

**ARTICLE 11.
CONDITIONAL USES**

11.01 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.

11.02 Applicability

Any use which is listed as a Conditional Use in any zoning district established by this Zoning Ordinance shall comply with this article.

11.03 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 building 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 Township Secretary or Zoning Officer. The application shall include four (4) copies of the following information:

- 1.** Legal description of the parcel(s) for which the conditional use is desired;
- 2.** A map or maps of the subject property showing:
 - (a)** Property boundaries;
 - (b)** Total acreage;

- (c) Contours at two foot (2') intervals;
 - (d) Location, width and name of 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; and
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 zoning ordinance.
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. 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.
- 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 sixty (60) days of the date of acceptance by the Township of the application, and render its decision not more than forty-five (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 ordinance; 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 ordinance 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 ordinance, 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 fifteen (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.

11.04 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 the Southampton Township Zoning Ordinance, including Section 13.02 Performance Standards, the Southampton Township Subdivision and Land Development Ordinance, and any other applicable Township, State or Federal laws. The violation of any condition of approval shall be considered a violation of this article.

11.05 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:

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- 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, the Zoning Ordinance, or other plans or programs of the Township.
 - 3.** The proposed use, as presented, should be able to meet the applicable requirements of this ordinance and the Southampton Township Subdivision and Land Development Ordinance 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 ordinance, 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 Zoning Ordinance 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 Zoning Ordinance, 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.

11.06 Additional Standards For Specified Conditional Uses

A. GROUP HOMES

Group homes are permitted by conditional use 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 Zoning Hearing Board 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.

B. BED AND BREAKFAST

Bed and breakfasts are permitted by conditional use subject to the following criteria:

1. For the purposes of this Ordinance, a bed and breakfast shall be defined as an owner-occupied single-family detached dwelling, where between one and five rooms are rented to overnight guests on a daily basis for periods not exceeding one week;
2. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted;
3. All floors above-grade shall have direct means of escape to ground level;
4. One (1) 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.
5. All parking areas shall be setback a minimum of twenty-five (25) feet from all property lines;
6. A bed and breakfast may erect one sign no larger than twelve (12) square feet in size. Such sign must be setback twenty (2) feet from all lot lines;
7. Meals shall be offered only to registered overnight guests;
8. Minimum Lot Area – Two (2) acres; and,
9. The applicant shall furnish evidence that approved systems for sewage disposal and water supply shall be used.

C. CAMPGROUND

Campgrounds and permitted by conditional use subject to the following criteria:

1. Minimum lot area – Twenty (20) acres;
2. Setbacks – All campsites shall be located at least seventy-five (75) feet from any side or rear property line and at least one hundred (100) feet from any street line;
3. Each campsite shall be at least three thousand (3000) square feet in size and shall either provide parking space for one (1) 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 fourteen (14) feet and the pavement width of two-way access drives shall be at least twenty four (24) feet. On-drive parallel parking shall not be permitted;
5. All outdoor play areas shall be setback one hundred (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 setback a minimum of one hundred (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 setback a minimum of one hundred (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 one hundred (100) campsites shall have vehicular access to an arterial or collector street as identified in the Township Comprehensive Plan;

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9. A campground may construct one freestanding or attached sign containing no more than thirty-two (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 setback at least ten (10) feet from the street right-of-way line, and at least twenty-five (25) feet from adjoining lot lines;
10. A minimum of twenty (20%) percent 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, rest rooms, 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.

D. KENNELS

Kennels are permitted by conditional use subject to the following criteria:

1. Minimum lot area – Three (3) acres;
2. All animal boarding buildings and any outdoor animal pens, stalls, or runways shall be a minimum of one hundred (100) 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 twenty (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.

E. (RESERVED)

F. GOLF COURSES

Golf courses are permitted by conditional use, subject to the following criteria:

1. Minimum Lot Area – Thirty (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 and rest room;
 - (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) Baby-sitting rooms and connected fence-enclosed playlots.
 - b. Accessory recreation amenities located outside of a building, including:
 - (1) Driving range, provided that all lighting shall comply with Section 310 of this Ordinance.
 - (2) Practice putting greens;
 - (3) Swimming pools;
 - (4) Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts;

- (5) Boccie 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 playlot games, including 4-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 seventy-five (75') from any adjoining roads and one hundred feet (100') from adjoining residential structures or parcels;
- 5.** Golf Paths – Golf paths shall be graded so as to discharge storm water 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 (1) street, access drive or driveway may be crossed at each location;
 - d.** The crossing must be provided with a clear sight triangle of seventy-five feet (75'), measured along the street, access drive, or driveway centerline and the golf path centerline, to a location on the centerline of the golf path.

G. HUNTING, FISHING, AND PRIVATE RECREATIONAL CLUBS

Hunting, fishing, and private recreational clubs are permitted by conditional use subject to the following criteria:

1. Minimum required lot area – Ten (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. The applicant shall furnish evidence that approved systems for sewage disposal and water supply will be utilized;
4. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust, and pollution. The applicant must also demonstrate, with qualified expertise, compliance with applicable performance standards herein.
5. Required parking will be determined based upon a combination of the types of activities proposed and the schedule listed in Article 13. In addition, the Board of Supervisors may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking area shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads;
6. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Board of Supervisors determines that back-ups are occurring on adjoining roads, and such back-ups are directly related to the means of access to the subject property, the Board of Supervisors can require the applicant to revise means of access to relieve the undue congestion;
7. Any use involving the discharge of firearms shall require approval under Section 761 of this Ordinance; and,
8. The use may construct one billboard in accordance with the regulations contained in Section 712 of this Ordinance.

H. SHOOTING RANGES

- A.** Shooting ranges are permitted by conditional use subject to the following criteria:
- B.** Shooting Range Operations:
- 1.** May not substantially injure or detract from the lawful existing or permitted use of neighboring properties;
 - 2.** May not substantially damage the health, safety, or welfare of the Township, or its residents and property owners;
 - 3.** Must comply with all applicable State and local laws, rules, and regulations regarding the discharge of a firearm;
 - 4.** The storage of live ammunition shall only occur in an approved secure vault;
 - 5.** Shall limit the number of shooters to the number of firing points or stations identified on the development plan;
 - 6.** Shall require all shooters to satisfactorily complete an orientation safety program given in accordance with the PA Game Commission, or show a valid hunting permit or gun permit, before they are allowed to discharge firearms without supervision;
 - 7.** Shall prohibit the consumption of alcoholic beverages within the area approved as the shooting range; and,
 - 8.** Shall limit firing to the houses between one (1) hour after official sunrise and one (1) hour preceding official sunset, unless sufficient lighting is used, in which case all shooting shall cease by 11 p.m.
- C.** 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;

- D.** The firing range, including the entire Safety Fan, shall be enclosed with a six foot (6') high, non-climbable fence to prevent unauthorized entry into the area. Range caution signs with eight inches (8") tall, red letters on a white background shall be posted at a maximum of one hundred foot (100') intervals around the range perimeter. Signs shall read "SHOOTING RANGE AREA, KEEP OUT!";
- E.** 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;
- F.** 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;
- G.** All shooting range facilities, including buildings, parking, firing range, and Safety Fan shall be set back a minimum of one hundred feet (100') from the property line and street right-of-way;
- H.** The applicant shall present credible evidence that the sounds of shooting in the nearest residential zone do not exceed the ambient noise level;

I. JUNK YARDS

Junk yards, as a conditional use, shall be subject to the following special regulations:

- 1.** No portion of any junk yard shall be closer than five hundred (500) feet to any residence.
- 2.** All junk yards 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 junk yard from the public right-of-way or from adjoining properties. The fence shall be at least eight (8) 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 junk yard shall be set back at least twenty-five (25) feet from the right-of-way of any public street or road, and shall be set back a minimum of ten (10) feet from all other property lines.

4. No junk yard shall be larger than ten (10) acres.
5. All junk shall be stored and arranged so as to permit access by fire fighting equipment, and to prevent the accumulation of stagnant water. Junked automobiles shall be arranged in single or double rows with at least fifteen 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 (8) feet from ground level.
7. Weeds and grasses within the junk yard 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 junk yard.
9. Junk yards 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 rates, rodents or vermin, nor cause a violation of any health or sanitation law, ordinance or regulation of any governmental body.

J. ADULT RELATED FACILITIES

The Board of Supervisors may approve Adult Related Facilities as a Conditional Use in the Commercial/Manufacturing District according to the procedures and requirements specified below:

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 Ordinance 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. As used in this Ordinance, the following terms, words and phrases shall have the meanings assigned to them by this section.
- (a) **Adult Business.** An establishment open to the general public in which twenty (20%) percent or more of the occupied sales or display area offers for sale, for rent or lease, for loan, or for view upon the premises, pictures, photographs, drawings, prints, images, sculpture, still film, motion picture film, video tape, or similar visual representations distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity; or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct; or offers for sale sexual devices; or any establishment where female or male employees or patrons are nude or partially nude, exposing female breasts or male or female genitalia. Also included are businesses commonly known as cabarets, topless bars or night clubs, open to the general public, where live entertainment, motion picture film, video tape or similar visual representation of materials is presented that is distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.
 - (b) **Sexual Conduct.** Ultimate sexual acts, normal or perverted, actual or simulated, involving a person or persons, or a person or persons and an animal, including acts of masturbation, sexual intercourse, fellatio, cunnilingus, anilingus or physical contact with a person's nude or partially denuded genitals, pubic area, perineum, anal region, or, if such person be female, a breast.
 - (c) **Sexual Device.** Any artificial human penis, vagina or anus, or other device primarily designed, promoted or marketed to physically stimulate or manipulate the human genitals, pubic area, perineum or anal area, including dildoes, penisators, vibrators, vibrillators, penis rings and erection enlargement or prolonging creams, jellies or other such chemicals or preparations.

(d) Sexually Explicit Nudity. The sexually oriented and explicit showing, by any means, including but not limited to close up views, poses or depictions in such position or manner which present or expose such areas to the following: postpubertal, full or partially developed human female breast with less than a fully opaque covering of any portion thereof below the top of the areola or nipple; the depiction of covered human male genitals in a discernable turgid state; or lews exhibition of the human genitals, pubic area, perineum, buttocks or anal region, with less than fully opaque covering.

5. 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 eight hundred feet (800') 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 one thousand feet (1,000') of any of the following:

(1) Any other adult business.

(2) Any public or private school, public park or playground, or any church of 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.
6. 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 Ordinance or any condition of approval for said permit.

K. 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 eighty (80) inches below the surface, or a seasonally high water table as defined by the Cumberland County Soil Survey.
2. No facility shall be located on a tract of land less than forty (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 (6) 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 Resources.
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 one thousand (1000) feet of any lot line of a residentially used property. No landfill activities shall be permitted within five hundred (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 (ground water 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 ground water 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 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 ground water recharge considering the water withdrawn by the proposed development shall not be approved by the Township.

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):

- (a) Calculations of the projected water needs;
- (b) A geologic map of the area;
- (c) The locations of all existing and proposed wells within 1000 feet of the site and all known point sources of pollution;
- (d) The long term safe water yield shall be determined, based on geologic formations;
- (e) A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and ground water table; and
- (f) A statement of the qualifications and the signature(s) of the person(s) preparing the study.

- 18.** A buffer strip of at least fifty (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.

L. QUARRYING AND OTHER EXTRACTIVE USES

Within the Agricultural Conservation District surface mining and quarry related manufacturing is permitted by conditional use subject to the following:

- 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 one hundred (100) feet from any property line or road right-of-way.
3. Screening shall be in compliance with this Ordinance.
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.

M. AIRPORTS/HELIPORTS

Airports/heliports are permitted 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 take-off/landing strip and/or pad shall be located nearer than three hundred feet (300') 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.

N. DEVELOPMENT INVOLVING SINGLE PROPERTIES SITUATE IN SOUTHAMPTON TOWNSHIP AND AN ABUTTING MUNICIPALITY

Where upon the effective date of this Ordinance 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 and Screening requirements of Section 13.12 shall be applicable.

O. CLUSTER DEVELOPMENTS

Within the (VC) Village Center District, cluster developments are permitted by conditional use subject to the following:

1. Cluster Developments may consist in any combination of single-family detached dwellings, semi-detached 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 (5) acres.
4. A Cluster Development shall not exceed the overall density as would be permitted for each use, if developed in accordance with the applicable standards of Section 7.05.
5. 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.
6. The Applicant shall satisfactorily demonstrate measures to screen and/or buffer adjacent residential uses in accordance with the applicable standards of Section 13.12.
7. The minimum yard areas for Cluster Developments shall be:
 - Front: 25'
 - Side: 10' each
 - Rear: 20'