or other house of worship.

(d) No materials, merchandise, or film offered for sale, rent, lease, loan or for view upon the premises shall be exhibited or displayed outside of a building or structure.

(e) Any building or structure used and occupied as an adult business shall be windowless or have an opaque covering over all windows and doors or any area in which materials, merchandise, live entertainment or film shall be visible from outside of the building or structure.

(f) Outdoor signs shall clearly identify the business as an "adult" establishment but shall not refer to sex acts or sexual conduct, nor incorporate said terms or words or any form or derivation thereof. No sign shall be permitted or erected which graphically depicts nudity or any form of sexual activity.

(g) No overt sexual activity, sexual conduct, sex acts or the solicitation or procurement thereof shall be permitted on the premises.

(h) Live entertainment or dancing shall not include any sexual activity of any kind, including masturbation.

(i) No outdoor live dancing, entertainment or live solicitation or advertising of any kind shall be permitted.

(5) Any permit granted hereunder shall be subject to revocation or suspension in the event the owner of the premises or any tenant, agent, employee or successor of said owner shall violate this chapter or any condition of approval for said permit

350-1006 Agritourism

Agritourism permitted by right in within (A) Agricultural, (WC) Woodland Conservation, and by Conditional Use in Village Center subject to the following criteria:

A. No part of an agritourism enterprise shall be within 200 feet of any land within a residential zone, nor 100 feet of any existing residence (excluding a farm dwelling).

B. An agritourism enterprise must comply with the coverage requirements in the zoning district in which it is located.

C. An agritourism enterprise must comply with the access and driveway provisions in Article VII of Chapter 295, Subdivision and Land Development, of the Code of Southampton Township.

D. The length of any on-site access drive(s) shall be sufficient to allow the stacking of delivery and/or customer vehicles. Furthermore, any use that potentially involves the movement of vehicles through mud and/or manure shall provide a paved apron of at least fifty feet from the street right-of-way. In addition, another fifty-foot gravel section shall be located just beyond the paved apron;

E. The applicant must provide for sufficient off-street parking spaces and off-street loading spaces for all uses proposed according to the off-street parking and loading provisions of this chapter.

F. If, at any time after the opening of the facility, the Township determines that parking, loading or traffic backups are occurring on adjoining roads, and such are directly related to the lack of on-site facilities on the subject property, the Township can require the applicant to revise and/or provide additional on-site parking and/or loading space to meet the off-street parking and loading provisions of this chapter within 30 days.

G. The Township may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot.

H. Parking areas may be required to be fenced or include other appropriate devices to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.

I. Signage for agritourism enterprises shall be in accordance with § 350-1212 of this chapter.

J. The applicant should become familiar with the applicable federal, state, and local laws and regulations regarding the preparation of food in order to be aware of those regulations.

K. The hours of operation shall be developed at the discretion of the Board of Supervisors and protect neighbors from noise, disturbance or interruption.

L. Agritourism enterprises shall be owned or operated by the landowner, landowner's immediate family member, operator of the farm, or persons residing on the farm.

M. Agritourism enterprises shall comply with the performance standards in § 350-1202 of this chapter.

350-1007 Airports/heliports

Airports/heliports are permitted in (A) Agricultural by conditional use, subject to the following criteria:

(1) All facilities shall be designed and operated in strict compliance with all applicable state and federal laws and regulations;

(2) The applicant shall furnish evidence of the acquisition of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use application;

(3) No part of the takeoff/landing strip and/or pad shall be located nearer than 300 feet to any property line; and

(4) The expansion or creation of an airport/heliport must be compatible with existing land use and current zoning requirements.

350-1008 Bed-and-breakfast.

Bed and Breakfast are permitted by right in the (VC) Village Center, (A) Agricultural and (WC) Woodland Conservation

(1) No modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted;

(2) All floors above grade shall have direct means of escape to ground level;

(3) One off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit; such parking shall be screened from adjoining properties in residential use;

(4) All parking areas shall be set back a minimum of 25 feet from all property lines;

(5) A bed-and-breakfast may erect one sign no larger than 12 square feet in size. Such sign must be set back 20 feet from all lot lines;

- (6) Meals shall be offered only to registered overnight guests;
- (7) Minimum lot area: two acres; and
- (8) The applicant shall furnish evidence that approved systems for sewage disposal and water supply shall be used.

350-1009 Business Conversions and Retail Businesses

Within the (C) Commercial and (M) Manufacturing by right and (VC) Village Center Zone by conditional use, subject to the following criteria:

In the Commercial and Manufacturing Districts there is no criteria.

In the Village Center zoning district subject to the following criteria:

Conversion of an existing residential structure to a nonresidential use that meets the requirements of Sub-section A below. The conversion can be a total conversion from residential use or a conversion of a portion of the premises, with the retention of one or more dwelling units. (As in the case of a first-floor retail or office use with apartment(s) on the second and higher floors.)

A. Retail business, business services, personal services, repair services, drive-in service places and shopping centers not to exceed in gross area, subject to the following:

- (1) Each business shall be located only within the first floor of any building and be not more than 3,500 square feet.
- (2) No outside storage of materials shall be permitted.
- (3) The applicant shall demonstrate that sufficient off-street parking facilities will be provided to accommodate the needs generated by such use.
- (4) The applicant shall demonstrate that adequate lot area and set-back provisions have been made in accordance with the purpose of this district.
- (5) Such businesses shall be of such a size and scope of activity that they do not constitute an unreasonable commercialization of the district which would adversely affect nearby residential uses.
- (6) If this retail business is a part of a permitted use, not to exceed 25% of the gross floor area.

350-1010 Campgrounds

Campgrounds are permitted by conditional use in the (A) Agricultural and (WC) Woodland Conservation subject to the following criteria:

- (1) Minimum lot area: 20 acres;
- (2) Setbacks: All campsites shall be located at least 75 feet from any side or rear property line and at least 100 feet from any street line;
- (3) Each campsite shall be at least 3,000 square feet in size and shall either provide parking space for one automobile which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area;
- (4) An internal road system shall be provided and shall be paved. The pavement width of one-way access drives shall be at least 14 feet and the pavement width of two-way access drives shall be at least 24 feet. parallel parking shall not be permitted;
- (5) All outdoor play areas shall be set back 100 feet from any property line and screened from adjoining residentially zoned properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors;
- (6) All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of 100 feet from any property line. Such facilities shall be screened from adjoining residentially zoned properties;
- (7) Any accessory retail or service commercial uses shall be set back a minimum of 100 feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially zoned parcels;

- (8) All campgrounds containing more than 100 campsites shall have vehicular access to an collector street as identified in the Township Comprehensive Plan;
- (9) A campground may construct one freestanding or attached sign containing no more than 32 square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use. Such signs shall be set back at least 10 feet from the street right-of-way line, and at least 25 feet from adjoining lot lines;
- (10) A minimum of 20% of the gross area of the campground shall be devoted to active and passive recreational facilities. Responsibility for maintenance of the recreation area shall be with the landowner;
- (11) Every campground shall have an office in which shall be located the office of the person responsible for operation of the campground;
- (12) All water facilities, sewage disposal systems, restrooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the Pennsylvania Department of Environmental Protection; and
- (13) All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets

350-1011 Cluster developments.

Cluster Developments are permitted by conditional use in the (VC) Village Center subject to the following:

- (1) Cluster developments may consist in any combination of single-family detached dwellings, semidetached dwellings (duplex) and attached dwellings (townhouses).
- (2) A cluster development shall be served with central water and sewerage facilities.
- (3) A cluster development shall contain a minimum project area of five acres.
- (4) Common open space shall be defined by a metes and bounds description with ownership and maintenance responsibility clearly established by recorded instrument satisfactory to the Board of Supervisors.
- (5) The applicant shall satisfactorily demonstrate measures to screen and/or buffer adjacent residential uses in accordance with the applicable standards of § 350-1210.
- (6) The minimum yard areas (individual lots) for cluster developments shall be:
 - (a) Front: 25 feet.
 - (b) Side: 10 feet each.
 - (c) Rear: 20 feet.
- (7) The minimum setback for Cluster Development (parent track) shall be:
 - (a) Front: 50 feet
 - (b) Side: 30 feet each (10 foot landscaped)
 - (c) Rear: 30 feet (10 foot landscaped)

350-1012 COMMERCIAL USES

Commercial Uses are permitted by right in the (C) Commercial zone and by Conditional Use in the (M) Manufacturing zoning district subject to the following criteria:

The applicant shall provide evidence that the commercial uses are necessary or desirable to the functioning and marketability of an industrial park, provided that the board of supervisors, upon recommendation of the planning committee determines:

- (1) That the use(s) requested are appropriate with respect to the primary purpose of the industrial park, and that the major draw of customers for such use(s) will be generated by the industrial park.
- (2) That the use(s) requested are not of a character or so located as to negatively impact or be a detrimental influence on the surrounding area. Such commercial uses shall conform with the regulations of the Commercial District with respect to area, setback, height and coverage regulations.

350-1013 Communication antennas, Radio, Microwave and Television towers, equipment, transmitting and receiving facilities.

Within the (A) Agricultural, Village Center and (WC) Woodland Conservation Zones, communication antennas, towers, equipment, transmitting and receiving facilities are permitted by conditional use subject to the following criteria and current FCC regulations.

A. Definitions. The following words and phrases when used in this section shall have the meaning given to them in this section unless the content clearly indicates otherwise:

ANTENNA

Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas (such as panels) and omnidirectional antennas (such as whips) but not including satellite earth stations.

ANTENNA SUPPORT STRUCTURE

Any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency energy for telecommunications purposes.

HEIGHT

The vertical distance measured from the base of the tower or antenna at the ground or the elevation of attachment to a structure or building, to its highest point. If the tower or the antenna is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the height.

MONOPOLE

An antenna support structure consisting of a single pole or spire constructed without guy wires or ground anchor.

OPERATOR

The party responsible for the operation and maintenance of the telecommunications site.

OWNER

The owner or lessee of the property on which the telecommunications site will be constructed.

TELECOMMUNICATIONS SITE

A tract or parcel of land that contains a telecommunications antenna or tower, its support structure, accessory building(s), parking and may include other uses and equipment associated with and ancillary to telecommunications signal transmission or processing.

TOWER

A structure that is intended to support equipment used to transmit and/or receive telecommunications or radio signals, including monopoles and lattice-type construction steel structures.

B. General requirements for antennas.

(1) Any applicant proposing communications antennas to be mounted on a building or other structure, including existing towers, shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

(2) Any applicant proposing communications antennas to be mounted on a building or other structure, excluding existing towers, shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted, so that installation and maintenance of the building or structure, the antenna(s), and communications equipment building can be accomplished.

(3) The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate a communications tower if applicable, and communications antennas.

(4) Communications antennas shall not cause radio frequency interference with other communications facilities located in Southampton Township.

C. General requirements for towers.

(1) Communications towers shall comply with all applicable Federal Aviation Administration and Commonwealth Bureau of Aviation Regulations.

(2) The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(3) A complete subdivision and/or land development plan shall be required for all proposed telecommunications sites. The plan must show the site boundaries and building setback areas as well as the tower/antenna, buildings, fencing, access roads with easements as may apply, required landscaping and all other requirements of Chapter 295 Subdivision and Land Development.

(4) Recording of a plat of subdivision or land development shall be required for any fee simple or lease parcel on which a communications tower is proposed to be constructed.

(5) The Township may request a review of the application and affidavit by a qualified engineer for evaluation of need for and design of any new tower or upgrade to existing towers including new equipment. The cost for such review shall be borne by applicant.

(6) The following sites shall be considered by applicants as the preferred order to location of communications antennas and assorted equipment. As determined feasible, and in order of preference, the sites are:

(a) Existing communication towers, smoke stacks, silos, water towers, or any other tall structure.

(b)

Publicly owned structures.

(7) The applicant shall submit certification from a Pennsylvania Registered Professional Engineer that a proposed communications tower will be designed and constructed in accordance with the current "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Pennsylvania and Southampton Township Code.^[1]

^[1] Editor's Note: See Ch. 140, Construction Codes, Uniform.

(8) The applicant and/or owner shall accept full responsibility for any legal action that arises from damage to private and/or public property during the construction, use, and maintenance of the telecommunications site, and shall indemnify, defend and hold the Township harmless from said legal action.

(9) No building permit shall be issued until the owner or operator provides 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 the communications tower and communications antennas.

(10) No building permit shall be issued until the owner of the communications tower, antenna or any associated facilities provides a deposit with the Township of financial security, in an amount sufficient to cover the cost to dismantle and remove the communications tower, antenna, or any associated facilities, including structures and buildings within six months of the date upon which the communications tower or facilities remain unused for a period of 12 consecutive months. The party providing the financial security shall be the owner or operator. Such financial security shall be posted with a bonding company or federal- or commonwealth-chartered lending institution chosen by the party posting the financial security and acceptable to the Township Supervisors, provided said bonding company or lending institution is authorized to conduct such business within the commonwealth. If ownership of the facilities is transferred, the financial security must remain in place until the new owner provides financial security in an amount equal to or greater than the current security. The amount of financial security shall be based upon an estimate of the cost to dismantle and remove the structure(s), and be submitted by the applicant or owner or operator and prepared by a professional engineer licensed as such in the commonwealth and certified by such engineer to be a fair and reasonable estimate of such costs. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown.

(11) On an annual basis, the owner or operator shall submit: (a) a copy of its current Federal Communications Commission license; (b) the name, address and emergency telephone number for the operator of the communications tower; (c) 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 the communications tower and communications antennas; (d) a notarized statement containing language approved by the Township Solicitor which shall indemnify and save harmless Southampton Township, Cumberland County, Pennsylvania from any and all litigation which may arise from the construction, operation, maintenance and demolition of any tower, antenna, or other structure on the telecommunications site. This statement must be signed by the owner of the tower/antenna and the owner of the property upon which the telecommunications facility is located, if the property is owned by an entity other than the telecommunications entity.

(12) Every 24 months after the tower/antenna is put into operation, the owner or operator shall have an on-site inspection conducted. The inspection and inspection report shall be conducted, prepared, signed

and sealed by a professional engineer, registered in the Commonwealth of Pennsylvania, and who is competent in structural design and inspection of towers/antennas. The written report shall be submitted to the Township for review, and shall detail inspections of the tower and antenna, the tower/antenna foundation, any attachments to the tower/antenna, guy wires and anchors (if any), buildings on the site, the perimeter fencing and the general condition of the site with respect to safety. This inspection report should be accompanied by a check in an amount as set by resolution of the Board of Supervisors, made payable to "Southampton Township" to offset the Township's cost to review the inspection report.[2]

[2] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

(13) If a communications tower remains unused for a period of 12 consecutive months, the owner or operator shall continue to provide the Township with up to date information regarding the items listed in Subsection C(11) above and maintain the required general liability and property damage insurances, or dismantle and remove the communications tower within six months of the expiration of such twelve-month period.

(14) The applicant must examine the feasibility of designing a proposed telecommunications tower to accommodate future demand for reception and transmitting facilities. The scope of this analysis shall be determined by the Township. This requirement shall go through the variance process by the Zoning Hearing Board and may be given a variance, provided that the applicant demonstrates that the provisions of future shared usage of the facility is not feasible and an unnecessary burden, based upon:

(a) The number of Federal Communications Commission (FCC) licenses foreseeable for the area.

(b) The type of tower site and structure proposed.

(c) The number of existing and potential licenses without tower spaces.

(d) Available spaces on existing and approved towers.

(e) Potential adverse visual impact by a tower designed for shared use.

(15) The applicant shall undertake a visual impact assessment of any proposed new towers, any proposed modifications to existing towers, or any antenna placements. The assessment shall include:

(a) A demonstration that the antenna or tower is the minimum height required to function satisfactorily.

(b) A "zone of visibility map" provided to determine locations where the tower or antenna may be seen.

(c) Pictorial representations of "before and after" views from key viewpoints within the Township limits.

(d) Assessment of the visual impact of the tower base, accessory buildings, and overhead utility lines from abutting properties and streets.

(e) Assessment of alternative tower or antenna designs and color schemes.

(16) The applicant shall provide written notice of the proposed tower development to neighboring property owners within 500 feet of the property on which the tower is to be constructed.

D. Tower site design requirements. The design and layout of a proposed tower site shall comply with the following:

(1) Any applicable state or federal regulations.

(2) Unless specifically required by state or federal regulations, all towers shall have a finish that shall minimize, to the greatest extent possible, the degree of visual impact.

(3) Accessory buildings shall maximize the use of building materials, colors and textures in order to blend with the natural surroundings.

(4) No portion of any tower or related structure shall be used for a sign or other advertising purpose, including but not limited to company name, phone numbers, banners, streamers, etc.

(5) All plans, specifications and reports for the design of new towers must be signed and sealed by a professional engineer registered in the Commonwealth of Pennsylvania having expertise in the design of telecommunications sites and facilities.

(6) All guy wires and guy wire anchors associated with guyed communications towers shall be clearly marked so as to be visible at all times. The guy wires shall not encroach on the front, rear, or side yard setback areas, and shall be located within a fenced enclosure.

(7) No lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.

(8) Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet with a dust-free, all-weather surface for its entire length.

(9) The site of a communications tower shall be secured by a chain-link fence with a minimum height of eight feet to limit accessibility by the general public. The fencing shall not contain openings greater than nine square inches and shall include entrance gates which shall be locked, except during such times as the site is manned by authorized operations or maintenance personnel. No fencing shall be required for an antenna mounted on a preexisting structure. A twenty-four-inch-by-twenty-four-inch sign shall be attached to the gate at the entrance to the telecommunications site and shall include the following information:

(a) Name of owner and operator.

(b) Daytime and emergency telephone number of owner and operator.

(c) Name of contact person in the event of an emergency.

(10) When the fencing around a newly constructed telecommunications site is within 1,000 feet of a residential dwelling, an evergreen screen shall be planted along the fence line that faces the dwelling. The screening shall be planted in the area between the fence and the property/lease boundary of the telecommunications site. The evergreen screen shall be created by planting trees (a minimum of six feet tall at planting that will grow to a minimum of 15 feet tall at maturity) on ten-foot centers maximum. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

(11) Antenna support structures shall be set back from all property lines a distance equal to the height of the tower and any attached antenna.

(12) At least two off-street parking spaces shall be provided.

(13) All other uses ancillary to the antenna, tower, and associated equipment are prohibited (except accessory equipment buildings), unless otherwise permitted in the zoning district in which the site is located. This includes, but is not limited to, business offices, maintenance depots and vehicle storage.

E. Amateur radio. This chapter shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally licensed amateur radio status operator.

F. Each tower shall be set back from all property lines a minimum distance of the height of the tower.

350-1014 COMMERCIAL BREEDING OF ANIMALS

Permitted by right (A) Agricultural, and by conditional use in the (WC) Woodland Conservation Zoning District subject to the following criteria:

A. Setbacks: 100ft from rear a side property line
Not permitted in the front setback

B. Fencing All animals shall be within a fenced enclosure at all times when said animals are not leashed haltered or bridled and under control of the owner or authorized agent of the owner of the animals.

C. Lot size A minimum of 1 acre exclusive of buildings and impervious surfaces must be provided for the first (1) AU which is to be housed or pastured on the lot. One (1) additional acre of land shall be provided for each additional Animal Unit.

D. No animal shall have direct access to a jurisdictional wetland, impoundment, stream, spring or well on the lot which the commercial breeding of animals use is located. However, stabilized stream crossing areas designed and constructed as such shall be exempted from this requirement.

E. The proposed use shall comply with all applicable State, Federal and local regulations, including, but not limited to, nutrient management, building codes, erosion and sedimentation control and storm water management.

350-1015 DAY CARE

No-Impact Day Cares permitted by right in the (VC) Village Center.

Commercial Day Cares are permitted in the (C) Commercial and (VC) Village Center Zoning Districts by Conditional Use subject to the following criteria.

Commercial Day Care Center

A. An outdoor play area shall be a minimum of 1,000 square feet. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard. Additionally, outdoor play areas shall be located and designed so as not to disrupt normal activities of adjoining uses. There shall be a minimum of a four-foot-high fence screened from adjoining residentially used or zoned properties. Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (poisonous, thorny, allergenic, etc.) All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);

B. Passenger drop-off and pickup areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site;

C. All commercial day-care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania.

DAY CARE (NO-IMPACT)

In-home childcare shall be permitted by right in all zoning districts subject to the following criteria:

A. The childcare shall be limited to less than six children not related by legal marriage, birth or adoption.

B. Passenger drop-off and pickup areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.

C. All day-care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania.

350-1016 Development involving single properties situate in Southampton Township and an abutting municipality.

Whereupon the effective date of this chapter property in single ownership lies both in Southampton Township and an abutting municipality with the majority of the property situate in the abutting municipality, that portion of the property situate in Southampton Township may be developed in accordance with the applicable zoning requirements of the abutting municipality, provided the entire property is proposed to be developed as a uniform project in terms of identical land use, lot area, setbacks, off-street parking and other applicable standards of the abutting municipality. Such property shall be subject to conditional use proceedings and the following criteria:

(1) The abutting municipality has valid zoning regulations in effect which are applicable to the proposed project.

(2) All required zoning approvals from the abutting municipality have been granted for the proposed project.

(3) Applicant provides assurance in the form of recorded covenants, agreements or other instruments satisfactory to the Board of Supervisors that the proposed project shall be developed as approved.

(4) For that portion of the proposed project situate in Southampton Township, the buffer yards, sight access suitability, and screening requirements of § 350-1312 shall be applicable.

350-1017 ECHO Housing

Within the (A) Agricultural (WC) Woodland Conservation, and (VC) Village Center Zoning District, ECHO housing is permitted by right, and in the (C) Commercial and (M) Manufacturing Zones, ECHO housing is permitted by conditional use subject to the following criteria:

- A. The ECHO housing may not exceed 1,000 square feet of floor area;
- B. The total lot coverage for the principal dwelling, any existing accessory structures, the ECHO housing, and impervious surfaces together shall not exceed the maximum requirement for the zone in which the ECHO housing is located;
- C. The ECHO housing shall be occupied by either an elderly, handicapped or disabled person related to the occupants of the principal dwelling by blood, marriage or adoption;
- D. The ECHO housing shall be occupied by a maximum of two people;
- E. Utilities.
 - (1) For public sewer and water supply and all other utilities, the ECHO housing shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards; and
 - (2) If on-site sewer or water systems are to be used, the applicant shall submit evidence to Southampton Township showing that the total number of occupants in both the principal dwelling and the ECHO housing will not exceed the maximum capacities for which the original septic systems were designed, unless those systems are to be expanded, in which case, the expansion approvals are to be submitted.
- F. A minimum of one off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the ECHO housing, in addition to that required for the principal dwelling;
- G. The ECHO housing shall not be permitted in the required front yard setback and shall adhere to all side and rear yard setback requirements for principal uses;
- H. The ECHO housing shall be removed from the property or reestablished as a use permitted in the district in compliance with Chapter 295, Subdivision and Land Development, to the extent necessary, within 12 months after it is no longer occupied by a person who qualifies for the use; and
- I. Upon the proper installation of the ECHO housing, the Zoning Officer shall issue a temporary use and occupancy permit. Such permit shall be reviewed every 12 months.
- J. Subject to compliance with the above criteria, ECHO housing shall be considered an accessory use and shall not require submission of a land development plan.

350-1018 Essential services.

Essential service buildings and structures shall be permitted in any zoning district however, buildings erected for these utilities shall be subject to the following regulations:

- A. Front, side and rear yards shall be provided in accordance with the regulations of the district in which the building is located.
- B. Height of building shall be as required by the district regulations.
- C. Unhoused equipment shall be enclosed with a chain-link fence six feet or more in height.
- D. All essential service buildings, facilities and/or storage areas shall be screened where adjacent to any residential use. Screening shall consist of a double row staggered planting of coniferous trees which are at least six feet high, or a fence made of solid material at least six feet high, landscaped with trees and shrubs.
- E. All adjoining property owners shall be notified of the proposed development by the utility through individual notice mailed to them at least 30 days prior to commencement of construction activity.

350-1019 Farm-related business.

Farm-related businesses are permitted by conditional use in the (A) Agricultural and (WC) Woodland Conservation Zoning District subject to the following criteria:

- A. No part of a farm-related business shall be within 200 feet of any land within a residential zone, nor within 100 feet of any existing residence (excluding a farm dwelling).
- B. The existing roadway that will provide access to the property must be appropriate for the expected type and volume of road traffic that will be generated by the proposed use.

C. The length of any on-site access drive(s) shall be sufficient to allow the stacking of delivery and/or customer vehicles. Furthermore, any use that potentially involves the movement of vehicles through mud and/or manure shall provide a paved apron of at least 50 feet from the street right-of-way. In addition, another fifty-foot gravel section shall be located just beyond the paved apron.

D. The Township may require that any outdoor storage of supplies, materials, or products be screened from adjoining roads and properties. The display of farm equipment for sale shall be excluded from this provision.

E. One sign shall be permitted for a farm-related business in accordance with § 350-1212.

F. Vegetative screening may be required in accordance with § 350-1210 of this chapter when a farm-related business abuts any property used principally for residential purposes. Certain pieces of apparatus used for farm-related businesses, which create noxious dust, odor, light, or noise, may require greater setbacks and vegetative screening, as determined by the Board of Supervisors.

G. Parking areas may be required to be fenced or to include other appropriate devices to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.

H. The applicant must provide for sufficient off-street parking spaces and off-street loading spaces for all uses proposed according to the off-street parking and loading provisions of this chapter.

I. A farm-related business must comply with the coverage requirements in the zoning district in which it is located.

J. Permanent structures associated with a farm-related business shall comply with the setback requirements of the underlying zoning district.

K. Temporary structures and outdoor displays associated with a farm-related business shall not encroach into a public road right-of-way, and must comply with the side and rear yard setback requirements of the underlying zoning district.

L. New structures required for accessory farm-related businesses are limited to 4,000 square feet of gross floor area in the aggregate.

M. Farm-related businesses must comply with the access and driveway provisions in Article VII of Chapter 295, Subdivision and Land Development, of the Code of Southampton Township.

N. Farm-related businesses shall be owned or operated by the landowner, landowner's immediate family member, operator of the farm, or persons residing on the farm.

O. Farm-related businesses shall comply with the performance standards in § 350-1202 of this chapter.

350-1020 intentionally left blank.

350-1021 Forestry, Timber Harvesting, and Lumber Mills

Forestry, permitted by right in all Zoning Districts, Timber Harvesting is permitted by right (WC) Woodland Conservation Zoning District and Lumber Mills are permitted by conditional use in the (A) Agricultural and (WC) Woodland Conservation Zoning District subject to the following criteria:

A. These provisions do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement.

B. Notification and preparation of a logging plan.

(1) For all timber harvesting operations, the landowner shall notify Zoning Officer at least 10 business days before the operation commences and within 10 business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.

(2) Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan. No timber harvesting shall occur until the plan has been prepared. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site all times during the operation and shall be provided to the Zoning Officer upon request.

(3) The landowner and the operator shall be jointly and separately responsible for complying with the terms of the logging plan.

(4) An erosion and sedimentation pollution control plan must be approved by the Cumberland County Conservation District if over 25 acres of disturbance occurs, in accordance with Title 25 Pennsylvania Code, Chapter 102. Documentation of such approval is required prior to the beginning of any timber harvest activities.

C. Contents of the logging plan. As a minimum, the logging plan shall be acceptable to the Zoning Officer and shall include the following:

(1) The design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails and landings.

(2) The design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars.

(3) The design, construction, and maintenance of stream and wetland crossings.

(4) The general location of the proposed operation in relation to municipal and state roads, including any accesses to those highways.

(5) A sketch map or drawing containing the site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within the property; significant topographic features related to potential environmental problems; location of all earth disturbance activities such as roads, landings, and water control measures and structures; location of all crossings of water of the commonwealth; and the general location of the proposed operation to municipal and state highways, including any accesses to those highways.

(6) Documentation of compliance with the requirements of all applicable state regulations including, but not limited to, the following: erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. § 691.1 et seq); and stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. § 693.1 et seq.).

(7) Any permits required by state laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map specified above, provided all information required is included or attached.

D. Forest practices. The following requirements shall apply to all timber harvesting operations in Southampton Township:

(1) Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of Southampton Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.

(2) No tops or slash shall be left within 25 feet of any public thoroughfare or private roadway providing access to adjoining residential property.

(3) All tops and slash between 25 feet and 50 feet of any public roadway or private roadway providing access to adjoining residential property or within 50 feet of adjoining residential property shall be lopped to a maximum height of four feet above ground.

(4) No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.

(5) No tops or slash shall be left within 50 feet of any perennial or intermittent stream or the designated floodplain of any stream, whichever is greater.

(6) No harvest of trees shall occur within 150 feet of any stream designated as high quality or exceptional value or 100 feet of any other stream in accordance with 25 Pa. Code Chapter 102.

(7) Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.

E. Responsibility for road maintenance and repair: road bonding. Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to Southampton Township roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic and may be required to furnish a bond to guarantee the repair of such damages.

F. Lumber Mills shall address noise, hours of operations, and screening.

350-1022 Golf courses.

Golf courses are permitted by conditional use in the (A) Agricultural Zoning District, subject to the following criteria:

- (1) Minimum lot area: 30 acres;
- (2) Golf courses may include the following accessory uses, provided such uses are reasonably sized and located, so as to provide incidental service to the golf course employees and users:
 - (A) Clubhouse, which may consist of:
 - [1] Restaurant, snack bar, lounge, and banquet facilities;
 - [2] Locker room and restroom;
 - [3] Pro shop;
 - [4] Administrative office;
 - [5] Golf cart and maintenance equipment storage and service facilities;
 - [6] Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steam rooms;
 - [7] Game rooms, including card tables, billiards, ping pong, and other similar table games; and
 - [8] Babysitting rooms and connected fence-enclosed play lots.
 - (B) Accessory recreation amenities located outside of a building, including:
 - [1] Driving range, provided that all lighting shall comply with § 350-1202 of this chapter.
 - [2] Practice putting greens;
 - [3] Swimming pools;
 - [4] Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts;
 - [5] Bocci ball, croquet, shuffleboard, quoits, horseshoe pits, and washers courses;
 - [6] Picnic pavilions, picnic tables, park benches, and barbecue pits;
 - [7] Hiking, biking, horseback riding, and cross-country ski trails; and
 - [8] Playground equipment and play lot games, including four-square, dodge ball, tetherball, and hopscotch.
 - (C) Freestanding maintenance equipment and supply buildings and storage yards.
- (3) In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, street, access drive, or driveway.
- (4) All golf course buildings shall be set back 75 feet from any adjoining roads and 100 feet from adjoining residential structures or parcels.
- (5) Golf paths. Golf paths shall be graded so as to discharge stormwater runoff. Surface conditions of paths shall be adequately protected from an exposed soil condition.
 - (a) The golf course design shall minimize golf path crossings of streets, access drives, and driveways. Easily identifiable golf paths must be provided for crossing streets, access drives, or driveways. The golf course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives, and driveways;
 - (b) Each crossing shall be perpendicular to the traffic movements;
 - (c) Only one street, access drive or driveway may be crossed at each location;
 - (d) The crossing must be provided with a clear sight triangle of 75 feet, measured along the street, access drive, or driveway center line and the golf path center line, to a location on the center line of the golf path.

350- 1023 Group homes.

Group homes are permitted by conditional use in the (VC) Village Center Zoning District subject to the following criteria:

- (1) The premises shall be under responsible supervision at all times;
- (2) Each conditional use application shall be accompanied by a statement describing the following:
 - (a) The character of the facility;
 - (b) The program's policies and goals, and means proposed to accomplish the goals;
 - (c) The characteristics of the service populations and number of residents to be served;

- (d) The operating methods and procedures to be used;
- (e) Any other aspects pertinent to the facility's program; and
- (f) Any conditional use granted for a group home shall be bound to the type of care extended to the indicated service population. Any change in the service population will require the obtainment of a new conditional use;
- (3) Depending upon the nature of the resident's condition(s), the Board of Supervisors may require outdoor play/recreation areas to be completely enclosed by a six-foot-high fence. In addition, other conditions may also be imposed to protect the general welfare of the surrounding community;
- (4) Each group home shall obtain and maintain applicable licenses with the appropriate state and federal government agencies;
- (5) One off-street parking space is required for each occupant; and
- (6) Public sewer and water is required.

350-1024 Hunting, fishing, and private recreational clubs.

Hunting, fishing, and private recreational clubs are permitted by conditional use in the (A) Agricultural and (WC) Woodland Conservation Zoning District subject to the following criteria:

- (1) Minimum required lot area: 10 acres;
- (2) Those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.
- (3) Required parking will be determined based upon a combination of the types of activities proposed and the schedule listed in 350-1211

350-1025 Home Occupations.

Home occupations are permitted as an accessory use in the (A) Agricultural, (WC) Woodland Conservation, and (VC) Village Center Zoning Districts subject to the following criteria:

- A. It is carried on within the dwelling unit and/or within usual accessory structures by the residents of the home.
- B. There shall be no more than two employees other than residents of the home.
- C. It does not result in the production of any noise or vibration (except that produced by coming and going), light, odor, dust, smoke, or other air pollution in excess of the standards contained in § 350-1202 of this chapter.
- D. Off-street parking spaces, in sufficient number as determined by the Zoning Officer, are made available on the same premises.
- E. The use shall be clearly incidental and secondary to the use of the dwelling as a residence, and the exterior appearance of the structure and premises shall be residential in character.
- F. If truck deliveries are required, loading and unloading areas must be provided along with adequate site access.

350- 1026 Industrial Parks and Industrial Light and Heavy

Industrial Parks and Industrial Light and Heavy are permitted by Conditional Use in the (M) Manufacturing Zoning District subject to the following Criteria:

The purpose of the standards set forth herein is to promote the establishment of industrial parks and Industrial Light and Heavy, to permit groups of industrial buildings with integrated design and a coordinated physical plan, to encourage landscaping and open space within industrial areas and to buffer adjacent residential uses with landscaped green spaces. Each industrial park application shall submit sufficient documentation to verify compliance with the following standards in addition to all other applicable requirements of this chapter.

- (1) The plan shall be in sufficient detail to show the location, probable dimensions and sketch elevations of proposed buildings, driveway entrances, existing and proposed easements and utilities, roadway design and other special features.
- (2) An open space and landscaping plan shall be submitted which illustrates the proposed location and treatment of open space and landscaping throughout the industrial park. The plan shall include street trees and be generous in the use of trees and other plantings within the designed open space. Screening and buffer areas shall be provided as required by § 350-1210 of this chapter and by § 295-408 of Chapter 295, Subdivision and Land Development.
- (3) A plan for the circulation of traffic within the industrial park shall be submitted, along with a traffic impact study prepared in accordance with § 295-407 of Chapter 295, Subdivision and Land Development.
- (4) A draft of the proposed protective covenants for regulating land use, building design and materials, individual site landscaping, etc., and any incorporation agreement and bylaws regulating maintenance of common areas and facilities.
- (5) All utilities shall be designed for underground installation.

350-1027 Intensive agricultural operations.

Intensive Agricultural Operations are permitted in the (A) Agricultural and (WC)Woodland Conservation Zoning District as a conditional use, subject to the following criteria:

A. The parcel of contiguous land owned by the owner of an intensive agricultural operation shall be and remain at least 50 acres in the Agriculture Zoning District.

(1) Irrespective of the provisions of this section, any intensive agricultural operation in existence prior to the enactment of this chapter may not expand such operation without obtaining a conditional use approval from Southampton Township.

(2) Any building or building addition constructed after the date of the enactment of this chapter to house animals in an intensive agricultural operation must maintain the following setbacks:

(a) From a dwelling not owned by the owner of the intensive agricultural operation, a church, a building used in connection with a home occupation or incidental business, or other building occupied by human beings at least 10 hours a week: 500 feet from an occupied building located in the Agriculture or Woodland Conservation Zoning District and 1,000 feet from an occupied building in a non-agriculture zoning district.

(b) From a property line or watercourse: 100 feet.

(c) From a well not owned by the owner of the intensive agricultural operation: 150 feet.

(d) Buildings housing animals shall not be located within the floodplain.

B. The owner of the intensive agricultural operation must establish and maintain an access to the operation so that all motor vehicles making a right turn, whether entering or leaving the property, can do so without first having to enter the left-hand side of the public highway.

C. The intensive agricultural operation must establish and maintain compliance at all times with the requirements of the Pennsylvania Nutrient Management Law.^[1]

^[1] Editor's Note: See now the Nutrient Management and Odor Management Act, 3 Pa.C.S.A. § 501 et seq.

D. The intensive agricultural operation must ensure dead animals, if disposed of on the property, are disposed of in strict accordance with the applicable standards of the Pennsylvania Department of Environmental Protection.

E. New construction or expansion of concentrated animal feeding operations (CAFOs) or concentrated animal operation (CAOs) shall have an approved odor management plan in accordance with Pennsylvania Act 38, Nutrient and Odor Management Act.^[2] A copy of the approved odor management plan shall be provided to the Township, along with any subsequent amendments and notices of violations by the Department of Environmental Protection.

F. Intensive Agricultural Operations involving animal housing facilities with ventilation fans shall provide vegetative planting strips in accordance with the following standards:

A planting strip shall be installed opposite the ventilation fan(s) and be of sufficient length to minimize the impacts on adjacent residences. At a minimum, the length of the planting strip shall extend an additional 20 feet from the beginning and end of the ventilation fans.

G. The planting strip shall be set back from the animal housing facility a distance equal to 10 times the diameter of the ventilation fan, with a minimum setback of 50 feet from side walls and 80 feet from end walls. Where multiple fans are used in one location, the setback distance may be extended five feet for each additional fan but shall not exceed 150 feet.

H. Planting strips shall consist of two rows, which may contain a mixture of deciduous and evergreen plants. The first row may include shrubs and grasses. The second row shall consist of at least 50% evergreen trees or shrubs and grow to a minimum of 15 feet tall at maturity. Spacing between plants shall be two feet for grasses, six feet for small shrubs (four feet to 12 feet tall) and 10 feet for large shrubs and trees (greater than 12 feet tall). Spacing between rows shall be 16 feet to 20 feet. Plant species shall have a high tolerance to pollutants.

I. The planting strip shall be maintained in a healthy condition. Any landscaping that dies or is severely damaged shall be replaced by the property owner as soon as is practical, considering growing seasons.

350-1028 Junkyards.

Junkyards are permitted as a Conditional Use in the (A) Agricultural and the (WC) Woodland Conservation Zoning District subject to the following criteria:

(1) No portion of any junkyard shall be closer than 500 feet to any residence.

(2) All junkyards shall be enclosed by a fence. All junk material, including but not limited to scrap metal, papers, rags, glass, containers, structures, junked motor vehicles, junked trailers, machinery and/or equipment, shall be stored inside the enclosed fencing. The fence shall be constructed of solid material, such as masonry, corrugated metal, or wood that obscures the view of the junkyard from the public right-of-way or from adjoining properties. The fence shall be at least eight feet high and shall contain a lockable gate made of similar solid material, which shall be kept closed and locked when not attended. The gate and all fencing shall be maintained in good condition and shall not be allowed to deteriorate or become unsightly. There shall be no advertising of any form placed on the fencing.

(3) The fence enclosing a junkyard shall be set back at least 25 feet from the right-of-way of any public street or road, and shall be set back a minimum of 10 feet from all other property lines.

(4)

No junkyard shall be larger than 10 acres.

(5) All junk shall be stored and arranged so as to permit access by firefighting equipment, and to prevent the accumulation of stagnant water. Junked automobiles shall be arranged in single or double rows with at least 15 feet between rows. All gasoline and oil shall be drained from junked vehicles, and shall be stored in one location on the premises until properly discarded.

(6) Junk material shall not be piled to a height of more than eight feet from ground level.

(7) Weeds and grasses within the junkyard shall be kept mowed and shall not be permitted to seed.

(8) No garbage or organic waste shall be permitted to be stored in any junkyard.

(9) Junkyards shall, at all times, be maintained in such a manner so as not to cause public or private nuisance, nor cause any menace to the health or safety of any persons off the premises, nor cause any noxious or offensive smoke or odors, nor cause the breeding, harboring or infesting of rats, rodents or vermin, nor cause a violation of any health or sanitation law, ordinance or regulation of any governmental body.

350-1029 Mixed Use Developments

Mixed Use Developments are permitted in the (VC) Village Center Zoning District as a Conditional Use subject to the following criteria:

- A. The mixed use shall consist only of combinations of uses permitted in the district where the mixed use is to occur. Uses may be mixed both on the horizontal and vertical plane.
- B. The required off- street parking shall be located in the rear of the building and shall be equal to no less than the sum of off-street required for each of the mixed uses.

350-1030 Municipal buildings and other Municipal uses

Municipal uses including public utilities shall be permitted by right in all zoning districts, subject to the following criteria:

- A. The applicant must demonstrate that the selected location is necessary for public service.
- B. If located within a residential district, all buildings and structures shall be designed (to the extent possible) to have the exterior appearance of a residence.
- C. In any residential district, the outdoor storage of vehicles or equipment, used in the maintenance of a utility, shall be screened from adjoining roads and all properties in accordance with this chapter.
- D. There shall be no specific minimum lot size; however, each lot shall provide front, side, and rear yard setbacks and comply with the maximum impervious lot coverage requirements as prescribed in the underlying zoning district.
- E. Height regulations for the underlying zoning district shall be followed.
- F. The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical, or microwave disturbance, or any other objectionable impact, nuisance or safety hazard beyond the subject property.

350-1031 Multi-Family Conversions

Multi-Family Conversions are permitted in the (VC) Village Center and Woodland Conservation Zoning District as a Conditional Use subject to the following criteria:

- A. Conversions of established single-family dwellings into two or more apartment dwelling units, provided that sanitary sewer is available, each lot or parcel of land so used has an area of not less than 10,000 square feet and a width of not less than 80 feet at the building line and no more than a total of eight dwelling units are located within the structure.
- B. Each dwelling unit within converted buildings shall have not less than 2,500 square feet of land area per dwelling unit and a minimum of 500 square feet of floor area per each unit; but, in no case, shall the total land area be less than 10,000 square feet.

350-1032 No- Impact Home Based Business

No- Impact Home Based Businesses are permitted in all districts as an Accessory Use subject to the following criteria:

- 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 Shall not involve any illegal activity.

350-1033 Outdoor Storage

Outdoor Storage is permitted by right in the (A) Agricultural, (WC) Woodland Conversation, (C) Commercial, and (M) Manufacturing Zoning Districts subject to the following criteria:

Comply with Nuisances Ordinance Chapter 225

A. Outdoor storage shall be completely screened from view of any adjacent residential use. Screening shall consist of evergreen plantings, architectural screen, fence or wall, in accordance with the requirements of Section 350-1209 of this Ordinance.

B. No storage shall be permitted within the front yard of any lot.

C. Outside storage of raw materials and/or finished products shall be permitted only within the buildable area of the lot to the rear of the front building wall of the principal building, and shall not exceed ten (10) feet in height in residential districts and twenty (20) feet in height in other districts.

D. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground, except for tanks of fuel (1) directly connected to energy or heating devices or (2) used in conjunction with active agricultural or construction activities. A list of such liquids, solids or gases stored on site shall be supplied to the appropriate fire companies serving the Township. The applicant shall also demonstrate compliance with all applicable regulations of the U.S. Environmental Protection Agency; Pennsylvania Department of Environmental Protection; and the Pennsylvania State Police, Fire Marshall Division, including notification and registration requirements.

E. No structure or land shall be used or developed, and no structure shall be located, extended, converted or structurally altered unless the applicant takes all reasonable measures to minimize the impacts of the above ground and underground storage of heating oil, gasoline, diesel fuel, chemical solutions or other substances which, if released, would constitute pollutants to surface water or groundwater. The applicant shall also demonstrate compliance with all applicable regulations of the U.S. Environmental Protection Agency; PA Department of Environmental Protection; and the Pennsylvania State Police, Fire Marshall Division, including notification and registration requirements.

350-1034 Professional Offices

Professional Offices are permitted in the (VC) Village Center and (C) Commercial Zoning District as a Permitted Use subject to the following criteria:

A. If located within a Village Center district, all buildings and structures shall be designed (to the extent possible) to have the exterior appearance of a residence.

B. In any Village Center district, the outdoor storage of vehicles or equipment, , shall be screened from adjoining roads and all properties in accordance with this chapter.

C. There shall be no specific minimum lot size; however, each lot shall provide front, side, and rear yard setbacks and comply with the maximum impervious lot coverage requirements as prescribed in the underlying zoning district.

D. Height regulations: Maximum height of 100ft.

E. The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical, or microwave disturbance, or any other objectionable impact, nuisance or safety hazard beyond the subject property.

350-1035 Principal solar energy systems (PSESs).

PSESs are permitted in the (M) Manufacturing Zoning District as a Permitted Use subject to the following criteria:

The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, as amended, 53 P.S. § 10101 et seq., enables a municipality through its zoning ordinance to regulate the use of property and to promote the conservation of energy through access to and use of renewable energy resources.

A. Regulations applicable to all principal solar energy systems:

(1) PSESs shall be permitted by right in the Manufacturing Zoning Districts.

(2) Exemptions:

(a) PSESs constructed prior to February 26, 2013, shall not be required to meet the terms and conditions of this chapter. Any physical modification to an existing PSES, whether or not existing prior to February 26, 2013, that materially alters the PSES shall require approval under this chapter. Routine maintenance or like-kind replacements do not require a permit.

(3) The layout, design and installation and ongoing maintenance of PSESs shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by Southampton Township, and with all other applicable fire and life safety requirements. The manufacturer specifications for the system shall be submitted as part of the application.

(4) PSES installers must show proof of the following certifications

(a) Is certified by the North American Board of Certified Energy Practitioners (NABCEP).

(b) Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.

(5) All on-site transmission and plumbing lines shall be placed underground to the extent feasible.

(6) The owner of a PSES shall provide Southampton Township with written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.

(7) No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES, provided they comply with the prevailing sign regulations.

(8) Glare.

(a) All PSESs shall be placed such that concentrated solar radiation or glare does not project onto nearby properties or roadways.

(b) The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

(9) The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to Southampton Township. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.

(10) Decommissioning.

(a) The PSES owner is required to notify Southampton Township immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of 12 continuous months.

(b) Upon one, or more, of the conditions in § 350-1035A(10)(a) above occurring, the PSES owner shall then have 12 months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or

remove the PSES within the established time frames, the municipality may complete the decommissioning at the owners expense.

(c) At the time of issuance of the permit for the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to Southampton Township to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition, including forestry plantings of the same type/variety and density as the original condition.

(11) Prior to the issuance of a zoning permit, PSES applicants must acknowledge, in writing, that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or b) the right to prohibit the development on or growth of any trees or vegetation on such property.

(12) Solar easements.

(a) Where a subdivision or land development proposes a PSES, solar easements may be provided. Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements.

(b) Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to:

[1] A description of the dimensions of the easement, including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;

[2] Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;

[3] Enumerate terms and conditions, if any, under which the easement may be revised or terminated;

[4] Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.

(c) If necessary, a PSES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

(13) Permit requirements.

(a) PSESs shall comply with the Southampton Township Subdivision and Land Development Ordinance. The installation of PSESs shall be in compliance with all applicable permit requirements, codes, and regulations.

(b) The PSES owner and/or operator shall repair, maintain and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.

B. Regulations applicable to ground mounted principal solar energy systems:

(1) Minimum lot size. The PSES shall meet the lot size requirements of the underlying zoning district.

(2) Setbacks. PSESs shall comply with the setbacks of the underlying zoning districts for principal structures.

(3) Height. Ground mounted PSESs shall not exceed 20 feet in height.

(4) Impervious coverage calculations shall be coordinated with DEP guidance for PSES.

(a) The surface area of the arrays of a ground mounted PSES, regardless of the mounted angle of any solar panels, and the area beneath the ground mounted PSES shall be included in the lot coverage calculation for the lot on which the system is located.

(b) The applicant shall submit a stormwater management plan that demonstrates compliance with the municipal stormwater management regulations.

(c) PSES owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for stormwater management.

(5) Ground mounted PSESs shall be screened from adjoining residential uses or zones according to the standards found in § 350-1035 of this chapter.

(6) Ground mounted PSESs shall not be placed within any legal easement or right-of-way, be placed within any stormwater conveyance system, or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.

(7) Security.

(a) All ground mounted PSESs shall be completely enclosed by a minimum eight-foot-high fence with a locking gate.

(b) A clearly visible warning sign shall be placed at the base of all pad mounted transformers, substations, and on the fence surrounding the PSES informing individuals of potential voltage hazards.

(8) The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.

(9) If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.

C. Regulations applicable to roof and wall mounted principal solar energy systems:

(1) For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of Southampton Township that the roof or wall is capable of holding the load imposed on the structure.

(2) PSESs mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.

350-1036 Principal wind energy facilities (PWEFs).

PWEFs are permitted in the (WC) Woodland Conservation Zoning District as a Permitted Use subject to the following criteria:

The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, as amended, 53 P.S. § 10101 et seq., enables a municipality through its zoning ordinance to regulate the use of property and to promote the conservation of energy through access to and use of renewable energy resources.

A. Design and installation.

(1) Principal wind energy facilities (PWEFs) shall be permitted by right in the Woodland Conservation district. Applications for such uses shall be subject to the requirements set forth below, as well as all other applicable state or federal regulations.

(2) Exemptions.

(a) Any physical modification to an existing PWEF, whether or not existing prior to February 26, 2013, that materially alters the size, type and number of wind turbines or other equipment shall require conditional use approval under this chapter and meet the requirements of the Uniform Construction Code. Routine maintenance or like-kind replacements do not require a permit.

(3) The layout, design, installation and ongoing maintenance of PWEFs shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society of Testing and Materials (ASTM), or other pertinent certifying organizations and comply with the PA Uniform Construction Code and all applicable building and electrical codes as enforced by Southampton Township, and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.

(4) Applicants shall submit land development and/or subdivision plans which shall be compliant with Chapter 295, Subdivision and Land Development, of the Code of Southampton Township.

(5) Applicants shall provide sufficient documentation showing that the PWEFs will comply with all applicable requirements of the Federal Aviation Administration (FAA) and the Commonwealth Bureau of Aviation.

(6) The PWEF shall provide Southampton Township with written confirmation that the public utility company to which the PWEF will be connected has been informed of the intent to install a grid connected system and approved of such connection.

(7) All PWEFs shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip and other systems) and mechanical brakes. Mechanical brakes

shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

(8) Visual appearance.

(a) All on-site utility, transmission lines, and cables shall be placed underground.

(b) PWEFs shall be painted a nonreflective, flat color, such as white, off-white, or gray, unless required to be colored differently from FAA or BoA regulations.

(c) PWEFs shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen shall seek to minimize the disturbance to the surrounding views.

(d) The display of advertising is prohibited, except for identification of the manufacturer of the system, facility owner and operator.

(e) Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the PWEF.

(f) Accessory buildings, structures, mechanical equipment.

[1] Accessory structures and equipment associated with PWEFs shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen. In lieu of a planting screen, a decorative fence meeting requirements of this chapter may be used.

[2] The design of accessory buildings and related structures shall, to the extent reasonable, use materials, colors, textures, screening and landscaping that will blend the structures into the natural setting and existing environment.

(9) Warnings and safety measures.

(a) A clearly visible warning sign concerning voltage must be placed at the base of all pad mounted transformers and substations.

(b) All access doors to PWEFs, including electrical equipment, outbuildings and all appurtenances thereto, shall be locked or fenced, as appropriate, to prevent entry by nonauthorized personnel.

(c) Wind turbines shall not be climbable up to 15 feet above the ground surface or the climbing apparatus shall be fully contained and locked within the tower structure.

(d) Visible, reflective, colored objects, such as flags, reflectors or tape, shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.

(e) The potential ice throw or ice shedding for a PWEF shall not cross the property line of the lot on which the PWEF is located nor impinge on any right-of-way or overhead utility line.

(f) The applicant will provide a copy of the project summary and site plan to local emergency services.

(g) Facility owner and/or operator shall abide by all applicable local, state and federal Fire Code and emergency guidelines. Upon request, the applicant, facility owner and/or operator shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the PWEF.

(h) No portion of the PWEF shall contain or be used to display advertising. The manufacturer's name and equipment information or identification of ownership shall be allowed on any equipment of the PWEF, provided they comply with the prevailing sign regulations.

B. Zoning requirements.

(1) Lot size.

(a) In order for a tract(s) of land to be eligible for a PWEF, it must contain a minimum of two acres.

(b) Wind Turbines shall be separated from each other by a minimum of 1.1 times the total height of the highest wind turbine.

(2) Setbacks.

(a) Wind turbines shall be set back from the nearest property line, occupied buildings, aboveground utility lines (including guy wires), railroads and/or road rights-of-way a distance of not less than 1.1 times its total height.

(b) Accessory buildings, structures, and related equipment to the PWEF shall comply with the building setback requirements of the underlying zoning district.

(3) Height.

(a) There shall be no specific height limitation, so long as the total height meets sound and setback requirements, except as imposed by FAA regulations.

(b) The minimum ground clearance shall be 30 feet.

C. Operational standards.

(1) Use of public roads.

(a) The applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the PWEF.

(b) The Township's engineer, or a qualified third-party engineer hired by the Township and paid for by the applicant, shall document public road conditions prior to construction of the PWEF. The engineer shall document road conditions within 30 days after construction of the permitted project is complete, or as soon thereafter as weather may allow.

(c) The Township may require the applicant to secure a bond for the road(s) to be used within the Township in compliance with applicable regulations at an amount consistent therewith; or, if not provided by regulation, an amount set at the discretion of the governing body in consultation with the Township Engineer.

(d) Any road damage caused by the applicant, facility owner, operator, or contractors shall be promptly repaired to the Township's satisfaction at the expense of the applicant and/or facility owner.

(e) The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged public roads.

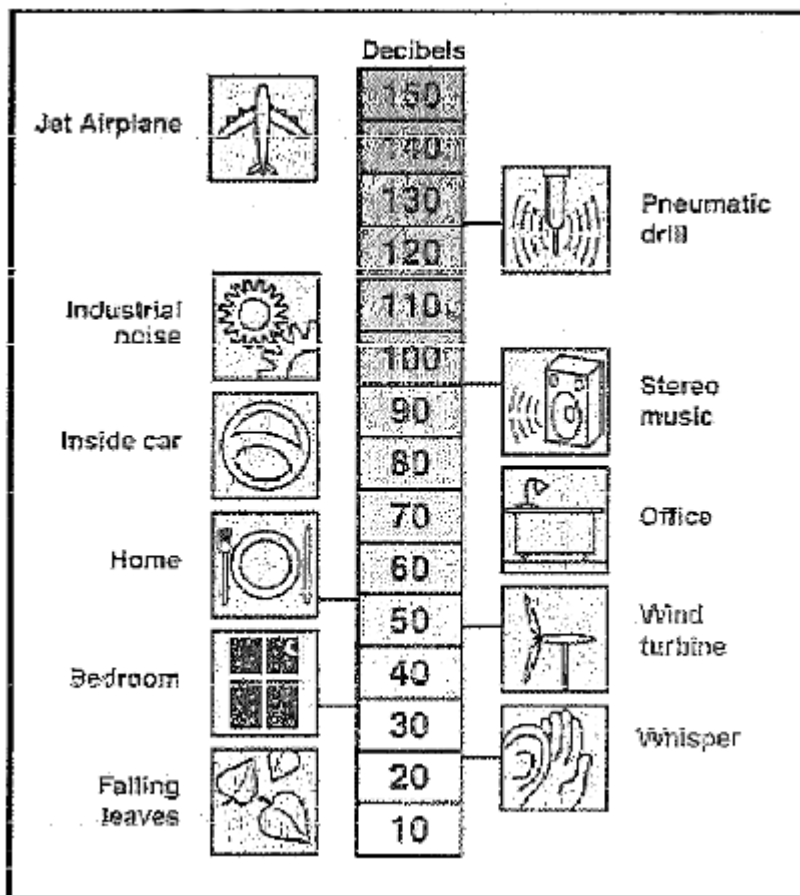
(f) Every effort should be made to use existing roads and logging roads. New deforestation and forest fragmentation should be kept to a minimum. Private entrance roads to PWEFs must be maintained in a mud-free condition.

(2) Noise.

(a) Audible sound from a PWEF shall not exceed 50 dBA, as measured at the property line between participating and nonparticipating landowners.

(b) Noise limits may be exceeded during short-term events, such as utility outages and/or severe wind storms.

(c) Methods for measuring and reporting acoustic emissions from PWEFs shall be equal to or exceed the minimum standards for precision described in American Wind Energy Association (AWEA) Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier, as amended.



(3) A wind turbine shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.

(4) Shadow flicker.

- (a) A PWEF shall not cause shadow flicker on any occupied building on a nonparticipating landowner's property.
- (b) A PWEF shall be designed in such a manner as to minimize shadow flicker on a roadway.
- (c) The facility owner and operator shall conduct, at the applicant's expense, a modeling study demonstrating that shadow flicker shall not occur on any occupied building on a nonparticipating property.
- (5) Facility owner and/or operator shall ensure that the design and operation of any PWEF avoids disruption or loss of radio, telephone, television, cell, internet or similar signals, and shall mitigate any harm caused thereby.
- (6) The applicant shall provide a proposed foundation design and analysis of soil conditions by a professional engineer.
- (7) Public inquiries and complaints.
- (a) The facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
- (b) The facility owner and operator shall make efforts to respond to the public's inquiries and complaints.
- (8) Decommissioning.
- (a) The PWEF owner is required to notify Southampton Township immediately upon cessation or abandonment of the operation. The PWEF shall be presumed to be discontinued or abandoned if no electricity is generated by the system for a period of 12 continuous months.
- (b) Upon one or more of the conditions in Subsection C(8)(a) above occurring, the PWEF owner shall then have 12 months in which to dismantle and remove the PWEF.
- (c) Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
- (d) Disturbed earth shall be graded, reseeded and/or reforested to reclaim the site back to its predevelopment condition, based on the subdivision/land development plan or documented predevelopment condition, unless the landowner requests, in writing, that the access roads or other land surface areas not be restored.
- (e) If the facility owner or operator fails to complete decommissioning within the period prescribed by Subsection C(8)(a) above, then the landowner shall have six months to complete the decommissioning.
- (f) If neither the facility owner or operator, nor the landowner complete decommissioning within the periods described by Subsection C(8)(a) and (e) above, then Southampton Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that Southampton Township may take such action as necessary to implement the decommissioning plan.
- D. Application requirements. A conditional use application for a PWEF shall include the following:
- (1) A narrative describing the proposed PWEF, including an overview of the project, the project location, the approximate generating capacity of the PWEF, the approximate number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
- (2) An affidavit or similar evidence of agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and the operation of the PWEF and setting forth the applicant's and property owner's name, address and phone number.
- (3) Identification of the properties on which the proposed PWEF will be located, and the properties adjacent to where the PWEF will be located.
- (4) A site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the PWEF to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines and layout of all structures within the geographical boundaries of any applicable setback.
- (5) A decommissioning plan sufficient to demonstrate compliance with Subsection C(8) above.
- (6) A wind resource study shall be submitted documenting wind resources at the site. The study shall include but is not limited to data showing average wind speeds capable of generating electricity and the available capacity to transmit the electricity into the power grid.
- (7) A noise study in accordance with Subsection C(2) above.
- (8) A shadow flicker study in accordance with Subsection C(4) above.

(9) Other relevant studies, reports, certifications and approvals as required by this chapter or as may be requested by the Borough/Township to ensure compliance with this chapter.

(10) Throughout the permit process, the applicant shall promptly notify the Township of any changes to the information contained in the conditional use/special exception permit application. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

350-1037 Quarrying.

Quarrying and other extractive uses are permitted in the Agricultural Conservation District by conditional use subject to the following criteria:

(1) The applicant must demonstrate initial and continual compliance with all applicable state and federal standards and regulations.

(2) All surface mining operations shall be set back a minimum of 100 feet from any property line or road right-of-way.

(3) Screening shall be in compliance with this chapter.

(4) Applicant shall submit a traffic study by a competent professional identifying impact and mitigation measures resulting from increased traffic to and from the site.

(5) A Land Use Permit is required.

350-1038 Repair Services

Repair Services are permitted in the (C) Commercial Zoning District as a Permitted Use and by Conditional Use in (A) Agricultural and (WC) Woodland Zoning Districts subject to the following criteria:

A. If located adjacent to a residential use, all buildings and structures shall be designed (to the extent possible) to have the exterior appearance of a residence.

B. If located adjacent to a residential use, the outdoor storage of vehicles or equipment, , shall be screened from adjoining roads and all properties in accordance with this chapter.

C. There shall be no specific minimum lot size; however, each lot shall provide front, side, and rear yard setbacks and comply with the maximum impervious lot coverage requirements as prescribed in the underlying zoning district.

D. The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical, or microwave disturbance, or any other objectionable impact, nuisance or safety hazard beyond the subject property.

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350-1040 Retirement Housing

Retirement Housing is permitted in the (VC) Village Center Zoning District as a Permitted Use subject to the following criteria:

1. A. To recognize housing needs for residents as they get older and life-style preferences changes

B. To provide for developments consistent with the provisions of the Federal Fair Housing Act amendments of 1988, or as subsequently amended.

C. To provide for such developments consistent with the Township's Comprehensive Plan goals, Community Development Objectives and strategies.

D. To recognize the lesser impacts of smaller households sizes associated with age-restricted communities organized in higher densities.

- E. To encourage conservation-based site design resulting in a campus-style development pattern.
- F. To encourage the creation of neighborhoods specifically designed for the region's senior residents.

2. The following prerequisites shall be met for each application for approval of an age-restricted community:

A. All provisions of the Federal Fair Housing Act amendments of 1988, or as subsequently amended. A minimum of 80% of the dwelling units to be permanently occupied by at least one person age 55 or older; a greater percentage may be so restricted as part of the declaration. No permanent occupant of an age-qualified dwelling unit may be less than 18 years of age. 3. *Pre-Application Consultation.* The Township encourages a pre-application consultation including a concept plan shall be scheduled with the Township Planning Committee.

8. *Declaration of Restrictive Covenants.* A Declaration of Restrictive Covenants must be approved by the Township. Said Declaration shall provide all of the restrictions necessary to assure compliance with the Federal Fair Housing Act amendments of 1988, or as subsequently amended. The following are the minimum requirements for the Declaration:

A. Provisions for the establishment of a Homeowners Association (HOA) or other similar entity as approved by the Township, with mandatory membership by the current owner of each dwelling unit represented in the land development plan.

B. Parties to the Declaration of Restrictive Covenants shall be bound by all restrictions contained therein, and shall include, at a minimum, members of the aforementioned Association(s), developer and all such other parties.

C. Cross Easements. Cross easements shall be included, which shall assure proper circulation throughout the development and access to all common recreation and open space areas, roadways and common parking areas.

D. Maintenance provisions shall be included for any community/recreation center and related facilities, other recreational facilities, circulation network, common parking areas, landscaping and all other areas not individually controlled by the homeowner in fee title.

E. Provisions to ensure that development of any buildings, parking, stormwater management facilities, or other similar improvements, are prohibited on any lots to be utilized solely for open space purposes, as indicated on the most currently approved land development plan.

F. Provisions stipulating each lot owner/resident's rights with respect to common areas.

G. Residency restrictions applicable to a development in an age-restricted community development shall be in accordance with the Federal Fair Housing Act amendments of 1988, or as subsequently amended.

H. Any other outside agency that requires additional regulations to the development that is stricter than existing Township regulations shall apply.

I. No lot or unit shall be transferred without the prior recording of a Declaration of Restrictive Covenants.

J. The development of a community center is strictly for the use of ARC residents and invited guests.

K. Provisions to ensure Township enforcement rights for the common areas if they are not maintained.

350-1041 Sanitary Landfill.

Sanitary Landfills are permitted by Conditional Use in the (A) Agricultural Zoning District subject to the following criteria:

Sanitary Landfill (includes dumps, solid waste disposal and/or processing facility, transfer station, etc.). Sanitary landfills, or other solid waste disposal and or processing facility, where allowed as a conditional use, shall be developed in full compliance with applicable state and federal laws and shall obtain all necessary and required permits and approvals, and shall also comply with the following:

- (1) No facility shall be placed on any lands with a water table less than 80 inches below the surface, or a seasonally high water table as defined by the USDA NRCS Web Soil Survey.
- (2) No facility shall be located on a tract of land less than 40 acres.
- (3) The applicant shall prepare a transportation study to document the effects that vehicles using the facility will have on local roads. The study shall indicate current conditions, including pavement width and composition, horizontal and vertical curves, sight distances at intersections, condition and limitations of bridges and culverts, and any other existing features or conditions that may affect the safe and efficient travel of vehicles for all Township roadways expected to be utilized as primary or secondary access routes to or from the site. The Township may require that pavement core samples be taken.
- (4) No lands classified as possessing Prime Agricultural Soils, as listed in the Cumberland County Soils Survey, shall be utilized.
- (5) All activities shall be enclosed by an opaque or solid fence not less than six feet high.
- (6) All activities, including grading, compaction, filling, dumping, processing, transfer and disposition, shall be supervised at all times of operation by a landfill inspector licensed by the Department of Environmental Protection.
- (7) A contingency plan for the disposal of waste during a facility shutdown shall be provided.
- (8) A plan for controlling windblown debris, odor, insects and vermin shall be provided.
- (9) A plan for lighting of the facility shall be provided.
- (10) The use shall be screened from all public roads and from adjoining residences.
- (11) All driveways onto the site must be paved for a distance of 300 feet from the public street right-of-way line.
- (12) Access to the site shall be controlled to prevent unauthorized dumping.
- (13) Leachate shall be treated or disposed of in compliance with applicable state and federal laws or regulations.
- (14) No processing shall be permitted within 1,000 feet of any lot line of a residentially used property. No landfill activities shall be permitted within 500 feet of any lot line of a residentially used property.
- (15) All such uses shall provide stacking lanes of sufficient length within the facility, so that vehicles waiting to be weighed, loaded or unloaded will not back up onto public roads.
- (16) The applicant shall submit an analysis of raw water needs (groundwater and/or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.
- (17) A water feasibility study will be provided to enable the Township to evaluate the impact of the proposed use on the groundwater supply and on existing wells, to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the Township Engineer.
 - (a) A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge considering the water withdrawn by the proposed development shall not be approved by the Township.
 - (b) A water feasibility study shall include, as a minimum, the following information (unless more stringent regulations are set by county, state, or federal agencies, in which case the more stringent regulations shall be met):
 - [1] Calculations of the projected water needs;
 - [2] A geologic map of the area;
 - [3] The locations of all existing and proposed wells within 1,000 feet of the site and all known point sources of pollution;

[4]

The long-term safe water yield shall be determined, based on geologic formations;

[5] A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and groundwater table; and

[6] A statement of the qualifications and the signature(s) of the person(s) preparing the study.

(18) A buffer strip of at least 50 feet shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within the buffer strip. Fences or other screening material erected or planted on the site shall not be located within the buffer strip.

350-1042 Schools, private and public.

Private and public schools are permitted by right in the (A) Agricultural, (WC) Woodland Conservation and (VC) Village Center Zoning Districts , subject to the following:

A. Passenger drop off areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.

B. All educational uses shall be governed by the height and bulk standards imposed upon principal uses within the underlying zone.

C. Minimum setback requirements:

(1) Front yard: 50 feet.

(2) Side yard: 50 feet.

(3) Rear yard: 50 feet.

D. Minimum street frontage: 100 feet.

E. Maximum lot impervious coverage: 70%.

F. A ten-foot-wide strip beyond the reserved or dedicated right-of-way of any road or street shall be landscaped with ground cover and plant material and shall not contain impervious cover except for the crossing of necessary entrance/exit driveways. Parking, loading and service areas within 30 feet of a reserved or dedicated road right-of-way line shall be physically separated from the road by a curb or fence, and a planting strip.

350-1043 Shooting ranges.

(1) Shooting ranges are permitted by conditional use in the (A) Agricultural and (WC) Woodland Conservation Zoning District subject to the following criteria:

(2) Shooting range operations:

(a) May not substantially injure or detract from the lawful existing or permitted use of neighboring properties;

(b) May not substantially damage the health, safety, or welfare of the Township, or its residents and property owners;

(c) Must comply with all applicable state and local laws, rules, and regulations regarding the discharge of a firearm;

(d)

The storage of live ammunition shall only occur in an approved secure vault;

(e) Shall limit the number of shooters to the number of firing points or stations identified on the development plan;

(f) Shall prohibit the consumption of alcoholic beverages within the area approved as the shooting range; and

(g) Shall limit firing to the hours between one hour after official sunrise and one hour preceding official sunset, unless sufficient lighting is used, in which case all shooting shall cease by 11:00 p.m.

(3) A development plan shall identify the safety fan for each firing range. The safety fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The safety fan configuration

shall be based upon qualified expert testimony regarding the trajectory of the bullet, and the design effectiveness of berms, overhead baffles, or other safety barriers to contain projectiles to the safety fan.

(4) The firing range, including the entire safety fan, shall be enclosed with a six-foot-high, nonclimbable fence to prevent unauthorized entry into the area. Range caution signs with eight inches tall, red letters on a white background shall be posted at a maximum of 100-foot intervals around the range perimeter. Signs shall read SHOOTING RANGE AREA, KEEP OUT!

(5) Range flags shall be displayed during all shooting activities. Range flags shall be located in a manner visible from entrance drives, target areas, range floor, and the perimeter of the safety fan;

(6) All surfaces located within the safety fan, including the backstop, overhead baffles, berms, and range floor, shall be free of hardened surfaces, such as rocks or other ricochet-producing materials;

(7) All shooting range facilities, including buildings, parking, firing range, and safety fan, shall be set back a minimum of 100 feet from the property line and street right-of-way;

350-1044

Short Term Rentals

Short Term Rentals are permitted by right in the (A) Agricultural, (WC) Woodland Conservation by right subject to the following criteria:

Short-term rental standards.

A. Overnight occupancy of a short-term rental shall be limited to no more than two persons per bedroom, and the maximum number of day guests allowed at any one time, in addition to the overnight occupants, shall be 50% of the maximum overnight occupancy of the short-term rental.

B. The number of bedrooms permitted for a short-term rental shall not exceed the number of bedrooms approved for the dwelling unit on the sewage permit issued for such property. Where there is no sewage permit on record, the short-term rental shall be limited to three bedrooms unless proof is provided to the Sewage Enforcement Officer that the sewage disposal system is adequate to handle additional flows. Any short-term rental advertising more than five bedrooms shall provide proof that the sewage disposal system is adequate to handle such flows by having the system approved by the Sewage Enforcement Officer, or by providing a sewage disposal system permit previously issued by a Sewage Enforcement Officer. If a sewage disposal system malfunction occurs, short-term rental of the dwelling unit shall be discontinued until the malfunction is corrected in accordance with Township and Pennsylvania Department of Environmental Protection requirements.

C. Outdoor parking for overnight and day guests shall be limited to available parking areas on the short-term rental property. In no event shall parking for short-term rental guests include spaces in any public street right-of-way or on any lawns or vegetated areas.

D. Neither short-term rental occupants nor guests shall engage in disorderly conduct or disturb the peace and quiet of any nearby neighborhood or person by loud, unusual or excessive noise, by tumultuous or offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting, or creating a dangerous or physically offensive condition.

E. The owner shall use best efforts to assure that the occupants or guests of the short-term rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or otherwise violate provisions of the Southampton Township Code or any state law pertaining to noise or disorderly conduct including, but not limited to, notifying the occupants of the rules regarding short-term rentals and promptly responding when notified that occupants are violating laws, ordinances or regulations regarding their occupancy.

F. The owner shall, upon notification that occupants or guests of the short-term rental have created unreasonable noise or disturbances, engaged in disorderly conduct or otherwise violated provisions of the Southampton Township Code or state law pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.

G. Overnight occupancy of recreational vehicles, camper trailers and tents at the property where the short-term rental is located shall not be allowed. Outdoor overnight sleeping of occupants or guests of the short-term rental is prohibited.

H. All short-term rental owners, managers, agents or agencies shall supply each occupant with a packet of Township requirements, as well as have a clearly visible and legible notice posted within the dwelling unit on or adjacent to the front door containing the following information:

(1) The name of the owner of the dwelling unit or the managing agency, agent, property manager, or local contact authorized in writing to accept service for the owner of the dwelling unit and a telephone number at which that party can be reached on a twenty-four-hour basis.

(2) The 911 address of the property.

(3) The maximum number of occupants permitted to stay in the dwelling unit and the maximum number of day guests permitted at any one time.

(4) The maximum number of all vehicles allowed to be on the property and the requirement that all guest parking must be parked in the available parking areas on the property and not in or along any private, community or public street right-of-way or on any lawn or vegetated area on the property.

(5) The trash disposal method: Trash and refuse shall not be left or stored on the exterior of the property except in watertight metal or plastic trash containers from 6:00 p.m. on the day prior to trash pickup to 6:00 p.m. on the day designated for trash pick-up.

(6) Notification that an occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of the Southampton Township Code, including parking and occupancy limits.

(7) Notification that short-term rental occupants and guests are required to make the dwelling unit available for inspection by the Code Enforcement Officer or Township representative upon request.

I. All short-term rental dwelling units shall be equipped as follows:

(1) Smoke alarms shall be installed in the following locations:

(a) In each sleeping room.

(b) Outside each separate sleeping area in the immediate vicinity of the bedrooms.

(c) On each additional story of the dwelling, including basements and habitable attics.

(2) Carbon monoxide alarms shall be installed in the following locations:

(a) In a dwelling unit that contains a fuel-fired appliance.

(b) In a dwelling unit that has an attached garage with an opening that communicates with the dwelling unit.

(3) Smoke alarms shall be listed in accordance with UL 217. Combination smoke and carbon monoxide alarms shall be listed in accordance with UL 217 and UL 2034.

(4) Combination smoke and carbon monoxide detectors shall be permitted to be installed in fire alarm systems in lieu of smoke detectors, provided that they are listed in accordance with UL 268 and UL 2075.

License Application requirements.

A. Short-term rental licenses applications shall contain all of the following information:

(1) The name, address, telephone number and email address of the owner. If the owner does not have a managing agency, agent or local contact person then the owner shall provide a twenty-four-hour telephone number. If the owner uses a managing agency, agent or local contact person then that managing agency, agent or local contact person shall have written authorization to accept service for the owner.

(2) The name, address and twenty-four-hour telephone number of the managing agency, agent or local contact person.

(3) Floor plans for the short-term rental unit, including total habitable floor space and total number of bedrooms.

(4) If the building is a multiunit structure, the total number of dwelling units in the structure and the number of dwelling units being used as short-term rentals.

(5) A site plan showing the location and number of on-site parking spaces.

(6) The location, approximate age and capacity of the sewage disposal system. The owner of the property shall supply the Township with an evaluation from a pumper/hauler certifying the sewage disposal system is properly functioning as intended, and proof that the tank was pumped by a pumper/hauler within at least three years prior to the date of the application for a short-term rental license, or a renewal thereof, for review and approval by the Sewage Enforcement Officer.

- (7) Signatures of both the owner and the local managing agent or local contact person.
- (8) Trespass waiver, signed by the owner, allowing access to the property for the Enforcement Officers for the purpose of inspection to verify compliance with this chapter.
- (9) Copy of the current recorded deed for the property establishing ownership.
- B.** A short-term rental license shall be issued only to the owner of the short-term rental property.
- (1) A separate short-term rental license is required for each dwelling unit; for two-family or multifamily dwellings, a separate short-term rental license shall be required for each dwelling unit being rented as a short-term rental.
- (2) A short-term rental license is effective for a period of one year, or until any of the conditions of the short-term rental which are governed by this chapter are changed, whichever shall first occur. A short-term license must be renewed annually and also when any of the conditions of the short-term rental, which are governed by this chapter, are changed.
- (3) The Township will prescribe forms and procedures for the processing of permit applications under this chapter

350-1045 Tree Farming

Tree Farming is permitted by right in the (WC) Woodland Conservation and Agricultural Zoning Districts subject to the following criteria:

Christmas trees and nursery stock, etc. sales are only permitted on slopes of less than 10%.

350-1046 Tiny House and Tiny House Cluster

Tiny Houses are permitted by right in the (A) Agricultural, (WC) Woodland Conservation, and (VC) Village Center Zoning District. Tiny House Cluster are permitted by Conditional Use in the (VC) Village Center Zoning District subject to the following criteria:

- A. A tiny house shall be considered the same as a single-family dwelling.
- B. A tiny house cluster shall comply with the same requirements as a mobile home park. 295-600 of the SALDO.

350-1047 Veterinarian and Animal hospitals and/or Kennels.

Veterinarian and Animal Hospitals are permitted by conditional use in all districts.

- A. All areas used for exercise shall be securely fenced.
- B. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be a minimum of 20 feet from all property lines and a minimum of 200 feet from any adjacent residence whose owner is other than the animal building owner.
- C. Animals shall be permitted to exercise outside daily between the hours of 8:00 a.m. to 8:00 p.m.

Kennels.

Kennels are permitted by conditional use in the (A) agricultural, Commercial, and Manufacturing zoning district subject to the following criteria:

- (1) Minimum lot area: three acres;
- (2) All animal boarding buildings and any outdoor animal pens, stalls, or runways shall be a minimum of 200 feet away from all property lines;
- (3) All outdoor areas where animals are left to wander shall be enclosed to prevent the escape of the animals; all such enclosures shall be a minimum of 20 feet from all property lines;

(4) The applicant shall demonstrate a working plan to prevent or alleviate any noise problems emanating from animals boarded on the site.

350-1048 Warehousing

Permitted by in the (M)Manufacturing Zoning District subject to the following criteria:

Distribution and logistics centers, rail and/or truck terminals, warehousing, and drop lots or drop and hook lots.

1. These uses shall be considered industrial for the purposes of regulating performance standards (350-1202), screening and buffer zones (350-906 and 350-1203).
2. The proposed facility shall demonstrate compliance with the landscaping, screening and buffer requirements set forth in (350-906) of this Code and with any modification(s) of requirements granted thereto by the Zoning Officer
 - a. Earthen berms of 50% the height of the warehouse shall be required when abutting to any residential use or (VC) Village Center zoning district additionally the required screening shall be placed atop the earthen berms. (350-906)
3. Access to the property shall be provided via a collector street or via an existing or proposed street improved in accordance with heavy-duty truck design and construction standards approved by the Board of Supervisors.
4. Any gates or other barriers used at the entrance to the facility shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods for the facility and peak travel times for the road(s).
5. Proposed facilities shall demonstrate in narrative form compliance with all applicable requirements of Pennsylvania's Diesel-Powered Motor Vehicle Idling Act (35 P.S. § 4601, Act 124 of 2008, as amended) including, but not limited to, signage and stationary idle reduction technology. A note shall be placed on the land development plan indicating the applicant's understanding of the Act and its agreement to comply with all applicable requirements and to meet the applicable standards at all times.
6. The following supporting documentation shall be submitted by the applicant for review as part of the conditional use application:
 - a. A note shall be placed on the land development plan indicating the applicant's understanding of the Township's industrial performance standards (i.e. drainage, electricity, glare, radioactivity, vibration, fire and explosion hazards, traffic control, storage of explosives, storage of flammable substances, waste disposal, noise, odor, dust, fumes, vapor, gas, and smoke) as outlined in (350-1202) of the this Chapter and other applicable sections of this Code, and its agreement to meet the applicable standards at all times.
 - b. The applicant shall submit a traffic impact study coordinated with PennDOT's TIS section.
 - c. The applicant shall submit a detailed description of the preparedness, prevention and contingency plans and procedures to be utilized onsite in dealing with fuel spills and hazardous materials releases should they occur on the premises.
 - d. A narrative identifying, as applicable and at a minimum, the nature of the on-site activities and operations, the responsible individuals or entities and their contact information, the hours of operation, the number of shifts and the total number of employees on each shift.
 - e. Proposed building elevations along with line-of-sight diagrams/profiles from occupied structures in each direction, as applicable.

7. There shall be space for onsite stacking and queuing of vehicles.

8. The developer shall submit a Land Development Plan to the Township.

350-1049 Intentionally Left blank

350-1050 Self - Storage Facility

A. Shall submit a land development plan.

350-1051 Automobile Services

A. Automobile Service Station

Permitted by Conditional Use in the Commercial Zoning District and Manufacturing Zoning District.

1. All service and/or repair activities shall be conducted within a wholly-enclosed building.
2. All exterior vehicle storage areas shall be screened from view on all sides.
3. A maximum of five unlicensed vehicles on the premises which are used for parts and not for sale are permitted. All vehicles shall be screened.
4. All merchandise, except vending machines shall be stored within a building.
5. Any use involving the generation of waste grease and/or oil shall be required to install traps to collect these waste products. Such uses shall also demonstrate a regular and proper means of disposal of such greases and/or oils, as required by applicable State and/or Federal regulations.
6. No outdoor stockpiling of tires or outdoor storage of trash permitted. An area enclosed by a wall or fence, screened from view of adjoining properties, shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.
7. Satisfactory provision shall be made to minimize harmful or unpleasant effects such as noise, odors, fumes, glare, vibration and smoke. (350-1202)
8. The Township Fire Chief or the Emergency Manager shall review and approve the application in accordance with the State fire codes.
9. Illumination shall be in accordance with (350-1211.G) of this Chapter.
10. One hundred percent of the area utilized for the display or parking of vehicles must be paved or improved with impervious cover.

B. Automobile Repair Service. (residential)

Permitted by right in the Commercial and by Conditional Use in the (A) Agricultural and (WC) Woodland Conservation District.

1. The use shall only be conducted by the owner of the property.
2. All service and/or repair activities shall be conducted within a fully-enclosed building that is detached from the principal building.
3. No vehicles, parts, tires or other materials shall be stored outside.
4. Any use involving the generation of waste grease and/or oil shall be required to install traps to collect these waste products. Such uses shall also demonstrate a regular and proper means of disposal of such greases and/or oils, as required by applicable State and/or Federal regulations.
5. Satisfactory provision shall be made to minimize harmful or unpleasant effects such as noise, odors, fumes, glare, vibration and smoke.

C. Automobile Repair Service (Non-residential)

Permitted by right in the Commercial and by Conditional Use in the (A) Agricultural and (WC) Woodland Conservation District.

1. All service and/or repair activities shall be conducted within a wholly-enclosed building.
2. All exterior vehicle storage areas shall be screened from view on all sides.
3. A maximum of five unlicensed vehicles on the premises which are used for parts and not for sale are permitted. All vehicles shall be screened.
4. All merchandise, except vending machines shall be stored within a building.
5. Any use involving the generation of waste grease and/or oil shall be required to install traps to collect these waste products. Such uses shall also demonstrate a regular and proper means of disposal of such greases and/or oils, as required by applicable State and/or Federal regulations.
6. No outdoor stockpiling of tires or outdoor storage of trash permitted. An area enclosed by a wall or fence, screened from view of adjoining properties, shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.
7. Satisfactory provision shall be made to minimize harmful or unpleasant effects such as noise, odors, fumes, glare, vibration and smoke.(350-1202)
9. Illumination shall be in accordance with (350-1211.G) of this Chapter.
10. One hundred percent of the area utilized for the display or parking of vehicles must be paved or improved with impervious cover.

Article XI

Nonconforming Uses, Structures and Lots

350-1101 Existing nonconforming uses.

All lawful uses of land or of a lot, building, sign, or other structure existing on the effective date of this chapter may be continued, altered, restored, reconstructed, changed, sold, or maintained even though such use may not conform to the use, height, area, yard, and other regulations of the district in which it is located, provided such nonconforming conditions shall comply with the following:

350-1102 Continuation.

The Zoning Officer shall be responsible for the proper registration of premises occupied by a lawful nonconforming use, lot, building, and/or structure existing after the effective date of this chapter and issuance of a certificate of nonconformance; which shall be for the purpose of insuring to the owner the right to continue such nonconformity in accordance with the provisions of this article. It is the property owners' responsibility to assist the Zoning Officer in the identification and registration of nonconforming uses, lots, buildings, and structures they are accountable for.

350-1103 Alterations.

Repairs and structural alterations may be made to a nonconforming building or a building occupied by a nonconforming use, provided such alterations and repairs are in conformance with the regulations set forth in this chapter and other applicable codes and ordinances adopted by the Township.

350-1104 Extensions or enlargements.

- A. The types of extensions and enlargements listed below are permitted as a special exception for nonconforming uses, buildings, and structures existing on the effective date of this chapter:
 - (1) The extension of a nonconforming use of land upon a lot occupied by such use.
 - (2) The extension or enlargement of a conforming building occupied by a nonconforming use.
 - (3) The extension or enlargement of a nonconforming building occupied by a nonconforming use.
- B. The foregoing extensions or enlargements of such nonconforming buildings or uses shall be subject to the following conditions:
 - (1) The extension or enlargement shall conform to the height, area, yard, and coverage regulations of the district in which it is located. Where a building or structure is nonconforming as to a required front, side or rear yard setback, the established nonconforming setback may be continued, so long as the proposed extension or enlargement does not project further into any yard, whether front, side or rear yard, than the original building line extended. The extension or enlargement of nonconformity shall not exceed 50% of the amount of nonconformity existing upon the effective date of this chapter or subsequent amendments thereof.

- (2) The entire building or use shall be provided with off-street parking and loading spaces as required by § **350-1211**, Off-street parking, herein.
- (3) The extension or enlargement does not replace a conforming use.
- (4) The extension or enlargement of a building used for a nonconforming use shall not be permitted to extend into vacant parcels of land adjacent to the initial parcel of land existing and occupied on the effective date of this chapter, where such vacant parcels have been recorded separately or acquired following the effective date of this chapter.
- C. The extension or enlargement of a nonconforming building occupied by a conforming use on the effective date of this chapter shall be permitted by issuance of a zoning permit and subject to conditions enumerated in § **350-1104B** above.

350-1105 Changes in nonconforming uses.

A nonconforming use may be changed to another nonconforming use of the same or more restricted classification. Whenever a nonconforming use has been changed to a more restricted classification or to a conforming use, such use shall not hereafter be changed to a use of less restricted classification.

350-1106 Reconstruction/restoration.

A nonconforming structure, building, or use which is damaged by fire, explosion, windstorm or other natural or criminal acts, may be reconstructed and used for the same purposes, provided that:

- A. The reconstruction and/or restoration of the building or structure is commenced within one year from the date of occurrence of the damage and is carried to completion without undue delay. The one-year time may be extended if the delay is caused by insurance regulations or investigations not caused by negligence or default by the applicant.
- B. The reconstructed building, structure or occupied area does not exceed the height, area, and volume of the original building, structure and occupied area.
- C. The remains of any such buildings, structures, or other improvements so destroyed shall be removed from the premises within six months so that the same shall not remain as a nuisance or safety hazard.

350-1107 Discontinuance.

If a nonconforming use of land or building ceases operations for a continuous period of more than 12 months, then such use and any subsequent use of land or building shall conform to the provisions of this chapter, except when the discontinuance is due to a death and administration of the decedent's estate, in which event the discontinuance shall not be presumed to start until estate administration is terminated or a court order concerning the disposition of the estate has been entered.

350-1108 Nonconforming signs.

Signs in existence at the effective date of this chapter or amendments thereto, may be continued subject to the regulations contained in herein.

350-1109 District changes.

Whenever the boundaries or uses of a district shall be changed, the foregoing provisions shall also apply to any nonconforming lots, uses, or buildings existing therein or created thereby.

350-1110 Unsafe structure.

Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any portion of a structure or building declared unsafe by Registered Engineer or architect.

350-1111 Agricultural exemption.

The nonconforming controls as set forth herein shall not apply to agricultural structures when such structures are part of an active agriculture program. An active farm group situated, through action of the Township Supervisors in enacting this chapter, in a zone where agricultural uses become nonconforming is exempt. It is not the intent of this chapter to hamper continued agricultural activities. However, should the agricultural use be abandoned, thereafter agricultural buildings damaged or destroyed in any manner shall be subject to the nonconforming rules and regulations.

Article XII

Supplemental Regulations

The following regulations shall supplement the regulations set forth herein for each district and shall apply throughout the municipality unless otherwise specified in other sections of this chapter.

350-1201 **Yard and lot regulations.**

- A. Yards shall be provided in accordance with the provisions set forth within this chapter and Chapter 295 Subdivision and Land Development.
- B. On corner lots.
 - (1) Front yards are required on all street frontages, and one yard other than the front yards shall be deemed to be a rear yard, and the other (or others) side yards.
 - (2) No obstructions to vision exceeding 30 inches in height above pavement level (measured as average center line elevation) shall be erected or maintained within a seventy-five-foot clear sight triangle formed by the center line of intersecting streets.
 - (3) In the case of lots which have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.
- C. Front yard setbacks.
 - (1) No proposed dwelling need have a setback greater than the average of the two existing dwellings with the greatest setbacks located within 200 feet on each side of the said proposed dwelling, on the same side of the street, within the same block, and the same zoning district. However, in no event shall the front yard be less than 20 feet.
 - (2) When a public street or private road upon which a lot abuts has a total right-of-way of less than 50 feet, the front yard setback and/or the width of the side yard abutting the public street or private road shall be measured from a line parallel to and not less than 25 feet from the center line of said public street or private road.
- D. Projections into required yards.
 - (1) Cornices, canopies, eaves, gutters, bay windows, balconies, fireplaces, chimneys or other architectural features may project into required front or rear yards a distance not exceeding 36 inches, and into side yards a distance not exceeding 18 inches.
 - (2) Covered carports, patios and porches to be attached to an existing building or to be part of a new building, whether enclosed or not, shall be considered as an integral part of the main building and shall not project into any required yard setback. Uncovered decks and patios may project five feet into any side yard and 10 feet into any rear yard or front yard.
 - (3) Uncovered stoops, landings, or stairs, and window wells and uncovered or unenclosed basement or cellar steps may project into required yard setbacks a distance not to exceed 42 inches.
- E. Through lots. Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages. However, in the event of a complete system of through lots which are designed for reversed frontage, the front yard need only be along the more minor street of the subdivision.

- F. Waiver of yards. No side yard or rear yard shall be required where such yard abuts an operating railroad right-of-way.

350-1202 Performance standards.

No land or building in any zoning district shall be developed, used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise, or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness, electromagnetic or other substance, condition or element in such manner or in such amount as to adversely effect the reasonable use of the surrounding area or adjoining premises (referred to herein as "dangerous or objectionable elements"), provided that any use permitted or not expressly prohibited by this chapter may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements at the point of the determination of their existence.

- A. Enforcement provisions applicable to other uses. Even though compliance with performance standards procedure in obtaining a building permit is not required for some particular uses, initial and continued compliance with the performance standards themselves is required of every use, and provisions for enforcement of continued compliance with performance standards shall be invoked by the Township against any use if there are reasonable grounds to believe that performance standards are being violated by such use.
- B. Performance standard regulations.
- (1) Fire and explosion hazards. All activities involving, and all storage of, flammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires shall be done with due consideration of safety. The relevant provisions of state and other local laws and regulations shall apply.
 - (2) Vibration. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or beyond the lot line; nor shall any vibration produced exceed 0.002g peak at up to 50 cps frequency, measured at or beyond the lot line using either seismic or electronic vibration measuring equipment. Vibrations occurring at higher than 50 cps frequency or a periodic vibration shall not induce accelerations exceeding 0.001g. Single impulse aperiodic vibrations occurring at an average interval greater than five minutes shall not induce accelerations exceeding 0.01g.
 - (3) Smoke.
 - (a) No emission shall be permitted at any point from any chimney or otherwise, or visible gray smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc. and copyright 1954 (being a direct facsimile reduction of the standard Ringlemann Chart as issued by the United States Bureau of Mines), except that visible gray smoke of a shade equal to No. 2 on said chart may be emitted for 4 minutes in any 30 minutes.
 - (b) These provisions applicable to visible gray smoke shall also apply to visible smoke of a different color but with an apparently equivalent opacity.
 - (4) Odors. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air emitted to four volumes of clean air. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors Table III, "Odor Thresholds," in Chapter 5, "Air Pollution Abatement Manuals," copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C. and said manual,

and/or table as subsequently amended.

- (5) Fly ash, dust, fumes, vapors, gases, other forms of air pollution. No emission shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property or which can cause any excessive soiling, at any point on the property of others, and in no event any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500° F. and 50% excess air.
- (6) Electromagnetic radiation. It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, for any other use directly or indirectly associated with these purposes which does not comply with the then-current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation, except that for all governmental communications facilities, governmental agencies and government-owned plants, the regulations of the Interdepartment Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission or the Interdepartment Radio Advisory Committee regulations shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious reradiation, harmonic content, modulation or energy conducted by power or telephone lines. The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles apply: 1) American Institute of Electrical Engineers, 2) Institute of Radio Engineers, and 3) Electronic Industries Association.
- (7) Radioactive radiation. No activities shall be permitted which emit dangerous radioactivity at any point beyond the property line. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in conformance with the regulations of the Atomic Energy Commission as set forth in Title 10, Chapter One, Part 20, Standards for Protection Against Radiation, as amended; and all applicable regulations of the Commonwealth of Pennsylvania.
- (8) Heat. For the purpose of this chapter, heat is defined as thermal energy of a radioactive, conductive, or convective nature. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of 10° F., as measured on the nearest property line, whether such change be in the air or in the ground, in a natural stream or lake, or in any structure on such adjacent property.
- (9) Light glare.
 - (a) Direct light glare. Direct light glare is defined for the purpose of this chapter as illumination beyond property lines caused by direct or specularly reflected rays from incandescent, fluorescent, or arc lighting, or from such high temperature process as welding or petroleum or metallurgical refining. No such direct glare shall be permitted with the exception that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle of the cone of direct illumination shall be 60° drawn perpendicular to the ground, with the exception that such angle may be increased to 90° if the luminary is less than four feet above the ground. Such luminaries shall be placed not more than 16 feet above ground level and the maximum illumination at ground level shall not be in excess of three footcandles.

- (b) Indirect light glare. Indirect light glare is defined for the purpose of this chapter as illumination beyond property lines caused by diffuse reflection from a surface, such as a wall or roof of a structure. Indirect glare shall not exceed that value which is produced by an illumination of the reflecting surface not to exceed:
 - [1] 0.3 footcandles (maximum).
 - [2] 0.1 footcandles (average).
- (c) Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.
- (10) Liquid or solid wastes. No discharge shall be permitted at any point into any sewage disposal system, or watercourse, or lake, or into the ground, except in accordance with standards approved by the Pa. Department of Environmental Protection or other regulating department or agency, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.

350-1203 **Landscaping.**

Where a commercial property abuts a residential property.

A. Landscaping. Parking areas shall not intrude upon minimum landscape requirements; however, entrance and/or exit drives may cross landscaped areas at as close to a 90° angle as possible. Where adjacent to a residential district, required side and rear landscaping shall be increased by 10 feet and be of a type that shall provide at maturity a visual barrier between the residential district and the commercial use.

B. Commercial, industrial, institutional or multifamily uses shall meet the following standards:

Any part of the lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative ground cover. Landscaped areas shall be kept free of debris, rubbish and noxious weeds.

C. A twenty-foot-wide strip along the side and rear property lines shall be landscaped with ground cover and plant material and shall not contain impervious cover except for the crossing of necessary entrance/exit driveways.

D. A ten-foot-wide-strip beyond the reserved or dedicated right-of-way for any road or street shall be landscaped with ground cover and plant material and shall not contain impervious cover, except for the crossing of necessary entrance/exit driveways.

350-1204 **Accessory building regulations.**

A. An accessory building not attached to the principal structure shall be permitted in all zoning districts and may not be in any required setback for the zoning district in which it is located, provided:

(1) Such building shall not be more than (25') feet in height.

B. When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this chapter applicable to the principal building.

350-1205 **Household Pets**

A. Out of the home housing must comply with zoning setback regulation of the principal use.

350-1206 Height regulations.

- A. Where a lot has frontage on two or more streets or other public rights-of-way, the height limitation shall apply only as measured from the average finished grade to the highest visible point of the roof.
- B. Chimneys, flues, towers, spires, cupola domes, pole masts, antennas, barns, and silos shall be exempt from height limitations of this chapter, provided their location is not in the required yard.

350-1207 Private outdoor swimming pools.

Swimming pools shall be permitted in all zoning districts

A zoning permit shall be required for the installation or construction of a private outdoor swimming pool on the same lot as the principal residence subject to the following conditions:

- A. Such pool may not be erected in the required yard.
- B. The water edge of such pool shall not be located nearer than 20' feet to any lot line for an in-ground pool or nearer than 15' feet for an above-ground pool.
- C. Fences barriers and gates for swimming pools shall comply with the applicable requirements of the Uniform Construction Code.
- D. Portable wading pools 24" or less shall be exempt from C above.

350-1208 Temporary uses.

Upon application to the Township, a temporary use may be granted subject to terms and conditions established by the Zoning Officer and the use shall be in keeping with the spirit, intent, and objectives of the zoning district that the use is being requested.

350-1209 Fences and walls (residential applications).

- A. Fences and walls (including retaining walls) may be erected, altered, and maintained within the yards, provided that any such fence or wall shall not exceed four feet in height in the front yard; six feet in height in the side or rear yards; and eight feet in height within the buildable area of the lot.
- B. No wall, fence, sign or other structure shall be erected or altered and no hedge, trees, shrubs or other growth shall be maintained or permitted which may cause danger to traffic or a street or public road by obscuring the view.
- C. No fence, wall or other structure shall be erected or maintained within the right-of-way of any street, drainage or sewer right-of-way, or any other public easement.
- D. A fence or wall may be erected higher than (6) six feet in height to enclose a pool or other structure provided it is (10) feet away from any property and it complies to Uniform Construction Code.
- E. A fence (6) six feet may be built without a setback from a lot line; (however, a small setback is recommended to provide future maintenance of the fence.)
- F. No fence shall be constructed out of fabric, junk, junk vehicles, appliances, tanks or barrels.
- G. If one side of a fence includes posts or supports, those posts or supports shall be placed on the interior of the fence, as opposed to facing onto a street or another lot.

H. If a fence is finished only on one side, the finished side shall face outward, away from the lot or parcel upon which it is located.

350-1210 Buffer yards and screening.

Where buffer yards and screening are required by the terms of this chapter, they shall be provided in accordance with the following standards.

A. Screening requirements shall be applicable under the following circumstances:

- (1) Where a proposed commercial, industrial, or institutional use abuts an existing residential use or a residential district;
- (2) Where any proposed multifamily residential use abuts an existing single-family detached, single-family semidetached, or two-family detached dwelling;
- (3) Where screening is required by this chapter, or where it is required by the Township or by the Zoning Hearing Board.
- (4) Garbage storage shall be centralized and enclosed on three sides by architectural screening or a plating strip in accordance with Section 350-1210 of this Ordinance.

B. Buffer yard. The entire perimeter of the tract undergoing development shall be provided with a minimum twenty-foot-wide planting strip or buffer yard, which will act as an effective screen separating uses. Such buffer yard shall be 40 feet wide if adjacent to a residential use or district. The required yard space for the district in which the use is located may be considered as all or part of the buffer yard. Where uses are separated by a public street, the required buffer yard may be reduced to a minimum of 25 feet if adjacent to a residential use or district, along the portion of the tract boundary containing the public street.

C. Screening.

- (1) Vegetative screening shall include a variety of deciduous and evergreen species which are indigenous to the area, that will provide a year-round visual buffer. The screening shall include no less than 50% evergreens.
- (2) Vegetative screening shall incorporate earthen mounds or berms, wherever possible, to improve sound as well as visual buffering.
- (3) Plant materials used in the screen planting shall be at least six feet in height when planted and be of a species which will produce a complete visual screen of at least eight feet in height at maturity.
- (4) No plantings shall be placed with their centers closer than five feet from the property line, and trees planted for screening should be separated by a minimum of 10 feet. There shall be 2 offset rows of trees each separated by a minimum of 10 feet to provide a more effective screen.
- (5) All existing trees within the required buffer yard above three inches in caliper and/or eight feet in height shall be preserved wherever possible.
- (6) Screening shall be designed so as to not obstruct the clear sight triangle at road intersections.
- (7) Screening design, including the type of plant materials used, spacing of plant materials, and the use and location of earthen berms, shall be subject to review as a part of a Conditional Use or a Land Development process.

- (8) Vegetative screens shall be perpetually maintained during the period the principal use causing the need for screening is in operation. Any plant material which does not survive shall be replaced within six months.
 - (9) Permitted uses and accessory and incidental uses thereto shall only be conducted wholly within a completely enclosed building or within an area screened from any street or highway. Such screening shall not be forward of the front of the building. Screening may consist of a permanent evergreen hedge, a masonry wall, a uniformly painted wood fence, or other appropriate plantings or material. Such screening may contain up to 25% open space. Solid fence-like screening shall not be less than eight feet, nor more than 12 feet in height. Trees or shrubs shall be at least six feet in height at the time of planting.
 - (10) Where adjacent to a residential district, required screening shall be of a type that shall provide, at maturity, a visual barrier between residential and industrial uses. Such screening shall include at least 50% evergreen species of trees and/or shrubs. Any trees or shrubs that fail to grow shall be replaced by the property owner within six months.
- D. Parking areas shall not intrude upon minimum landscaping requirements. However, entrance and exit drives and sidewalks may be located within landscaped areas.
- (1) Perimeter. All parking areas, regardless of size, shall conform to applicable perimeter setback and landscape requirements pertaining to the zone in which the parking area is located.
 - (2) Interior. Parking areas greater than 12 spaces shall provide a minimum of 5% of the paved lot area for interior landscaping. The perimeter landscaped areas shall not be counted as part of the paved lot area, nor shall these areas be counted as part of the interior landscaped area. Each separate landscaped area should contain a minimum of 40 square feet and should have a minimum dimension of 3 1/2 feet. Parking areas should contain more than one such landscaped area, and these areas shall be in such manner as to divide and break up the expanse of paving.
 - (3) All off-street parking areas which provide more than eight parking spaces shall be screened from any abutting property zoned residential or used for residential purposes.

Screening may be accomplished by the placement of adequate buildings, earthen berms, a solid fence high enough to provide screening, and/or the provision, and maintenance, of solid planting in the form of contiguous evergreen shrubs. Evergreen trees or shrubs shall be at least four feet in height at the time of planting and set back at least five feet from any property line.

350-1211 Off-street parking.

- A. General provisions. Off-street parking facilities shall be provided to lessen congestion in the streets. The parking required herein shall be available to patrons throughout the hours of operation of the particular business or use for which such parking facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking space located off the public right-of-way.
- (1) Permanent uncovered parking spaces shall be deemed to be part of the impervious coverage of the lot on which it is located, whether or not such spaces are paved.
 - (2) Any new building or use or any existing building or use which is to be converted, enlarged or added

to for any reason shall be provided with not less than the minimum parking spaces as set forth in this article.

- (3) No parking space to be provided under the terms of this article shall be located within the right-of-way of any street, roadway or public alley or closer to the property line than the prescribed landscape setback lines as established in this chapter, if any, except where a variance may be granted by the Zoning Hearing Board for the encroachment of vehicular parking in a designated landscape setback.
- (4) A parking study may be requested by the Zoning Officer to determine the total number of parking space needed for a particular use.

B. Design standards.

- (1) The minimum size of a parking space for any use shall be 10 feet wide by 18 feet long, except for handicapped spaces. Notwithstanding the above, all parking spaces shall be ample in size for vehicles for which use is intended.
- (2) Parking lot layouts shall be no less than those listed in the following table:

Angle of Parking (Degrees)	Depth From Curb* (Feet)	Aisle Width (Feet)		Module Width (Feet)
		One-Way	Two-Way	
90	18	18	24	60
60	18	18	20	54 or 56
45	16	16	20	48 or 52

NOTES:

* Measured perpendicular to curb or edge of parking lot.

- (3) No part of the public right-of-way of any street or road shall be used in computing the required area for parking. However, parallel parking may be permitted along the curb or edge of an access drive or private road, providing the spaces are not less than eight feet by 22 feet in addition to the required width for the circulation of vehicles.
- (4) Parking lanes shall not be longer than 300 feet without providing a circulatory road. Parking areas which provide required spaces shall not be more than 600 feet from the use requiring the parking.
- (5) Entrance/exit drives for parking areas shall be a minimum of 18 feet for one-way travel, and 24 feet for two-way travel. Drives shall be uniform in width, smooth flowing and provide for 90° intersections.
- (6) No parking area for multi-residential use, commercial, industrial, public, or semipublic use shall be permitted which would allow or encourage the backing of vehicles directly into a street. Points of ingress and egress between a street and off-street parking and service areas shall be designed, located, and controlled so that vehicles can be moved from such parking and service areas to the street only by way of such designated points of ingress and egress.
- (7) All dead-end parking lots shall be designed to provide sufficient backup area for the end spaces.

- (8) For all uses other than dwellings, if under 10,000 square feet gross leasable area, continuous parking may be permitted abutting the front and/or sides of the building, excluding the area in front of any entrance and/or exit where a minimum of 20 feet in width shall be kept open and parking prohibited. To the extent possible, this area shall have physical controls such as curbing or landscaping.
- (9) Single commercial usage shops and stores or multitenant "strip commercial" facilities over 10,000 square feet gross leasable area may permit abutting parking on the sides only, excluding fire exits or entrances where a minimum of 20 feet in width shall be kept open and parking prohibited.
- (10) Parking abutting buildings of a shopping mall shall be prohibited.
- (11) All paved areas abutting buildings where parking is prohibited shall be posted as FIRE LANE - PARKING PROHIBITED.

C. Parking requirements for dwelling units.

- (1) For all residential uses there shall be provided the following minimum on-lot parking spaces for new or additional dwelling units:

Type Dwelling Unit	Spaces Per Dwelling Unit
Single-family detached:	2.0
Single-family semidetached and attached units	2.0
Multifamily: studio/efficiency	1.25 plus 1 guest space per 5 units
Multifamily: 1 bedroom	1.5 plus 1 guest space per 5 units
Multifamily: 2 bedrooms	2.0 plus 1 guest space per 5 units
Multifamily: 3(+) bedrooms	2.25 plus 1 guest space per 5 units

- (2) Parking spaces shall be at a reasonable distance not to exceed 300 feet from the dwelling unit and be provided with reasonable pedestrian and vehicle access. Required spaces may be located up to 50 feet into an adjacent zoning district. Parking spaces required for each dwelling shall be in the same ownership as the dwelling, except in condominiums. All spaces shall have direct, unobstructed access. Special parking requirements for mobile home parks are contained in Chapter **295**, Subdivision and Land Development.

D. Parking requirements for uses other than dwelling units.

Type of Use	Required Parking Spaces
Hotels, Motels	1 per each unit plus 1 per each employee on maximum shift, and additional spaces as required to meet 30% of the rated capacity of other uses (restaurant, etc.)
Tourist homes, boarding and lodging homes, rooming houses	1 per each unit or room plus 1 for the owner or manager and 1 per each employee, and additional spaces as required to meet 30% of the rated capacity of other uses, as may be applicable
Religious institutions, churches, temples, chapels,	1 per each 3.5 seats, based on the total capacity, plus 1 for each classroom (see social halls for requirements

Type of Use	Required Parking Spaces
etc.	for church social halls)
Banks	1 per 350 square feet of net leasable area, plus 1 per employee on maximum shift, plus one reserved space for drive-in banks as determined by the Zoning Officer
Professional and general offices	1 per each 300 square feet of net leasable area, with a minimum of 5 spaces
Retail shops and stores	1 per each 300 square feet of net leasable area with a minimum of 5 spaces, plus 1 per employee on maximum shift
Shopping malls	4.5 spaces per 1,000 square feet of gross floor area
Furniture and appliance stores	1 per each 400 square feet of net leasable area, plus 1 per employee on maximum shift, with a minimum of 5 spaces
Grocery stores, supermarkets	1 per each 350 square feet of gross floor area
Carry-out food establishments (with or without drive-thru)	Minimum of 10 spaces plus 1 space for each 2.5 seats
*Eating places, restaurants (no sit-down bar area)	1 per each 2.5 seats
*Drinking places, bars, nightclubs	Spaces equal to 30% of total permitted occupancy
**Bowling alleys, billiard and pool establishments	For bowling alleys, 5 per alley; for billiard and pool establishments, 1 per each 300 square feet of net leasable area, with a minimum of 5 spaces
Warehousing and storage	Provide automobile parking to accommodate the total number of employees expected on the 2 busiest consecutive shifts on an average workday.
Wholesale establishments	1 per each 400 square feet of net leasable area
Community buildings and social halls	Spaces equal to 30% of total design occupancy rating
Automotive repair and service shops, tire sales stores	4 spaces plus 2 for each service bay, plus 1 per each 300 square feet of showroom area
Gasoline service stations	4 spaces plus 2 for each service bay
Convenience store, minimarket	5 spaces plus 1 per each 250 square feet of gross floor area
Personal services (includes establishments primarily providing services that generally involve the care of the person or his apparel, such as laundries, dry cleaning, photo studios, beauty	1 per each 350 square feet of new leasable area, with a minimum of 5 spaces, plus 1 per each employee If use is classified as a home occupation, see separate As determined by the Zoning Officer As determined

Type of Use	Required Parking Spaces
shops and barbershops	As determined by the Zoning Officer, based on the type of occupation and anticipated need
Home occupations	As determined by the Zoning Officer, based on the type of occupation and anticipated need
Open area commercial uses (such as mobile home sales, recreational vehicle sales, monument sales, nursery stock and related uses as determined by the Zoning Officer)	1 per each 2,500 square feet of gross lot area occupied by the use
Auditoriums, assembly halls	1 per each 4 seats
Clinics, medical office buildings	1 per each 175 square feet of gross floor area
Medical offices, dental offices, etc. (operated from a dwelling)	1 per each 175 square feet of gross floor area, with a minimum of 8 spaces
Day-care centers, nursery schools, or babysitting services (not operated from a dwelling)	1 space per employee on maximum shift, plus spaces equal to 20% of maximum permitted occupancy
Nursing homes, convalescent homes, etc.	1 per each 2.5 beds, plus 1 for each employee on maximum shift

NOTES:

- * If an establishment contains both a dining area and a bar area, the requirements for eating places and drinking places shall be applied to each area separately.
- ** If the establishment contains both bowling and billiard facilities, the requirements of each shall be applied separately.
- E. Uses not specifically listed. Parking for any use not specifically listed shall be determined by the Zoning Officer.
- F. Lighting. The main entrances, exits and parking areas of all parking lots of 15 spaces or more shall be lighted. Light standards shall be protected from vehicular traffic by curbing or landscaping. Lighting shall be shielded so as not to produce objectionable glare or impede vision of adjacent residential uses or passing motorists.
- G. Signs. Entrances and exits shall be clearly marked and preferred exit routing shall be parked where applicable. One-way roads shall be marked on the road surface and by signs. All parking lots with over 100 spaces shall have the individual parking aisles identified.
- H. Marking. Parking spaces in paved lots shall be defined by yellow and/or white lines, painted or so marked with road surface tape, with a minimum width of four inches. Lines shall be remarked as necessary to insure their visibility.

350-1212 Sign regulations.

1. Title and general intent.
 - A. Short title. This Section shall be known as the "Southampton Township Sign Regulations" (hereinafter called "regulations").
 - B. General intent. The sign regulations, controls and provisions set forth in this regulation are made

in accordance with an overall plan and program for the public safety, area development, preservation of property values, and the general welfare of the Township of Southampton, and are intended to:

- (1) Aid in traffic control and traffic safety.
- (2) Preserve and protect property values.
- (3) Lessen congestion of land and air space.
- (4) Provide against undue concentrations of signs which distract and endanger traffic safety and traffic flow.
- (5) Establish reasonable standards for commercial and other advertising through the use of signs in order to maintain and encourage business activity and area development.
- (6) Avoid uncontrolled proliferation of signs.
- (7) Recognize the rights of the public in roads, streets, and highways.
- (8) Preserve the wholesome and attractive character of the Township.
- (9) To recognize that the general welfare includes a community that shall be beautiful as well as healthy, spacious, as well as clean, and well-balanced in its growth and development.

2. Definitions. The following words and phrases, when used in this Chapter, shall have the meanings given in this subsection:

Banner means any sign of lightweight fabric or similar material that is usually mounted to a pole or building at one or more edges, with a minimum dimension of 3 square feet per face; but not including any solid colored multicolored, or seasonal decoration containing no commercial message. National, State or municipal flags, or the official flag of any institution or business shall not be considered banners.

Business office building means a building used as offices and occupied by personnel to perform business, professional, administrative or clerical functions.

Business office complex means a group of business office buildings or condominium units located on a single tract of land, or separate business office buildings located on separate lots as part of the business office complex.

Changeable message sign means a sign that changes messages or copy by electronic or mechanical means, regardless of the technology used.

Flag means any fabric, usually rectangular in shape, of distinctive design, that is used as the symbol of government, political subdivision or other entity. Such a flag, that is raised and lowered on a flagpole, shall not be considered a sign.

Ground pole sign means a sign supported vertically by one or more uprights, poles or braces placed in or upon the ground.

Hospital and medical campus means a single tract of land, improved by a building or a group of buildings, that includes a hospital and other spaces utilized for the healing arts, which may include but are not limited to professional office space designed and used primarily for the diagnosis, treatment and out-patient care of human patients by an individual practitioner or an association or group of licensed physicians or similar professional health-care practitioners, which may include out-patient operating rooms, physician professional offices, offices for any of the healing arts, Medical Clinic-Limited, pharmacies located within a hospital or medical building, and related accessory uses.

Illuminated sign means a sign that provides artificial light directly or through any transparent or translucent material from a source of light connected with such sign, or a sign illuminated by a light focused upon or directed at the surface of the sign.

Industrial business center means a group of two or more uses permitted in the Commercial or Manufacturing District and located in a building, or buildings, on a single tract of land in the Commercial or Manufacturing District.

Off-premises advertising sign means a sign which contains a message unrelated to a business or profession conducted upon the zone lot where such sign is located or which is unrelated to a commodity, service or entertainment sold or offered upon the zone lot where such sign is located.

On-premises advertising sign means a sign which contains a message related to a business or profession conducted upon the zone lot where such sign is located and which is related to a commodity, service or entertainment that is sold or offered upon the zone lot where the sign is located.

Pennant means any lightweight fabric, plastic or other material, usually triangular in shape, suspended from, or attached to, a rope, wire, string or pole, whether grouped in series or not, and normally designed to move in the wind.

Permanent sign means any sign which is intended to be displayed for a length of time in excess of 30 days.

Premises means the area occupied by a business or other commercial, professional or industrial enterprise.

Projecting sign means a sign which projects horizontally from and is supported by a wall of a building.

Roof sign means any sign or part thereof erected and maintained upon or above the roof of any building.

Searchlight means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

Shopping center means an area of land occupied by a cohesive group of three or more retail stores, service facilities or other commercial uses arranged and constructed according to a plan and having common off-street patron parking as an integral part of the use of the land.

Sign means any structure, device, light or object, including the ground itself or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, word, model, number, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement and which is intended to be seen from off the premises or from a parking lot, and shall be deemed to include window signs.

Sign area means that area enclosed by one continuous line, connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point. This area does not include the main sign support structure, but all other ornamental attachments, inner connecting links, trim, etc. which are not part of the main supports of the sign are to be included in determining sign area. When attached to or painted on a surface, a building, canopy, awning, wall or window, the area is that of the smallest polygon that encompasses all of the letters and/or symbols. All visible faces of a multifaced sign shall be counted separately and then totaled in calculating sign area.

Storefront means the front of a business or business building facing a street, driveway, or parking area.

Streamer means a long, narrow, ribbon-like strip of cloth or fabric, colored paper, etc., hanging loose at one end, suspended from, or attached to, a rope, wire, string or pole, grouped in series, and normally designed to move in the wind.

Temporary sign means a sign including, but not limited to, banners, which is to be displayed out of doors and intended to be displayed for a period of time not to exceed 30 days.

Wall sign means a sign which is attached directly to or painted upon a building wall and which does not extend horizontally more than 12 inches therefrom nor extend above the roof line or extend beyond the edge of the building. Any sign that is affixed to the building marquee, building awning or a building canopy shall be considered a wall sign.

Wayfinding sign means a sign that erected along public and private roadways to direct vehicles or pedestrians to particular uses within the hospital and medical campus.

Window sign means any sign, picture, symbol or combination thereof designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside a window or on the inside or outside surface of a window, and is intended to be a permanent sign.

Zone lot means a parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements, or duly authorized relief therefrom, for area, coverage and use, and that can provide such yards and other open spaces as required by this Chapter.

3. General regulations in all districts.

- A. Signs permitted in all districts. Signs listed in this subsection are permitted in all zoning districts as defined in this Section, as amended, and shall not require permits (except certain real estate marketing signs as defined in subsection (3) hereinbelow) and shall not be counted when calculating the number of signs on a premises; however, such signs shall conform with the general regulations for signs enumerated in the remainder of this subsection:
- (1) Name and address of resident. Name and address of resident, but not to include any commercial advertising, of not more than two square feet in sign area.
 - (2) No trespassing signs. No trespassing signs or other such signs regulating the use of a property, such as "No Hunting," "No Fishing," etc., of not more than two square feet in sign area in residential zones, and five square feet in all commercial and industrial zones.
 - (3) Real estate marketing signs. Real estate marketing signs are signs which advertise the sale, rental, or lease of the land or structure(s) upon which they are located, and shall include construction signs which give the name or names of the principal contractors, architects, and lending institutions responsible for construction on the site. Such signs shall not exceed 6 square feet per face in area, with no more than two faces, in residential districts and shall not exceed 32 square feet in area per face in all other zoning districts. One real estate marketing sign may be placed on a given zone lot for every street right-of-way which abuts that zone lot. If a given street adjacent to a zone lot abuts that lot for a continuous distance of 500 feet or more, one additional real estate marketing sign may be displayed along that street right-of-way. Any person or real estate broker seeking to erect such signs greater than 16 square feet per face and up to 32 square feet per face, in any nonresidential zoning district, must submit a notice to the Director of Community Development setting forth the name, address and phone number of the landowner, identification of the property to be posted, the approximate location of the sign on the site, and the name, address, phone number and start date of the listing contract of the real estate broker, if any, involved in marketing the property.
 - (4) Bulletin board for public, charitable or religious institutions. Bulletin boards for public, charitable or religious institutions, when located on the premises thereof and with a sign area of not more than 25 square feet if single faced, nor more than 50 square feet if double faced, and used exclusively for noncommercial announcements.
 - (5) Signs regulating on premises traffic, parking or other functional subdivision. Signs regulating on premises traffic (Example "In-Out," "Enter-Exit"), parking or other functional subdivision, such as lavatory facilities, telephone, signs denoting other sections of a premises such as "Lubrication," "Office," etc., when less than five square feet in total sign area.
 - (6) Signs erected by a governmental body. Signs erected by a governmental body or under the direction of such a body and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, signs identifying public schools and playgrounds, etc.
 - (7) Memorial signs or tablets. Memorial signs or tablets and signs denoting the date of erection of buildings.
 - (8) Flags, pennants or insignia of any government, religious or fraternal organizations, charitable organizations. The flag, pennant or insignia of any governmental, or of any religious, charitable or fraternal organization, which shall be limited to a maximum area of 32 square feet per face with a maximum of two faces and to a height not to exceed the maximum building height in the appropriate zoning district as allowed by this Section. Flying the flag of the United States of America shall be done in accordance with regulations established by the Federal government.
 - (9) Auctions, garage or yard sales. Such signs shall be limited to a maximum size of five square feet in area and shall be removed as soon as the event or activity advertised thereby has occurred, and shall not be permitted to exist more than 15 days prior to such event or activity.

- (10) Special Events of Charitable or Public Service Groups. Such signs shall be limited to a maximum size of 32 square feet in area per face with a maximum of two faces and shall be removed as soon as the event or activity advertised thereby has occurred and shall not be permitted to exist more than 30 days prior to such event or activity.
 - (11) Permanent residential development signs. Permanent residential development signs at major entrances designed to identify a residential subdivision and containing no commercial advertising shall have a maximum sign area of 25 square feet.
 - (12) Signs identifying places of worship. Signs identifying places of worship, when located on the premises thereof shall have a maximum sign area of 25 square feet.
 - (13) Decals. Commercial decals affixed to windows or door glass panes are signs. Such decal signs shall not exceed 1,500 square inches in the aggregate per zone lot, and shall be affixed to such pane to a height not to exceed four feet as measured from the threshold of the principal public entrance.
 - (14) Air suspended signs. Hot air balloons, signs suspended by a balloon and inflated signs, used only for special events. Such signs may be displayed in any nonresidential zoning district for a time period of not more than 15 days, maximum of three uses per calendar year, after receiving permission from the Zoning officer.
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- (15) Political signs. Signs announcing candidates seeking public office, ballot issues and other information pertinent thereto shall be permitted. Such signs may be displayed not more than 60 days prior to and not later than seven days after the election for which the sign is intended.
- B. Signs and other devices prohibited in all zoning districts. The following signs and other devices shall not be permitted, erected or maintained in any zoning district, notwithstanding anything else to the contrary contained in this Section or elsewhere:
- (1) Signs which flash, revolve, move, visually dissolve copy, scroll copy, animate copy or vapor produce, including any sign that moves in whole or in part. Clocks, hanging signs which move by action of normal wind currents, time and temperature signs, barber poles and changeable message signs are excepted, provided that they otherwise comply with all provisions of this regulation.
 - (2) Light sources which cast light on signs unless shielded by opaque material so that lamps are not visible from off the property on which the signs are located.
 - (3) Any sign or sign structure which constitutes a hazard to public safety or health.
 - (4) Signs which by reason of size, location, content, coloring or manner of illumination, obstruct the vision of drivers, either when leaving a roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads.
 - (5) Any sign which obstructs free ingress to or egress from a fire escape, door, window or other required building exit.
 - (6) Signs which make use of words such as "Stop," "Look," "One-Way," "Danger," "Yield" or any similar words, phrases, symbols, lights or characters, in such a manner as to interfere with, mislead or confuse traffic.
 - (7) Any obsolete sign which no longer advertises a bonafide business conducted or product sold.
 - (8) Signs on public property or public rights-of-way, unless erected by a governmental body, or unless required to be so located by order of a governmental body, with exception of signs under subsection (3)(A)(10) supra, provided that no such sign shall be placed in any public park.
 - (9) Signs painted on, attached to, or supported by a tree, stone, cliff or other natural object, except signs permitted under subsection (3)(A) supra.
 - (10) String lights used for illumination, other than temporary holiday uses, which are not shielded from off the property on which they are located.
 - (11) Any searchlights, pennants, and/or streamers, except for grand openings, not to exceed 15 days duration, and then only with the prior permission of the Zoning Officer.
 - (12) The outdoor display of products for sale, greater than ten feet from applicant's storefront, with the exception of automobiles, passenger vans and light pick-up trucks displayed at an automobile dealership.
- C. Limit on number of signs per premises. Notwithstanding anything else to the contrary in this

regulation or elsewhere, no more than three signs may be erected or maintained on any zone lot at any one time, except when a building is located on a corner lot and has public entrances on two or more public ways, or where a building has both a front and rear public entrance, one additional sign may be erected; except in business office complexes as provided in subsection (4)(I) infra; and except in industrial business centers as provided in subsection (4)(N) infra. A double faced sign shall count as a single sign. Signs enumerated in subsection (3)(A) and subsection (4)(J) infra shall not be included in calculating the total.

- D. Limit on height of signs. The height limit of any freestanding sign shall be determined relative to the surface elevation of the nearest road from which the freestanding sign is intended to be viewed. If the center-line elevation of the road cartway has a higher elevation than the ground elevation at the proposed sign location, when measured along a line connecting these two points and running perpendicular to the adjoining lot line, the sign height limit may be increased by the resulting difference in elevation; however no sign or any part thereof (including braces, supports or lights) shall exceed a height of 20 feet above the center line elevation of the road cartway if erected at the right-of-way line of the street, road or highway adjoining the premises on which the sign is located, plus one foot additional height for each three lineal feet that said sign is located from such street, road or highway as measured on a perpendicular line from such right-of-way line to the nearest part of the sign. If this same method of measurement indicates that the ground at the proposed sign location has either a higher elevation than or the same elevation as the center-line elevation of the road cartway from which the sign is intended to be viewed, then the sign height limit shall not exceed a height of 20 feet if erected at the right-of-way line of the street, road or highway adjoining the premises on which the sign is located, plus one foot additional height for each three lineal feet that said sign is located from such street, road or highway as measured on a perpendicular line from such right-of-way line to the nearest part of the sign.

The above notwithstanding, under no circumstances shall any sign exceed 35 feet in height regardless of its distance from the right-of-way line. In all cases height shall be measured from the actual grade of the premises directly below the face of the sign (exclusive of any mounds or other additions to the grade level) to the highest part of the sign.

- E. Limit of sign area. Notwithstanding anything else to the contrary in this regulation, the total sign area per zone lot shall not exceed 3 square feet per lineal front foot of that portion of the building occupied by the occupant of said zone lot, except that no premises shall be limited to less than 32 square feet of total sign area. In no case shall the total sign area of all signs on one zone lot exceed 250 square feet (including directional signs as provided in subsection (4)(F)(3), supra), except in shopping centers as provided in subsection (4)(H), and Business Office Complexes as provided in subsection (4)(I) infra, and subsection (4)(J) infra (temporary signs), and Hospital and Medical Campuses as provided in subsection (4)(M) infra, and Industrial Business Centers as provided in subsection (4)(N) infra. Notwithstanding anything else to the contrary in this Section, the total sign area for a basement premises shall not exceed 20 square feet.

- F. Safety and maintenance.

(1) All signs and all parts thereof including, but not limited to, framework, supports, background, anchors and wiring systems, shall be constructed and maintained in compliance with the building, electrical and fire prevention codes of Pennsylvania Uniform Construction Code as they now exist, or as they may be thereafter adopted. In the absence of an electrical code ordinance, the National Electrical Code shall be used as the standard for all wiring systems.

(2) All signs and all parts thereof shall be kept in a good state of repair and maintenance.

- G. Signs on vehicles. Any vehicle or trailer with a sign or signs attached thereto placed or painted thereon, visible from any public right-of-way, shall be prohibited, subject to the following exceptions:

(1) Any vehicle or trailer which is actively engaged in making deliveries, pickups or otherwise actively in use and the sign face does not protrude in excess of one inch from the vehicle. Such vehicle or trailer when not in use shall be parked so as not to be visible from any public right-of-way; or

(2) Where no alternate location for parking, that is not visible from the public right-of-way, is reasonably available, such alternate location shall be as inconspicuous from the public right-of-way as possible.

4. Specific sign types and uses.

- A. Projecting signs. In addition to the general provisions of this Section, the following specific regulations shall apply to all projecting signs:
 - (1) No sign shall project more than five feet beyond the building line in the direction of the street, nor shall any portion of any projecting sign be closer than 2 feet to the face of the street, curb or curb line.
 - (2) No portion of any sign shall be less than 8 feet above ground level.
 - (3) No single face of a sign shall exceed 15 square feet in sign area.
 - (4) No sign shall have a vertical dimension greater than 6 feet.
 - (5) There shall be no more than one projecting sign on any building unless the building is located on a corner lot or has public entrances on two or more public ways, in which case one projecting sign may be erected for and toward each public way.
- B. Wall signs. In addition to the general provisions of this regulation, the following specific regulations shall apply to all wall signs:
 - (1) No sign shall extend above the top of the wall upon which it is placed.
 - (2) No sign, or any part thereof, shall project more than 12 inches from the wall upon which it is mounted. If external lighting is used, lighting attached to a wall must be at least ten feet above the surface of the ground level and may project no more than two feet from the wall of the building.
 - (3) No sign shall extend beyond the left and right extremities of the wall to which it is attached.
 - (4) There shall be not more than two signs per wall on any building or structure, and aggregate sign area shall have a total area of not more than 100 square feet or 25 percent of the wall area, whichever is less. Where a building in a shopping center in the C-G zoning district is located more than 400 feet from a public street, the aggregate sign shall have a total area of not more than 250 square feet or 25 percent of the wall area, whichever is less.
- C. Ground pole signs. In addition to the general provisions of this regulation, the following specific regulations shall apply to all ground pole signs:
 - (1) Every ground pole sign and all parts, braces and supports thereof shall be located entirely within the property lines of the premises and shall not project over public rights-of-way or other adjoining lands. Ground pole signs are permitted between the property line and the building setback lines, except where otherwise prohibited.
 - (2) A ground pole sign shall have no more than two faces or advertising sides.
 - (3) No single face or advertising side of a ground pole sign shall have an area which exceeds the square footage calculated by multiplying one square foot times one-half the number of lineal front feet which the subject zone lot has adjoining on a public 'street, road or highway measured at the right-of-way line, but in no event shall any such face or side exceed 50 square feet. Where the frontage of any zone lot is less than 64 lineal feet, a single face or advertising side shall be permitted not to exceed 32 square feet.
 - (4) No ground pole sign face or advertising side shall have any dimension (length, width, diameter, etc.) in excess of 10 lineal feet.
 - (5) All ground pole signs hereafter erected shall be located within a planted green area at least equal to the allowable area of a single face or advertising side for the subject sign, which area shall also include ornamental evergreen shrubbery to minimize the visibility of poles, supports and braces of such sign.
- D. Roof signs. In addition to the general provisions of this regulation, the following specific regulations shall apply to all roof signs:
 - (1) The highest point of a roof sign shall not exceed the building height limitation as provided in this Section as applicable to the pertinent zoning district.
 - (2) Not more than 1 roof sign may be erected or maintained on a single zone lot.
- E. Off-premises advertising signs. In addition to the general regulations of this regulation, the following specific regulations shall apply to all off-premises advertising signs, except directional signs:
 - (1) Such signs are permitted only in the (C) Commercial and (M)Manufacturing Zones as designated in this Chapter.
 - (2) Such signs are subject to the following restrictions:
 - (a) No sign shall be located at a lesser distance than 300 lineal feet from: (a) the district boundary line of any adjoining (VC) Village Center zoning district, or (b) any building

used for residential purposes.

- (b) No such sign shall be located on a lot having a frontage or width along a street, road or highway adjacent to the sign less than:
 - 1) One hundred feet in the (VC) Village Center zoning district where the lot is served by municipal sanitary sewerage.
 - 2) One hundred fifty feet on any lot in the (VC) Village Center zoning district, or where the lot is located in the (VC) Village Center zoning district and is not served by municipal sanitary sewerage.
 - (c) The maximum sign area for any one sign facing shall be 300 square feet (inclusive of any border or trim, but excluding the base or apron supports and other structural members), except in zoning districts where the sign is located adjacent to and intended to be seen by vehicular traffic on the limited access highway known as State Route 81 in which latter location said sign area shall not exceed 700 square feet per facing (inclusive of any border, trim or embellishment (which embellishment shall not exceed 28 square feet of area), but excluding the base or apron, supports and other structural members). The term "facing" herein above and in subsection (d) hereinbelow shall mean the surface area of the structure containing the message of the sign.
 - (d) A sign structure shall contain not more than two facings, with only one sign per facing, which facings may be placed only back-to-back or V-shaped at an interior angle of less than 90 degrees.
 - (e) No portion of any sign shall exceed a height of 35 feet above ground level. All off-premises advertising signs shall be set back from any adjacent building or structure a distance equal to the overall height of the sign.
 - (f) All such signs shall be attached to the ground by a single vertical metal or concrete post, pillar, pole or column.
 - (g) Signs shall not be located at a lesser distance in any direction from each other than 3,000 lineal feet.
 - (h) All signs shall be located not less than 40 lineal feet from the legal right-of-way line of any existing street, road or highway or from the dedicated right-of-way line of any street, road or highway as shown on a subdivision or land development plan approved by this Township.
 - (i) Signs may be illuminated, but no direct ray of light shall extend beyond the face of the sign.
 - (j) The construction of all signs shall comply with all building/construction regulations of this Township.
 - (k) Every sign shall be identified on the structure with the name of the owner.
 - (l) All applications for off-premises advertising signs shall include a written agreement of contract signed by the owner of the parcel or zone lot on which the off-premises sign will be located which allows for the placement of such signs on the property.
- F. Directional signs. In addition to the general provisions of this regulation the following specific regulations shall apply to all permanent directional signs:
- (1) Signs may be erected near roadways to direct vehicles or pedestrians to zone lots not located on such roadways, but the access to which is from such roadways. Such signs may not be erected in any public right-of-way. Written permission from the owner of the property where the sign will be placed, including a site plan showing the location of the directional sign, must be submitted with the sign permit application.
 - (2) Directional signs shall be limited to ground pole signs with a maximum area of six square feet on a single face or 12 square feet on a double faced sign.
 - (3) The area of a directional sign located off-premises shall be charged against the total area of the sign owner's on-premises allowable maximum sign area as provided in subsection (3)(E) hereinabove.
 - (4) The content of directional signs shall be limited to the name of the establishment and direction and distance information.
 - (5) Directional signs shall not be located more than 500 feet from an entrance or other roadway or entrance and shall be on the same side of the road as the advertiser's premises.
 - (6) When two or more directional signs are requested at the same location, all information shall be

combined in one sign which shall not exceed an area of 12 square feet for a single faced sign or 24 square feet for a double faced sign.

- G. Real estate development marketing signs. In addition to the general provisions of this regulation, the following specific regulations shall apply to all real estate development marketing signs:
- (1) The use of real estate development marketing signs shall be limited to those developers or owners having a minimum of six lots in one subdivision.
 - (2) Such signs must be located within the development.
 - (3) Such signs may advertise only the lots in the subdivision in which the sign is located and shall not include the realtor's, developer's or landowner's business in general. The content of such signs shall be limited to the name of the development, the principal contractors, architects and lending institutions responsible for construction in the development, the developer's name, sales agents and telephone numbers.
 - (4) Such signs shall conform to relevant setback line requirements.
 - (5) Such signs shall be limited to a maximum of two per subdivision entrance.
 - (6) The maximum sign area of any such single faced sign shall be 20 square feet and, for any such double faced sign, 40 square feet. No part of such sign shall be more than ten feet in any dimension.
- H. Shopping center signs. In addition to the applicable general provisions of this regulation, the following specific regulations shall apply to shopping centers:
- (1) Only one ground pole sign advertising the shopping center and/or individual businesses within the shopping center may be erected on lands occupied by a shopping center along each public road adjoining said lands from which road access is provided to said lands.
 - (2) No single face or advertising side of any such ground pole sign shall have an area which exceeds the square footage calculated by multiplying one square foot times the product of one-half the number of lineal feet of shopping center lands adjoining a public road along which said sign may be located pursuant to subsection (1) immediately above, but in no event shall any such face or side exceed 150 square feet. For shopping center ground pole signs in the C-G zoning district, the lineal feet of shopping center lands adjoining a public road shall be measured before the subdivision of any outparcels.
 - (3) A ground pole sign permitted by this subsection (H) shall have no more than two faces or advertising sides.
 - (4) Except as otherwise specifically allowed or limited in this subsection (H), the provisions of subsection (4)(C) supra pertaining to ground pole signs generally shall apply to ground pole signs allowed in shopping centers.
 - (5) In addition to any advertising included on any ground pole sign allowed above, each individual business within the shopping center shall be allowed and limited to wall signs in accordance with subsection (4)(B) hereinabove; except that retail stores that: (i) have a gross floor area in excess of 40,000 square feet, and (ii) include two or more retail uses that are recognized as separate industries or industry groups under the retail trade sector of the latest edition North American Industry Classification System (NAICS) shall be permitted to have two or more wall signs with an aggregate sign area of 250 square feet or 25 percent of the wall area, whichever is less, provided that no individual wall sign shall exceed a sign area of 100 square feet or 25 percent of the wall area, whichever is less. Where a retail store in a shopping center in the C-G zoning district meets the criteria in this subsection and is located more than 400 feet from a public street, the aggregate sign area shall be 625 square feet or 25 percent of the wall area, whichever is less, provided that no individual wall sign shall exceed a sign area of 250 square feet or 25 percent of the wall area, whichever is less.
- I. Business office building signs and business office complex signs. In addition to the general provisions of this regulation, the following specific regulations shall apply to business office building signs and business office complex signs:
- (1) Only one ground pole sign which bears the name of a business office building and/or the name of one or more business occupant may be erected on the lands occupied by such use and shall be limited to the provisions of subsection (4)(C) supra.
 - (2) Only one ground pole sign advertising the business office complex and/or individual businesses within the business office complex may be erected along a public road adjoining the Business Office Complex at a location of said road access. When a business office

complex has more than one access onto a public road adjoining said business office complex, then up to two ground pole signs are permitted at two locations of access to the said public road as long as there is a minimum separation distance of 300 feet measured along the property line abutting said public road and the business office complex contains a minimum of two business office buildings with a minimum of 75,000 square feet of building floor area in the aggregate.

- (3) Each business occupant shall be limited to one wall sign in accordance with the provisions of subsection (4)(B) supra, except that a business occupant occupying a gross floor area in excess of 150,000 square feet shall be permitted to have one face for each side of the building that faces a public or private street or parking lot, up to a maximum of three wall signs with an aggregate sign area of 300 square feet or 25 percent of the wall area, whichever is less, provided that no individual wall sign shall exceed a sign area of 100 square feet or 25 percent of the wall area and no such wall signs shall face a dwelling unit on an adjoining property. Notwithstanding subsequent subsection (4)(B)(1) supra, such wall signs shall be permitted to extend above the top of the wall on which it is placed by no greater than 30 inches.
 - (4) A ground pole sign permitted by this subsection (4)(I) shall have no more than two faces or advertising sides.
 - (5) No single face or advertising side of any such ground pole sign shall have an area which exceeds the square footage calculated by multiplying one square foot times the product of one-half; the number of lineal feet of the business office complex adjoining a public road along which said sign may be located pursuant to subsection (4)(I)(2), but in no event shall any such face or side exceed 50 square feet.
 - (6) Except as otherwise specifically allowed or limited in this subsection (I), the provisions of subsection (4)(C) supra pertaining to ground signs generally shall apply to ground pole signs allowed in a business office complex.
- J. Temporary signs. In addition to the general provisions of this regulation, the following specific regulations shall apply to temporary signs:
- (1) An individual business shall be limited to one temporary sign at any one time, and further limited to a total of three 30-day usages per calendar year.
 - (2) A temporary sign shall relate only and directly to the business located on the same zone lot.
 - (3) A temporary sign shall have no more than two advertising sides or faces.
 - (4) A single advertising face or advertising side of a temporary sign other than a banner shall not exceed 24 square feet in area.
 - (5) A temporary sign face or advertising side shall not have any dimension (length, width, height, diameter) in excess of six lineal feet.
 - (6) Temporary signs may be placed no further than 10 feet from the applicant's storefront. This requirement applies to all multitenant buildings and uses.
 - (7) A temporary sign permit application must be filed and approved before a temporary sign can be displayed. Accompanying a temporary sign application shall be:
 - (a) A site plan showing the location of the building, structure or zone lot to which the sign is to be attached or erected and showing the position of the sign in relation to nearby buildings and thoroughfares.
 - (b) A plan showing the design of the sign, materials to be used, color, lighting, size of lettering, method of construction, dimensions, and the means of attachment to the building or ground.
 - (c) An application fee in an amount to be determined, from time to time, by a duly adopted resolution of the Township Board of Commissioners.
 - (8) When a temporary sign permit is issued, the applicant will receive a temporary sign decal. This decal shall be affixed to the bottom right corner of the approved temporary sign for the entire length of time the sign is permitted to be displayed and shall only be affixed on the approved temporary sign, and no other. At the end of the approved display time the decal shall be deemed expired and therefore null and void, and the temporary sign shall be removed.
- K. Permanent non-residential development signs. In addition to the general provisions of this Section, the following specific regulations shall apply to all permanent non-residential development signs:
- (1) A non-residential subdivision shall be a development that has subdivided a minimum of four non-residential lots to qualify for a permanent non-residential development sign.

- (2) Permanent non-residential development signs shall only be permitted in the (C) Commercial District and when the proposed development is primarily office buildings in the (M) Manufacturing Districts.
- (3) The maximum sign area of a permanent non-residential development sign shall not exceed 50 square feet, whether it be one-sided or two-sided. No sign shall have more than two faces or sides.
- (4) No more than two signs for the same non-residential development may be located within 1,000 feet of each other and only at major entrances to the development.
- (5) The content of the sign shall be limited to the name or the logo of the non-residential development and no more than one occupant within the development, with the former being predominant.
- (6) No permanent non-residential development sign or any part thereof (including brace, structure, supports or lights) shall exceed the height of 15 feet.
- (7) All permanent non-residential development signs hereafter erected shall be placed within a landscaped area at least equal to the allowable area of a single face or side for the subject sign.
- (8) When a shopping center has signs under Section 350-1212 (4)(H), the shopping center shall not also have a separate sign under this Section.

L. Changeable message signs (CMS). In addition to all other applicable provisions of these regulations, the following specific regulations shall apply to all Changeable Message Signs (CMS):

- (1) Changeable message signs (CMS) shall be permitted when used (a) in conjunction with wall or ground-pole, on-premises advertising signs, all off-premises advertising signs; and (b) at schools, churches and other places of worship for the limited purpose of communicating messages related to the use, municipal emergencies and events, and time and temperature. Changeable message signs shall be permitted as wall signs only within the commercial general and commercial limited zoning districts.
- (2) Only one on-premise advertising sign containing a CMS shall be permitted for each lot regardless of the number of retail stores, service facilities, service providers and other commercial uses on the lot. No off-premise advertising sign containing a CMS shall be located within 3,000 radial feet of any other off-premises advertising sign containing a CMS. The 3,000 radial feet distance shall be measured in all directions and from off-premises CMS located within all neighboring municipalities.
- (3) On-premises advertising signs shall have fixed copy for a minimum of one minute and off-premise advertising signs shall have fixed copy for a minimum of ten seconds.
- (4) Transition between messages shall be instantaneous. There shall be no visual dissolve or fading, in which any part of one message appears simultaneously with any part of a second message.
- (5) Messages shall not blink, travel, scroll, be animated, flash or include movement.
- (6) Brightness levels shall be automatically adjusted to ambient light levels and shall not exceed 0.20-foot candles above ambient light levels as measured at five feet above grade, using all-white setting, at any time of day or night. Measurement shall be from the following distances:

Signs (Sq. Ft.)	Distance (Feet)
Less than 300	150
300—400	200
Greater than 400	250

- (7) Light from a changeable message sign shall not exceed 0.2 foot candles above ambient light levels on any property containing a residential use as measured at the property line of the zone lot along a line-of-sight to the sign.
- (8) Owner or applicant of a changeable message sign shall permit message access for local, regional, state and national emergency services during emergency situations. Emergency messages are not required to conform to message standards listed herein.
- (9) Advertising copy on off-premises advertising signs shall not display messages for any retail store, service facility, service provider or other commercial use where the property line of the lot on which the use is conducted is within 500 radial feet of the off-premises advertising sign.
- (10) No changeable message sign shall display content that replicates or depicts any traffic control

device or signal.

- M. Hospital and medical campus. In addition to the general provisions of this regulation, the following specific regulations shall apply to signs located in and about a hospital and medical campus:
- (1) Permitted signs. Notwithstanding anything else to the contrary in this regulation, a hospital and medical campus may construct the following signs with dimensions as set forth in this subsection (4)(M):
 - (a) Ground pole sign. A Hospital and Medical Campus may erect one ground pole sign with no more than two faces. In no event shall any such face or side exceed 125 square feet. The ground pole sign may incorporate a changeable message sign on each face. The ground pole sign may be located on the lot containing the hospital and medical campus. alternatively, it may be erected on a different lot located within 1,000 lineal feet of the property line of the lot containing the hospital and medical campus along a state-owned roadway to direct vehicles or pedestrians to the hospital and medical campus. If located on a different lot, it shall be regulated as an on-premises advertising sign. The ground pole sign shall prominently display whether or not the hospital includes an emergency room. Such sign may not be erected in any public right-of-way. If not located on the lot containing the hospital and medical campus, written permission from the owner of the property where the sign will be placed, including a site plan showing the location of the ground pole sign, must be submitted with the sign permit application. A ground pole sign on a different lot shall not count against the maximum signage permitted on that lot.
 - (b) Wayfinding signs. In addition to other signage permitted within a hospital and medical campus, wayfinding signs are permitted on the lot containing the hospital and medical campus. Such signs may be erected along public and private roadways to direct vehicles or pedestrians to particular uses within the hospital and medical campus. Such signs may not be erected in any public right-of-way, and may have no more than two faces. Wayfinding signs shall prominently display directions to the emergency room, if any. Wayfinding signs shall be ground pole signs with a maximum height of ten feet and a maximum area of 45 square feet per face. The content of wayfinding signs shall be limited to the name and logo of the owner of the hospital and medical campus and the name and direction of particular uses within the complex. The area of wayfinding signs shall not be charged against the total area of the sign owner's maximum allowable signage.
 - (c) Roof sign. A hospital and medical campus may have up to two roof signs, each of which may have one face. The total area of the roof sign or roof signs, as the case may be, in the aggregate may not exceed 600 square feet.
 - (d) Street number signs. Each building within the hospital and medical campus that is open to the public may have a street number sign prominently displayed on each wall of the building that faces a public or private street or parking lot. Each number sign must be visible from the nearest public street and may not exceed 50 square feet. The area of number signs shall not be charged against the total area of the sign owner's maximum allowable signage.
 - (e) Wall signs. Except as provided herein, each building within the hospital and medical center campus may have one wall sign with one face for each side of the building that faces a public or private street or parking lot. The foregoing notwithstanding, more than one wall sign may be affixed to the same wall of a building or structure, provided: (1) any additional wall sign must be affixed to the wall such that the nearest edge of the wall sign is not more than 20 feet from the entrance into the building or structure; (2) the walls signs identify different services or uses within the building or structure; and (3) the wall signs must be separated laterally buy at least 60 lineal feet. Each wall sign may not exceed 60 square feet.
 - (f) Emergency room and ambulance signs. In addition to the above signs, each hospital that is equipped with an emergency room shall have signs designating the location of the emergency room at each public entrance to the emergency department and an ambulance sign at each ambulance entrance. Each such sign shall not exceed 40 square feet.
- N. Industrial business center signs. In addition to the general provisions of this regulation, the following specific regulations shall apply to industrial business center signs:

- (1) Only one ground pole sign advertising the industrial business center and/or individual businesses within the industrial business center may be erected on the zone lot occupied by an industrial business center along each public road adjoining said lands from which road access is provided to said lands; except that where said zone lot has more than 500 feet of frontage along a public road adjoining said zone lot from which road access is provided to said zone lot, then an additional ground pole sign is permitted on said zone lot as long as there is a minimum separation distance of 500 feet between said ground pole signs on said zone lot.
- (2) No single face or advertising side of any such ground pole sign shall have an area which exceeds the square footage calculated by multiplying one square foot times the product of one-half the number of lineal feet of the zone lot adjoining a public road along which said sign may be located pursuant to subsection (1) immediately above, but in no event shall any such face or side exceed 50 square feet.
- (3) A ground pole sign permitted by this subsection (N) shall have no more than two faces or advertising sides.
- (4) Except as otherwise specifically allowed or limited in this subsection (N), the provisions of subsection (4)(C) supra pertaining to ground pole signs generally shall apply to ground pole signs allowed in industrial business center.
- (5) In addition to any advertising included on any ground pole sign allowed above, each individual business within the industrial business center shall be allowed and limited to wall signs in accordance with subsection (4)(B) hereinabove; except that buildings that (i) have a gross floor area in excess of 40,000 square feet and (ii) include two or more businesses shall be permitted to have two or more wall signs with an aggregate sign area of 250 square feet or 25 percent of the wall area, whichever is less, provided that no individual wall sign shall exceed a sign area of 100 square feet or 25 percent of the wall area, whichever is less.

5. Signs in residential zones.

A. Signs in residential zones (VC) Village Center:

- (1) All signs are prohibited in residential zones as defined in this Chapter (VC) Village Center, except those signs allowed under subsection (3)(A) supra or as allowed as nonconforming sign uses under subsection (9)(A) infra.
- (2) Illuminated signs are prohibited in residential zones except for street address signs, signs indicating churches or other places of worship, signs indicating schools, and municipal signs necessary for public safety.
- (3) Notwithstanding anything else to the contrary in this regulation, no sign may be erected or maintained in a residential zone which exceeds a maximum sign area of 25 square feet.
- (4) One sign not to exceed a maximum sign area of six square feet and a maximum height of six feet, may be erected only on a zone lot containing at the date of enactment of this subsection an approved permitted or approved conditional nonresidential use in any (VC) zoning district.
- (5) Changeable message signs are prohibited in all residential zoning districts for both existing and future proposed signs except at schools, churches or other places of worship, in accordance with Section 350-1212.4.L(1) of this Ordinance.

6. Abandoned signs.

A. Abandoned sign. An abandoned sign shall mean:

- (1) A sign which has remained without bonafide advertising for a period of six months, and for which the sign owner has not made application for a current permit as provided hereinbelow, or which is without a current lease or license from the landowner, or as to which the sign owner has ceased to attempt to lease the advertising space; or
- (2) A sign which requires maintenance or repair in excess of 25 percent of the replacement cost of the sign as determined by the Director of Community Development after consultation with the sign owner if said owner can be identified from the permit previously issued for such sign.

B. Removal of abandoned sign. Signs that are abandoned shall be removed by the persons responsible for the erection and/or maintenance thereof within 30 days after notice of the abandonment to such persons by the Code Enforcement Officer. If such persons fail or refuse to remove such abandoned sign after the notice aforesaid, the Code Enforcement Officer may remove the signs at the expense of the persons responsible for the erection and/or maintenance thereof.

7. Enforcement.

A. Code Enforcement Officer.

- (1) Appointment. The Board of Supervisors by resolution shall appoint the Code Enforcement Officer and any assistants to enforce the provisions of this regulation.
- (2) Duties of the Code Enforcement Officer and the Zoning Officer.
 - (a) The Zoning Officer shall examine all applications for permits to erect and/or maintain signs and shall issue permits for signs which conform to the requirements of this regulation. The Zoning Officer, or designees, shall record and file all applications, conduct an inspection of all signs, and make such reports as the Board of Supervisors may require.
 - (b) When the Code Enforcement Officer finds that any sign has been constructed, structurally changed, altered, or erected, or is being maintained in violation of the provisions of this Section, the owner, lessee or lessor shall be promptly notified thereof in writing. If the owner, lessee or lessor fails to remove or alter the sign so as to comply with the provisions of this regulation within ten days of the mailing of written notice, the Code Enforcement Officer shall commence enforcement proceedings as provided in subsection (7)(E) "Enforcement Remedies," *infra*.
 - (c) When the Code Enforcement Officer finds any sign which presents an immediate peril to persons or property, he or she shall be empowered to order it to be removed and the costs of such removal shall be borne by the owner or lessor and shall constitute a lien upon the premises.

B. Sign permits.

- (1) General provisions for all signs requiring permits. All applications for sign permits shall be made on forms supplied by the Zoning Officer. Permits must be kept on the premises (except for off-premises signs) where the sign is displayed and must be produced and exhibited to the Zoning Officer upon request.
- (2) Permits to erect new signs or to alter or move existing signs.
 - (a) No sign hereafter shall be erected, structurally changed, altered, or moved until a permit has been obtained therefore from the Zoning Officer. Such a permit shall be issued only when the Zoning Officer is satisfied that such sign will comply with all the applicable provisions of this Section.
 - (b) An application for a sign permit shall be made on the forms provided above and shall contain or have attached thereto the following information:
 - 1) Name, address, and telephone number of applicant.
 - 2) A site plan drawn to scale showing the location of the building, structure, or lot to which the sign is to be attached or erected and showing the position of the sign in relation to nearby buildings and thoroughfares.
 - 3) A plan drawn to scale showing the design of sign, materials to be used, colors, lighting, size of lettering, method of construction, and means of attachment to the building or ground.
 - 4) Name of person, firm, corporation, or association erecting, altering or moving said sign.
 - 5) Name and address of the owner of the land on which the sign is to be erected, altered, or relocated, together with the owner's written consent.
 - 6) Any other information the Zoning Officer shall require in order to show full compliance with this Section and all other applicable ordinances of this Township.
 - (c) Within 5 days after a sign has been installed, the owner of the sign shall notify the Zoning Officer, who shall inspect the sign. If the sign is installed in accordance with the permit, the permit shall be validated by signature of the Zoning Officer. All installed signs must be duly validated.
- (3) Permits for existing signs. All owners of signs in existence at the time of the effective date of this Section who do not hold permits shall make application for sign permits within 90 days of said effective date. After receipt of an application to permit an existing sign, the Zoning Officer shall inspect the sign. If the sign is safe and in good repair and otherwise in compliance with this regulation, a permit shall be issued to the applicant.

C. Permit fees.

- (1) Every applicant for a permit hereunder shall pay to the Township a fee for each sign regulated

by this Section in accordance with a sign permit fee schedule, as may be adopted from time to time, by the Board of Township Supervisors.

(2) Every applicant for a permit hereunder for a temporary sign shall pay to the Township a fee in accordance with subsection (4)(J)(6)(c) of this regulation.

D. Disclaimer of municipal liability. The grant of a permit shall not constitute a representation, guarantee or warranty of any kind by the Township of Hampden or by any official or employee thereof of the practicability or safety of the proposed or existing sign or use, and shall create no liability upon the Township, its officials, or employees.

E. Remedies.

(1) Any violation or attempted violation of this Section or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated by citation, injunction or other appropriate proceeding pursuant to state law. The remedies of the Township shall include the following:

(a) Issuing a stop work order for all work on any signs on the same zone lot.

(b) Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity.

(c) Imposing any penalties that can be imposed directly by the Township; seeking in court the imposition of any penalties that can be imposed by such court under this regulation.

(d) In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the Township under the applicable provisions of this regulation and the Building Code for such circumstances.

(2) The Township shall have such other remedies as are and as may from time to time be provided for or allowed by State law for the violation of this Section.

(3) All such remedies provided herein shall be cumulative to the extent that State law may permit the availability of a particular remedy set forth herein for a certain violation or part thereof, such remedy shall remain available for other violations or other parts of the same violation.

8. Nonconforming signs.

A. All signs which are in existence on the effective date of this regulation and have been previously issued a valid sign permit, which do not conform to one or more of the applicable provisions of this Section with the exception of those signs prohibited under subsection (3)(B) ("Signs Prohibited In All Districts") above shall be eligible for a nonconforming sign permit, which permits shall be issued under the provisions of subsection (7)(B) above but shall be marked as "Nonconforming Sign Permit."

B. Any sign which is in violation of subsection (3)(B) hereinabove shall be removed or brought into compliance with the provisions of this Section within 30 days after the effective date of this Section. It shall be unlawful to maintain a sign in violation of subsection (3)(B) supra. The Code Enforcement Officer is empowered to institute enforcement proceedings after the expiration of 30 days for any violation of this subsection (8)(B).

C. All nonconforming signs shall be permitted to remain in their present form and status until removed, at which time any replacement sign shall comply with the provisions of this regulation.

D. Any nonconforming sign shall be brought into compliance with the provisions of this Section when any proposed structural change, alteration, repair or maintenance constitutes an expense of more than 25 percent of the replacement value of the sign.

E. With respect to off-premises advertising signs, the original as-built shape and size of the sign shall be the maximum area permitted, regardless of the allowable square footage indicated on the original permit.

F. A nonconforming off-premises advertising sign may not be enlarged in any way.

G. Regardless of any other provision of this Ordinance to the contrary, the owner of a legal nonconforming off-premises advertising sign or on-premises advertising sign may convert the sign face to a CMS provided the sign area, height and any other dimension, if non-conforming, are not increased, and if the sign use is a non-conforming use, there is no increase to the sign size or change in shape, and in either case, the requirements of subsections 350-1212 (4)(L)(1), (3), (4), (5), (6), (7), (8) and (10) are met; however, the sign face of any nonconforming sign in any residential district (VC) shall not be permitted to be converted to a CMS.

9. Nonconforming sign uses.

- A. A sign in use and existing upon the effective date of this Section but which would be prohibited by this regulation because of its existence in a zoning district prohibiting such sign shall be permitted to remain in existence as a nonconforming sign use provided that such sign had been previously issued a valid sign permit.
 - B. The Zoning Officer shall document the status of nonconforming sign use on the sign permit required under subsection (7)(B) above. Such documentation shall be the exclusive evidence and proof of the status of a nonconforming sign use.
10. Removal of signs. The Code Enforcement Officer shall order the removal of any sign constructed, erected or maintained in violation of this Section. 10 days' notice in writing shall be given to the owner and/or lessor of any such sign, or of the building, structure, or zone lot on which such sign is located, to remove the sign or to obtain a permit in order to bring it into compliance with this regulation. If it reasonably appears that the condition of the sign is such to present a threat to the safety of the public, the Code Enforcement Officer may order the removal of the sign immediately. Any costs of removal incurred by the Township shall be assessed to the owner of the property on which the sign is located, or to the sign owner or lessee if different than the property owner and may be collected in the manner provided by law.

350-1213 Poultry

Poultry is permitted by right in (A) agricultural, (WC) woodland Conservation, and (VC) Village Center districts. With parcels less than one acre the following regulations pertain:

Hens only, must be fenced and have a chicken coop with not more than 6 total birds.

Article XIII

Conditional Uses, Administration, Permits and Fees

Conditional Uses

350-1301 **Purpose.**

Conditional uses are those uses which have some special impact or uniqueness, such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. When a conditional use is proposed, a review of the location, design, configuration and impact is conducted by comparing the proposed use to fixed standards. The findings of the review determine whether the proposed use should be permitted by weighing public need for, and benefit to be derived from, such use, against varied impacts on neighboring properties it may cause. The review considers the proposed use in terms of the existing zoning and land use in its vicinity, and planned and proposed public and private developments which may be adversely affected; whether and to what extent the proposed use, at its particular location, is necessary or desirable to provide a development which is in the interest of public convenience or which shall contribute to the general welfare of the immediate area and Southampton Township; and whether and to what extent all possible steps have been taken by the developer to minimize any adverse effects of the proposed use on the immediate neighborhood area and on the public health, safety, morals and welfare in general.

350-1302 **Applicability.**

Any use which is listed as a conditional use in any zoning district established by this chapter shall comply with this article.

350-1303 **Procedures.**

- A. **Applications.** Applications for a conditional use shall be submitted and approved prior to the filing of a subdivision or land development plan, and/or the issuance of a zoning permit. Applications shall take the form outlined below:

All applications for conditional use permits shall be made in writing by the owner of the property for which it is sought on a form supplied by the Township and shall be filed with the Zoning Officer. The application shall include four copies of the following information:

- (1) Legal description of the parcel(s) for which the conditional use is desired;
- (2) A scaled Drawing including:
 - (a) Property boundaries;
 - (b) Total acreage;
 - (c) Contours at two-foot intervals;
 - (d) Location, width and name or all existing or previously platted streets and utility rights-of-way;

- (e) The location of existing utilities, drainage culverts and swales, and any existing structures.
- (3) A statement of the proposed use of the parcel, together with a site plan containing the layout of the development drawn to scale showing the location and exterior dimensions of all proposed buildings in relation to property and street lines; and
 - (a) Information regarding planned treatment and disposal of sewage and industrial wastes, water supply and storm drainage;
 - (b) The size and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density;
 - (c) The location, size arrangement and capacity of all areas to be used for off-street parking and off-street loading;
 - (d) The location and dimension of all existing and proposed vehicular drives, entrances, exits, traffic circulation patterns, acceleration and deceleration lanes;
 - (e) The location and dimension of all existing and proposed pedestrian entrances, exits and walkways.
- (4) The Planning Agency and/or the Board of Supervisors may request other data or supplemental information deemed necessary by them or by the Zoning Officer to determine compliance of the proposed conditional use with the terms of this chapter.
- (5) When a conditional use is sought for a development which is a part of a subdivision or land development plan which has received final plan approval or for which a previous conditional use permit has been issued, the plan or conditional use permit, together with any covenants, conditions or other restrictions related thereto shall be submitted as a part of the application for the new conditional use permit.
- (6) Conditional use permits may be granted for lease properties or structures. However, the application shall be signed by both the property owner and the tenant/lessee. Once granted, the conditional use may be continued by other tenants/lessees provided the use remains the same and all terms and conditions of the original permit are followed.
- B. Notification of adjacent property owners. The applicant shall prepare a list of names and addresses of all property owners physically adjacent to the property for which the conditional use is requested. "Physically adjacent" shall include property across a public or private street or right-of-way if any portion of the boundary is in direct alignment with that of the applicant. Properties with absentee owners shall also list tenant name and address, if applicable. The Township shall prepare a notice listing the date, time and place of the public hearing and the nature of the conditional use requested. Such notice shall be sent in accordance with public notice requirements.
- C. Planning agency review.
 - (1) A review shall be held by the Planning Agency following acceptance of the conditional use application by the Township. Acceptance of the application is deemed to occur when the application fee is accepted by the Township and a receipt for same is returned to the applicant.
 - (2) In the event an application is recommended for approval with conditions by the Planning Agency, such conditions shall be communicated to the applicant and to the Board of Supervisors before the next regularly scheduled Board meeting following the Planning Agency meeting at which the recommendation was made.
- D. Board of Supervisors review. The Board of Supervisors shall hold a public hearing, pursuant to public notice as required by the Pennsylvania Municipalities Planning Code, within 60 days of the date of acceptance by the Township of the application, and render its decision not more than 45 days following the date of the public hearing, unless the applicant agrees, in writing, to an extension of

that deadline. The decision of the Board shall be communicated in writing to the applicant by certified mail. Failure of the Board to hold a public hearing or render its decision within the time periods stated above, without the written concurrence of the applicant shall constitute an approval of the conditional use application as submitted.

- E. Denial of application. An application for conditional use shall be denied if the Board finds:
- (1) That the application and record fail to establish compliance with the standards made applicable to the proposed development by the provisions of this chapter; or
 - (2) If the adverse impacts of the use or development, after taking into consideration any proposals of the applicant and any conditions that might be imposed by the Board pursuant to the provisions of this chapter to ameliorate them, outweigh any public or private benefits of the proposal and require denial of the conditional use application in the interest of the overall public health, safety and welfare.
- F. Approval with conditions. The Board may, in approving any conditional use application, impose such restrictions and conditions on such approval, the proposed use and/or the premises to be developed or used pursuant to such approval as it determines are required by the general purposes, goals and objectives of the Comprehensive Plan and this chapter, to prevent or minimize adverse effects from the proposed use and development on other properties in the neighborhood and on the general health, safety, morals and welfare of the Township. All conditions imposed upon any conditional use permit approval, with the exception of conditions made applicable to such approval by the express terms of this article, shall be definitively set forth in the findings and decision granting such conditional use permit.
- G. Acknowledgement of approval. In the event an application for conditional use is approved, or approved subject to conditions, the applicant shall acknowledge such approval, in writing, and unconditionally accept and agree to any and all conditions imposed on the approval within 15 days of receipt of the decision. In the event such permit is not approved, or is approved subject to conditions which are not acceptable to the applicant, the applicant may; 1) request that the Board reconsider its decision; 2) appeal such decision to court; or 3) abandon the application at the expiration of the fifteen-day period.

350-1304 Compliance.

Every conditional use permit shall be predicated upon the proposed development or use complying with all requirements of this article, other applicable requirements of this chapter, including § **350-1202**, Performance standards, Chapter **295**, Subdivision and Land Development, and any other applicable Township, state or federal laws. The violation of any condition of approval shall be considered a violation of this article.

350-1305 General use standards.

No application for a conditional use permit shall be approved unless the Board of Supervisors specifically finds the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

- A. The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Comprehensive Plan, this article or any other plan, program, map or ordinance adopted, or under consideration pursuant to official notice by the Township.
- B. There shall be a community need for the proposed use at the proposed location. Also, in light of existing and proposed uses of a similar nature in the area and of the need to provide or maintain a proper mix of uses both within the Township and also within the immediate area of the proposed

use:

- (1) The proposed use in the proposed location shall not result in either a detrimental over-concentration of a particular use within the Township or within the immediate area of the proposed use; and
 - (2) The area for which the use is proposed is not better suited for or likely to be needed for uses which are permitted as a matter of right within that district, in light of policies or provisions of the Comprehensive Plan, this chapter, or other plans or programs of the Township;
 - (3) The proposed use, as presented, should be able to meet the applicable requirements of this chapter and Chapter **295**, Subdivision and Land Development, without variance or modification. Depending on the type, number and degree of relief sought, the need for variance or modification may be considered by the Township to be contrary to the intent of this chapter, and as grounds for denial of a conditional use application.
- C. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare, including emergency services, such as police, fire protection or ambulance, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Comprehensive Plan, this chapter or any other plan, program, map or ordinance adopted or under consideration pursuant to official notice, by the Township or other governmental agency having jurisdiction, to guide growth and development.
- D. The proposed use in the proposed location shall be adequately served by and shall not impose an undue burden on any existing improvements, facilities, utilities or services. Where any such existing improvements, facilities, utilities or services are not adequate to service the proposed use in the proposed location, the applicant shall, as part of the application and as a condition to approval of the proposed conditional use permit, be responsible for establishing ability, willingness and binding commitment to provide for, extend or upgrade such improvements, facilities, utilities and services in sufficient time and in a manner consistent with the Comprehensive Plan, this chapter, and other plans, programs, maps and ordinances adopted by the Township to guide its growth and development.
- E. The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this article.

Administration

350-1306 Duties of Zoning Officer.

- A. For the administration of this chapter, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed by the Board of Supervisors. The Zoning Officer shall meet qualifications established by the Board of Supervisors and shall be able to demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning. The Zoning Officer shall administer this chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this chapter and other applicable Township codes and ordinances. The Zoning Officer shall issue all permits required by this chapter. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment by the Township.
- B. The Zoning Officer shall have the right to enter any building or enter upon any land at any reasonable hour as necessary in the execution of his duties, provided that:
- (1) The Zoning Officer shall notify the owner and/or tenant before conducting any inspection.
 - (2) The Zoning Officer or his duly authorized assistant(s) shall display identification signed by

Supervisors upon commencing an inspection.

- (3) All inspections requiring access to structures shall be performed in the presence of the owner or his representative or tenant. Other inspections may be performed without the presence of the owner or his representative or tenant, provided § **350-1306B (1) and (2)** above are complied with.
- C. The Zoning Officer shall maintain files of all applications for zoning permits along with plans submitted therewith.
- D. The Zoning Officer or the Code Enforcement Officer shall also maintain records of every complaint of a violation of the provisions of this chapter as well as action taken as a result of such complaints.
- E. The Zoning Officer shall submit to the Township Supervisors, for insertion in the Supervisors' minutes, a written report summarizing for the month all zoning permits issued by him as well as complaints of violations and action taken as a result of such complaints.

350-1307 Zoning/land use permit.

- A. Requirement. A zoning/land use permit shall be required prior to the erection, construction or alteration of any building, structure, or sign, or any portion thereof; prior to constructing, placing, altering or erecting a fence or a shed of any kind, whether affixed to the real estate or not or any portion thereof; prior to the moving of a building into the Township, or from one place in the Township to another; prior to the change or extension of nonconforming use; and upon a change in the use of a structure or land.
- B. Any such proposed activity described above that is to be located in a designated floodplain area shall be subject to Chapter 166, Floodplain Management,.
- C. Notwithstanding the above, a permit shall not be required prior to the constructing, placing, altering or erecting a type of fence that is customarily used for agriculture that is to be used for agricultural purposes.
- D. A zoning/land use permit shall not be required for repairs to existing building, structures, sheds or fences, except where required by the Pa. Uniform Construction Code.

350-1308 Fees.

- A. The Board of Supervisors shall set fees, payable in advance, for all applications, permits, or appeals provided for by this chapter to defray the cost of advertising, processing, inspecting, mailing notices, charges of a stenographer for taking the notes of testimony, and copying applications and permits. Zoning permits shall not be required for any maintenance operations, such as painting, roof repair, window replacement, installation of siding, replacement of defective structural member or similar maintenance measures.
- B. The Board of Supervisors shall be empowered to reevaluate the fee schedule and make necessary changes to it. Such changes shall not be considered an amendment to this chapter, and may be adopted at any public meeting of the Board by resolution.
- C. The required fees for zoning district amendments may vary according to advertising costs and thus shall be kept up-to-date by the Board of Supervisors and the Zoning Officer. All such fees shall be paid into the Township treasury.
- D. Special exceptions and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until preliminary charges have been paid in

full.

350-1309 Uses not provided for, similarity review.

In any district established by this chapter, when a specific use is not expressly permitted or listed as a conditional use, it shall be deemed to be prohibited. Upon the receipt of a written request, the Zoning Officer shall make a determination of similarity or compatibility of the use in question to permitted or conditional uses in the particular zoning district within 30 days. No zoning permit shall be issued by the Zoning Officer for any unspecified use until this determination has been made. Appeals of the Zoning Officer's determination in such matters shall be taken to the Zoning Hearing Board.

Article XIV

Violations, Enforcement and Penalties

350-1401 **Enforcement notice.**

- A. Whenever the Zoning Officer or Code Enforcement Officer other authorized Township representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, or of any regulation adopted pursuant thereto, the Zoning Officer or Code Enforcement Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- C. An enforcement notice shall state at least the following:
 - (1) The name of the owner of record and any other person against whom the Township intends to take action.
 - (2) The location of the property in violation.
 - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.
 - (4) The date before which the steps for compliance must be commenced, not to exceed 30 days from receipt of notice, and the date before which the steps must be completed.
 - (5) An outline of remedial action which, if taken, will effect compliance with the provisions of this chapter, or any part thereof, and with any regulations adopted pursuant thereto.
 - (6) A statement indicating that the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time, in accordance with procedures set forth elsewhere in this chapter.
 - (7) A statement indicating that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

350-1402 **Causes of action.**

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under this act or prior enabling laws, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon Southampton Township at least 30 days prior to the time the action is begun, by serving a copy of the complaint on the Board of Supervisors of Southampton Township. No such action may be maintained until such notice has been given.

350-1403 **Jurisdiction.**

Magisterial District Judges shall have initial jurisdiction over proceedings brought under § **350-1402.**

350-1404 **Enforcement remedies.**

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by Southampton Township as a result thereof. (consider changing to meet the standard No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this chapter shall be paid over to the Township.
- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

Article XV

Zoning Hearing Board, Hearings and Jurisdiction

350-1501 Creation of Zoning Hearing Board and appointments.

Pursuant to Article **IX** of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, the Southampton Township Board of Supervisors hereby creates a Zoning Hearing Board, consisting of three members who shall be residents of the Township. Members of the Zoning Hearing Board shall hold no other office in the Township, either elected or appointed. The terms of office shall be three years and shall be so fixed that the term of office of no more than one member shall expire each year. The Zoning Hearing Board shall promptly notify the Township Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.

350-1502 Alternate members.

The Board of Supervisors may appoint, by resolution, at least one but no more than three residents of the municipality to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of § **350-1504**, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this chapter and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission or Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to § **350-1505** unless designated as a voting alternate member pursuant to § **350-1504**.

350-1503 Removal of members.

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

350-1504 Organization of board.

- A. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in § **350-1506**.
- B. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
- C. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the commonwealth. The Board shall keep full public records of its business, which records shall be the property of Southampton Township, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

350-1505 Expenditures for services.

Within the limits of funds appropriated by the governing body, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors. Alternate members of the Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to § **350-1504**, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

350-1506 Hearings.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

- A. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Zoning Hearing Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
- B. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the Secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- C. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed, in writing, to an extension of time.
- D. The hearings shall be conducted by the Zoning Hearing Board, or the Zoning Hearing Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings, shall be made by the full Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior, to the decision of the hearing, waive decision or findings by the full Zoning Hearing Board and accept the decision or findings of the hearing officer as final.
- E. The parties to the hearing shall be Southampton Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances, in writing, on forms provided by the Board for that purpose.
- F. The Chairman or Acting Chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

- H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- I. The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by it or by the hearing officer, or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- J. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and hearings with any party or his representative unless all parties are given an opportunity to be present.
- K. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this chapter or of any other ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Zoning Hearing Board fails to render its decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed, in writing or on the record, to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in Subsection A of this section. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- L. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

350-1507 Jurisdiction.

- A. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - (1) Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities

Planning Code.

- (2) (Reserved)
 - (3) Appeals from the determination of the Zoning Officer, including, but not limited to the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease-and-desist order or the registration or refusal to register any nonconforming use, structure or lot.
 - (4) Appeals from a determination by a Municipal Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
 - (5) Applications for variances from the terms of this chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to § **350-1509**.
 - (6) Applications for special exceptions under this chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to § **350-1510**.
 - (7) Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this chapter.
 - (8) Appeals from the Zoning Officer's determination under section 916.2 of the Pennsylvania Municipalities Planning Code.
 - (9) Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision/land development ordinance or planned residential development applications.
- B. The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
- (1) Applications for curative amendment to this chapter pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code.
 - (2) All petitions for amendments to land use ordinances, pursuant to the procedures set forth in Article **XI** of the Pennsylvania Municipalities Planning Code. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.
 - (3) Appeals from the determination of the Zoning Officer or the municipal engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to application for land development under Chapter **295**, Subdivision and Land Development.

350-1508 Applicability of judicial remedies.

Nothing contained in this article shall be construed to deny the appellant the right to proceed directly to court where appropriate, pursuant to the Pennsylvania Rules of Civil Procedure No. 1091 (relating to action in mandamus).

350-1509 Zoning hearing board's functions; variances.

- A. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.
 - (2) That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (3) That such unnecessary hardship has not been created by the appellant.
 - (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- B. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this chapter.

350-1510 Zoning hearing board's functions; special exceptions.

Where the Board of Supervisors, in this chapter, has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this chapter.

350-1511 Parties appellant before the Board.

Appeals under § **350-1507A(1), (2), (3), (4), (7), (8), and (9)** may be filed with the Zoning Hearing Board, in writing, by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under § **350-1609** and for special exception under § **350-1510** may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.

Article XVI

Amendment and Appeals

350-1601 **Enactment of amendment.**

- A. For the preparation of amendments to this chapter, the procedure set forth in Section 607 of the Pennsylvania Municipalities Planning Code for the preparation of a proposed zoning ordinance shall be optional.
- B. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or areas shall be posted at least one week prior to the date of the hearing.
- C. In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
- D. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- E. At least 30 days prior to the public hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the Cumberland County Planning Commission for recommendations.
- F. The Township may offer a mediation option as an aid in completing proceedings authorized by Article **IX** or Article X-A of the Pennsylvania Municipalities Planning Code. In exercising such an option, the Township and mediating parties shall meet the stipulations and follow the procedures set forth in Article **IX** of the Pennsylvania Municipalities Planning Code.
- G. Within 30 days after enactment, a copy of the amendment to this chapter shall be forwarded to the Cumberland County Planning Commission.

350-1602 **Procedure for landowner curative amendments.**

- A. A landowner who desires to challenge on substantive grounds the validity of this chapter or Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code. The governing body shall commence a hearing thereon within 60 days of the request as provided in said section. The curative amendment and challenge shall be referred to the Township Planning Commission and County Planning Commission as provided in § **350-1601** and notice of the hearing thereon shall be given as provided in § **350-1604** of this chapter and in Section 916.1 of the Pennsylvania Municipalities Planning Code.
- B. The hearing shall be conducted in accordance with § **350-1506** and all references therein to the

Zoning Hearing Board shall, for purposes of this section, be references to the Board of Supervisors. If the Township does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire chapter and Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

- C. If the Board of Supervisors of Southampton Township determines that a validity challenge has merit, it may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
- (1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - (2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this chapter or Map;
 - (3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
 - (4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
 - (5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

350-1603 Procedure for municipal curative amendments.

If the Township determines that this chapter or any portion thereof is substantially invalid, it shall take the following actions:

- A. The Township shall declare, by formal action, this chapter or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days following such declaration and proposal, the Board of Supervisors of Southampton Township shall:
- (1) By resolution, make specific findings setting forth the declared invalidity of this chapter which may include:
 - (a) References to specific uses which are either not permitted or not permitted in sufficient quantity.
 - (b) Reference to a class of use or uses which require revision; or
 - (c) Reference to the entire chapter which requires revisions.
 - (2) Begin to prepare and consider a curative amendment to this chapter to correct the declared invalidity.
- B. Within 180 days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, this chapter pursuant to the provisions required by 350-1601 in order to cure the declared invalidity of this chapter.
- C. Upon the initiation of the procedures, as set forth in § **350-1603A**, the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under § **350-1602**, nor shall the Zoning Hearing Board be required to give a report requested under § **350-1507** or Section

916.1 of the Pennsylvania Municipalities Planning Code subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by § **350-1603A(1)**. Upon completion of the procedures as set forth in §§ **350-1603A** and **B**, no rights to a cure pursuant to the provisions of § **350-1602** of this chapter and Section 916.1 of the Pennsylvania Municipalities Planning Code shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended chapter for which there has been a curative amendment pursuant to this section.

- D. If the Township utilizes the procedures as set forth in §§ **350-1603A** and **B**, it may not again utilize said procedure for a thirty-six-month period following the date of the enactment of a curative amendment or reaffirmation of the validity of this chapter, pursuant to § **350-1603B**; provided, however, that, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this section to prepare a curative amendment to this chapter to fulfill said duty or obligation.

350-1604 Publication, advertisement, and availability of ordinances.

- A. Amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed amendment once in one newspaper of general circulation in the Township not more than 60 days nor less than seven days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
- (1) A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
 - (2) An attested copy of the proposed amendment shall be filed in the county law library or other county office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
- B. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Board of Supervisors shall, at least 10 days prior to enactment, readvertise, in one newspaper of general circulation in the Township, a summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
- C. This chapter and any amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

350-1605 Appeals.

- A. The procedures set forth in Article X-A of the Pennsylvania Municipalities Planning Code, as amended, shall be used for securing review of any decision rendered pursuant to Article **XV** of this chapter.
- B. All appeals from all land use decisions rendered pursuant to Article **XV** of this chapter shall be taken to the Court of Common Pleas of Cumberland County and shall be filed within 30 days after entry of the decision as provided in 42 Pa.C.S.A. § 5572 (relating to time of entry of order) or, in the case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given as set forth in § **350-1506K** of this chapter.

Attachments:

Attachment 1 - Zoning Map