



PLANNING DEPARTMENT
Cumberland County

Cumberland County Review Report

Cumberland County Planning Department
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Recommendation: Choose an item.

<i>Name of Amendment:</i>				
New Zoning Ordinance – Southampton Township				
<i>Municipality:</i>	<i>Date Received:</i>	<i>Date Reviewed:</i>	<i>Reviewed By:</i>	<i>Checked By:</i>
Southampton Township	1/30/2023 3/13/2023	2/16/2023 3/16/2023	SH, KS	Planning Commission
<i>Type of Amendment:</i>				
New Zoning Ordinance				

Explanation of Amendment:

Southampton Township has submitted a new zoning ordinance and zoning map for review and recommendation. The proposed ordinance will replace the existing zoning ordinance that was enacted on December 10, 2007.

The intent of the proposed zoning ordinance and zoning map are generally consistent with the Southampton Township Comprehensive Plan and the Cumberland County Comprehensive Plan.

On February 16, 2023, the Cumberland County Planning Commission voted unanimously to table the proposed zoning ordinance to allow Southampton Township to address the comments and concerns in the review report and submit a revised version of the ordinance. On March 13, 2023, the township submitted a revised version of the ordinance.

The proposed zoning ordinance has undergone extensive technical and administrative revisions. The following substantial changes are noted:

1. Page 54, section 350-1005. The township has added requirements for an adult related facility. These requirements were not found in the original submission.
2. Page 101, section 350-1212. It appears that the entire sign regulations section has been replaced with new language since the original submission.
3. The original submission contained 117 pages. The revised submission contains 132 pages.

The Southampton Township solicitor should consider requiring another public hearing for the zoning ordinance update. Per Section 609(d) of the Municipalities Planning Code, a municipality may be required to hold an additional public hearing if a zoning ordinance amendment changes substantially during the required public review period. The original ordinance submitted for county and public review has been substantially changed as noted above. For sake of transparency, residents should be afforded adequate opportunity to review the original ordinance and associated comments before a new substantially revised draft is released. A second public hearing will allow residents to clearly differentiate between the two versions and provide appropriate input on both.

The following comments refer to the revised ordinance submitted on 3/13/2023 for action on 3/16/2023.

1. Page 29, section 350-301. This section indicates that the floodplain conservation district is established as part of the zoning ordinance. The requirements for the floodplain conservation district should be noted and the district should be shown on the zoning map.
2. Page 32, section 350-305. What is the difference between a multi-family conversion and a multiple family (apartment conversion)? Both uses are listed on the land use table and reference the same section in the zoning ordinance. In addition, are these permitted by conditional use or by right?

Further, page 70, section 350-1031 indicates that multi-family conversions are permitted in the VC district and the WC district as a conditional use. The ordinance should be clarified.
3. Page 37, section 350-505. The WC district should include a maximum building height for principal uses other than a single-family detached dwelling.
4. Page 44, section 350-805.D.1-5. This section essentially provides another set of lesser yard standards for existing lots of record that do not comply with the yard standards due to their size or existing building placement. These regulations should be coordinated with standards for existing nonconforming properties which typically allow preexisting uses to continue if they cannot comply with changes in the zoning ordinance. Also, does the entire set of relaxed standards apply universally to lots of record regardless of the type of nonconformity? For example, if a lot of record has a building that is within a setback, could that property then have 70% impervious coverage per this regulation, despite impervious coverage being unrelated to the nonconforming yard issue? The township should revise this section to improve its clarity, avoid conflicts with nonconforming use standards, and avoid unfairly treating property owners differently.
5. Page 44, section 350-805.B. Multiple buildings on the same lot are required to be separated by 30 feet between structures. The setback shall be increased by five feet for each additional story in height over one. However, buildings on separate lots can be 100 feet in height with no additional setbacks. CCPD recommends that the township require an additional 1-2 feet of setback for each foot of building height over 40 feet when located adjacent to a residential use or the VC district.
6. Page 45, section 350-805.E. The purpose of the zoning ordinance (as noted in section 350-106, page 2) is to protect landowners from adverse impacts of adjoining developments. The dimensional requirements on page 45 will permit a building with a height of 100 feet to be located adjacent to a residential zone or property with a 30-foot setback requirement. CCPD recommends that the township require an additional 1-2 feet of setback for each foot of building height over 40 feet when located adjacent to a residential use or the VC district.
7. Page 45, section 808. The ordinance requires a service entrance for any commercial or manufacturing used building. Does a service entrance need to be paved? What is the required width of a service entrance? The township should add specifications for a service entrance into the Subdivision and Land Development Ordinance.
8. Page 47, section 350-905.A. The purpose of the zoning ordinance (as noted in section 350-106, page 2) is to protect landowners from adverse impacts of adjoining developments. The dimensional requirements on page 47 will permit a building with a height of 100 feet to be located adjacent to a residential zone or property with a 75-foot setback requirement. CCPD recommends that the township require an additional 1-2 feet of setback for each foot of building height over 70 feet when located adjacent to a residential use or the VC district.
9. Page 52, section 350-1004. This section indicates that accessory wind energy facilities (AWEF) are permitted as a conditional use in the WC and A districts. The use table provided in section 350-305 indicates that an AWEF is permitted by right in all districts.

10. Page 54, section 350-1005. This section indicates that an adult related facility is only permitted in the manufacturing zoning district. However, section 350-1005.4.A indicates that an adult business shall be permitted in a commercial/manufacturing district. Are these uses permitted in the commercial district? Also, the language should consistently reference a conditional use, or a use permitted by right.
11. Page 56, section 350-1009. This section indicates that a business conversion can be a total conversion from a residential use. However, section 350-1009.A.6 limits the retail business to 25% of the gross floor area.
12. Page 56, section 350-1009.A. This section regulates retail business, business services, personal services, repair services, drive-in service places and shopping centers not to exceed in gross area.
 - a. It appears that a figure should be placed here.
 - b. This section should only regulate business conversions and retail businesses. The other uses are not identified in the name of the section.
13. Page 57-58, section 350-1012. This section indicates that commercial uses are permitted by right in the commercial zone. The second paragraph includes the following, “are necessary or desirable to the functioning and marketability of an industrial park...”. The township should clarify the intent and regulations for a commercial use.
 - a. If this is part of an industrial park, it should be permitted in the M zone by conditional use.
 - b. Page 9, section 202. The definition of a commercial use should be revised.
14. Page 58, section 350-1013. The township should consider an update to the section. The update should address small wireless communications facilities (as regulated by Pennsylvania Act 50) and non-tower based wireless facilities outside of the right-of-way.
15. Page 59-60, section 350-1013.C.12 includes a reference to the ‘inspection report’ and an editor’s note that references an amendment. The township should verify that an inspection report exists. If applicable, a link to the report should be provided. The reference to the amendment should be removed as this will be a new ordinance. Amendments to the previous zoning ordinance will no longer apply.
16. Page 62, section 350-1015. A ‘Day care (no-impact home based business)’ is required to have drop off and pick up areas, which conflicts with the definition of a no impact home based business that states that such a use will have no customer or client traffic. The township should confirm that all uses considered under the definition in section 350-1032 conform with the intent of a no impact home based business.
17. Page 62, section 350-1015. According to this section, a day care (no impact) is permitted by right in all zoning districts. The table in section 350-305 indicates that a day care no impact is permitted by right in the VC district.
18. Page 62, section 350-1016. This section indicates that any property split between Southampton Township and an adjoining municipality must go through the conditional use process for approval from Southampton Township. This requirement is excessive, especially if the developed part of the property is in another township.

Typically, the applicant has the option of approaching the unimpacted municipality (to be determined by the municipality) to request a waiver of the subdivision and land development plan approval process.
19. Page 67, section 350-1025.F. If a Home Occupation requires truck deliveries and the associated loading/unloading areas, it would conflict with the definition of a Home Occupation which states that it shall not change the essential character of the building.

20. Page 67, section 350-1026. This section indicates that industrial parks and industrial light and heavy are permitted by conditional use in the M district. The table in section 350-305 indicates that an industrial park is also permitted in the C district by conditional use.
21. Page 68, section 350-1026.4. This section requires a draft of proposed covenants that regulate land use, building design, landscaping, etc. It appears that these requirements should be included in the zoning ordinance.
22. Page 68, section 350-1027. Pennsylvania Act 38 has established regulations for a concentrated animal feeding operation (CAO) and a concentrated animal operation (CAFO) that may supersede the municipal regulation. The township and the solicitor should review act 38 to verify that the requirements in the zoning ordinance do not exceed the state requirements.
23. Page 69, section 350-1029. A mixed-use development is permitted by conditional use in the VC district. What is the intent of this use? The ordinance does not limit any zoning district to only 1 principal use per lot. A development with multiple uses appears to be permitted in all districts by right.
24. Page 70, section 350-1031. Despite being a low impact use, this is the only residential use in the VC district that has a minimum lot size and a minimum lot width that exceeds other more intense residential uses. The requirements for this use should be considered.
25. Page 82, section 350-1044. The township should require the applicant to produce evidence of registration with Cumberland County for payment of appropriate hotel taxes.
26. Page 85, section 350-1048. This section is titled 'warehousing'. However, the requirements appear to apply to distribution and logistics centers, rail and/or truck terminals, warehousing, drop lots and drop and hook lots. The township should consider expanding the title of this section or adding additional sections and definitions for each of the uses. A township in the county recently lost a legal challenge to its zoning ordinance as it had not sufficiently defined many of these uses.
27. Page 94, section 350-1203. The first paragraph indicates that this section applies when a commercial property abuts a residential property. Subsection B regulates commercial, industrial, institutional or multi-family uses. The requirement should be clarified.
28. Page 94 section 350-1203 requires a 20 foot wide planting strip where a commercial property abuts the side or rear of a residential property and a 10 foot wide strip when separated by a public street. Page 96, section 350-1210.B requires a 20 foot wide planting strip around the entire perimeter of a tract undergoing development. The buffer should be 40 feet if adjacent to residential uses or districts, and the buffer may be reduced to 25 feet when a residential use or zone is separated by a public street.
29. Page 97, section 350-1211. Off-street parking requirements are currently located in the subdivision and land development ordinance. The township should review section 295-409. The governing ordinance should be identified, and provisions removed from the other ordinance that will no longer apply. Which parking requirements will apply?
30. Page 97, section 350-1211. The off-street parking requirements should be updated. Online shopping has changed the way parking lots are utilized for many commercial uses. CCPD recommends allowing flexible parking figures for proposed uses.
 - a. The township should consider allowing the number of spaces to be determined by a parking study. The study will require approval from the township engineer and the board of supervisors. The parking study should be provided by the applicant and include the following:
 - i. Parking figures from the ITE parking generation manual
 - ii. Parking requirements from the latest version of the ULI parking manual
 - iii. Parking counts to be submitted by the applicant from other similar land uses.

iv. Availability of shared parking.

31. Page 101, section 350-1212. The signs section of the ordinance should be reviewed. CCPD recommends the sign requirements be written to regulate the time, place, and manner of display for signs and, not based on the content (see Reed vs. Town of Gilbert US Supreme Court Decision from 2015). Recent court decisions have invalidated local sign ordinances that regulate based upon the content of the sign. The sign requirements section regulates the following signs which may be considered content based:

- a. bulletin board for public, charitable or religious institutions,
- b. auctions, garage, or yard sales,
- c. special events of charitable or public service groups,
- d. identifying places of worship,
- e. political signs

32. Page 116, section 350-1213. The proposed limitations to poultry in the A district may violate the Right to Farm Act.

33. Page 122, section 350-1309. This section indicates that when a specific use is not expressly listed as a conditional use or use by right, it shall be deemed to be prohibited. The solicitor should review this language. Typically, ordinances permit a use not provided for as a use by conditional use, or by special exception. The ordinance should not exclude any land uses.

In addition, the township should review the land use table in section 350-305. The table permits 'uses of the same general character' as a conditional use in all zoning districts.

The following comments refer to the original ordinance that was submitted on 1/30/2023, and tabled by the Cumberland County Planning Commission on 2/16/2023:

Administrative Comments and Recommendations:

The proposed zoning ordinance will require extensive technical and administrative revision prior to adoption. The Southhampton Township solicitor should thoroughly review the comments provided below and determine if another public hearing should be held after the ordinance is updated from comments received during the public review process. Per Section 609(d) of the Municipalities Planning Code, a municipality may be required to hold an additional public hearing if a zoning ordinance amendment changes substantially during the required public review period. The ordinance has substantial revisions that will need to be made before final adoption.

1. The following comments refer to inconsistencies found throughout the proposed ordinance. It is recommended that the township address these comments prior to adoption.
 - a. Formatting errors such as fonts, tabs, numbering, and layout are found throughout the ordinance. The formatting should be consistent and written to provide the residents with a legible document.
 - b. The ordinance submitted to CCPD includes several unaddressed comments on the right side of the pages. These comments should be addressed or removed.
2. A table of contents should be provided.
3. The following uses are listed as a principal use on the use table (350-305). These uses may be considered accessory. The township should review the use table and consider moving these uses to the accessory section.
 - a. Accessory apartment

- b. Day-care (no-impact home based business)
 - c. ECHO housing
 - i. See also, page 60, section 350-1017.J. This section indicates that ECHO housing shall be considered an accessory use.
4. Landscaping and screening requirements are found in sections listed below. The sections include inconsistent requirements and conflicting language. CCPD recommends that the township place all the landscaping, screening, and buffering requirements in a single section of the ordinance. Specific use requirements should only include landscaping if additional requirements are necessary.
- If these requirements are consolidated into a single section, the entire ordinance should be reviewed. All references to landscaping, buffering, and screening should refer to the correct section of the ordinance.
- a. Page 42, section 350-805.F (commercial district parking lots)
 - b. Page 44, section 350-906 (manufacturing district)
 - c. Page 89, section 350-1203
 - d. Page 92, section 350-1210
 - e. Page 94, section 350-1211.C (parking lots)
 - f. SLDO section 295-408.
5. All the requirements for solar and wind energy facilities (principal and accessory) should be reviewed. Each requirement references the date of February 26, 2013. The date appears to be arbitrary. The ordinance should indicate why this date was selected for the requirements listed in the proposed ordinance.
6. Page 1, section 350-102. The date should be added.
7. Page 10, section 350-202. The definition of a 'commercial use' states, "any reproduction or purpose that is marketed, promoted, or sold and incorporates a financial transaction". This language should be verified.
8. Page 25, section 350-202. The definition of 'solar related equipment' includes the following text: "[Image]". An image should be added here, or the text should be removed.
9. Page 28, section 350-202. The definition of 'wind turbine' includes the following text: "[Image]". An image should be added here, or the text should be removed.
10. Page 33, section 350-405.A. The date of the ordinance adoption should be inserted when applicable.
11. Page 35, section 350-408. The section reference should be verified. Does this refer to Article XIII, or to section 350-1211 (in article XII)?
12. Page 36, section 350-505. The table should include lines for the columns and rows
13. Page 39, section 350-702. The language in this section should be removed.
14. Page 52, section 350-1009. The subsections begin with letter D. The numbering should begin with A. The text in this section should also be changed to reference subsection A
15. Page 62, section 350-1021.E. This section references North Newton Township roads. The township should review.
16. Page 67, section 350-1031. This section includes several requirements. CCPD recommends numbering the requirements for clarity.

Technical Comments and Recommendations:

17. Page 2, section 350-107. The opening paragraph indicates that the community development objectives are consistent with the December 23, 2019 comprehensive plan. This section should include the objectives from the 2019 comprehensive plan.
18. Page 9, section 350-202. The definition of 'buffer' indicates the term includes but is not limited to screening, fencing and the use of berms. The definition of 'buffer yard' is a strip of land that may be planted and maintained in shrub, bushes, trees, grass, or other landscaping.

The township should clarify these definitions. Is a buffer a strip of land that may be planted with grass, or does a buffer require screening and fencing?
19. Page 12-13, section 350-202. The image provided for dwelling unit types includes a 'two family detached' dwelling. This dwelling is not defined. CCPD recommends removing this dwelling type from the image or providing a definition. In addition, this dwelling type should be permitted on the use table.
20. Page 10, section 350-202. The definition of 'cluster development' indicates that common open space is used for recreation or to preserve environmentally sensitive areas. The definition of 'common open space' indicates that the open space shall not include floodplains and environmentally sensitive areas. The definitions conflict and should be updated for consistency.
21. Page 15, section 350-202. The term 'handicapped persons' should be removed from the definition of 'group home'. Group homes often receive scrutiny for fair housing compliance. CCPD recommends the following definition:

A dwelling operated by a responsible individual, family, or organization with a program to provide a 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 must be delivered to the municipality prior to approval of the use.
22. Page 25, section 350-202. The definition of 'special exception' should include the language provided the Pennsylvania Municipalities Planning Code:

A use permitted in a particular zoning district pursuant to the provisions of articles VI and IX of the Pennsylvania Municipalities Planning Code.
23. Page 26, section 350-202. The definition of 'street line or street right-of-way line' includes the following: "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".

The presumed right-of-way of 25 feet is arbitrary and could impact setbacks on a property. The solicitor should review this language to ensure that a de facto taking is not created
24. Page 26, section 350-202. The definition of 'trailer' includes (recreational vehicle). The definition of a 'recreational vehicle' is already provide on page 22. CCPD recommends removal of any duplicative language.
25. Page 30, table 350-305. The table should include a 'commercial day care center' permitted in the VC district by right as indicated in section 350-1015 (page 58).
26. Page 31, table 350-305. Accessory apartment should be moved from a principal use to the list of accessory uses.
27. Page 31, table 350-305. Group homes are only permitted in the VC district by conditional use. Group homes should be treated the same as a single-family dwelling and not be subjected to additional conditions not imposed on families or other groups of unrelated individuals. The strict regulation of this use could result in a Fair Housing challenge. The township should review this provision and its relation to the Fair Housing Act.

28. Page 31, table 350-305. Commercial uses should be permitted in the commercial district and should be permitted by right in the Manufacturing district.
29. Page 31, table 350-305. Farm related businesses should be permitted by right in the A district. Conditional uses require additional time and costs that can be a disincentive for farm related businesses to be developed.
30. Page 31, table 350-305. Public conservation areas has an incomplete reference to another section of the ordinance.
31. Page 31, table 350-305. "Livestock regulations" and "poultry regulations" are not uses and should not be shown in the use of tables.
32. 30. Page 31, table 350-305. The township should define what a "reasonable number of pets". Does the township intend to regulate residents' private ownership of pets?
33. Page 33, section 350-405.A.2.b. This section indicates that conversion apartments are not subject to the maximum area of subdivided land regulations. Conversion apartments is not a use listed in the ordinance nor is it defined. Multifamily conversions is defined in Section 350-1031 and not in the definitions section. Further, neither multifamily conversions or conversion apartments is listed as a permitted use in the A district. Multifamily conversions are only permitted in the VC district by conditional use.
34. Page 34, section 350-405.B.
 - a. The township should verify the minimum road frontage requirement for a single-family detached dwelling. The proposed requirement of 24 feet seems arbitrary and narrow for the A district.
 - b. The column for maximum lot area should be removed as it does not apply to any of the uses listed on the table.
 - c. A minimum road frontage for other principal uses should be indicated or the requirement dropped if the township does not want to regulate road frontage.
35. Page 34, section 350-406 (farm regulations). Section 350-406.C is a requirement for single-family houses. This should not be in the farm regulations section. In addition, section 350-406.C is not necessary.
36. Page 35, section 350-407.C. This section indicates that all plans that include land within the AG district shall include a note that duplicates this section. It appears that this should specifically refer to section 350-407.A (agricultural nuisance disclaimer).
37. Page 36, section 350-505.
 - a. The township should verify the minimum road frontage requirement for a single-family detached dwelling. The proposed requirement of 24 feet seems arbitrary and narrow for the WC district.
 - b. The columns and rows should include lines for clarity and ease of use (see section 350-405). The ordinance should use consistent formatting.
 - c. The column for maximum lot area does not apply to any of the uses. CCPD recommends removing the column.
38. Page 39-40, section 350-705.
 - a. The various residential uses permitted in this district have no minimum lot sizes and multifamily apartments also have no height restriction. The township should be aware that absent those regulations, residential development may occur at very high densities

restricted only by impervious coverage and sewer and water service capacity.

- b. The columns and rows should include lines for clarity and ease of use (see section 350-405). The ordinance should use consistent formatting.
- c. Page 2, section 350-106, purpose A.10. The purpose statement in the ordinance is to protect landowners from adverse impacts of adjoining developments. The township should include a maximum building height requirement for multiple family dwellings and other permitted uses. If the township chooses to keep the language as proposed, additional setbacks should be required for any building height that exceeds 35 feet.
- d. The maximum impervious lot coverage requirement for a shed refers to chapter 288 (stormwater management). This should be compared to the language in the other zoning districts. It appears that the accessory buildings and sheds should include the following “included with above”.

39. Page 41, section 350-805.E.1-4 – This section essentially provides another set of lesser yard standards for existing lots of record that do not comply with the yard standards due to their size or existing building placement. These regulations should be coordinated with standards for existing nonconforming properties which typically allow preexisting uses to continue if they cannot comply with changes in the zoning ordinance. Also, does the entire set of relaxed standards apply universally to lots of record regardless of the type of nonconformity? For example, if a lot of record has a building that is within a setback, could that property then have 70% impervious coverage per this regulation, despite impervious coverage being unrelated to the nonconforming yard issue? The township should revise this section to improve its clarity, avoid conflicts with nonconforming use standards, and avoid unfairly treating property owners differently.

40. Page 41-42, section 350-805 (commercial district area, yard, height, and coverage).

- a. Page 2, section 350-106, purpose A.10. The purpose statement in the ordinance is to protect landowners from adverse impacts of adjoining developments. The dimensional requirements provided in the table on page 42 indicate that unlimited building height is permitted in the C district. CCPD recommends that the township require an additional 1 to 2 feet of setback for each foot of building height over 40 feet.

At a minimum, the township should consider this option when the proposed use abuts a residential use or zoning district that permits any type of residential dwelling.

- b. All the area and dimensional regulations are inconsistently duplicated in the C district. The draft ordinance includes regulations in text format and in the table. The following comments apply:
 - i. The requirements in section 350-805.B indicate that a landscaped area is required within the setback for all yards. This landscape area is not included on the table.
 - ii. Section 350-805.B.2 indicates that the side yard setback is 25 feet. The table includes a side yard setback of 30 feet.
 - iii. Section 350-805.B does not include separate setback and height requirements for a shed. The table includes separate requirements.
 - iv. Section 350-805.C. Multiple buildings on the same lot are required to be separated 30 feet between structures. The setback shall be increased by 5 feet for each additional story in height over 1. However, according to the table, buildings on separate lots have unlimited building height with no additional setbacks.
 - v. Section 350-805.F. The parking lot setback requirements should be required in all

zoning district regardless of the landscaping requirements.

- vi. Section 350-805.G.1. This section references a maximum height requirement of 40 feet. The table does not include a maximum building height.
 - vii. Section 350-805.G.2. The maximum building coverage requirement of 25% is not included on the table. Building coverage is also not defined.
 - viii. Section 350-805.G.3. This section indicates that the maximum impervious coverage is 60%. The table indicates that maximum impervious lot coverage is 65%.
41. Page 42, section 350-806. The township should verify the section reference.
42. Page 42, section 350-808. The township should consider adding specifications for a service entrance to the Subdivision and Land Development Ordinance.
43. Page 43-44, section 350-905. The columns for minimum lot area, maximum lot area and minimum lot width do not apply to the M district. These columns should be removed from the table.
44. Page 43-44, section 350-905. The dimensional requirements provided in the table on page 43-44 indicate that unlimited building height is permitted in the M district. CCPD recommends that the township require an additional 1 to 2 feet of setback for each foot of building height over 40 feet.
- Page 2, section 350-106, purpose A.10. the purpose statement in the ordinance is to protect landowners from adverse impacts of adjoining developments. At a minimum, the township should consider additional setbacks when the proposed use abuts an existing residential use or zoning district that permits any type of residential dwelling. The M district abuts portions of the VC district where intense and potentially conflicting residential development may occur if compatibility standards, including height limitations, are not included in the zoning ordinance. The visual barrier required per 350-906.A.2 will be nearly impossible for an industrial building of unlimited height being located 75' or less from a residential property.
45. Page 47, section 350-1003.A.4. The PA Department of Environmental Protection does not update the approved solar installer list. This requirement should be removed from the ordinance.
46. Page 51, section 350-1005. There are no requirements for an adult related facility. In addition, section 350-1005.4 indicates that terms and definitions should follow. The township should provide all proposed language in this section.
47. Page 52, section 350-1008. This section indicates that a bed and breakfast is permitted by right in the VC, A and WC districts. The uses table in section 350-305 indicates that the use is permitted by right in the A and WC district. The text should be consistent.
48. Page 52, section 350-1008.1. This section includes a definition. All definitions should be placed in section 350-202. In addition, any definition found in Article X should be identical to the definitions in section 350-202. Page 52, section 350-1009. Does this section apply to all retail businesses, or only business conversions? The township should clarify the requirements.
- a. Why is a retail business limited to 3,500 square feet, especially in the intense C and M zoning districts?
 - b. Why is a retail business not to exceed 25% of the gross floor area especially in the intense C and M zoning districts?
49. Page 52, section 350-1009.D. Does this section also regulate business services and personal services, which are distinct from retail businesses. If so, those uses should be in the title of the section.
50. Page 52, section 350-1009.D. This section states, "...and shopping centers not to exceed in gross area, subject to the following:". It appears that a maximum gross area is missing from the text. Does this

apply to the lot, or the building?

51. Page 52, section 350-1009.D.4. This section references, "this district". The language should be clarified as the use is permitted in 3 districts.
52. Page 53, section 350-1010.4. This section states that on-drive parallel parking shall not be permitted. It appears that this section is prohibiting parallel parking. The phrase 'on-drive' should be removed.
53. Page 53, section 350-1010.8. The language indicates that campgrounds containing more than 100 campsites shall have vehicular access to an arterial or collector street. The only arterial street identified in the comprehensive plan is Interstate 81. The requirement should be for a collector street.
54. Page 53-54, section 350-1011.4. This section indicates that a cluster development should not exceed the overall density as would be permitted for each use in the VC district. The VC district does not include maximum density requirements.
55. Page 53-54, section 350-1011.7. This section includes minimum yard areas for cluster developments. Do these dimensions apply to each lot in a cluster development, or are these the setback for the entire development? The township should clarify the language. CCPD recommends setbacks for the entire development in addition to setbacks for the individual lots.
56. Page 54, section 350-1012. This section indicates that commercial uses are permitted by conditional use in the commercial zone. The second paragraph includes the following, "are necessary or desirable to the functioning and marketability of an industrial park...". The township should clarify the intent and regulations for a commercial use.
 - a. If permitted in the commercial zone, this should be a permitted use.
 - b. If this is part of an industrial park, it is permitted in the M zone by conditional use.
 - c. The requirement should be written clearly. Consider the following, "The applicant should 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:"
 - d. Page 10, section 202. The definition of a commercial use should be revised.
57. Page 54, section 350-1013. The township should consider an update to the section. The update should address small wireless communications facilities (as regulated by Pennsylvania Act 50) and non-tower based wireless facilities outside of the right-of-way.
58. Page 54, section 350-1013.A:
 - a. The term 'alternative tower structure' is not utilized in the ordinance. This should be removed from the definitions.
 - b. The applicant is typically a representative from the telecommunications industry, not the owner of the property. See also the definition of 'owner' on page 55.
59. Page 55-56, section 350-1013.C.
 - a. Section 5 requires a 'good faith effort' to mount a communications antenna on an existing building or structure. The effort requires an affidavit listing the 'suitable structures' within 0.5 miles of the proposed tower. Suitable structures include buildings over 35 feet in height. This could include every residential dwelling. The intent of this requirement should be reviewed, and the regulation should be clarified.
 - b. Section 8 includes a reference to the Pennsylvania and Southampton Township building code and an 'editor's note' with a reference to the UCC. These references should be accompanied by a link, or they should be removed from the proposed ordinance.

- c. Section 13 includes a reference to the ‘inspection report’ and an editor’s note that references an amendment. The township should verify that an inspection report exists. If applicable, a link to the report should be provided. The reference to the amendment should be removed as this will be a new ordinance. Amendments to the previous ordinance will no longer apply.
 - d. Section 15. This section indicates that the analysis may be waived. Waivers only apply to a Subdivision and Land Development Ordinance. The language should reference a variance.
60. Page 58, section 350-1014. This section indicates that the ‘commercial breeding of animals’ is permitted by right in the A district and by conditional use in the WC district. The use table provided in section 350-305 permits this by conditional use in the A and WC districts. The uses should be consistent.
61. Page 58, section 350-1014.D. This section references a “small scale livestock use” which is not defined in the ordinance. Does this regulation apply to commercial breeding of animals?
62. Page 59, section 350-1015. A ‘Day care (no-impact home based business)’ is required to have drop off and pick up areas, which conflicts with the definition of a no impact home based business that states that such a use will have no customer or client traffic. The township should confirm that all uses considered under the definition in section 350-1032 conform with the intent of a no impact home based business.
63. Page 59, section 350-1016. This section indicates that any property split between Southampton Township and an adjoining municipality must go through the conditional use process for approval from Southampton Township. This requirement is excessive, especially if the developed part of the property is in another township.
- Typically, the applicant has the option of approaching the unimpacted municipality (to be determined by the municipality) to request a waiver of the subdivision and land development plan approval process.
64. Page 60, section 350-1019.C. This section requires pavement on the first 50 feet of access drive and gravel on the next 50 feet of access drive. Is the applicant permitted to have a dirt/mud access drive after 100 feet? CCPD recommends requiring gravel on the remaining access drive.
65. Page 60, section 350-1019.E. Sign regulations are found in section 350-1212 of the ordinance. The section reference should be verified.
66. Page 61, section 350-1019.F. The section reference for screening requirements should be verified. As previously noted, screening requirements are listed in numerous sections of the ordinance.
67. Page 61, section 350-1019.O. The township should verify the section reference for performance standards. These standards are listed in section 350-1202.
68. Page 61, section 350-1021. According to the use table in section 350-305, the following apply to section 350-1021:
- a. Forestry is permitted by right in the A and WC districts
 - b. Lumber mill is permitted by conditional use in the A and WC districts
 - c. Timber harvesting is not a use listed on the table.
69. Page 61, section 350-1021. The first paragraph indicates that forestry is permitted by right in the A and WC district. Section 350-1021.A indicates that forestry is permitted by right in all zoning districts. Section 603.f of the MPC requires forestry to be permitted by right in all zoning districts.
70. Page 61, section 350-1021.B.2. This section indicates that a written logging plan shall be prepared in the form specified by this chapter. Does the township have a logging plan form? It appears that the language should reference the requirements shown below. The language should be reviewed.

71. Page 62, section 350-1021.C.4. The plan requires the general location of the proposed operation in relation to municipal and state highways and any access to municipal and state highways. It appears that a timber harvesting operation will not likely access a municipal or state highway. The township should consider changing the requirement to 'municipal or state road'.
72. Page 63, section 350-1022.2.B.1. This section indicates that lighting should comply with section 350-1302. It appears that this referencing the performance standards which are found in section 350-1202.
73. Page 63, section 350-1023.3. A group home is permitted by conditional use in the VC district. Section 350-1023.3 indicates that the zoning hearing board may require recreation areas to be fenced and other conditions to protect the welfare of the surrounding community. It appears that the term 'zoning hearing board' should be replaced with 'board of supervisors'. This entire section should be reviewed with the provisions of the Fair Housing Act.
74. Page 64, section 350-1024. This section indicates that a hunting, fishing, and private recreation club is permitted by conditional use in the A and WC districts. The use table in 350-305 indicates that this use is permitted by conditional use in the WC district. The districts should be verified.
75. Page 64, section 350-1025.G. If a Home Occupation requires truck deliveries and the associated loading/unloading areas, it would conflict with the definition of a Home Occupation which states that it shall not change the essential character of the building.
76. Page 64, section 350-1024.2. This section states that uses involving extensive outdoor activities shall provide screening or landscaping. The township should expand this requirement. What will constitute an extensive outdoor activity for a use that is primarily conducted outdoors?
77. Page 64, section 350-1025.C. The township should verify the section reference. It appears that the requirement is referencing the performance standards in section 350-1202.
78. Page 64, section 1025.E. The language indicates that a nursery school or day-care center is permitted for not more than 6 children. This language is not consistent with a day care (no-impact home based business) which allows less than 6 children.
79. Page 64, section 350-1026. The ordinance should provide an incentive for an applicant to design an industrial park. The ordinance requires a conditional use for such a park and no incentives.
80. Page 64, section 350-1026. The title of the section is 'industrial parks, light and heavy industrial'. What are the requirements for light and heavy industrial?
 - a. The use table in section 350-305 indicates that light and heavy industrial are permitted by conditional use in the M district but does not reference section 350-1026.
81. Page 65, section 350-1026.4. This section requires a draft of proposed covenants that regulate land use, building design, landscaping, etc. It appears that these requirements should be included in the zoning ordinance.
82. Page 65, section 350-1027. Pennsylvania Act 38 has established regulations for a concentrated animal feeding operation (CAO) and a concentrated animal operation (CAFO) that may supersede the municipal regulation. The township and the solicitor should review act 38 to verify that the requirements in the zoning ordinance do not exceed the state requirements.
83. Page 66, section 350-1029. A mixed-use development is permitted by conditional use in the VC district. What is the intent of this use? The ordinance does not limit any zoning district to only 1 principal use per lot. A development with multiple uses appears to be permitted in all districts by right.
84. Page 67, section 350-1031. Despite being a low impact use, this is the only residential use in the VC district that has a minimum lot size and a minimum lot width that exceeds other more intense residential uses. The standards for this use should be reasonable and reflected in the table on page 39,

section 350-705.

85. Page 67, section 350-1033. The second requirement for outdoor storage is, “outdoor storage for profit”. This does not clearly include a requirement. The section should be clarified.
86. page 68, section 350-1033.D. Outdoor storage is not permitted in the VC district. CCPD recommends moving the requirements for a dumpster and screening to a section that applies to all development, not just outdoor storage.
87. Page 68, section 350-1034. This section indicates that a professional office is permitted in VC and C districts by right. The land use table in 350-305 indicates that a professional office is permitted by right in the VC, C, and M districts. The ordinance should be clarified.
88. Page 68, section 350-1034.A-B. These sections reference ‘a residential district’. CCPD recommends removing the phrase ‘a residential district’ and replacing with ‘the VC district’ for clarity.
89. Page 68, section 350-1034.B. This section is titled ‘professional offices’. Section 350-1034.B discusses the outdoor storage of vehicles or equipment used in the maintenance of a utility. It appears that a utility is not considered a professional office.
90. Page 68, section 350-1034.D. A professional office should not be limited to a maximum of 40 feet in the VC and C districts where other nonresidential uses have an unlimited building height. As noted previously, the CCPD recommends establishing maximum building heights in these districts.
91. Page 69, section 350-1035. Agriculture preservation is a stated township goal. The township should consider additional conditional use criteria to balance interest in PSES development and preserving prime agriculture soils for farming. With no restrictions on size or location, extensive PSES development in the township could consume large parcels of productive agriculture land.
92. Page 69, section 350-1035.B.4. Impervious coverage calculations should be coordinated with recent DEP guidance on PSES.
93. Page 69, section 350-1035.A.4. the Pennsylvania DEP does not maintain an approved solar installer list. This language should be removed.
94. Page 75, section 350-1038.A-B. This section references ‘residential areas’ and any ‘residential district’. These terms should be removed.
 - a. Rather than a residential area, the ordinance should state, ‘when located adjacent to a residential use’.
 - b. The use is not permitted in the VC district. Recommend screening when adjacent to a residential use.
95. Page 75, section 350-1038.B. This section regulates the outdoor storage of vehicles or equipment used in the maintenance of a utility. It appears that utilities are not included as a repair service. The township should clarify.
96. Page 75, section 350-1038.D. Repair services are limited to a maximum height of 40 feet in the C district where other nonresidential uses have an unlimited building height. CCPD recommends a maximum building height be included in the C district.
97. Page 77, section 350-1041.1 and 4. this section references the Cumberland County Soil Survey. This reference should be updated to refer to the USDA NRCS Web Soil Survey.
98. Page 78, section 350-1043.2.f. How does the township plan on enforcing the requirement for all shooters to receive a safety program?
99. Page 79, section 350-1043.8. How will a resident prove that gun shots will not exceed ambient levels? Will offsite sound testing be required?

100. Page 81, section 350-1044. The township should require the applicant to produce evidence of registration with Cumberland County for payment of appropriate hotel taxes.
101. Page 81, section 350-1045. The requirements for tree farming should be clarified.
102. Page 81, section 350-1046. The use of ‘tiny house’ should be added to the use table in section 350-305. Tiny homes are distinctly different from a mobile home park. By virtue of this regulation, single tiny homes are unable to locate in the township.
103. Page 81, section 350-1047. The language in this section should be clarified:
- a. The M district is not listed in the first paragraph, it is included in the second paragraph. Are these uses permitted in the M district?
 - b. The first paragraph indicates the uses are permitted by right. The second paragraph indicates the uses are permitted by conditional use.
 - c. The uses are not consistent with the table in section 350-305. The township should verify consistency prior to adoption.
 - d. The setbacks should be reviewed. Animal boarding buildings are required to be 200 feet from adjacent residences and kennels are required to be 100 feet from all property lines.
 - e. For clarity, CCPD recommends a table showing each zoning district and each use:

Use:	WC district	A district	C district	M district
Veterinarian	CU	CU	CU	CU
Animal Hospital	CU	CU	CU	CU
Kennel		CU	CU	CU

104. Page 82, section 350-1048. This section is titled ‘warehousing’. However, the requirements appear to apply to distribution and logistics centers, rail and/or truck terminals, warehousing, drop lots and drop and hook lots. The township should consider expanding the title of this section or adding additional sections and definitions for each of the uses. A township in the county recently lost a legal challenge to its zoning ordinance as it had not sufficiently defined many of these uses.
105. Page 82, section 350-1048. This section indicates that warehousing is permitted by right in the M district. The table in section 350-305 indicates that warehousing is permitted by conditional use.
106. Page 82, section 350-1048. Additional standards should be included that require space for on site stacking and queuing of vehicles. Without this requirement, trucks may idle along ramps and other roads waiting for facilities to open for deliveries.
107. Page 82, section 350-1048.3. Access to ‘warehousing’ is required to use an arterial or collector street as designated in the Subdivision and Land Development Ordinance.
- a. The section should reference the comprehensive plan as street designations are not provided in the subdivision and land development ordinance.
 - b. The only arterial street listed in the comprehensive plan is Interstate 81. The text should be revised to ‘collector roads’.
108. Page 82, section 350-1048.4. The requirement for gates or barriers is vague and subject to interpretation. Many applicants for warehouse projects are not aware of future occupants of the building. Therefore, peak periods and truck volumes may not be available. CCPD recommends a requirement for truck staging. The requirement may be based on square footage of the warehouse.

109. Page 82, section 350-1048.6.A. Performance standards are included in section 350-1202. The section reference should be verified.
110. 108. Page 82, section 350-1048.6.A. The requirements of a traffic study should be included in the ordinance. The requirements of the township traffic study should be coordinated with PennDOT's TIS requirements which cover the types of roadways where this use will be permitted.
111. Page 82, section 350-1048. The township should consider adding additional screening requirements for a warehousing use located adjacent to the VC district, or residential dwellings, especially since the M district has no height restrictions. Consideration should be given to multiple rows of offset deciduous and evergreen trees, shrubs and earthen berms.
112. Page 83, section 350-1050. This section does not include any specific requirements. Self-storage facilities should include minimum access drive widths, fencing and lighting requirements.
113. Page 83, section 350-1051.A. This section indicates that an automobile service station is permitted by right in the C district and permitted by conditional use in the M district. The use table in section 350-305 indicates that this use is permitted by conditional use in the C and M district. The text should be consistent.
114. Page 83, section 350-1051.A.5. This section indicates that gasoline pumps for a service station shall meet all special exception requirements. The ordinance does not contain any special exception requirements.
115. Page 83, section 350-1051.A.9. The requirements for an automobile service station indicate that the township fire chief shall review and approve the application. Does Southampton Township have a fire chief?
116. Page 83, section 350-1051.B. A residential automobile repair service should be defined. If the use is intended in residential areas, it should be permitted in the VC district. Such a use may be better classified as a home occupation.
117. Page 83, section 350-1051.C. The section for automobile repair service does not have any requirements. In addition, the title of this section should be 'automobile repair service (nonresidential)' to be consistent with the uses table in section 350-305.
118. Page 84, section 350-1104.B.2. The section reference should be verified. It appears that this references off-street parking requirements that are found in section 350-1211 of the ordinance.
119. Page 85, section 350-1104.C. The section reference should be verified. It appears that this section is referencing section 350-1104.B.
120. Page 89, section 350-1203, Landscaping. As noted above, the township should review all landscaping, buffering, and screening requirements and consolidate into a single section in the ordinance.

This landscaping section is duplicated on page 41-42 section 350-805. In addition, the following comments apply:

- a. Setbacks should not be included in this section. Further, the section refers to landscaped areas. Does grass constitute landscaping? It appears that this should be changed to screening.
- b. Setbacks between multiple buildings should not be addressed in the landscaping section of the ordinance.
- c. Setbacks and impervious coverage requirements should not be addressed in the landscaping section of the ordinance.

- d. Section 1203.C regulates existing lots of record that cannot comply with yard requirements. This should not be addressed in the landscaping section of the ordinance.
121. Page 90, section 350-1204.A. This section indicates that accessory buildings may be located in any required side (15') or rear (25') yard up to the setback limits for the zoning district in which it is located. This should be clarified.
- The C district has side and rear yard setbacks of 30 feet for an accessory structure and the M district has side and rear setbacks of 75 feet for an accessory structure.
122. Page 90, section 350-1204.A.1. This section indicates that an accessory building shall not be more than 20 (35') in height. This language should be clarified.
123. Page 90, Section 350-1205. There are no requirements for domestic animals. The ordinance includes a comment that the BOS must address domestic animals.
124. Page 90-91, section 350-1206. This section states where a lot has frontage on 2 or more streets, the height limitation shall apply only as measured from the curb level along the street or way with a higher elevation above sea level. What height limitation is this section referring? The definition of 'building, height of' indicates that the average finished grade to the highest visible point of the roof is used for building height.
125. Page 91, Section 350-1208. The list of temporary uses is needlessly restrictive. Consider defining a temporary use and allowing a broader listing of types of uses.
126. Page 92, section 350-1210.C, screening.
- a. The screening requirements should include a required distance between plantings. For example, trees planted for screening should be separated by a minimum of 20 feet.
 - b. The township should consider requiring 2 offset rows of trees each separated by a minimum of 20 feet to provide a more effective screen.
 - c. The township should consider requiring earthen berms and tree plantings when a nonresidential building height adjacent to the VC district or a residential use exceeds 50 feet.
127. Page 93, section 350-1211. Off-street parking requirements are currently located in the subdivision and land development ordinance. The township should review section 295-409. The governing ordinance should be identified, and provisions removed from the other ordinance that will no longer apply. Which parking requirements will apply?
128. Page 93, section 350-1211. The off-street parking requirements should be updated. Online shopping has changed the way parking lots are utilized for many commercial uses. CCPD recommends allowing flexible parking figures for proposed uses.
- a. The township should consider allowing the number of spaces to be determined by a parking study. The study will require approval from the township engineer and the board of supervisors. The parking study should be provided by the applicant and include the following:
 - i. Parking figures from the ITE parking generation manual
 - ii. Parking requirements from the latest version of the ULI parking manual
 - iii. Parking counts to be submitted by the applicant from other similar land uses.
 - iv. Availability of shared parking.
129. Page 93, section 350-1211.A.4. The ordinance includes a note to look at the wording. These notes

should be addressed prior to future submission to the CCPD.

130. Page 93, section 350-1211.B.2. When proposing 90-degree parking, the aisle width is 24 feet for one way and two way traffic. This is not consistent with the requirement for entrance and exit drives which allow 18 feet of width for one-way travel (see section 350-1211.B.5).
131. Page 95, section 350-1211.D.1. This section includes a note to compare the figure to the plans you are approving. The note should be addressed prior to future submissions to CCPD.
132. Page 95, section 3510-1211, table of residential parking requirements. Single family detached parking requirements should be 2 spaces per unit regardless of the unrelated size of the lot.
133. Pages 97-101, section 350-1212. The signs section of the ordinance should be reviewed. CCPD recommends the sign requirements be written to regulate the time, place, and manner of display for signs and, not based on the content (see Reed vs. Town of Gilbert US Supreme Court Decision from 2015). Recent court decisions have invalidated local sign ordinances that regulate based upon the content of the sign.
134. Pages 97-101, section 350-1212. With the exception of billboards, it appears that all sign types are permitted in all zoning districts? Many other municipalities permit certain sign types in specified districts. For example, is a ground pole sign or freestanding sign permitted in the A, WC, and VC districts?
135. Page 100, section 350-1212.J. This section permits billboards in the commercial/manufacturing districts. The township should clarify. Are billboards permitted in both districts, or in the former commercial/manufacturing district that has been renamed 'manufacturing'?
136. Page 101, section 350-1213. This section indicates that poultry is permitted in all districts. What type of poultry does this regulation pertain too? If this pertains to poultry operations in the A zone, it may violate the Right to Farm Act. The use table in section 350-305 indicates that a poultry is only permitted in the A, WC, and VC districts.
137. Page 104, section 350-1304. This section references 350-1302, performance standards. The section reference should be verified. The performance standards are in 350-1202.
138. Page 106, section 350-1309. This section indicates that when a specific use is not expressly listed as a conditional use or use by right, it shall be deemed to be prohibited. The solicitor should review this language. Typically, ordinances permit a use not provided for as a use by conditional use, or by special exception. The ordinance should not exclude any land uses.

In addition, the township should review the land use table in section 350-305. The table permits 'uses of the same general character' as a conditional use in all zoning districts.
139. Page 107, article XV. The articles in the ordinance should be verified. It appears that this section should be article XIV. All section references throughout the ordinance should be verified.
140. The following language in the proposed zoning ordinance should be reviewed and approved by the municipal solicitor prior to adoption:
 - a. Article XIII – conditional uses, administration permits and fees
 - b. Article XV – violations, enforcement and penalties
 - c. Article XVI – zoning hearing board, hearings and jurisdiction
 - d. Article XVII – amendments and appeals

141. Zoning Map comments:

- a. The status of the Shippensburg Airport should be determined. If this airport, as shown on

PennDOT Type 10 maps, is still active, the zoning map and ordinance should include an Airport Hazard Overlay Zone as required by state legislation.

- b. Extensive areas are zoned VC which has no minimum lot sizes, density standards, or height restrictions for apartments. The township should be aware of the substantial growth opportunities this presents and its relation to the character of the township and available utilities.
- c. The zoning map has limited area zoned C which constrains the ability of property owners to develop commercial uses.

“Section 505 (b) and 609 (g) of the Municipalities Planning Code requires that amendments to municipal ordinances be filed with the county planning agency. If this amendment is approved, please forward a final copy to the county planning office so we may update our records.”