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Article I: General Provisions

Section 101: Title

A. The official title of this Chapter is "Lower Paxton Township Zoning Ordinance".

Section 102: Interpretation

- A. In the event of conflicts between the provisions of this Chapter and any other Ordinance or regulation, the more restrictive provisions shall apply unless expressly superseded by the other Ordinance or regulation.
- B. In the interpretation and application, the provisions of this Chapter shall be considered minimum requirements adopted for the promotion of the health, safety and general welfare of the public.
- C. In interpreting the language of this Chapter to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Board of Supervisors, in favor of the landowner and/or developer and against any implied extension of the restriction.

Section 103: Community Development Objectives

- A. This Chapter provides a legal basis to achieve the community development objectives of the duly adopted Comprehensive Plan of Lower Paxton Township and for the following purposes:
 1. To respect private property rights,
 2. To make sure that development carefully relates to natural features, and to avoid overly intense development of environmentally sensitive land,
 3. To minimize disturbance of creek valleys and steep woodlands,
 4. To avoid overextending groundwater supplies, and to encourage recharge,
 5. To protect the quality of groundwater and surface waters,
 6. To promote traditional styles of development,
 7. To promote compatibility between land uses,
 8. To seek coordinated development and roads across municipal borders,
 9. To provide for a variety of residential densities and meet legal obligations to provide opportunities for all housing types,
 10. To encourage rehabilitation and avoid demolition of historic buildings,

11. To direct higher density development to areas that are physically suitable, accessible by major roads and that have the potential of central water and sewage services,
12. To coordinate development with future central water and sewage service areas,
13. To direct industrial development to locations that will minimize conflicts with homes,
14. To direct commercial businesses to existing commercial areas, while avoiding new strip commercial areas that would cause traffic congestion and safety problems and conflicts with homes,
15. To promote new business development in appropriate areas that will provide additional tax revenue and job opportunities, and
16. To promote public health, safety, and general welfare.

Section 104: Compliance

- A. In the Township of Lower Paxton, Dauphin County, no building or structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged, nor shall any structure or land be used, or be designed to be used, except in full compliance with all the provisions of this Chapter and after the lawful issuance of all permits and certificates required by this Chapter.

Article II: Definitions

Section 201: General Interpretation

A. For the purposes of this Chapter, the following rules of usage and interpretation shall apply, unless the context indicates otherwise. In the interpretation of this Chapter, the provisions and rules of this Chapter shall be observed and applied, except when the context clearly requires otherwise.

1. Words are to be understood in their ordinary, everyday meanings—unless the context indicates that they bear a technical sense.
2. Words must be given the meaning they had when this Ordinance was adopted.
3. Nothing is to be added to what the text states or reasonably implies.
4. General terms are to be given their general meaning.
5. The expression of one thing implies the exclusion of others.
6. Subordinating language or superordinating language only indicates the relationship between provisions and does not denote a conflict between the provisions.
7. The verb "to include" and the preposition "including" introduces examples, not an exhaustive list.
8. Punctuation is a permissible indicator of meaning.
9. The provisions of the text should be interpreted in a way that renders them compatible, not contradictory.
10. Words or phrases that have already received authoritative construction by a court of competent jurisdiction or a responsible administrative agency are to be understood according to that construction.
11. Words in the present tense shall include the future tense.
12. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied."
13. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
14. The word "lot" shall include "plot" or "parcel."
15. "Sale" shall also include rental.

16. A building or structure includes any part thereof.
17. The word "and" indicates that all connected items, conditions, provisions, or events shall apply.
18. The word "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
19. The words "either" and "or" indicate that the connected items, conditions, provisions, or events may apply singly but not in any combination.
20. The word "Township" means the Township of Lower Paxton, Pennsylvania.
21. The word "County" means the County of Dauphin, Pennsylvania.
22. Any use of the gender specific words (his, hers, him, her) shall imply both genders.
23. Unless stated otherwise, the singular shall also regulate the plural, and the masculine shall include the feminine, and vice-versa.
24. If a word or term is not defined by this Ordinance, but is defined in Title One, Section 1107, Definitions, of the Subdivision and Land Development Ordinance of Lower Paxton Township, then the Section 1107 definitions shall apply. If a word or term is not defined in this Ordinance nor Section 1107, then the word or term shall have its plain and ordinary meaning within the context of the Section. In such case, in case of dispute, a standard reference dictionary shall be consulted. If a term is defined in both this Ordinance and in Section 1107, then the definition in this Ordinance shall apply to this Zoning Ordinance.
25. The word "person" includes a firm, company, corporation, partnership, trust, organization, or association, as well as an individual, but not the sovereign.

Section 202: General Definitions

When used in this Ordinance, the following words, terms, and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise.

ABUT OR ABUTTING – Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street, public alley open to traffic, or a perennial waterway. See definition of "adjacent property."

ACCESS DRIVE – A public or private thoroughfare that affords a means of access to an abutting property, parking area, or street and that has a width in accordance with the Township Standard Details, but in no case shall be less than twenty (20) feet in width. An access drive shall not be considered a driveway.

ACCESSORY AGRICULTURAL BUILDINGS – An accessory structure that is customarily incidental to the permitted agricultural use or principal building, including not limited to, livestock barns, stables, grain silos, and tool sheds.

ACCESSORY DWELLING UNIT – A separate and accessory living space that is attached or detached to the primary dwelling. Attached accessory dwelling units typically include living, sleeping, kitchen, and bathroom facilities that are accessed from a lockable entrance door.

ACCESSORY STRUCTURE (includes Accessory Building) – A structure which is on the same lot with, but detached from, the principal building or structure and which is customarily incidental and subordinate to the principal structure or principal use of the land, including but not limited to private garages, storage sheds, and the like. An “Accessory Building” is any accessory structure that meets the definition of a “building.” A portion of a principal building used for an accessory use shall not be considered an accessory building.

ACCESSORY USE – A use customarily incidental and subordinate to the principal use of the land located on the same lot as the principal use.

ADAPTIVE REUSE – Applies to structures not initially designed for permanent residential use and former public, semipublic and other large buildings (including schools, churches, armories, and other civic structures) which lie within a permitted Zoning District within the Township with the express purpose of encouraging the adaptive and flexible reuse of such buildings.

ADJACENT PROPERTY – Property that is contiguous with the boundaries of any side of the subject property.

ADULT-ORIENTED BUSINESSES:

A. ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE – A use that has over 10% of the total floor area occupied by items for sale or rent that are books, films, magazines, video tapes, coin- or token-operated films or video tapes, paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals of “specified sexual activities.” This shall include but not limited to materials that would be illegal to sell to persons under the age eighteen (18) under State law. If such items were within a separate room, than the 10% standard shall apply to the floor area of such room.

B. ADULT LIVE ENTERTAINMENT FACILITY – A use including live entertainment involving persons (which may include, but may not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors, or others) displaying the uncovered male or female genitals or nude or almost nude female breasts or engaging in stimulated or actual “specified sexual activities” to three (3) or more persons and which is related to monetary compensation paid to the person or entity operating the use or persons involved in such activity

C. ADULT MOVIE THEATER – A use involving the on-site presentation to three (3) or more persons at one time of moving images distinguished by an emphasis on the depiction of "specified sexual activities" and that is related to monetary compensation paid by the persons viewing such matter.

D. SEXUAL ENCOUNTER CENTER-A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

ADULT USE – This term shall mean Adult Bookstore, Adult Movie Theater, Adult Live Entertainment Facility / Use or Massage Parlor. These terms shall be distinct types of uses and shall not be allowed as part of any other use.

AGRICULTURAL OPERATIONS – Any use of land or structures for an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products and in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products, or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. Also see "Barn," "Grain Silo," and "Stable" in this Section.

AGRITOURISM – The practice of attracting travelers or visitors to an area or areas used primarily for agricultural purposes, including but not limited to, overnight stays (lodging and camping), special events and festivals, recreation activities and events, fresh products and value-added products, tourism-enhances direct marketing, and/or education. Agritourism may serve as a supplementary, complimentary, or primary enterprise of the area(s). See definitions of "Supplementary Agritourism Enterprise" and "Complimentary Agritourism Enterprise" in this Section.

AIRPORT – Any area of land or water, whether of public or private ownership, designed and set aside for the landing and taking off of aircraft including all contiguous property that is held or used for airport purposes. This classification includes airport maintenance facilities and airport terminals.

AIRPORT CONTROL TOWER – A tower at an airfield from which air traffic is controlled by radio and observed physically and by radar.

AIRPORT ELEVATION – The highest point of an airport's useable landing area measured in feet above sea level.

AIRPORT HAZARD – Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or as otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat. §5102.

AIRPORT HAZARD AREA – Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Chapter and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

AISLE – The portion of the parking lot devoted to providing immediate access to the parking stalls. The recommended aisle width is dependent of the parking angle.

ALLEY – A passage of way open to public travel which affords generally a secondary means of vehicular access to abutting lots and is not intended for general traffic circulation.

ALTERATIONS – As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one (1) location to another, or any change in use from that of one (1) Zoning District classification to another. Also, a change in a building, electrical, gas, mechanical, or plumbing system that involves the extension, addition, or change to the arrangement or type of purpose of the original installation that requires a permit.

ALTERATIONS, STRUCTURAL – Any change in the support members of a building such as bearing walls, columns, beams, or girders; changes in the means of ingress and egress; enlargement of floor area or height of a structure; or relocation of a structure from one position to another.

AMBIENT NOISE LEVEL – The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location, constituting the normal or existing level of environmental noise at a given location without extreme atmospheric conditions such as wind greater than three (3) meters per second or precipitation and then adjusting the noise level to eliminate any noise associated with existing developments or facilities.

AMBULANCE STATION – A structure or other area set aside for storage of ambulance vehicles, medical equipment, personal protective equipment, and other medical supplies. Most stations are made up of garage bays or a parking area, normally under cover.

AMPHITHEATER – An oval or round structure having tiers of seats rising gradually outward from a central open space or arena. An amphitheater is provided for as a principal or accessory use.

AMUSEMENT ARCADE – An amusement arcade is provided for as principal or accessory use. If an accessory use, any establishment where two (2) or fewer amusement devices are located. If a principal use, any establishment where three (3) or more amusement devices are located.

AMUSEMENT DEVICE – Any mechanical, electrical, or electromechanical device, machine or apparatus used for the playing of games and amusements, which devices or apparatus are commonly known as "pinball machines," "video games," and "jukeboxes," or upon which games are played, or any device on which music is played after the insertion therein of a coin or other disc, slug, or token, or for which fees are paid to an attendant.

AMUSEMENT PARK – An establishment developed primarily for entertainment purposes and offering rides and exhibitions for a fee.

ANIMAL CEMETERY – A place used for the burial of the remains of five (5) or more non-cremated animals, other than customary burial of farm animals as accessory to a livestock use.

ANIMAL DAY CARE – A facility that cares for domestic animals for less than twelve (12) consecutive hours in the absence of the pet's owner or a facility that provides training for domestic animals with or without the facility owner receiving compensation for such services. Animal day cares do not include medical or surgical treatment or overnight boarding facilities.

ANIMAL GROOMING FACILITY – A retail establishment that provides bathing, trimming, and grooming services for small domestic animals on a commercial basis. An animal grooming facility does not include medical or surgical treatment or overnight boarding facilities.

ANIMAL HOSPITAL AND VETERINARIAN SERVICES – An establishment where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use or temporary boarding during treatment. Animal hospitals and veterinarians do not include kennel services.

ANSI – The American National Standards Institute.

ANTENNA – Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc), or any other wireless antenna. Unless otherwise stated, this term does not include "standard antennas." An antenna shall not include "Tower-Based Wireless Communications Facilities" as defined in this Section.

ANTENNA HEIGHT – The vertical distance from the base of the antenna support structure at grade to the highest point of the structure, including any antennas attached to thereto or forming a part thereof. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

ANTENNA, STANDARD – A device, partially or wholly exterior to a building, that is used for use on-site, or for transmitting short-wave or citizens band radio signals. See "Commercial Communications Antenna."

APARTMENT – A multi-family dwelling. See "Dwelling Types" in this Section.

APPLICANT – A landowner or developer who has filed an application for development, permit, or approval pursuant to this Ordinance, including his heirs, successors, and assigns.

APPLICATION FOR DEVELOPMENT – Every application, whether preliminary, tentative, or final, required to be filed and approved prior to start of construction or development

including but not limited to an application for a building permit, for the approval of a subdivision plat or plan, or for the approval of a development plan.

APPURTENANCES – Exterior architectural features that are visible, functional, or ornamental objects attached to a structure or building.

AQUARIUM/ZOO – An establishment that maintains a collection of wild animals, typically in a park, garden, or a transparent tank of water for display to the public.

ARCHITECT – An architect registered by the Commonwealth of Pennsylvania. See “Registered Professional.”

ARCHITECTURAL EASEMENT – An area of a property within a required front yard where a porch or deck can be built so long as it is not intended for occupancy.

ARCHITECTURAL FOOTPRINT – The entire area of ground covered by the permitted structure including, but not limited to, covered porches and breezeways. The architectural footprint is exclusive of patios, decks, and exterior walkways.

AREA, SITE – The total area of the lot or lots comprising a site.

ART GALLERY/STUDIO – A structure, or part thereof, devoted to the exhibition of visual works of fine art. Art galleries generally include accessory services, such as the sale or purchase of displayed works, custom framing, or encasement of art works and services related to art appraisal, display, preservation, or restoration. An art studio use involving the creation, display, and sale of arts and crafts, such as paintings, sculpture, and fabric crafts. The creation of arts and crafts may also be permitted within a home occupation, provided the requirements for such use are met.

ASPHALT/CONCRETE PLANT – A plant where asphalt or concrete is mixed for distribution, typically for use off-site.

ASSISTED LIVING FACILITY – Coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and / or the developmentally disabled. Assisted Living Facilities shall be licensed as Personal Care Centers by the Commonwealth of Pennsylvania.

ATTACHED GARAGE – A garage that is attached to the principal structure including a built-in garage that has a living space above.

AUDITORIUM – A large building or hall used for public gatherings, typically speeches or stage performances.

AUTHORITY – A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the “Municipality Authorities Act of 1945.”

BANK/FINANCIAL INSTITUTION – Banks, savings, and loan associations, and similar institutions that lend money or are engaged in a finance related business.

BAR – An establishment where the principal use is the serving of alcoholic beverages by the drink to the general public and where food or packaged beverages may be served or sold as an accessory use.

BARN – A principal or accessory structure used for the shelter of livestock raised on the premises, the storage of agricultural products produced or consumed on the premises, or the storage and maintenance of farm equipment and agricultural supplies used for the agricultural operations on the premises. See also “Accessory Agriculture Buildings.”

BASEMENT – That portion of a building which partly or completely has a floor below grade.

BED AND BREAKFAST, INN – An owner-occupied dwelling that contains not more than four (4) guest rooms/sleeping rooms in which lodging, long or short-term, is provided for compensation and in which meals for lodgers may also be provided. This use shall not include group homes.

BEST MANAGEMENT PRACTICES – Structural and non-structural environmentally sensitive design approaches to stormwater management as defined with the Pennsylvania Stormwater Best Management Practices Manual.

BEST MANAGEMENT PRACTICES, OIL AND GAS OPERATIONS – State of the art mitigation measures applied to oil and natural gas drilling and production to help ensure that energy development is conducted in an environmentally responsible manner.

BETTING USE – A place used for lawful gambling activities, including but not limited to off-track pari-mutual betting and any use of electronic gambling devices. This term shall not regulate State Lottery sales of lawful “Small Games of Chance.”

BEVERAGE DISTRIBUTOR – Any operation which engages in the sale of beverages in beverage containers which are not for consumption on the premises. This land use typically includes the sale of alcoholic beverages in quantities as prescribed by the Pennsylvania Liquor Control Board (LCB). This definition includes any manufacturer who engages in these sales.

BILLBOARDS – See the definition provided under “Signs” in this Section.

BOARD OF FIRE UNDERWRITERS – The American National Board of Fire Underwriters responsible for establishing the set of regulations governing the construction and installation of electrical wiring and apparatus in the United States and as issued by the National Electrical Code and administratively sponsored by the National Fire Protection Association.

BOARD OF SUPERVISORS – The Board of Supervisors of the Township of Lower Paxton, Dauphin County, Pennsylvania.

BOARDING HOUSE – A building other than a hotel, motel, short-term rental, or bed and breakfast where lodging is provided for compensation.

BREWERY – An establishment for brewing large quantities of beer or other malt liquors for wholesale distribution. This land use does not provide for retail sales and/or consumption of alcoholic beverages on the premise. See also "Micro-brewery."

BROADCAST AND RELAY TOWERS – A freestanding support structure, attached antenna, and related equipment intended for transmitting, receiving, or re-transmitting commercial television, radio, telephone, cellular, or other telecommunication services.

BUFFERYARD – A landscaped area of a certain depth specified by this Chapter which shall be planted and maintained in trees, ground cover, shrubs, bushes, or other natural landscaping material or an existing natural or constructed natural barrier which duplicates the effect of the required bufferyard.

BUILDABLE AREA ANALYSIS – The process by which sensitive natural resources are inventoried and net buildable area is calculated.

BUILDING – A roofed structure, whether or not enclosed by walls, to be used for shelter, enclosure, or the protection of persons, goods, materials, or animals.

BUILDING CODE – The Unified Construction Code of Pennsylvania adopted and as amended by Lower Paxton Township.

BUILDING COVERAGE – The percentage obtained by dividing the total horizontal area covered by all buildings on a lot by the total area of a lot. For the purpose of this definition, building coverage shall include all buildings that are under a roof.

BUILDING FAÇADE – That portion of any exterior elevation on the building extending from finished grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

BUILDING FRONT – The wall of the building where the principal entrance is located, usually fronting on a public street.

BUILDING HEIGHT – See "Structure Height" in this Section.

BUILDING PERMIT – A permit for activities regulated by the Uniform Construction Code and in accordance with the Township Construction Standards, as amended, including construction, alteration, repair, demolition, or an addition to a structure.

BUILDING, PRINCIPAL – The building or buildings on a lot in which the principal use or uses are conducted.

BUILDING SETBACK, FRONT – The line of that face of the building nearest the front line of the lot. This face includes sun parlors, covered porches, and covered patios, whether enclosed or unenclosed, but does not include steps.

BUILDING SETBACK, REAR – The line of that face of the building nearest the rear line of the lot. This face includes sun parlors, covered porches, and covered patios, whether enclosed or unenclosed, but does not include steps.

BUILDING SETBACK, SIDE – The line of that face of the building nearest the side line of the lot. This face includes sun parlors, covered porches, and covered patios, whether enclosed or unenclosed, but does not include steps.

BUILDING WIDTH – The horizontal measurement between two (2) vertical structural wall that are generally parallel of one building, measured in one direction that is most closely parallel to the required lot width. For attached buildings, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside exterior walls.

BUILD-TO LINE – The line which defines the placement of the building from the street on which the building fronts, measured from the ultimate street ROW. The build-to line of the building typical forms the street wall line. On a corner lot, the build-to line is located on each side of a lot abutting a street.

BULK RECYCLING CENTER – A use involving the bulk commercial collection, separation and / or processing of types of waste materials found in typical household or office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for solid waste transfer facility. This definition shall not include "junkyard."

BUS OR TRUCK MAINTENANCE FACILITY – A building or set of buildings that are designed for the maintenance of buses and trucks. Busses and/or trucks within this category include vehicles that have a GVWR greater than 8,500 pounds and less than 33,000 pounds. Related land use classifications include: "Automobile Repair and Service, Commercial Motor Vehicle Repair, and Heavy Equipment Repair." See also "Supply Yards" with regards to equipment sales.

BUSINESS SERVICES – A commercial establishment which provides services primarily to business establishments on a fee or contract basis, such as advertising and public relations, management and consulting services, security and maintenance services, equipment rental/leasing, document reproduction and related services, and computer and data processing services.

CAMP – An area that includes facilities and structures for primarily outdoor recreational activities by organized groups, and / or that involves overnight stays within seasonal cabins or temporary tents by organized groups and / or transient visitors to the area. This term shall only include facilities that are primarily used during the warmer months, and which have a maximum impervious coverage of five percent. This term shall not include "Recreational Vehicle Campground."

CAMPGROUND – A property, under single ownership, upon which two (2) or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

CAMPGROUND, RECREATIONAL VEHICLE – a type of campground that involves persons temporarily living within recreational vehicles.

CANOPY – A permanent, freestanding roofed structure without walls and not intended for human shelter.

CAR WASH – The carwash land use classification includes the related facilities and operations listed below.

CAR WASH TYPES:

AUTOMOBILE DETAIL – Any building, premises, or land in which or upon which a business or individual performs or renders a service involving the detailing and servicing of an automobile or other motor vehicle. Detailing and servicing shall include any cleaning, buffing, striping, glass replacement, and audio installation or repair. Automobile detail shall not include any service defined as "Vehicle Repair."

CAR WASH, AUTOMATIC – A structure where chains, conveyors, blowers, steam cleaners, or other mechanical devices are used for the purpose of washing motor vehicles and where the operation is generally performed by an attendant.

CAR WASH, SELF-SERVICE – A structure where washing, drying, and polishing of vehicles is generally on a self-service basis without the use of chain conveyors, blowers, steam cleaning, or other mechanical devices.

CARE FACILITIES AND SENIOR HOUSING – An establishment that contains dwelling units, intended or designed to be used, rented, leased, let, or hired out to be occupied for living purposes based on age and/or resident needs. Each care facility type designated below is provided for separately in the land use chart under "Care Facility Type."

CARE FACILITY AND SENIOR HOUSING TYPES:

ASSISTED LIVING FACILITY – Any premises in which food, shelter, assisted living services, assistance or supervision, and supplemental health care services are provided for a period exceeding 24 hours for four (4) or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency, or medication prescribed for self-administration.

INDEPENDENT LIVING FACILITY – Residential dwelling units that restrict the minimum age of residents within the community or residential development. Independent living facilities include, but are not limited to, active adult communities, retirement communities, or 55+ communities composed of non-multi-family dwelling units.

LIFE CARE COMMUNITY – A corporation or association or other business entity that, in exchange for the payment of entrance and monthly fees, provides:

1. Residential accommodations meeting the minimum standards for residents set forth by law and ordinances and providing a design to meet the physical, social, and psychological needs of older people;
2. Medical and nursing care covering, under ordinary circumstances, the balance of a resident's life;
3. Prepaid medical consultation opportunities through independent professionals selected by the organization or through some equivalent arrangement; or
4. Financial self-sufficiency, not dependent on outside support to any significant degree, with entrance and monthly fees adjusting to meet changing costs.

NURSING HOME – An institution licensed by the commonwealth for the care of human patients requiring either skilled nursing or intermediate nursing care or both levels of care for a period exceeding 24 hours.

RETIREMENT HOUSING FACILITY – A multi-family dwelling facility intended for senior citizens. Typically, each person or couple in the home has an apartment-style room or suite of rooms.

CARPORT – A detached accessory structure that includes private parking area(s) for the storage of one (1) or more vehicles. A carport may be covered by a roof supported by columns or posts and has no more than three (3) walls. An attached carport is an extension of the principal building and subject to the related building codes and zoning regulations of the permitted principal use. See also "Garage, Private" in this Section.

CARRIAGE HOUSE – A garage that is not attached to the main home and has self-contained living space above or space for a home-based business above. A carriage house shall be considered detached as long as walking from inside the carriage house to the inside of the principal structure requires being outside. Being attached by nominal structures such as roof-covered walkways shall not constitute being attached to the principal structure. A carriage house may be constructed either as a totally freestanding detached structure, or it may be constructed in combination with other carriage house (one or two) for other adjacent property(ies) in a fashion which mimics a duplex in side-by-side configuration (common party wall with minimum one hour fire rating).

CARTWAY – That portion of a street ROW or alley that is surfaced for vehicular or other traffic use, excluding shoulders and berms; the portion(s) between curbs where curbs are used.

CATERING/EVENT VENUE – A facility that provides a location for a planned occasion or activity such as a wedding, reunion, graduation, or other social gathering. Event halls, when authorized, may sometimes include a catering use.

CATERING FACILITY – A location that prepares food for delivery and consumption at a remote site. Catering operations, when authorized, may sometimes be located in

conjunction with an events venue. As a land use classification, catering only includes food preparation.

CEMETERY – Any site containing at least one (1) burial, marked or previously marked, dedicated to and used or intended to be used for the permanent interment of the human dead, including perpetual care and non-perpetual care cemeteries. This land use classification includes mausoleums and columbaria but not crematoriums.

CENTRAL COMMONS – A landscaped recreational area, predominately lawn, that is open to the public which serves as a visual focus for surrounding uses.

CHRISTMAS TREE FARM OR TREE FARM – a type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale during November and December of the trees that were produced on the premise.

CHURCH – See "Place of Worship" in this Section.

CLEAR CUTTING – A logging method that removes all trees or the vast majority of trees from a mostly wooded area.

CLEAR SIGHT TRIANGLE – An area of unobstructed vision at the intersection of two (2) streets or the intersection of a driveway with a street, measured at the height of a driver's eye, which is assumed to be three and three-fourths (3.75) feet above the road surface, between points at a given distance from the intersection of the center lines of the two (2) streets or of a street and driveway as specified in this Chapter and the SALDO, intended to allow the operators of vehicles approaching simultaneously to see each other in time to prevent a collision. Any obstruction that impedes line-of-sight should be removed upon notification from the Township. Further, a triangular area of unobstructed vision as defined by *PennDot Publication # 70M: Guidelines for the Design of Local Roads and Streets*.

CLOSED-LOOP SYSTEM – A system utilized while drilling so that various types of pits are not used and instead steel bins or closed containers are used to collect all drilling waste.

CLUBS/LODGES – Buildings and related facilities owned and operated by an individual or a group of individuals established for fraternal, social, educational, recreational, or civic benefits of members, and not primarily for profit. Access to facilities is typically restricted to members and their guests.

CLUSTER – A development design technique used in PRDs that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive areas.

COLLEGE/UNIVERSITY – An institute of higher learning that may offer two (2) or four (4) year programs and/or post-graduate programs.

CO-LOCATION – The mounting of one (1) or more Wireless Communication Facility (WCFs), including antennae, on an existing tower-based WCF, or on any structure that already supports at least one (1) non-tower WCF.

COMMERCIAL SCHOOL – An educational establishment that provides specialized instruction and on-site training of business, commercial, clerical, industrial, managerial, trade, and/or artistic skills and which does not satisfy the definition of "School" or "College/University" in this Section.

COMMON OPEN SPACE – A parcel or parcels of land or an area of water, or a combination of land and water, within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities, whether privately or publicly-owned.

COMMONWEALTH – The Commonwealth of Pennsylvania.

COMMUNICATIONS ANTENNA(S) – Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity required to be licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment.

COMMERCIAL COMMUNICATIONS TOWER – Any structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals through the air and that does not meet the definition of a "standard antenna". Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to retransmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one (1) or more antenna. See standards in Article VIII. This term shall not include a "Standard Antenna".

COMMERCIAL DISTRICTS – The V, CN, CG, BC, ON and IN Districts.

COMMERCIAL MOTOR VEHICLE REPAIR – Any building, premises, and land in which or upon which a business, service, or industry performs or renders a service involving the maintenance, servicing, repair, or painting of a commercial motor vehicle. Commercial motor vehicles are those vehicles that have a GVWR in excess of 33,000 pounds and generally require a commercial driver's license to operate. Related land use classifications include: "Vehicle Repair Garage," "Bus or Truck Maintenance Facility," and "Heavy Equipment Repair." See also "Supply Yards" with regards to equipment sales.

COMMERCIAL USE – This term includes but is not limited to: retail sales, offices, personal services, auto sales, auto repair garaged and other uses of a similar profit-making non-industrial nature. The sale of goods or services from a vehicle on a lot shall also be considered to be commercial use.

COMMUNITY CENTER – A building or other place in which members of a community may gather for social, educational, or cultural activities. The use may also include the preparation and / or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a "treatment center."

COMMUNITY FOOD BANK – A charitable organization that solicits and warehouses donated food and other products. This food is then distributed to a variety of community agencies which serve people in need. A community food bank is considered an accessory land use.

COMPLETION OF DRILLING, RE-DRILLING AND RE-WORKING – The date within 60 days of the completion of drilling, re-drilling, or re-working of the well site.

COMPLIMENTARY AGRITOURISM ENTERPRISE – Agritourism shares equal footing with other enterprises in the farm product mix. See also "Agritourism" in this Section.

COMPREHENSIVE PLAN – The Comprehensive Plan for the Township of Lower Paxton.

CONDITIONAL USE – An authorized use listed in Section III which may be granted only by the Board of Supervisors pursuant to express standards and criteria prescribed in this Chapter, after review and recommendation by the Planning Commission and public hearing by the Board of Supervisors.

CONFERENCE CENTER – Specialized hotel (usually in a less busy but easily accessible location) designed and built almost exclusively to host conferences, exhibitions, large meetings, seminars, training sessions, etc. A conference center may also provide office facilities and a range of leisure activities.

CONICAL SURFACE (ZONE) – An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance of 4,000 feet.

CONSERVATION EASEMENT – A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property. Such easement shall restrict the original and all subsequent property-owners, lessees and all other users of the land.

CONSTRUCTION – The erection, renovation, repair, extension, expansion, alteration, or relocation of a building, structure, or site improvements including the placement of mobile homes.

CONSTRUCTION RELATED BUSINESS – Construction related businesses shall include building related industries such as carpentry, electrical, plumbing, HVAC, etc. Construction related business may include retail and/or offices space related to the sales and distribution of the principal use. Supply yards and/or storage yards may be permitted as accessory uses. See also "Supply Yard" and "Storage Yard" in this Section.

CONSTRUCTION STANDARDS – The Lower Paxton Township Standard Construction Details, as amended.

CONTIGUOUS LOTS – Adjacent parcels of land, including parcels separated by a stream or road.

CONVENIENCE STORE – A retail establishment offering for sale a limited selection of goods such as food products, household items, and other goods commonly associated with the same and generally having a gross floor area of less than 7,000 square feet. Convenience stores may sometimes be located in conjunction with a Gas/Fuel Station use but only when the Gas/Fuel Station use is also allowable in the Zoning District.

CONVENTIONAL DEVELOPMENT – development that is not approved under the Open Space Development provisions of this Ordinance. (Note: this type of development typically does not involve the preservation of significant open space.)

CORRECTIONAL FACILITY – Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense, including but not limited to halfway houses, homes licensed for juvenile offenders, or other facilities where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel.

COUNTY – The County of Dauphin, Pennsylvania.

COUNTY PLANNING AGENCY – The Dauphin County Planning Commission.

CRAFT OR ARTISAN STUDIO – A use involving the creation, display and sale of arts and crafts, such as painting, sculpture and fabric crafts. The creation of arts and crafts may also be permitted within a Home Occupation, provided the requirements for such are met.

CREEK OR WATERWAY, PERENNIAL – a stream that has water flow during the majority of the year and is mapped as a perennial stream or perennial watercourse on U.S. Geological Survey mapping.

CROP FARMING – The raising of products of the soil and the accessory storage of the products. This term shall include orchard, tree farms, wineries, plant nurseries, raising of fish, greenhouse and keeping of animals in numbers that are routinely accessory and incidental to a principal crop farming use. See “Livestock Raising of.”

DAY CARE CENTER, ADULT – A facility, licensed by the Commonwealth of Pennsylvania, located within a building which is not used as a dwelling unit, for the care of the elderly and/or functionally impaired adults for a portion of a 24 hour day.

DAY CARE CENTER, CHILD – A facility, licensed by the Commonwealth of Pennsylvania, located within a building which is not used as a dwelling unit, for the care of children under the age of sixteen (16) for a portion of a 24 hour day. This land use classification includes nursery schools which provide daytime care and/or instruction for two (2) or more children of preschool age.

DECIBEL (dBa) – A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels (dBa).

DECISION – Final adjudication of any board or other body granted jurisdiction under any land use Ordinance or this act to do so, either by reason of the grant of exclusive

jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Dauphin County and the judicial district wherein the municipality lies.

DECK – A freestanding or attached accessory structure to a dwelling which is constructed of natural or synthetic wood, either on or above the ground, without a roof or awning, and with flooring that is not completely impervious, and which may include steps or railings.

DEDICATED OPEN SPACE or RECREATION LAND – A parcel of land integrated within a subdivision or land development that is dedicated, either publicly or privately, specifically for use as a park, open space, and/or active recreation area.

DENSITY – The number of dwelling units in a lot, or group of lots, divided by the area in acres of the lot, or group of lots, computed exclusive of any portion of the ROW of any public road.

DEP – Shall mean the Pennsylvania Department of Environmental Protection and its relevant bureaus.

DEPARTMENT – The Lower Paxton Township Department of Community Development, the designated "planning agency" for the Township which performs the functions of a planning agency as described in the MPC for the purpose of administering this Chapter.

DETERMINATION – The final action by an officer, body, or agency charged with the administration of any land use Ordinance or applications thereunder except the Board of Supervisors; the ZHB; the planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the SALDO or PRD provisions.

DEVELOPER – Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made an application for land development, a subdivision of land, permit, or approval pursuant to this Chapter.

DEVELOPMENT – See "Land Development" in this Section.

DEVELOPMENT PLAN – The provisions for development, including a PRD and PNRD, a plat of subdivision, all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space, and public facilities. Such provisions shall be prepared by a surveyor, engineer, or architect and drawings associated with such provisions shall be drawn at a scale no greater than one (1) inch equals 100 feet.

DIRECTOR OF PLANNING (DIRECTOR) – The Director of the Lower Paxton Township Department of Community Development or his or her designee.

DISTILLERY – An establishment for distilling, especially for distilling alcoholic liquors. No products produced by the distillery shall be sold and/or consumed on the premise. See also "Micro-distillery."

DISTRIBUTED ANTENNA SYSTEMS (DAS) – Network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

DISTRIBUTION CENTER – A center for a set of products in a warehouse or other specialized building, often with refrigeration or air conditioning, which is stocked with products or goods to be redistributed to retailers, to wholesalers, or directly to consumers. A distribution center is a principal part, the order processing element, of the entire order fulfillment process.

DISTRICT – A land area within the Township within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

DOMESTIC PETS – Animals or fowl customarily found in a dwelling and kept for company or pleasure, including but not limited to dogs, cats, hamsters, parakeets, or canaries and the like, but not including any animal, reptiles, fish, and/or fowl normally found in a zoo. Domestic pets shall not include a sufficient number to constitute a kennel, as defined herein.

DORMITORIES – Buildings at a college/university, school, or institution containing a number of private or semiprivate rooms for residents, along with common bathroom facilities and recreation areas.

DRILLING – Any digging or boring of a new well to explore, develop, or produce oil, gas, or other hydrocarbons or to inject gas, water, or any other fluid or substance into the earth.

DRILLING PAD – See “Oil and Gas Well/Pad” in this Section.

DRILLING SITE – An area that includes the perimeter of the surface area of drilling operations.

DRIVE-THROUGH FACILITIES – A business that orients the sale of goods or services to those remaining in their vehicles while business transactions occur at a pick-up window. Drive-through facilities shall be considered accessory uses which are attached to another authorized principal use which involves a window, service lane, bay, or other facility where customers are provided services either inside or outside their vehicles and where cars may or may not wait in line to access these services, including, but not limited to: drive-in or drive-through windows at fast-food restaurants, banks, drug stores or other businesses, exterior automated teller machines (ATMs), quick oil-change facilities, car washes and similar automotive services, and other such facilities.

DRIVEWAY – A private area which provides vehicular access to a parking space, garage, dwelling, or other structure.

DRUG STORE – See “Pharmacy” in this Section.

DWELLING – A building that contains dwelling units, intended, or designed to be used, rented, leased, let, or hired out to be occupied for living purposes. Each dwelling type designated below is provided for separately in the land use chart under “Dwelling Type.”

DWELLING TYPES:

CONVERSION DWELLING – A dwelling unit or units created from a larger existing residential dwelling, whether entirely from the existing structure or by building additions or combinations thereof. Conversion dwellings involve the creation of additional dwelling units in a structure from existing dwellings, not initially intended or designed when the dwelling was initially constructed. Conversion dwellings are primarily intended to serve as rental units and are defined separately from Accessory Dwellings Units or In-Law Suites which are primarily intended to house family members.

DUPLEX – A detached house designed for and occupied exclusively as not more than two (2) units, each living as an independent housekeeping unit and with no internal connectivity between units.

GARDEN APARTMENT – A multi-family residential building no more than three (3) stories in height containing three (3) or more dwelling units which share a common entrance to the outside, usually through a common corridor, and which dwelling units may have other dwelling units either above or below them.

HIGH RISE APARTMENT – A multi-family residential building containing at least four (4) residential floors.

MANUFACTURED HOME – A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MODULAR HOME – A type of dwelling that meets a definition of any dwelling type and which was manufactured off-site and then assembled and completed on the site, and that was constructed under the Township Construction Codes and not the Federal requirements for Manufactured Housing.

MULTI-FAMILY – A residential building or portion thereof designed exclusively for occupancy by three (3) or more families living independently of each other and containing three (3) or more separate dwelling units including garden apartments and high rise apartments but not including single-family, duplex, townhouse, or quadruplex dwellings.

QUADRUPLEX – A residential building, other than a townhome or garden apartment, containing only four (4) dwelling units in one (1) structure, each of which has two (2) walls exposed to the outside and each unit shares two (2) common walls with adjoining units which are placed at right angles to one another, rather than in a row, and which units have no other units above or below which share common floors/ceilings.

ROW HOUSE – See “Townhouse” in this Section.

SINGLE-FAMILY – A detached residential building that is the only principal structure on the lot, designed exclusively for occupancy by one (1) family, as defined herein, and containing one (1) dwelling unit with a minimum square footage of 750 square feet.

TOWNHOUSE – A single-family dwelling unit no more than three and one-half (3.5) stories in height constructed in a group of not less than three (3) but not more than eight (8) attached units .

TWO-FAMILY DWELLING – A residential building containing two (2) independent dwelling units, each having a separate entrance, and which is the only principal building on the lot.

DWELLING UNIT – A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

EDUCATIONAL INSTITUTION – A structure, part of a structure, or structures designed and used for training and teaching of children, youth, or adults, including laboratories appurtenant thereto. An educational institution does not include a school or college/university, as defined within this Section.

ELECTRONIC NOTICE – Notice given by a municipality through the Internet regarding the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

EMERGENCY – A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the ROWs to be unusable and result in loss of the services provided.

EMERGENCY SERVICES FACILITY – An area utilized for the maintenance, fueling, storage, dispatching, or parking of vehicles and/or equipment providing rescue or ambulatory services, except rescue services offered from a fire station, and where the area may or may not include buildings utilized in connection therewith.

EMERGENCY SHELTER – A facility, including rescue missions, for persons seeking temporary voluntary shelter for a duration not to exceed 60 days.

EMPLOYEES – The highest number of workers, including both part-time and full-time staff, both compensated and volunteer, including contractors, present on a lot at any one time, other than clearly temporary or occasional person working on physical improvements to the site.

ENFORCEMENT NOTICE – A notice as provided in §616.1 of the MPC, 53 P.S. §10616.1, sent by the Township to the owner or occupant of record of a parcel on which a violation of this Chapter has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner or occupant of record, the purpose of which is to initiate enforcement proceedings.

ENGINEER, PROFESSIONAL – A licensed professional engineer registered by the Commonwealth of Pennsylvania. See “Registered Professional.”

EPA – The United States Environmental Protection Agency (EPA) or any agency successor thereto.

ESSENTIAL SERVICES – The erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, cable television, or other telecommunications transmission lines provided by public or private entities, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare. Essential services include water supply pump stations and water tanks. Essential services do not include communication towers or operations and facilities associated with oil and gas development.

EXISTING CONDITIONS – Unique and/or environmentally fragile lands that are susceptible to negative geological or ecological impacts created by land development.

EXPLORATION – Temporary geologic or geophysical activities, drilling in context with the zoning definition in this Chapter, including seismic surveys, related to the search for natural gas or other subsurface hydrocarbons.

FAA – Federal Aviation Administration of the United States Department of Transportation.

FAMILY – Any one (1) of the following: An individual; two (2) or more persons related by blood, marriage, or adoption; or not more than four (4) unrelated persons living as a single housekeeping unit. A family may also include domestic servants and gratuitous guests. The foregoing restrictions do not apply to persons with disabilities as defined in the *Fair Housing Act*, 42 USC §3601 et seq.

FARM – A lot used for the raising of agricultural or dairy products and/or the raising of livestock or poultry for commercial purposes. This term may include one dwelling unit, buildings used for the agricultural activities and the storage of equipment used for agricultural activities.

FARMERS MARKET – A retail establishment at which fruits, vegetables, breads, eggs, milk, cheese, meat, flowers, and the like are sold by persons who typically grow, harvest, or process such items from their farm or agricultural operation.

FCC – Federal Communications Commission.

FENCE – A free standing, accessory structure, including entrance and exit gates or openings, designed and constructed for the purpose of enclosing space or separating parcels of land, screening, protection, confinement, and/or privacy.

FINAL APPROVAL – The ultimate approval of a development plan granted by the Board of Supervisors which follows tentative approval and filing of an application for final approval.

FIRE STATION – A building in which firefighting apparatus and usually fire department personnel are housed.

FITNESS CENTER – An indoor facility for personal exercise and physical conditioning, which includes uses such as sports courts, exercise equipment, and/or locker rooms that may or may not include a Jacuzzi and/or sauna, and retail shops and accessory uses. This use may also be referred to as a health club.

FLAG – Any fabric containing distinctive colors, patterns, or symbols, used as a symbol of the United States of America, the Commonwealth of Pennsylvania, the County of Dauphin County, and the Township of Lower Paxton. A flag is not a sign.

FLEA MARKET – A business that sells new and used merchandise, other than automobiles, logging equipment, or other agricultural equipment, and stores or displays the merchandise outdoors.

FLEX FLAT – A portion of a Carriage House which can be utilized as either 1) an accessory dwelling unit which shall be used by right, or 2) a “no-impact home-based business”. Upon proper installation of a Flex Flat, the Lower Paxton Township Zoning Officer shall issue a certificate of occupancy. Prior to the Lower Paxton Township Zoning Officer issuing a certificate of occupancy, the property owner shall present evidence of recording of a document, in a form acceptable to Lower Paxton Township, which sets forth that the use and occupancy of the Flex Flat is limited as set forth in Section III.

FLEX SPACE – An establishment which can include office, light manufacturing, pilot manufacturing, and research and development, in addition to warehousing and associated administrative space.

FLOODPLAIN – As defined by the Lower Paxton Township Floodplain Management Ordinance.

FLOODPLAIN MANAGEMENT ORDINANCE (FMO) – The Lower Paxton Township Floodplain Management Ordinance.

FLOODWAY – The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood (one hundred year floodplain) without cumulatively increasing the water surface elevation more than one (1) foot, or as amended by the National Flood Insurance Program (NFIP).

FLOODWAY FRINGE – The remainder of the floodplain, after the floodway has been determined. Generally, the slower velocity backwater area of the floodplain.

FLOOR – A habitable area of uniform vertical elevation that is contained within the outside walls of a building or structure.

FLOOR AREA – The sum of the gross floor areas for each of a building's stories, including the basement, but not including the attic unless the attic meets the International Code Council (ICC) International Property Maintenance Code.

FLOOR AREA, GROSS (GFA) – The sum of all the horizontal floor areas of a building, measured between exterior faces of walls.

FLOOR AREA, NET – The total floor area of a building designed for tenant occupancy, or areas accessible to the customers, clients, or general public, but excluding storage areas, equipment rooms, food preparation areas in a restaurant, and common areas such as halls, corridors, stairwells, elevator shafts, rest rooms, interior vehicular parking and loading areas, and similar common areas, expressed in square feet and measured from the center line of joint partitions and exteriors of outside walls.

FLOWBACK WATER – The murky, salty water from fracking natural gas wells. It consists of frac fluid which returns to the surface as well as produced water.

FLOWBACK WATER TREATMENT PLANT – A facility that specializes in treating water used during the hydraulic fracturing process in oil and gas production. These treatment facilities remove the clays, chemical additives, and metals that are commonly found in throwback water with the overall goal of reintroducing the treated water back into the production process.

FOOD AND GROCERY STORE – Supermarkets; bakeries; dairies; delicatessens; but not including convenience stores.

FOOTCANDLE – A unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), measurable with an illuminance meter (also known as a light meter).

FORESTRY – The management of forests and timberlands when practiced in accordance with accepted silvicultural principals, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development.

FRACTURE or FRACKING – The process of injecting water, customized fracking fluid, steam, or gas into a gas well under pressure to improve gas recovery.

FREIGHT AND TRUCK TERMINAL – A building and adjacent loading area where cargo is stored and where commercial vehicles load and unload cargo on a regular basis which may or may not include facilities for maintenance, fueling, storage, or dispatching of the vehicles.

FRESH WATER – Water obtained from a potable water source of the Commonwealth such as a hydrant, stream, lake, water well, spring, or other source that has not been treated or utilized in commercial or industrial operations.

FRONTAGE – See "Street Frontage."

FRONT YARD – See "Yard, Front."

FUNERAL HOME/CREMATORIUM – A building used for the embalming of deceased human beings for burial and for the display of the deceased and ceremonies connected therewith before burial or cremation and which may include a crematorium.

GARAGE, ATTACHED NONRESIDENTIAL – An attached nonresidential garage is an extension of a permitted principal building and subject to the regulations of the underlying district.

GARAGE, ATTACHED RESIDENTIAL – An attached residential garage is an extension of a permitted residential dwelling.

GARAGE, PRIVATE – A detached accessory structure that is not accessible to the general public. A private garage is designed for the storage of private vehicles and personal property of the occupants of the principal building. All nonresidential detached storage structures are defined as storage buildings. See also "Storage Buildings" and "Carport."

GARDEN APARTMENT – See "Dwelling."

GARDEN CENTER – A building or structure used for the sale of flowers, plants, shrubs, trees, and other natural flora and associated products. A garden center does not include a greenhouse, nursery and/or outdoor storage, display and sales of equipment and/or materials associated with the principal use. See also "Greenhouse/Nursery," "Landscape Service Center," and "Storage Yard."

GAS/FUEL STATION – A building(s), premises, or portions thereof, which are used, arranged, designed, or intended to be used for the retail sale of gasoline or other fuel for motor vehicles. This land use classification shall include electric recharge stations for electric motor vehicles. Gas stations may include the operation of a convenience food store in conjunction with the retail sale of petroleum products. Gas stations may sometimes also be located with a Vehicle Repair and Service use, but only when the Vehicle Repair and Service use is also allowable in the Zoning District.

GAZEBO – A freestanding, accessory, roofed structure usually open on the sides.

GLARE – A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus.

GOLF COURSE – Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

GOLF DRIVING RANGE – A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee. A golf range may be permitted as either a principal or accessory use.

GOVERNMENT FACILITY, OTHER THAN TOWNSHIP OWNED – A use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar government purpose, and which is not owned by Lower Paxton Township or an authority created solely by Lower Paxton Township. This

term shall not include uses listed separately in the table of uses in Article III. This term shall not include a prison or work release centers.

GOVERNING BODY – The Board of Supervisors of Lower Paxton Township.

GRADING ORDINANCE – The Grading Ordinance of Lower Paxton Township, Chapter 9 of the Township Code of Ordinances.

GRAIN SILO – A principal or accessory structure for storing bulk materials such as grain or fermented feed known as silage. Other typical bulk storage items include coal, green feeds, and woodchips. See also “Accessory Agricultural Buildings” in this Section.

GREENHOUSE/NURSERY – A retail or wholesale business that sells flowers, plants, shrubs, trees, and other natural flora and products that aid their growth and care and that may include a greenhouse and/or the growing of plant material outside on the lot. See also “Sheds” with regards to residential greenhouses.

GROSS – The total area or number prior to any deductions.

GROSS DENSITY – The total number of dwelling units per one (1) acre permitted to be developed on a lot.

GROUND MOUNTED SOLAR SYSTEM – A solar photovoltaic system mounted on a structure, pole, or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

GROUNDWATER – Water in that portion of the generally recognized hydrologic cycle which occupies the pore spaces and fractures of saturated subsurface materials. Groundwater often supplies wells and springs and is often withdrawn for domestic, agricultural, municipal, industrial, and other beneficial uses.

GROUP CARE FACILITY – A facility which provides room and board and specialized services for:

1. More than eight (8) residents who are mentally or physically handicapped;
2. Any number of permanent residents who are dependent and/or delinquent children under the age of eighteen (18) adjudicated by the court system;
3. Mentally handicapped persons of any age; or
4. Persons assigned by a court of law or public or semipublic agency on a short-term basis for supervision, care, and counseling for a specified period of time, including alcoholic recovery, shelters for battered persons and their children, community reentry services following incarceration, and other such transitional and/or supervised short-term assignments.

Staff shall be qualified by the sponsoring agency, who may or may not reside at the facility, and who provide health, social, and/or rehabilitative services to the residents. The services shall be provided only by a governmental agency, its licensed or certified agents

or any other responsible nonprofit social services corporation, and the facility shall meet all minimum requirements of the sponsoring agency.

GROUP HOME – A dwelling unit where room and board is provided to not more than eight (8) permanent residents who are mentally or physically handicapped persons of any age, who are in need of supervision and specialized services, and no more than two (2) caretakers on any shift, who may or may not reside in the dwelling and who provide health, social, and/or rehabilitative services to the residents. The service shall be provided only by a governmental agency, its licensed or certified agents or any other responsible nonprofit social services corporation, and the facility shall meet all minimum requirements of the sponsoring agency. A group home does not include persons assigned by a court of law or public or semipublic agency on a short-term basis for supervision, care and counseling for a specified period of time, including alcoholic recovery, shelters for battered persons and their children, community re-entry services following incarceration, and other such transitional and/or supervised short-term assignments. A group home shall be considered a single-family dwelling and shall be authorized wherever a single-family dwelling is permitted subject to the requirements of the district applicable to single-family dwellings.

GRUBBING OR GRUBBING ACTIVITY – The cleaning of underbrush from a well-treed area.

HABITABLE – A structure consisting of an enclosed living room, sleeping room, kitchen, and dining room. A finished basement is considered habitable.

HAZARDOUS SUBSTANCES – A product or waste, or combination of substances that because of the quantity, concentration, physical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into ground water resources and the subsurface environment which includes the soil and all subsequent materials located below. Such hazardous materials includes, but is not limited to the materials which are included on the latest additions of the following lists:

- A. "Hazardous Substances" as defined pursuant to Section 311 of the Federal Clean Water Act, or its successor provisions.
- B. "Hazardous Substances" as defined pursuant to the Federal Comprehensive Environmental Response, Compensation and Liability Act, or its successor provisions.

HAZARDOUS SUBSTANCES, EXTREMELY – Hazardous substances included on the list of "Extremely Hazardous Substances" in 29 Code of Federal Regulations Part 355, or its successor provisions and that are stored or used in quantities above the threshold reportable limits in such regulations.

HAZARDOUS WASTE RECYCLING FACILITY – A structure where hazardous waste is collected for recycling purposes.

HEARING – An administrative proceeding conducted by a board pursuant to §909.1 of the MPC.

HEAVY EQUIPMENT REPAIR – A facility for the repair, rebuilding, painting, or reconditioning of heavy equipment not classified as a motor vehicle for use on public roadways. See also "Supply Yard" regarding equipment sales.

HEIGHT, BUILDING – The vertical distance measured from the average elevation of the proposed finished grade of the building to the eaves. For the purpose of determining maximum permitted height for principal buildings, such measurement shall be made from the average finished grade at the front setback. For the purpose of side or rear yard determination, such measurement shall be made from the average finished grade of the wall extending along such side yard or rear yard. Measurements shall be taken from the lowest grade to the peak of the roof. See Figure #7 in Appendix B regarding yard configuration and lot lines.

HEIGHT OF STRUCTURE – For structures other than buildings or signs, the vertical distance measured from the average elevation of the finished grade around the structure to the highest point on the structure.

HEIGHT OF A TOWER-BASED WCF – The vertical distance measured from the ground level, including any base pad, to the highest point on a tower-based WCF, including antennae mounted on the tower and any other appurtenances.

HELIPORT - An area used for the take-off and landing of helicopters, and related support facilities. A Private Heliport shall be limited to 15 total take-offs and landings in any 7 day period, and which is not open to the general public. A Public Heliport is one that does not meet the definition of a Private Heliport.

HISTORIC STRUCTURE – Means any structure that is:

- A. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Registry;
- B. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered Historic District or a district preliminarily determined by the Secretary to qualify as a registered Historic District;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or,
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

HOBBY FARM – A lot with a minimum area of five (5) acres where agricultural activities are conducted by the residents thereof, but where such activities are not the principal source of employment or income.

HOME OCCUPATION BUSINESS – Any use customarily carried on entirely within a dwelling, by the occupant thereof, which use is clearly incidental and subordinate to the use of the dwelling as a residence. Examples include, but are not limited to, professional services such as legal, financial, accounting, or engineering; barber and beauty shops; and music and tutoring instruction.

HOMEOWNERS' ASSOCIATION (HOA) – An organization formed to manage the common open space and common facilities within a development plan that are not to be publicly owned and maintained. Membership in and financial support of such organization is mandatory for all owners of private property in the plan.

HORIZONTAL SURFACE (ZONE) – An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach.

HORSE BOARDING AND RIDING ACADEMY – Land and/or structures utilized for the maintenance of horses and/or ponies for personal enjoyment and/or profit making activity.

HOSPITAL – An institution providing acute medical or surgical care and treatment for sick or injured humans, as defined in current state licensure requirements.

HOTEL – A building containing rooms intended or designed to be used or that are used, rented, or hired out to be occupied or that are occupied for sleeping purposes by guests. Hotels have a common reception area on premises which is staffed 24 hours a day where clients check in to obtain access to a room. Hotels may provide such additional supporting services such as restaurants, meeting rooms, and recreation facilities.

HUNTING AND FISHING CLUBS - Land owned by an organized group of persons formed as a club that is used for hunting, fishing, and similar types of passive recreation, and which involves no buildings except those for the recreational, lodging, eating and sanitary facilities for members and invited guests and routinely accessory storage buildings.

HYDRAULIC FRACTURING (FRACKING) – See “Oil and Gas Well/Pad” in this Section.

HYDRIC SOILS – Soils, classified by the Dauphin County Conservation District, whose major components are conducive to wetland conditions, are located in a high water table, and are saturated with water close to the surface most of the year.

IMPERVIOUS SURFACE – As defined by the Lower Paxton Township Stormwater Management Ordinance, Chapter 19 of the Lower Paxton Township Code of Ordinances.

IMPERVIOUS SURFACE RATIO – As defined by the Lower Paxton Township Stormwater Management Ordinance, Chapter 19 of the Lower Paxton Township Code of Ordinances.

INDOOR RECREATION – A use consisting of indoor facilities for the pursuit of sports, amusement, recreation, and leisure activities available to the general public for a fee, where the principal use is conducted entirely within a completely enclosed building, including, but not limited to such principal uses as health, racquet, and/or swim clubs, fitness centers, roller or ice rinks, karate schools, gymnasiums, arenas, sports courts or playing fields, bowling alleys, amusement arcades, virtual reality and simulation gaming parlors, billiard parlors, shooting ranges, dance halls, but not including any adult business.

INJECTION WELL – A well that is used to place fluid underground into porous geologic formations. These underground formations may range from deep sandstone or limestone, to a shallow soil layer. Injected fluids may include water, wastewater, brine (salt water), or water mixed with chemicals.

INTERNAL DRIVEWAY SYSTEM – The portion of the parking lot devoted to providing access to individual parking lot aisles.

JUNK - Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles stored outside of a completely enclosed building and which covers over 200 square feet of land area. Examples of junk include: scrap metal, used furniture, used appliances, used motor vehicle parts, worn-out machinery and equipment, used containers, and scrap building materials. Junk shall not include: a) solid waste temporarily stored in an appropriate container that is routinely awaiting imminent collection and proper disposal, b) toxic substances, c) yard waste or tree trunks, d) items clearly awaiting imminent recycling at an appropriate location, e) building materials awaiting imminent use at an on-going building, or f) "clean fill" as defined by State environmental regulations.

JUNK VEHICLE - Includes any vehicle or trailer that meets any of the following conditions:

- A. cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs,
- B. cannot be towed, in regards to a trailer designed to be towed,
- C. has been demolished beyond repair,
- D. has been separated from its axles, engine, body or chassis, and/or
- E. includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

See the definition of "unlicensed vehicle" and the regulations for such in the Property Maintenance Code.

JUNKYARD – Land or structure used for the collection, storage, processing and/or sale of scrap metal, scrapped, abandoned, or junked motor vehicles, machinery, equipment, waste paper, glass, rags, containers, and other discarded materials. Under this Chapter, two (2) or more scraped, abandoned, unregistered, inoperable or junked motor vehicles

shall constitute a junkyard. Refuse or garbage kept in a proper container for prompt disposal shall not be regarded as a junkyard. See "Salvage Yard" in this Section.

KENNEL – A use of land and structures in combination wherein four (4) or more domestic animals or pets six (6) months or older are bred, trained, and/or boarded for compensation for more than twelve (12) consecutive hours. Animal Day Cares and Animal Grooming Facilities where pets are not on site for more than twelve (12) consecutive hours shall not be considered a Kennel.

LABORATORY – A building or part of a building devoted to the testing and analysis of any product or animal. No manufacturing is conducted on the premises except for experimental or testing purposes.

LAND DEVELOPMENT – Includes any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
- B. A subdivision of land.
- C. Land development shall not include:
 - 1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium.
 - 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
 - 3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this Subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved.
 - 4. Where an addition of no more than 15% of the square footage is being added to an existing building, but in no case of an addition of more than 2,000 square feet, a building permit and site plan approval is required to be obtained from the appropriate officer of the Township, but submission of a land development plan and review by the Planning Commission and approval by the Board of Supervisors may be waived, only when:

- a. The building is added to the existing structure and is not separated; and
- b. There is no change to any street or public way; and
- c. There is not interference or substantial change in drainage or the flow of water; and
- d. The appropriate building officer of the Township determines that the same is otherwise in compliance with all zoning and land development requirements.

1. The appropriate building officer of the Township determines that the same is otherwise in compliance with all zoning and land development requirements.

LANDFILL – See "Solid Waste Landfill Facility" in this Section.

LANDOWNER – The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LANDSCAPE ARCHITECT – A landscape architect registered by the Commonwealth of Pennsylvania. See "Registered Professional."

LANDSCAPE PLAN – A plan prepared by a registered professional identifying proposed landscape features, materials, and vegetation. The requirements of a landscape plan are identified in the SALDO.

LANDSCAPE SERVICE CENTER, RETAIL – A business primarily engaged in selling indoor or outdoor grown plants and landscaping materials to the general public.

LANDSCAPE SERVICE CENTER, WHOLESALE – A business primarily engaged in processing, selling, and distributing indoor or outdoor grown plants and landscaping materials to industrial, commercial, institutional, or professional users or to other wholesalers.

LAUNDROMAT – An establishment with coin-operated washing machines and dryers for public use.

LEGAL NON-CONFORMING – Refers to uses and structures which were begun or constructed when the law allowed for them but have since become non-compliant due to a change in legislation.

LIBRARY – A building or room containing collections of books, periodicals, and sometimes films and recorded music for people to read, borrow, or refer to.

LIFE CARE COMMUNITY – See "Care Facilities and Senior Housing" in this Section.

LIGHT MANUFACTURING – See "Manufacturing Facility, Light" in this Section.

LIGHTING, DIFFUSED - Lighting, Diffused. Illumination that passes from the source through a translucent cover or shade.

LIVE-WORK UNITS – A commercial use, such as a shop, studio, office, café, deli, personal service establishment, or other place of business, in combination with a dwelling unit located above such place of business. Only the proprietor of the business may occupy the residential unit. All connections between the uses must be internal to the structure. See also "Mixed-Use."

LIVESTOCK OR POULTRY, RAISING OF - The raising and keeping of livestock, poultry or insects beyond the number and type allowed under the "Keeping of Pets" section of this Ordinance and beyond what is customarily incidental to a principal "crop farming" use. Raising of livestock or poultry shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

LIVESTOCK OR POULTRY, INTENSIVE RAISING OF –

A. This term shall mean a Raising of Livestock or Poultry use involving an average of 2 or more "animal equivalent units" (see definition below) of live weight per acre of livestock or poultry, on an annualized basis.

B. An Animal Equivalent Unit (AEU) is 1,000 pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. This weight is calculated on an annualized basis. These units shall be calculated as provided under the State Nutrient Management Act and accompanying regulations. Note: the provisions of this Zoning Ordinance are based upon acreage of a lot, and not acreage that is available for disposal of wastes. (Note: Two animal equivalent units per acre would be roughly equal to 1.7 dairy cattle, 6.7 swine, 10 sheep, 500 poultry or 400 rabbits per acre.)

LOADING BERTH – A portion of a lot used for the standing, loading, or unloading of motor vehicles.

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

LOT TYPES (also see "Figure 1" at the end of this Article):

LOT, CORNER – A lot at an intersection of, and fronting on, of two (2) or more streets.

LOT, INTERIOR – A lot other than a corner lot or through lot.

LOT, THROUGH OR DOUBLE FRONTAGE – A lot having frontage on two (2) parallel or approximately parallel streets and which is not a corner lot.

LOT AREA – The total area within the boundary of the lot excluding any areas contained in a public street ROW.

LOT COVERAGE – The percentage of the area of a lot covered by all principal and accessory structures.

LOT, FLAG – A lot that has any portion of its front lot line or front yard abut the rear or side yard of an adjacent lot rather than a public road ROW and where access to the public road ROW would typically be by a narrow, private right ROW or driveway.

LOT LINE – A line that denotes the boundary of a lot or parcel of land, as defined herein.

LOT LINE TYPES:

LOT LINE FRONT – A line measured along the ROW of any street frontage, whether public or private, between the side lot lines.

LOT LINE REAR – That lot line that is generally opposite to the front lot line.

LOT LINE SIDE – Any lot line that is not a front lot line or rear lot line.

LOT OF RECORD – Any lot which individually or as a part of a subdivision, has been recorded in the Department of Real Estate of the County.

LOT, WIDTH – The horizontal distance between side lot lines, measured at the front setback line.

LUMBER YARD – See "Supply Yard" in this Section.

MAGISTRATE OFFICE AND COURT – A court having limited jurisdiction over civil and criminal matters, and matters of contracts not exceeding a particular threshold.

MAILED NOTICE – Notice given by the Township by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

MANUFACTURED HOME – See "Dwelling Type".

TINY HOUSE – A single-family dwelling unit on a property for occupancy as either a principal or accessory dwelling unit with a habitable floor area that is 749 square feet or less and is constructed with a foundation or on wheels.

MANUFACTURED HOME LOT – A parcel of land in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home.

MANUFACTURED HOME PARK – A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more manufactured home lots for the placement thereon of manufactured homes.

MANUFACTURED HOME SALES – An establishment which conducts the sale of a structure, transportable in one (1) or more sections, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and

includes the plumbing, heating, air-conditioning, and electrical systems contained therein. For manufactured homes built prior to June 15, 1976, a label certifying compliance to the Standard for Manufactured Homes, NFPA 501, in effect at the time of manufacture is required. For the purpose of these provisions, a mobile home shall be considered a manufactured home.

MANUFACTURING – The processing and fabrication of any article, substance or commodity.

MANUFACTURING FACILITY, HEAVY – The manufacture, storage, processing, and treatment of materials which are potentially hazardous, or processes which produce significant amounts of smoke, noise, glare, dust, or odor as a primary or secondary effect of the principal use of the land or buildings. Heavy manufacturing characteristically employs such equipment as smokestacks, tanks, distillation or reaction columns, chemical processing equipment, scrubbing towers, pickling equipment, and waste treatment lagoons. Examples of heavy manufacturing include basic steel manufacturing plants (such as foundries, blast furnaces, and stamping mills), industries handling animal offal or hides, basic cellulose pulp-paper mills and similar fiberboard and plywood production, lime manufacturing, ore and metal smelting and refining, and chemical plants such as petrochemical complexes. Heavy manufacturing facilities do not include any oil and gas facilities or operations.

MANUFACTURING FACILITY, LIGHT – The manufacture, fabrication, assembly, or processing of goods and materials, excluding heavy manufacturing facilities. Processes involved with light manufacturing typically will not produce noises, vibration, air pollution, fire hazards, or noxious emissions capable of disturbing or endangering neighboring lots. Light manufacturing includes the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, lightweight nonferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods, and food products, but no animal slaughtering, curing, nor rendering of fats.

MANURE MANAGEMENT MANUAL – The guidance manual published by the DEP that is entitled *Manure Management Manual for Environmental Protection*, including its supplements and amendments. The manual describes approved manure management practices for all agricultural operations.

MANURE MANAGEMENT PLAN – A written site-specific plan which meets the requirements set forth in the DEP Manure Management Manual.

MESSAGE PARLOR - A type of "Adult Use" that is an establishment that meets all of the following criteria:

- A. Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist, in return for monetary compensation, and which does not involve persons who are related to each other.

- B. The use does not involve a person licensed or certified by the State as a health care professional or a massage therapist certified by a recognized professional organization that requires a minimum of 80 hours of professional training. Massage therapy by a certified professional shall be considered "personal service."
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.
- D. The massages are conducted within private or semi-private rooms.

MASSAGE THERAPY ESTABLISHMENT – Any establishment or business which provides the services of massage and body manipulation, including exercises, heat, and light treatments of the body, and all forms of physiotherapy, unless operated by a medical practitioner, chiropractor, or professional physical therapist licensed by the State of Pennsylvania. This definition does not include an athletic club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an identical or accessory service. A massage establishment may not include any aspects of adult entertainment or an adult-oriented establishment, as either are elsewhere defined and regulated in this Chapter. Massage therapy professionals must be licensed by an approving agency, association, or school.

MEDIATION – A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

MEDICAL CLINIC – Any establishment where human patients are examined and are treated by or under the care and supervision of doctors, dentists, or other medical practitioners, but where patients are not hospitalized overnight. Medical clinics shall include such uses as reception areas, waiting areas, consultation rooms, and a dispensary, providing that all such uses have access only from the interior of the building or structure.

MEDICAL MARIJUANA – Marijuana for certified medical use as set forth in the Medical Marijuana Act (Act 16, Pennsylvania Law 84, No. 16).

MEDICAL MARIJUANA DISPENSARY – The use of the premises by a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, holding a permit issued by the Commonwealth of Pennsylvania Department of Health, to dispense medical marijuana per the Medical Marijuana Act (Act 16, Pennsylvania Law 84, No. 16).

MEDICAL MARIJUANA GROWER/PROCESSOR – The use of the premises by a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, holding a permit issued by the Commonwealth of Pennsylvania Department of Health, to grow and/or process medical marijuana.

MEMBERSHIP CLUB - An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business.

A. This use shall not include a target range for outdoor shooting of firearms, boarding house, tavern, restaurant or retail sales unless that particular use is permitted in that District and the requirements of that use are met.

MICRO-BREWERY/BREW PUB – A small, usually independent brewery that produces limited quantities of specialized beers. A micro-brewery provides for the retail sales of the beer at the location where it is produced. A micro-brewery may also include a tasting room and restaurant in conjunction with the use.

MICRO-DISTILLERY – A small, often boutique-style distillery established to produce beverage grade spirit alcohol in relatively small quantities, usually done in single or small batches. A micro-distillery provides for the retail sales of the distilled beverage at the location where beverages are distilled. A micro-distillery may also include a tasting room and restaurant in conjunction with the use.

MINERALS – Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil, and natural gas.

MINERAL DEVELOPMENT – Mineral development is a broad land use classification that includes the operations listed below. Mineral development does not include oil and gas facilities or related operations. Oil and gas development is provided for under separate terms in this Section.

MINERAL DEVELOPMENT TYPES:

METALLIC MINING – The extraction of valuable minerals or other geological materials from the earth from an orebody, lode, vein, seam, or reef, which forms the mineralized package of economic interest to the miner.

NON-METALLIC MINING – The extraction of stone, sand, rock, or similar materials from natural deposits.

QUARRYING AND STONE CUTTING – The removal and/or the cutting of stone from a quarry.

MINI-WAREHOUSE AND SELF-STORAGE BUILDING – A building or group of buildings in a controlled access and fenced compound that contains various sizes of individualized, compartmentalized, and controlled access stalls and/or lockers leased by the general public for a specified period of time for the dead storage of personal lot.

MIXED USE – A commercial use in combination with a residential use in a single principal structure. A mixed-use is distinguished from live-work units due to the lack of any internal connections between the uses. See also "Live-Work Units."

MOBILE / MANUFACTURED HOME - See under "Dwelling Types."

MOBILE / MANUFACTURED HOME PARK - A lot under single ownership which includes two or more mobile/manufactured homes for residential use. The individual manufactured homes may be individually owned. A development of mobile/ manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "mobile home park."

MONOPOLE – A WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennae and connecting appurtenances.

MOTEL – A building or group of detached, semidetached, or attached buildings on a lot containing guest dwellings, each of which has a separate outside entrance leading directly to rooms, with a garage or parking space conveniently located with each unit, and which is designed, used, or intended to be used primarily for the accommodation of automobile transients. Boarding Houses shall not be considered a Motel.

MOTOR VEHICLE - An automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle or similar means of transportation designed to operate carry persons or cargo on roads and that is powered by mechanized means.

MULTI-FAMILY DWELLING – See "Dwelling Types" in this Section.

MUNICIPAL BUILDING – A building occupied by the principal offices and departments of the Township.

MUNICIPALITIES PLANNING CODE (MPC) – Act of 1968, P.L. 805, No. 247, as reenacted and amended (53 P.S. §10101 et seq.).

MUSEUM/CULTURAL CENTER – A building where objects of historical, scientific, artistic or cultural interest are stored or exhibited.

NATURE PRESERVE – A piece of land protected and managed to preserve its flora and fauna.

ND COMMUNITY – A proposed development project to be build under the requirements of the Neighborhood Design Overlay District.

NET BUILDABLE AREA – The total acreage of permitted disturbance on a lot. Disturbance includes the portions of a lot where grading and construction activities occur.

NET FLOOR AREA – The total of the floor areas of a building, measured from the interior faces of walls, excluding stairwells and elevator shafts, common hallways

which are not rentable space, lobbies, restrooms, storage (except in conjunction with warehouses and other industrial uses) and equipment rooms, food preparation areas, interior vehicle parking or loading areas, and any other areas not accessible to the general public.

NIGHT CLUB – An establishment primarily for evening, late-night to early morning entertainment, that typically serves food and/or alcoholic beverages, and may provide either live or prerecorded music or video, comedy acts, floor shows, with or without the opportunity for dancing. A nightclub may not include any aspects of adult entertainment or an adult-oriented establishment, as either are elsewhere defined and regulated in this Chapter.

NO-IMPACT HOME-BASED BUSINESSES – A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to parking, signs, or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.

No-Impact Home-Based Businesses are different than Home Occupation Businesses. See "Home Occupation Business."

NON-CONFORMING LOT – Any lot which does not comply with the applicable area and bulk provisions of this Chapter or an amendment thereafter enacted, which lawfully existed prior to the enactment of this Chapter or any subsequent amendment.

NON-CONFORMING BUILDING OR STRUCTURE – A structure or part of a structure that does not comply with the applicable area and bulk provisions of this Chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter or an amendment thereto, or prior to the application of this Chapter or amendment to its location by reason of annexation. Nonconforming signs are included in this definition.

NON-CONFORMING USE – A use, whether of land or of a structure, that does not comply with the applicable use provisions in this Chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or an amendment thereto, or prior to the application of this Chapter or amendment to its location by reason of annexation.

NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCF) – All non-tower WCFs, including but not limited to, antennae and related equipment. Non-tower WCFs shall not include support structures for antennae or any related equipment that is mounted to the ground or at ground-level.

NURSERY SCHOOL – See "Day Care, Child" in this Section.

NURSING HOME – See "Care Facility and Senior Housing" in this Section.

OCCUPANCY – The physical possession upon, on, or within any lot or structure for a use.

OCCUPANCY PERMIT – A permit for the use or occupancy of a building, structure, or lot indicating compliance with all provisions of this Chapter and the ICC International Property Maintenance Code.

OFFICE, BUSINESS AND PROFESSIONAL – Any office of recognized professions, other than medical, such as doctors, lawyers, architects, engineers, real estate brokers, insurance agents, and others who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing, or other administrative functions, but not including banks or other financial institutions.

OFFICE, MEDICAL – A building or a series of buildings or rooms where one (1) or more licensed medical professionals provide diagnosis and treatment to the general public without overnight observation. A medical office shall include such uses as reception areas, offices, examination rooms, and x-ray rooms, provided that all such uses have access only from the interior of the building. A medical office shall not include a pharmacy or surgical suites.

OFFICE, MEDICAL TYPES:

MEDICAL OFFICE, LOW INTENSITY – A facility that contains a total of four (4) or fewer examination rooms (not including laboratories and/or x-ray rooms).

MEDICAL OFFICE, HIGH INTENSITY – A facility that contains more than four (4) exam rooms (not including laboratories or x-ray rooms).

OFFICIAL ZONING MAP – The official plan delineating the official Zoning Districts of Lower Paxton Township, Dauphin County, Pennsylvania, together with all amendments subsequently adopted.

OPEN BURNING – Any fire or combustion from which air contaminants pass directly into the open air without passing through a flue. The term includes any fire or combustion which occurs in a chimney, fire pit, outdoor fireplace, or grill.

OPEN SPACE – Public or private land used for recreation, resource protection, amenity, and/or buffers, not including any area of a lot, any part an existing or future street ROW, easement of access or areas set aside for public or private utilities, stormwater facilities, and easements.

OPEN SPACE DEVELOPMENT - An optional type of residential development that involves the permanent preservation of preserved open space, and that places dwellings on the most suitable portions of a tract, on lots that are typically smaller than would otherwise be allowed with conventional development.

ORDINANCE, THIS - The Lower Paxton Township Zoning Ordinance, including the Official Zoning Map, as amended.

OUTDOOR RECREATION – An enterprise which is conducted wholly or partly outside an enclosed structure for the pursuit of sports, recreation, and amusement activities, where the principal use is outdoors, but which may include accessory uses that are indoors, including, but not limited to such principal uses as miniature golf courses, golf or batting practice facilities, ice rinks, roller blade parks, swimming pools, sports playing fields, ball parks, stadiums, amphitheaters, drive-in theaters, amusement parks, racetracks, and similar facilities.

OUTDOOR STORAGE – Storage of materials and/or equipment but not including motorized vehicles such as automobiles, boats, and buses, outside of a completely enclosed building.

OVERLAY DISTRICT – A Zoning District that encompasses one (1) or more underlying Zoning Districts and that imposes additional requirements or provisions above that required by the underlying Zoning District.

PA - The Commonwealth of Pennsylvania.

PARK/PLAYGROUND – Land designed for the purposes of recreation and leisure and maintained by a private or public entity as such.

PARK, PUBLIC OR SEMIPUBLIC – A parcel of land owned by the Commonwealth of Pennsylvania, Dauphin County, and/or the Township that is dedicated, either publicly or privately, specifically for outdoor use for open space and/or active or passive recreation purposes. A park shall also include a parcel of land owned by a homeowners' association or condominium association, as part of a Township-approved subdivision, land or development, and/or PRD that is dedicated, either publicly or privately, specifically for the use as a park, open space and/or active or passive recreation area.

PARK AND RIDE FACILITY – A facility designed for patrons to park their private vehicle and transfer to other private or public transportation.

PARKING - Shall mean off-street parking and aisles for vehicle movement unless otherwise stated.

PARKING GARAGE/STRUCTURE – A building with multiple stories of off-street parking spaces where vehicles are temporarily stored with or without a nominal fee.

PARKING LOT – Any lot, parcel, or yard used in whole or in part for the storage or parking of two (2) or more vehicles where such usage is not incidental to or in conjunction with a single-family or two-family dwelling.

PARKING LOT, COMMERCIAL – Any lot, parcel, or yard used in whole or in part for the temporary storage or parking of two (2) or more vehicles where such usage is the principal use on the site.

PARKING STRUCTURE, ACCESSORY – An accessory structure used exclusively for the temporary storage of motor vehicles and associated with a permitted principal use.

PARKING STRUCTURE, COMMERCIAL – A principal structure used exclusively for the temporary storage of motor vehicles.

PATIO – A structure accessory to a dwelling constructed on the ground from impervious material such as concrete, stones, bricks, blocks, or other paving material and which may or may not have a roof or awning.

PAWN SHOP – A business or establishment which loans money on deposit, or pledge of personal property, or other valuable things, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

PEDESTRIAN GATHERING AREA – A public space for pedestrians, not to be used for overnight activities, that includes a variety of opportunities for sitting, relaxation, reading, and informal picnicking.

PEDESTRIAN POCKET – A public gathering place that is designed and maintained with features such as benches, sitting walls, trash receptacles, plantings, and other landscape features.

PENNDOT - The Pennsylvania Department of Transportation, or its successor, and its subparts.

PET POCKET – A public gathering place that is designed and maintained with features such as benches, sitting, walls, plantings, pet-oriented amenities, and other landscape features.

PERMITTED USE – An authorized use allowed by right, which may be granted by the Zoning Officer upon compliance with the requirements of this Chapter.

PERSONAL SERVICES – Any enterprise providing services pertaining to the person, their apparel, or personal effects commonly carried on or about the person, including but not limited to shoe repair, tailoring, clothes cleaning, watch repairing, barbershops, beauty parlors, and related activities.

PERSONAL HOME CARE OR CENTER - Shall mean "Assisted Living Facility."

PERSONS – Individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations, and other entities established pursuant to statutes of the Commonwealth of Pennsylvania; provided that person does not include, or apply to, the Township or to any department or agency of the Township.

PETS, KEEPING OF - The keeping of domesticated animals of types that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops.

PET BOARDING – Taking custody or possession of more than four (4) dogs and/or more than six (6) cats for the keeping, accommodation, care, training, or feeding for fee or reward at a property other than the animal's normal place of residence. The domesticated animal can be left in the care of said establishment for a variable period of time. The establishment must be able to accommodate domesticated pets for extended periods of time, including but not limited to, overnight stays within indoor facilities.

PHARMACY – A retail store which primarily sells prescription drugs, patent medicines, and surgical and sickroom supplies.

PICNIC GROVE, COMMERCIAL - An area of open space and pavilions that is not publicly owned and is used for group picnics and related outdoor recreation, and which is used on a commercial basis.

PILOT MANUFACTURING – An establishment or part thereof used to test concepts and ideas, determine physical layouts, material flows and processes, types of equipment required, costs, and other information necessary prior to undertaking full-scale production.

PLACE OF WORSHIP – A semipublic use, including any of the following: church, manse, rectory, convent, synagogue, parish, monastery, seminary, or similar building incidental to the particular use; but this term does not include business offices, except administrative

offices incidental to the operation of the particular use, rescue missions, or the occasional use for religious purposes of properties not regularly so used.

PLANNED NONRESIDENTIAL DEVELOPMENT (PNRD) – An area of land, controlled by a landowner, to be developed as a single entity for a combination of non-residential uses, the plan for which does not necessarily correspond in lot area, size, bulk, type of dwelling unit or use, density or intensity, lot coverage, or required open space to any one (1) district in this Chapter but complies with the PNRD requirements and provisions herein.

PLANNED RESIDENTIAL DEVELOPMENT (PRD) – An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot area, size, bulk, type of dwelling unit or use, density or intensity, lot coverage, or required open space to any one (1) District in this Chapter but complies with the PRD requirements and provisions herein.

PLANNING COMMISSION – The Planning Commission of Lower Paxton Township.

PLANNING AGENCY, COUNTY – Dauphin County Economic Development, Planning Division.

PLAT – The map or plan of a subdivision or land development, whether preliminary or final.

POLE-MOUNTED/SHARED USE COMMUNICATIONS FACILITY – Any antenna used for the transmission or reception of any radio wave or radio signal, which is to be mounted upon a preexisting steel or metal electrical transmission tower owned or operated by a public utility.

POLICE STATION – The office or headquarters of a local police force.

PORCH – A roofed or uncovered accessory structure without enclosing walls that is attached to or part of the principal building and which has direct access to and from the principal building.

POST OFFICE – A building or room where postage stamps are sold and other postal business is conducted.

PRIMARY SURFACE (ZONE) – An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRINCIPAL BUILDING OR STRUCTURE – The building(s) or structure(s) on a lot in which the principal use or uses are conducted.

PRINCIPAL USE – The primary or predominant use of any lot or structure.

PRISON - A correctional institution within which persons are required to inhabit by criminal court actions or as the result of a criminal arrest.

PRIVATE – Owned, operated, or controlled by an individual, group of individuals, association, corporation, or not for profit, and restricted to members who meet certain qualifications and their guests.

PRIVATE IMPROVEMENTS – All roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers, and other facilities not owned, maintained, or operated by the Township for which plans and specifications shall apply to the Township's Minimum Construction Standard Details (Chapter 5, Part 4 of the Township Code of Ordinances).

PROFESSIONAL CONSULTANT – Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, or planners.

PUBLIC – Owned, operated, or controlled by a government agency (federal, state, county or local).

PUBLIC AND SEMIPUBLIC USES – Uses operated by the public or semipublic body such as schools, public libraries, public safety buildings, museums, public meeting halls, and community centers. This definition shall not include hospitals and continuing care facilities.

PUBLIC BUILDING – Of, or pertaining to, buildings, structures, or uses belonging to, or affecting, any duly authorized governmental body, which is available for common, or general use by all.

PUBLIC GROUNDS – Land reserved for but not limited to, one (1) or more of the following: (1) Parks, playgrounds, trails, paths, and other recreational areas and public areas; (2) Sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities; (3) Publicly owned or operated scenic or historic sites.

PUBLIC HEARING – A formal meeting held pursuant to public notice by the Board of Supervisors or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

PUBLIC IMPROVEMENTS – All roads, streets, walkways, sidewalks, gutters, curbs, sewers, waterlines, stormwater management facilities, landscaping, street lighting, traffic control devices, and other facilities to be dedicated to or maintained by the Township.

PUBLIC MEETING – A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to open meetings).

PUBLIC NOTICE – A notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC PARK – An area of public land specifically defined or set aside for use by and for the general public in both active and passive recreational uses; and includes all

landscaping, facilities, and apparatus, playing fields, utilities, buildings, or other structures that are consistent with the general purposes of public parkland, and whether or not such recreational facilities are publicly owned or operated by other organizations pursuant to arrangements with the public authority owning the park and may include public and private cemeteries.

PUBLIC UTILITY BUILDING – Any administrative or service building operated by a public utility which does not meet the definition of an essential service.

PUBLIC UTILITY SUBSTATION - A subsidiary or branch facility utilizing above or below ground structures which are necessary to provide or facilitate distribution, transmission, or metering of water, gas, sewage, and/or electric energy. Such facilities may consist of , but are not limited to the following: 1) water, gas and electrical distribution sites; 2) water or sewage pumping stations; 3) water towers and reservoirs; 4) telephone switching facilities; or 5) water or sewage treatment facilities.

PUBLIC UTILITY TRANSMISSION FACILITY – A structure used for relaying public utilities including electricity, potable water, sanitary sewer lines, and other similar functions.

PUBLICLY OWNED RECREATION - Leisure facilities owned, operated or maintained by governmental entities for use by the general public. "Publicly Owned Recreation" is a distinct use from "Indoor Recreation" or "Outdoor Recreation."

QUADRUPLEX DWELLING – See "Dwelling Types" in this Section.

RADIO OR TELEVISION TRANSMITTER – A piece of equipment that relays radio or television signals

RAILROAD FACILITY – A series of buildings, with or without an open yard, with a permanent road laid with rails, commonly in one (1) or more pairs of continuous lines forming a track or tracks, on which locomotives and cars are kept for maintenance and/or storage.

RAILROAD FREIGHT TRANSLOADING AND DISTRIBUTION TERMINAL – A terminal facility for the purpose of loading, unloading, handling, transloading, transferring, storing, staging, sorting, processing, and distributing railroad freight moving to and from railcars and other modes of transportation.

REAR YARD – See "Yard, Rear" in this Section.

RECREATION – Activity or area intended for the use, play, relaxation, sports, or other leisure activities. Active recreation uses include activities or areas for game courts, athletic playing fields, play apparatus, and similar facilities. Passive recreation uses include open space, trails, and similar low impact activities.

RECREATION FACILITY – A building, structure, or area designed and equipped for the conduct of sports and/or leisure activities that attract a large number of users. Activities and improvements associated with a recreation facility include: (1) Indoor or outdoor

swimming pools; or (2) Indoor or outdoor ice skating rinks; or (3) Any other public recreation facilities.

RECREATIONAL VEHICLE – A single-axle or multiple-axle structure mounted on wheels or otherwise capable of being made mobile, either with its own motive power or designed to be mounted on or drawn by an automotive vehicle, for the purpose of travel, camping, vacation, and recreational use, including but not limited to: travel trailers, mobile homes, motor homes, tent trailers, boats, boat trailers, pickup campers, horse trailers, snow mobiles, jet skis, wave runners, motorcycles, and all-terrain vehicles.

RECYCLING BUSINESS – A business that is: (1) primarily engaged in converting ferrous or nonferrous metals or other materials into raw material products having prepared grades and having an existing or potential economic value; or (2) using raw material products of that kind in the production of new products; or (3) obtaining or storing ferrous or nonferrous metals.

RECYCLING COLLECTION CENTER - A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling, and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a Township-owned use, or an emergency services station.

RE-DRILL – Deepening or sidetrack/horizontal drilling of the existing well bore extending more than 150 feet from said well bore.

REGIONAL PLANNING AGENCY – A planning agency that is comprised of representatives of more than one (1) county (Tri-County Regional Planning Commission). Regional planning agency responsibilities shall include providing technical assistance to counties and municipalities, mediating conflicts across county lines, and reviewing county comprehensive plans for consistency with one another.

REGISTERED PROFESSIONAL – An individual licensed in the Commonwealth of Pennsylvania to perform services or activities required by provisions of this Chapter and qualified by training and experience to perform the specific services and/or activities with technical competence.

REHABILITATION FACILITY– See "Group Care Facility" in this Section.

RELATED OR RELATIVE - Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, first cousin, sister-in-law, brother-in-law, or parent-in-law. This term specifically shall not include relationships such as second, third, or more distant cousins. See definition of "Dwelling Unit."

RELATED EQUIPMENT – Any piece of equipment related to, incidental to, or necessary for, the operation of a communications tower or communications antenna. By way of illustration, not limitation, related equipment includes generators and base stations.

RENEWABLE ENERGY SOURCE – Any method, process, or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy, and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

REPAIR SERVICE - Shops for the repair of appliances, watches, guns, bicycles and other household items.

REPOSESSION BUSINESS – A business that repossess vehicles when owners default on payments or fail to return rental vehicles on time.

RESEARCH AND DEVELOPMENT – Any establishment which carries on investigation in the natural, physical, or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and which may include pilot manufacturing, as defined by this Chapter, as an accessory use, where concepts are tested prior to full-scale production.

RESOURCE RECOVERY FACILITY – A processing facility that provides for the extraction and utilization of materials or energy from municipal waste which is generated off-site, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts organic fraction of municipal waste to usable energy, and any chemical or biological process that converts municipal waste into a fuel product.

RESTAURANT – An establishment designed and operated for the express purpose of providing food and beverage service within the confines of a structure and generally excluding any encouragement, orientation, or accommodation of services or products to the patrons' automobiles, on or within the premises.

RESTAURANT, TAKE-OUT ONLY – A restaurant containing less than 1,500 square feet of gross floor area and which does not contain more than twenty (20) seats.

RETAIL STORE – A retail establishment located entirely within an enclosed building which sells goods, services, or merchandise to the general public for personal, household, or office consumption and which shall not include wholesaling, manufacturing, or processing of the goods offered for sale.

RETIREMENT HOUSING FACILITY – See "Care Facilities and Senior Housing" in this Section.

RE-WORK – Re-entry of an existing well within the existing bore hole or by deepening or sidetrack/horizontal operations (which do not extend more than 150 feet horizontally from the existing well bore) or replacement of well liners or casings.

RIGHT-OF-WAY (ROW) – A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer, and other similar uses. A ROW grants a lot interest to the grantee and no permanent structure may be erected therein.

ROADSIDE STAND, ACCESSORY – An accessory use that includes a seasonal, temporary, or a semi-temporary structure for the sale of goods or produce.

ROADSIDE STAND, PRINCIPAL – A principal use that includes a permanent structure for the sale of seasonal goods or produce.

ROOMING HOUSE – See "Boarding House" in this Section.

RUNWAY – A defined area of an airport prepared for landing and takeoff of aircraft along its length. Types of runways include:

NON-PRECISION INSTRUMENT RUNWAY – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

OTHER THAN UTILITY RUNWAY – A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

PRECISION INSTRUMENT RUNWAY – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

UTILITY RUNWAY – A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

VISUAL RUNWAY – A runway intended solely for the operation of aircraft using visual approach procedures.

SALT STORAGE FACILITY – A structure used to house salt used to treat public and/or private roadways.

SALVAGE/JUNK YARD – Any premises devoted wholly or in part to the storage, buying or selling, sorting, exchanging, salvaging, recycling, or otherwise handling or dealing in junk, including automotive wreckage.

SATELLITE DISH ANTENNA – A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such a device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition

is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

SCHOOL – Any public, private, or parochial place of instruction which teaches those academic subjects that are fundamental and essential in general education and which provide instruction at the pre-primary level and/or kindergarten through 12th grade, or a vocational school, and meets the requirements of the Department of Education of the Commonwealth of Pennsylvania. Schools exclude "Educational Institution" and College/University" as defined in this Section.

SELF-STORAGE FACILITY – See "Mini-Warehouse" or "Self-Storage Facility" as defined in this Section.

SERVICE STATION – A retail place of business, engaged primarily in the sale of motor fuels or supplying goods and services generally required in the operation and maintenance of motor vehicles and fulfilling of motorist's needs, including the sale of petroleum products; sale and service of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the supplying of other incidental automotive customer services and products; and the performing of automotive maintenance and repair, excluding such repair as spray painting, body, fender, axle, frame, major engine overhaul, or recapping/retreading of tires. A service station may also include the operation of a convenience food store.

SETBACK LINE – A line parallel to a lot line, defining the building setback required by this Chapter.

SETBACK LINE, FRONT – The building setback line that is parallel to the front lot line, located at a distance as required by this Chapter.

SETBACK LINE, REAR – The building setback line that is parallel to the rear lot line, located at a distance as required by this Chapter.

SETBACK LINE, SIDE – The building setback line that is parallel to the side lot line, located at a distance equal to the side yard required by this Chapter.

SEWAGE TREATMENT PLANT – A facility designed to receive the wastewater from domestic sources and to remove materials that damage water quality and threaten public health and safety when discharged into receiving streams or bodies of water.

SHED – A detached, accessory structure which is incidental to a permitted residential structure. Sheds typically sit on a simple concrete slab, piers, or soil and are used to store household goods, tools, and/or equipment. Sheds shall include but are not limited to tool sheds, residential greenhouses, and pool equipment structures. All nonresidential detached storage structures are defined as storage buildings. See also "Storage Buildings."

SHOPPING CENTER – Two (2) or more retail store(s) and other authorized uses in the Zoning District in which it is an authorized use, developed as a single entity on a site, whether developed at one (1) time or in phases or by different owners.

SHORT-TERM RENTAL – A principal or accessory use other than a hotel or motel where lodging is provided for compensation for less than 30 days. Rentals are generally facilitated by an online tool that allows for peer-to-peer lodging options where the lodging facilities are generally owned by private individuals. This use include rentals commonly called by industry names including but not limited to Airbnb, HomeAway, Flip Key, WorldEscape, Uproost, etc.

SIGN – A name, identification, description, display, illustration, or device which is affixed or represented directly or indirectly upon a building, structure, or land and which functions as an Accessory Use by directing attention to a product, place, activity, person, institution, or business. The following terms and definitions are associated with the sign regulations contained in this Chapter.

A-FRAME – A portable sign comprised of two (2) separate panels or faces joined at the top and spread apart at the bottom to form the base on which the sign stands.

ADDRESS – The number or other designation assigned to a housing unit, business establishment, or other structure for all purposes of location, mail delivery, and emergency services. An address sign may include the name and address of the occupant of the premises.

AGRICULTURAL SALES SIGN – A sign displayed on a farm by the owner or other operator thereof, for the purpose of identifying such farm or advertising products thereof.

ANIMATED OR MOVING – Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation. Changeable copy signs as defined herein are not considered animated or moving signs.

ANIMATION – The movement, or the optical illusion of movement, of any part of the sign structure, design, or pictorial segment including the movement of any illumination or the flashing, scintillating, or varying of light intensity. Also included in this definition are signs having “chasing action” which is the action of a row of lights commonly used to create the appearance of motion.

ARCADE – A sign suspended beneath a ceiling of an arcade, a roof, or a marquee containing only the name of a business for the purpose of assisting pedestrian traffic traveling under the arcade, roof, or marquee to identify the location of establishments within a shopping center or similar building.

AWNING, CANOPY – Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

BANNER – A sign or outside advertising display having the character, letters, illustrations, ornamentations, symbols, color, or visual representation applied to cloth, paper, vinyl, fabric, plastic, or like kind of malleable material with or without frame. National, state, or municipal flags, or the official flag of any institution or business, shall not be considered banners.

BILLBOARD – A permanently installed sign identifying/advertising and/or directing the public to a business, merchandise, service, institution, residential area, or entertainment which is located, sold, rented, leased, produced, manufactured, and/or furnished at a place other than the real property on which said sign is located.

BUILDING IDENTIFICATION – A small pedestrian-oriented sign attached to a building, which bears only the name, number(s) and/or logo of the building but not the tenant and which is intended to be legible only from the pedestrian ways immediately adjacent to the sign.

CHANGEABLE COPY – A sign that is designed so that characters, letters, or illustrations can be changed or rearranged manually to change the message on the sign without altering the face or surface of the sign.

CHANGEABLE COPY, BULLETIN – A type of changeable copy sign constructed to allow letters or symbols to be changed periodically such as those used by places of worship and schools to announce events.

CHANGEABLE COPY, REMOTE – A sign that is designed so that characters, letters, or illustrations can be changed or rearranged remotely by electronic or other means to change the message or sign without altering the face or surface of the sign.

COMMERCIAL MESSAGE – Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

CONSTRUCTION – A temporary sign announcing the name of contractors, mechanics, or artisans engaged in performing work on the premises and only during active construction activities.

DEVELOPMENT – A temporary sign erected during the period of construction and/or development of a property by the contractor and developer or their agent.

DIGITAL SIGN – A computer programmable sign capable of displaying words, numbers, symbols, figures, or picture images that can be altered or rearranged by remote or automatically without physically altering the face or surface of the sign. These signs typically utilize light-emitting diode, plasma, or liquid crystal display technology to produce the character and graphic of the display. Digital signs shall include static alphanumeric displays and electronic message boards.

DIRECTIONAL, INCIDENTAL – A sign generally informational, that has a purpose secondary to the use of the lot or site on which it is located, such as "No Parking," "Entrance," "Exit," "One Way," "Loading Only," "Telephone," and other similar

directives, and provided that such sign does not exceed five (5) square feet. Directional, incidental signs shall be located only in conjunction with site drive entrances and/or internal traffic drive aisles.

ELECTRONIC MESSAGE BOARD – A type of digital sign which displays messages, such as time and temperature, in alternating light cycles.

FLASHING – A sign that contains an intermittent or sequential flashing light source or has a light source which is not stationary, varies in illumination intensity, or contains elements which give the appearance of any of the aforementioned.

FREESTANDING – Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

GOVERNMENTAL – A sign, which is owned, installed, and maintained by the Township or other governmental agency.

GROUND/MONUMENT – A freestanding sign, which is completely self-supporting, has its sign face or base on the ground and has no air space, columns, or supports visible between the ground and the bottom of the sign. It shall not be attached to a pole or pylon, nor raised by mounting on a man-made berm, wall, or similar structure. Pole/pylon signs that have pole covers which extend from the base of the sign face to the ground shall not be considered ground/monument signs.

HOME OCCUPATION IDENTIFICATION – A sign containing only the name and address of the occupant of the premises and their occupation. No logos or other advertising shall be permitted.

ILLUMINATED SIGN, EXTERNAL – A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

ILLUMINATED SIGN, INTERNAL – A sign containing a source of light contained within the sign structure or sign cabinet.

INFLATABLE – A three-dimensional (3-D) object, filled with air or gas, and located in such a manner as to attract attention.

MARQUEE – An integral part of the building consisting of a roof which is supported by the building and may also be supported by columns or piers, and which includes porches, porticos, and porte-cochères, but does not include canopies or awnings.

MARQUEE SIGN – A wall sign attached to a marquee.

MEMORIAL OR HISTORICAL PLAQUE – A commemorative plaque(s) placed by a recognized agency of the Township, County, State, or Federal government.

MENU BOARD SIGN – A sign that lists for consumers the various options of products, goods, or services provided by a business.

MURAL – A hand-painted, hand-tiled, or digitally printed restorative image on the exterior wall of a building that does not contain any commercial message. For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold.

NITS – The measure of the light emanating from an object that is used to quantify digital sign brightness, which is calculated by the total amount of light emitted from a sign divided by the surface area of the sign measured as candelas per square meter.

NO IMPACT HOME BASED BUSINESS – a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the property.

NOTIFICATION – A sign bearing legal and/or lot notices such as no trespassing, private lot, no turnaround, safety zone, no hunting, or similar messages and signs posted by a governmental agency for the safety of the general public.

OFF-PREMISE – A sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located. However, billboard signs shall not be considered to be off-premise signs.

ON-PREMISE – A sign or display that identifies or communicates a message related to the activity conducted, the service offered, or the commodity sold on the premises where the sign is located.

PANEL – The primary surface of a sign that carries the identifying/advertising message.

PENNANT – Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

POLE/PYLON SIGN – A freestanding sign erected on a pole, poles, pylon, or pylons, or other supporting structure where the bottom edge of a sign face is installed above the ground. Pole/pylon signs that have pole covers which extend from the base of the sign face to the ground shall not be considered ground/monument signs.

POLITICAL – A temporary sign which indicates the name, cause, or affiliation of a person seeking public or elected office or on which reference is made to an issue for which a public election or referendum is scheduled to be held.

PORTABLE – Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; sandwich board signs; balloons used as signs; umbrellas used for advertising; and

signs attached to or painted on vehicles parked and visible from the public ROW, unless vehicle is used in the normal day-to-day operations of the business.

PROJECTION – A sign, which reproduces a remote image, by optical or any other means, on any surface.

PUBLIC UTILITY – Signs in connection with the identification, operation, or protection of any public utility, on the same lot therewith, provided that the total sign area on any one (1) street frontage does not exceed eight (8) square feet.

REAL ESTATE SIGN – A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale. The signs may also bear the words "sold," "sale pending," or "rented" across their face.

RESIDENTIAL – Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements of this Chapter.

RESIDENTIAL DEVELOPMENT IDENTIFICATION – A permanent wall or freestanding ground sign containing the name and address of a plan of subdivision or a multi-family building or development. The sign shall contain no commercial message and if a ground sign, shall be located at the principal entrance or entrances of a development. The sign shall indicate that the development is located within the Township by clearly stating "Township of Lower Paxton" on the sign in lettering at least half the size of the lettering identifying the name of the development.

ROOF SIGN – A sign erected on or attached to a roof or a sign attached to a building that projects above the highest point on a wall that supports the roofline.

SAFETY CONTROL – Public safety sign pursuant to federal, state, or local public safety regulations.

SECONDARY SIGN – A sign located on a structure whereas the sign is intended for the advertisement of a product, service, or directions related to goods and/or service sold or provided on the subject property.

SIGN BASE – The support on which a sign face stands. The sign base shall not communicate any messages or include business identification.

SIGN FACE – The area or display surface, including the advertising surface and any framing, trim, or molding, used for the message on a single plane.

SIGN or SIGNBOARD – Any writing, printing, painting, display, emblem, drawing, graphic, electronic display, computerized display, or other device designed to be viewed by the public, designed and intended for advertising, and the structure supporting the display.

SITE DEVELOPMENT SIGN – A sign indicating that the premises is in the process of being subdivided and/or developed for the future construction of dwellings or other buildings before any actual construction activity has begun.

STATIC ALPHANUMERIC DISPLAY – A type of a digital sign that is only capable of displaying numbers and letters and that is not designed or programmed to flash, blink, move, or display multiple messages over a preset time interval.

STREAMER – A string or strip of miniature or full size pennants or flags which may or may not be suspended between two (2) points.

SUSPENDED – A sign which is suspended from a structure above into a vehicular or pedestrian access way, more than one (1) foot from the surface on which it is mounted, and is mounted usually, but not always, at right angles to the building.

TEMPORARY SIGN, GENERAL – Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frame, displayed for a period not exceeding 30 days. Temporary signs shall be permitted to advertise grand openings, distress sales, change in ownership; or temporary businesses which have been approved by the Zoning Officer, Planning Commission, Board of Supervisors, or ZHB.

TIME-AND-TEMPERATURE SIGN – A sign which indicates changing time and/or temperature.

TRAFFIC CONTROL SIGN – A sign regulating traffic.

WALL SIGN – Any sign painted, attached to, or affixed to a building or structure, attached flat against the wall surface, in such a way that only one (1) face of a sign is visible. The sign may project outward no more than six (6) inches from the wall of the building.

WINDOW SIGN – Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is temporarily affixed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

SINGLE-FAMILY DWELLING – See "Dwelling Types" in this Section.

SITE – The original tract of land which exists prior to any subdivision activity and which is the subject of an application for development, as defined by the SALDO.

SITE AREA – The total area of all lots, ROWs, easements, open space, and other features contained within the boundaries of a site. The total project area is determined by a survey prepared by a registered surveyor. The total site area may include multiple parcels. Also see "Lot Area" in this Section.

SKILLED NURSING FACILITY – An inpatient healthcare facility with the staff and equipment to provide skilled care, rehabilitation and other related health services to

patients who need nursing care, but do not require hospitalization, and when stays are not more than 90 days.

SLOPE MAP – A plan identifying the location and extent of topographic gradient changes based upon contour intervals of not more than five (5) feet where the slope is greater than ten percent (10%) and at intervals of not more than two (2) feet where the slope is ten percent (10%) or less. Slopes shall be identified by color or symbols.

SOLAR COLLECTION SYSTEM – A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

SOLAR ENERGY PRODUCTION FACILITY, LARGE – An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines, and other appurtenant structures and facilities. A facility is considered a large solar energy production facility if it supplies electrical or thermal power solely for off-site use.

SOLAR ENERGY SYSTEM, SMALL – A solar collection system consisting of one (1) or more roof and/or ground mounted solar collector devices and solar related equipment, and is intended to primarily reduce on-site consumption of utility power. A system is considered a small solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

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

SOLID WASTE COMBUSTOR OR INCINERATOR – A solid waste facility for the controlled burning of large quantities of solid waste at high temperatures under carefully regulated conditions.

SOLID WASTE LANDFILL FACILITY – All continuous land and structures, other appurtenances, and improvements on the land, used for processing, storing, or disposing of solid waste, or used for the purpose of processing, extracting, converting, or recovering energy or materials from solid waste. A facility may be publicly or privately owned and may consist of several processing, storage, or disposal operational units as required by the federal and/or state agency having jurisdiction.

SOLID WASTE TRANSFER STATION – Land or structures where solid waste is received and temporarily stored at a location other than the site where it was generated and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing

or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill, sewage, or sludge application.

SOUND LEVEL – The intensity of sound, measured in decibels (dBA), and produced by the operation of a permitted use.

SOUND LEVEL METER – An instrument standardized by the American Standards Association for measurement of intensity of sound.

SPECIAL EVENT – Any temporary display, sale of goods, use, or event that is located outside of a principal building structure and is accessory to the principal use of the lot that has the potential to create an increase in traffic, congestion, and/or noise than that which is typically caused by the principal use of the lot.

SPECIAL EXCEPTION – See “Use by Special Exception” as defined in this Section.

STABLE, COMMERCIAL – A public facility dedicated to the keeping of horses and/or ponies for commercial boarding as a principal use on a lot. Private stables are defined as an “accessory agricultural building” and must be paired with a permitted principal use allowed in the district. See “Accessory Agricultural Building” in this Section.

STABLE, PRIVATE – The keeping of horses and/or ponies for the personal use of the residents of a lot, not including any profit-making activities. Private stables are defined as an “accessory agricultural building” and must be paired with a permitted principal use allowed in the district. See “Accessory Agricultural Building” and Commercial Stable” in this Section.

STACK – Any vertical structure enclosing a flue(s) that carry off smoke or exhaust from a furnace or other fuel-burning device, especially that part of a structure extending above a roof.

STEALTH TECHNOLOGY – Camouflaging methods applied to wireless communications towers, antennae, and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

STEEP SLOPE – Any portion of any lot which has a natural or finished slope in excess of 25% shall be considered a steep slope and shall be subject to these regulations, except that high walls remaining from mineral removal activities shall be exempt from these regulations. Slope is calculated based upon contours at intervals of not more than five (5) feet where the slope is greater than ten percent (10%) and at intervals of not more than two (2) feet where the slope is ten percent (10%) or less.

STORAGE BUILDING – An accessory structure used for storing goods and products incidental to a permitted, nonresidential, principal use.

STORAGE YARD, ACCESSORY – As an accessory use, a storage yard includes a portion of a lot or parcel which is not occupied by a building and is used to store materials associated with the permitted principal use. Materials and/or equipment within a storage yard are not offered for commercial sale nor are they accessible to the public. See also "Supply Yard."

STORAGE YARD, PRINCIPAL – As a principal use, a storage yard is an otherwise vacant lot or parcel that is used to store construction equipment, vehicles, and/or construction materials. Materials and/or equipment within a storage yard are not offered for commercial sale nor are they accessible to the public. See also "Supply Yard."

STORMWATER MANAGEMENT FACILITIES – See the definition provided by the Township Stormwater Management Ordinance.

STORMWATER MANAGEMENT ORDINANCE – The Township Stormwater Management Ordinance, Chapter 19 of the Township Code of Ordinances.

STORY – That portion of a building included between the surface of any finished floor and the surface of the floor next above it, or if there is no floor above it, then the space between any floor and the ceiling next above it. In determining the number of stories for purposes of height measurement, a basement shall be counted as a story if the ceiling is more than five (5) feet above the average adjoining ground level at the front setback, and a mezzanine shall be counted as a story if it covers 50% or more of the area of the story underneath such mezzanine. An attic or a cellar shall not be counted as a story.

STREET – All land between ROW lines, whether public or private, and whether improved or unimproved, which is intended to accommodate vehicular traffic, including an avenue, drive, boulevard, highway road, freeway, parkway, lane, viaduct, or other vehicular way. The term shall not include the word "Driveway."

TYPE OF STREETS: As defined in the SALDO.

STREET FRONTOAGE – The length of the front lot line. See also "Lot Line."

STREET WALL – The wall of a building adjoining a sidewalk at the edge of the street ROW; or architectural elements, such as walls, piers, pillars, fences, colonnades, porches, and porticoes, in lieu of a building wall when a building is set back from the street wall line.

STREET TREE – Any tree planted within the ROW of a street. Street trees are not the same as trees planted in the front yard of a residential home or lot.

STRUCTURAL ALTERATION – Any change in the support members of a building such as bearing walls, columns, beams, or girders; changes in the means of ingress and/or egress; enlargement of floor area or height of a structure; or relocation of a structure from one position to another.

STRUCTURE – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

STRUCTURE HEIGHT – The vertical distance from the lowest finished grade level to the peak of the roof. See Appendix B.

STUDENT RECREATIONAL FACILITIES – A facility or facilities for the enjoyable relaxation of students enrolled at a commercial school.

SUBDIVISION – The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (SALDO) – The Lower Paxton Township Subdivision and Land Development Ordinance (SALDO), Chapter 22 of the Township Code of Ordinances, as adopted and amended by the Board of Supervisors.

SUBSTANTIAL CHANGE TO A WIRELESS COMMUNICATION FACILITY – A modification to an existing wireless communications facility that substantially changes the physical dimensions of a tower or base station and meets any of the following criteria: (1) for communications tower outside the public ROW, it increases the height of the facility by more than ten percent (10%), or by the height of one (1) additional antenna array with separation from the nearest existing antenna, not to exceed twenty (20) feet, whichever is greater; for communications towers in the ROW, it increases the height of the facility by more than ten percent (10%) or ten (10) feet, whichever is greater; (2) for communications towers outside the public ROW, it protrudes from the edge of the WCF by more than twenty (20) feet, or more than the width of the tower structures at the level off the appurtenance, whichever is greater; for those communications tower in the public ROW, it protrudes from the edge of the structure by more than six (6) feet; (3) it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; (4) it entails any excavation of deployment outside the current site of the communications tower; or (5) it does not comply with conditions associated with prior approval of construction or modification of the communications tower unless the non-compliance is due to an increase in height, increase in width, or addition of cabinets.

SUPPLEMENTARY AGRITOURISM ENTERPRISE – Minor activity that would support the other products on the farm. See also "Agritourism" in this Section.

SUPPLY YARD, ACCESSORY – As an accessory use, a supply yard shall include the portion of a lot or parcel that is not occupied by a building and is used for the display and/or sale of building materials, construction equipment, and/or goods associated with the permitted principal use. Supply yards do not include the storage and sale of vehicles. See also "Storage Yard" and "Vehicle Sales."

SUPPLY YARD, PRINCIPAL – As a principal use, a supply yard is an otherwise vacant lot or parcel that may or may not be occupied by a building and is used for the display and sales of building materials, construction equipment, feed and grain, and/or goods typically

stored outdoors for sale to the public. Supply yards do not include the storage and sale of vehicles. See also "Storage Yard" and "Vehicle Sales and Service."

SURFACE AREA OF A SIGN – The area of all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed (whether such background is open or enclosed), but excluding any supporting framework and bracing which are solely incident to the display itself, provided that the same do not contain such lettering, wording, designs, or symbols. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols. Where a sign consists of a double face, only one (1) side shall be considered for the purpose of calculating the sign area, provided that both faces are identical.

SURVEYOR – A professional surveyor licensed in the State of Pennsylvania. See "Registered Professional."

SWIMMING POOL – A man-made enclosure, designed to impound water for the purpose of creating depth of water suitable for swimming, or other types of water recreation or therapy, including but not limited to water slides, lap pools, whirlpools, soaking tubs, or hot tubs.

TATTOO/BODY PIERCING ESTABLISHMENT – An establishment in which tattooing or body piercing is carried out professionally, subject to all applicable county and/or state health and licensing requirements.

TAVERN (BAR) – Any use in which the primary purpose is the sale of alcoholic beverages for on-premises consumption, which may or may not include dancing. Taverns may include prepared food sales but such prepared foods are typically accessory or incidental to the primary purpose as a Tavern.

TAXI AND LIMOUSINE SERVICE – A fee based service regulated by the PUC that provides a vehicle and a driver from one (1) point to another.

TEMPORARY USE OR STRUCTURE – Any use or structure which may be a principal use on a lot or accessory to an existing principal use on a lot intended to be used for less than six (6) consecutive months, including but not limited to construction or land sales trailers, tents, bleachers, air supported structures, seasonal displays, and similar structures. Structures intended to be used for more than six (6) months shall be considered permanent and shall meet the use and structure requirements for permanent structures.

TENTATIVE APPROVAL – An approval prerequisite to final approval of a development plan granted by the Board of Supervisors in accordance with this Chapter.

THEATER – A building or part of a building devoted to showing motion pictures or dramatic, dance, musical, or other live performances. This definition does not include "Adult-Oriented Businesses."

THEATER, DRIVE-IN – A structure consisting of a large outdoor screen, a projection booth, and a large parking area for automobiles. Within this enclosed area, customers can view movies from the privacy and comfort of their cars.

TINY HOUSE – See “Manufactured Homes” in this Section.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITY (TOWER-BASED WCF) – A structure that is used for the purpose of supporting one (1) or more antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles, and light poles. DAS hub facilities are considered to be tower-based WCFs.

TOWING AND OTHER ROAD SERVICES – A personal service engaged in the business of offering the services of a vehicle wrecker or towing service, whereby disabled motor vehicles are towed or otherwise removed from the place they are disabled by use of a wrecker so designed for that purpose by a truck, automobile, or other vehicle so adapted for that purpose.

TOWNHOUSE – See “Dwelling Types” in this Section.

TOWNSHIP – The Township of Lower Paxton, Dauphin County, Pennsylvania.

TOWNSHIP BOARD OF SUPERVISORS – See “Board of Supervisors” in this Section.

TOWNSHIP COMMUNITY DEVELOPMENT DIRECTOR – A person retained by the Township responsible for administering this Chapter and to undertake all other powers and duties specified by the Board of Supervisors in accordance with Article II of the MPC, 53 P.S. § 10201 et seq.

TOWNSHIP CONSTRUCTION CODE – The Township Construction Code, Ordinance No. 344, as amended, and as found in Chapter 5 of the Township Code of Ordinances. Any reference to “Township Building Code” shall be interpreted to mean the Township Construction Code.

TOWNSHIP CONSTRUCTION STANDARDS – The plans and specifications for building infrastructure and other defined systems and/or facilities in the Township as outlined in the Township’s Minimum Construction Standards.

TOWNSHIP ENGINEER – A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed by the Board of Supervisors to serve as the engineer for the Township. See also “Registered Professional” in this Section.

TOWNSHIP MANAGER – A person retained by the Board of Supervisors as the Manager of Lower Paxton Township and responsible for directing and controlling the business and administrative affairs of the Township.

TOWNSHIP SOLICITOR – An attorney licensed as such in the Commonwealth of Pennsylvania and retained by and responsible to the Board of Supervisors to furnish legal assistance for the administration of municipal regulations and arrangements relative to this Chapter.

TRAFFIC NETWORK ANALYSIS – A technical report, submitted by a professional traffic engineer, which projects the trip generation of a land development and the anticipated trip impact on the Township's Comprehensive Road Network.

TRAILER, SALES OR CONSTRUCTION – A temporary structure to be used for the duration of the zoning, building, and grading permit to provide temporary offices for personnel associated with the permitted land development.

TRANSFER FACILITY – A facility licensed by the Pennsylvania Department of Environmental Protection (PA DEP) which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing and disposal.

TRANSFERABLE DEVELOPMENT RIGHTS – The attaching of development rights to specified lands which are desired by a municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate.

TRANSITIONAL SURFACE (ZONE) – An imaginary surface that extends outward and upward from the edge of the primary and approach surfaces to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1).

TREE – Any object of natural growth.

TREE LAWN – the space within the public street right-of-way which is defined as being from the back of the curb at the edge of the cartway to the first edge of the street sidewalk. The tree lawn shall be seeded with grass and maintained as grass and shall also contain street shade trees (within the street right-of-way). The minimum width of the tree lawn shall be five (5) feet.

TREE PRESERVATION PLAN – A map or site plan which illustrates the general layout of proposed buildings, structures, driveways, and on-site areas on a lot or tract of land, along with the design of landscaped areas, including detail of the location, species, and trunk circumference of all legacy trees which are to be retained or removed, trees which are to be planted as replacement trees, and trees which are to be retained on-site for mitigation purposes.

TURBINE HEIGHT – The distance measured from the highest point of the wind turbine rotor plane to the ground level.

TWO-FAMILY DWELLING – See "Dwelling" in this Section.

UNIVERSITY/COLLEGE – See "College/University" in this Section.

URBAN AGRICULTURE, PRINCIPAL – Agricultural activities intended primarily for the growing of crops and in which no livestock, poultry, or other farm animals are kept or raised. Limited agricultural uses are intended to allow for the growing of agricultural products on vacant lots or properties as a permissible principal use.

USE – Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business, or operation carried on in a building or other structure or on a tract of land.

USE, ACCESSORY – A use customarily incidental and subordinate to the principal use and located on the same lot as the principal use.

USE, BY SPECIAL EXCEPTION – An authorized use in a particular Zoning District which may be granted only by the ZHB in accordance with express standards and criteria specified in this Chapter after a public hearing.

USE, PRINCIPAL – The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

VARIANCE – Relief granted pursuant to the provisions of Articles VI and IX of the MPC.

VEHICLE REPAIR GARAGE – Any building, premises, and land in which or upon which a business, service, or industry performs or renders a service involving the maintenance, servicing, repair, or painting of vehicles weighing less than 8,500 pounds Gross Vehicle Weight Rating (GVWR). Businesses solely devoted to vehicle electronics repair and/or installation shall be considered retail stores.

VEHICLE SALES AND SERVICE – A retail establishment which may include one (1) or more of the following: an open area, other than a street, for the display and sale or rental of new or used automobiles and light duty trucks; buildings which may contain offices and showrooms; an area within a completely enclosed building where reconditioning, preparation, accessory installation, repairs, and/or the servicing of vehicles is performed.

VEHICLE RENTAL FACILITY – The rental of motor vehicles, watercraft, recreational vehicles, or trailers, including outdoor display areas and service areas within a completely enclosed building and a showroom and offices within the building.

VETERINARY CLINIC – See "Animal Hospitals and Veterinarian Services."

VINEYARD – A farm where grape vines are planted, grown, raised, or cultivated for the purpose of producing grape wine.

WASTEWATER TREATMENT PLANT – A facility that processes and converts wastewater, which is water no longer needed or suitable for its most recent use, into an effluent that can be either returned to the water cycle with minimal environmental issues or reused.

WAREHOUSE AND STORAGE SERVICES – A structure primarily used for the storage of goods and materials which also includes refrigeration and cold storage services. This use does not include distribution centers.

WATER IMPOUNDMENT, FRESH - A lined depression, excavation pit, or facility situated in or upon the ground whether natural or artificial used to store fresh water.

WATER IMPOUNDMENT, WASTE - A lined depression, excavation pit, or facility situated in or upon the ground, whether natural or artificial, used to store waste water fluid including but not limited to brine, fracturing fluid, produced water, recycled water, impaired water, flowback water, or any other fluid that does not satisfy the definition of "fresh water."

WATER INTAKE WELLS – A site authorized by a permit from the PA DEP for the drilling site for the production of potable water supply.

WATER STORAGE – Any impoundment of water by a public or private authority, agency, or corporation for the purpose of providing water supply or recreation to the general public.

WBCA – Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 et. seq.)

WELL – A bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; or, a dug hole whose depth is greater than the largest surface dimension; or, an improved sinkhole; or, a subsurface fluid distribution system.

WELL SITE – Shall consist of the area occupied by any of the facilities, structures and equipment associated with or incidental to the construction, drilling, fracturing, production, or operation of an oil or gas well. If multiple areas are used, then the total combined areas shall be considered the well site.

WELL OPERATOR OR OPERATOR – Any person, partnership, company, corporation, and its subcontractors and agents who have an interest in real estate for the purpose of exploring or drilling for, producing, or transporting oil or gas. The person designated as the well operator or operator on the permit application or well registration. If the owner is a separate entity than the operator, then the owner shall also be listed. Where a permit or registration was not issued, the term shall mean any person who locates, drills, operates, alters, or plugs any well or reconditions any well with the purpose of production there from. In cases where a well is used in connection with the underground storage of gas, the term also means a storage operator.

WELL PAD – The area extending to the limits of disturbance of the grading plan for a drilling site where a well is to be drilled and occupied by any of the facilities, structures, and equipment associated with or incidental to the construction, drilling, fracturing, production, or operation of an oil or gas well. Notwithstanding the foregoing, the well pad site does not include the access road.

WELLHEAD – The precise point of entry into the ground where the drilling of a gas well takes place.

WETLAND – An area of land and/or water meeting one or more definitions of a "wetland" under Federal and/or Pennsylvania law and/or regulations. (Note: Wetlands are generally delineated by a specialist based upon an on-site investigation of vegetation, soils and hydrologic conditions. Hydric soils, as mapped by the U.S. Natural Resource Conservation Service, provide an initial indicator of whether wetlands may be present.).

WHOLESALE BUSINESS – A business primarily engaged in selling merchandise to retailers, institutional, commercial, or professional business customers or other

wholesalers, rather than to the general public, which includes the warehousing of merchandise and which may include distribution of such merchandise on the site of the principal business.

WIND CHARGER – A wind-driven, direct-current generator used for charging storage batteries.

WIND ENERGY CONVERSION SYSTEM (WECS) – A device such as a wind charger, wind turbine or windmill, and/or other electric generation facility whose main purpose is to convert wind power into another form of energy such as electricity or heat, consisting of one (1) or more wind turbine and other structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

WIND ENERGY PRODUCTION FACILITY, LARGE – An area of land or other area used for a wind energy conversion system principally used to capture wind energy and convert it to electrical energy. Large wind energy production facilities consist of one (1) or more wind turbines, tower, and associated control or conversion electronics and other accessory structures and buildings including substations, electrical infrastructure, transmission lines, and other appurtenant structures and facilities. A facility is considered a large wind energy production facility if it supplies electrical power solely for off-site use.

WIND ENERGY SYSTEM, SMALL – A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, and is intended to primarily reduce on-site consumption of utility power. A system is considered a small wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

WINDMILL – A device that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind.

WIND TURBINE – A device that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

WINERY – An area devoted to the growing of grapes or other fruit and the process of fermenting the product into wine. Wineries shall also include the structures or areas provided for the tasting or sale of the wine so long as such areas are on the same site as the products grown.

WIRELESS – Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

WIRELESS COMMUNICATIONS FACILITY (WCF) – The antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics, and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT OR APPLICANT) – Any person that applies for a wireless communication facility building permit, zoning approval, and/or permission to use the public ROW or other Township-owned land or property.

WIRELESS COMMUNICATIONS RELATED EQUIPMENT – Any piece of equipment related to, incidental to, or necessary for, the operation of a tower-based WCF or non-tower WCF. By way of illustration, not limitation, "Related Equipment" includes generators and base stations.

WIRELESS SUPPORT STRUCTURE – A freestanding structure, such as a tower-based WCF or any other support structure that could support the placement or installation of a WCF, if approved by the Township.

WOODLANDS – A plant community composed predominantly of healthy trees and other woody vegetation, well stocked, and growing more or less closely together.

YARD, FRONT – A yard extending between side lot lines across the full lot width from the front lot line to a line parallel to the front face of the structure of the principal use of the lot (See Figure 1).

YARD, REAR – A yard extending between the side lot lines across the full lot width from the rear lot line to a line parallel to the rear face of the structure of the principal use of the lot (See Figure 1).

YARD, SIDE – A yard extending from the front yard line to the rear yard line parallel to the side lot line (See Figure 1).

ZONING CERTIFICATE – A document signed and issued by the Zoning Officer upon a request to certify the correct Zoning District, the compatibility of existing land uses, the compatibility of proposed land uses, and/or the legal status of a nonconforming use, structure, or lot.

ZONING DISTRICT – An area in the Township in which regulations under this Chapter uniformly apply, including Overlay Districts.

ZONING HEARING BOARD (ZHB) – The Zoning Hearing Board of Lower Paxton Township, Dauphin County, Pennsylvania as defined by and appointed in accordance with the MPC, Act 247 of 1968, as amended by Act 170 of 1998 (53 P.S. §10101 et seq., as may be amended from time to time).

ZONING HEARING BOARD SOLICITOR – The Zoning Hearing Board Solicitor shall be an attorney other than the Township Solicitor and shall not be employed within the same law firm as the Township Solicitor. The Zoning Hearing Board Solicitor shall be licensed as such in the Commonwealth of Pennsylvania and represents the Township Zoning Hearing Board.

ZONING MAP – The Official Zoning Map delineating the Zoning Districts of Lower Paxton Township, Dauphin County, Pennsylvania, together with all amendments subsequently adopted.

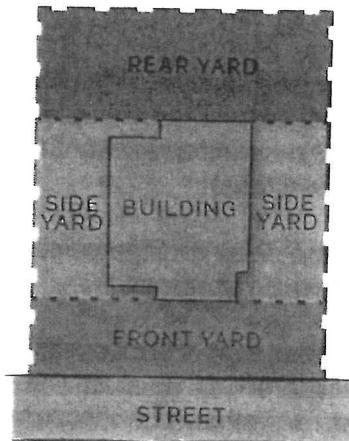
ZONING OFFICER – The designated official or authorized representative appointed by the Board of Supervisors whose duty it shall be to administer this Ordinance and as identified in §614 of the Pennsylvania MPC, Act 247 of 1968, as amended by Act 170 of 1998 (53 P.S. §10101 et seq., as may be amended from time to time).

ZONING ORDINANCE – The Lower Paxton Township Zoning Ordinance, Ordinance No. 27, as amended. This Chapter of the Township Code of Ordinances.

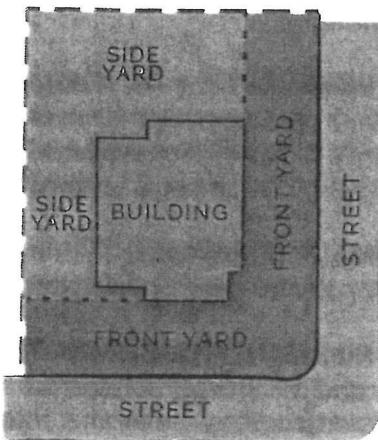
ZONING AND OCCUPANCY PERMIT – A permit issued by the Zoning Officer which is required by this Chapter prior to: the commencement of a use; the construction, reconstruction, alteration, remodeling, enlargement, movement, occupancy, or use of a building, structure, or lot; the change in use of a building, structure, or lot; any change to, or enlargement or extension of a nonconforming use; and/or the construction, reconstruction, alteration, or movement of a retaining wall.

FIGURE 1: YARD TYPE ILLUSTRATION

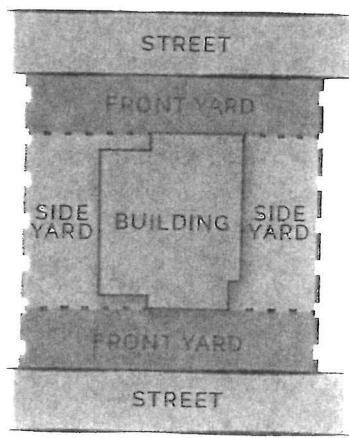
INTERIOR LOT



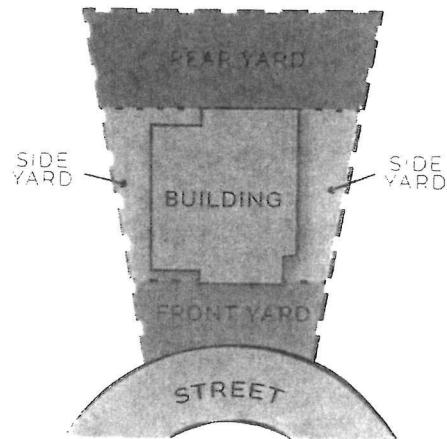
CORNER LOT



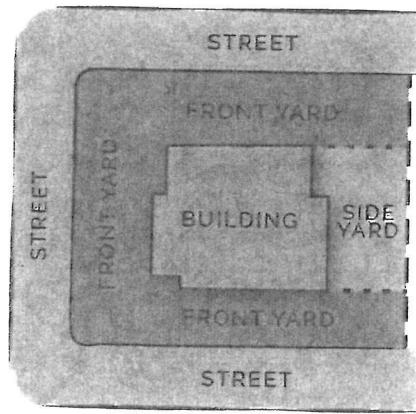
DOUBLE-FRONTAGE LOT



IRREGULAR LOT



TRIPLE-FRONTAGE LOT



Article III: District Regulations

Section 301: Official Zoning Map

A. A map entitled "Lower Paxton Township Official Zoning Map" is hereby adopted as part of this Chapter. The Official Zoning Map shall be kept on file available for examination at the office of the Township Manager.

Section 302: Zoning Districts

A. The Township is divided into a series of Zoning Districts stated in this Chapter and as shown by the district boundaries on the Official Zoning Map.

1. Zoning Districts.

CO – Conservation.

AR – Agricultural Residential.

R-1 – Residential.

R-2 – Residential.

R-3 – Residential.

V – Village.

CN – Commercial – Neighborhood.

CG – Commercial – General.

BC – Business Campus.

LI – Light Industrial.

GI – General Industrial.

IN – Institutional.

ND – Neighborhood Design Overlay District.

TC – Towne Centre.

Section 303: Purpose of Districts

A. CO – Conservation. The purpose of this District is to conserve important natural features, such as wetlands, flood-prone lands, and steeply sloped areas, and Blue Mountain. To vary density based upon the natural features of the land, protect the water quality and habitats along creeks and around lakes, and to promote groundwater

recharge. To provide incentives and a certain amount of flexibility in lot layout through conservation-oriented development so that development can be clustered on the most suitable portions of a tract of land, while avoiding overly intense development.

- B. AR – Agricultural Residential. This district is to provide areas for rural types of development at a lower overall density, in a manner that protects natural features and avoids conflicts with agricultural uses. This District promotes the use of Open Space Development Option.
- C. R-1– Residential. The purpose of this District is to provide low density residential neighborhoods that are primarily composed of single family detached dwellings, and protect these areas from incompatible uses. To provide incentives and a certain amount of flexibility in lot layout through Open Space Development and Traditional Neighborhood Development Options, to enable development to be place on the most suitable portions of the tract of land, while still avoiding overly intense development.
- D. R-2– Residential. The purpose of this District is to accommodate for medium density residential neighborhoods with a mix of housing types while meeting State law requirements to provide opportunities for various housing types, and protect these areas from incompatible uses.
- E. R-3 –Residential. The purpose of this District is to provide opportunities for a mix of housing types at a medium to high density, and protect these areas from incompatible uses.
- F. V – Village District. The purpose of this District is to provide business opportunities while seeking to develop a central community focus for the Township, while promoting a pedestrian-friendly and bicycle-friendly environment. This District shall promote an appropriate mix of retail, service, office, public, institutional and residential uses. This District shall avoid the development of heavy commercial uses that differ from the historic and scenic character. These districts should provide a smaller-scale uses that will not be obstructive in the landscape and that will not overload the road system.
- G. CN – Neighborhood Commercial. The purpose of this district is to provide an area for lighter types of commercial and office uses that are compatible with nearby homes.
- H. CG – General Commercial. The purpose of this District is to provide a variety of commercial uses along major highways where a variety of commercial uses area already present. These areas are to provide for a wider range of commercial uses than the CN and V districts.
- I. LI–Light Industrial. The purpose of this District is to provide an areas for certain types of industrial and commercial development in a manner that is compatible with nearby residential districts and the surrounding environment, and to control the types of industrial operations to avoid nuisances and potential environmental hazards, while encouraging coordinated development, particularly in regard to traffic access.
- J. GI – General Industrial. The purpose of this District is to provide an area for certain types of industrial and commercial development in a manner that is compatible with nearby

residential districts and the surrounding environment, and to control the types of industrial operations to avoid nuisances and potential environmental hazards, while encouraging coordinated development, particularly in regard to traffic access. This district provides a greater number of industrial uses than the LI District.

- K. BC – Business Campus District. The purpose of this District is to provide an area that allows sufficient space, appropriate locations and to meet the needs for offices and complementary business types. The District is intended to control intensities of uses to avoid nuisances and hazards, while providing an area for development that will generate additional tax revenue and wider employment opportunities. The District shall promote an attractive, well-landscaped, campus-type business park development that uses deed restrictions imposed by the subdivider, as well as interior road systems.
- L. IN – Institutional District. The purpose of this District is to provide for a variety of institutional uses and related uses, such as medical offices.
- M. NDD – The primary goal of this section shall be to make permitted densities attainable in order to ensure the residential "highest and best use" of Lower Paxton Township's valuable and diminishing commodity of developable land, as well as to permit and provide for appropriate conventional neighborhood planning and design.
- N. TC – The primary purpose of the Town Centre Zone is to create walkable, liveable, and attractive mixed- use development centers of a sustainable density to create a sense of place. Specifically, the Town Centre zone is intended to blend residential, commercial, cultural, institutional, and/or entertainment uses, where those functions are physically and functionally integrated.

Section 304: District Boundaries

- A. District boundaries shown within the lines of roads, streams, and transportation ROWs shall be deemed to follow the centerline and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds' office at the time of adoption of this ordinance, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map. The vacation of roads shall not affect the location of such district boundaries.
- B. When the Zoning Officer cannot definitively determine the location of a District boundary by such centerline, by the scale or dimension stated on the Official Zoning Map, or by the fact that it clearly coincides with a lot line, he shall refuse action, and the ZHB upon appeal shall interpret the location of the District boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of this Chapter.
- C. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) are located, unless otherwise provided by

applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

Section 305: District Regulations Overview

- A. Introduction. These general regulations shall apply in all Zoning Districts:
 1. Unless specifically defined, general provisions outlined in this Chapter shall apply to all Zoning Districts.
 2. Any use not expressly listed for a Zoning District is not permitted in that district, unless authorized as a conditional use or a use by special exception in accordance with the provisions of Article VII of this Chapter, and only in those Districts where "Uses Not Specifically Listed" are expressly listed as a conditional use shall such uses be considered for development.
 3. On farms, principal farm buildings and structures may occupy the same lot as a single-family dwelling. However, two (2) or more single-family dwellings shall not occupy the same lot.
 4. In addition to the basic zoning requirements defined by this Chapter, all conditional uses shall conform to all the applicable requirements and provisions defined by Article VI of this Chapter. All uses by special exception shall conform to all applicable requirements and provisions defined by Article VII of this Chapter.
 5. Development shall be pursued, at a minimum, in accordance with the provisions outlined in the Township Construction Standards.
 6. Unless a process for development is otherwise outlined in this Chapter, a landowner and/or developer submitting an application for subdivision and/or land development shall abide by the approval procedure outlined in the SALDO.
- B. Permitted Uses, Conditional Uses, and Uses by Special Exception.
 1. The permitted uses, conditional uses, and uses by special exception for each Zoning District are set forth in Table 1, "Table of Authorized Principal Uses" of this Chapter.
 2. As used in Table 1 of this Chapter:
 - a. The letter "P" denotes a permitted use by right, subject to the requirements specified by this Chapter and provided a zoning certificate has been issued in accordance with Article XII of this Chapter.
 - b. The letter "C" denotes a use that is conditional, subject to the requirements specified by this Chapter and provided that the Board of Supervisors grants the conditional use pursuant to Article VI of this Chapter.

- c. The letter "SE" denotes a use that is a special exception subject to the requirements specified by this Chapter and provided that the ZHB grants the special exception pursuant to Article VII of this Chapter.

TABLE 1: TABLE OF AUTHORIZED PRINCIPAL USES

C. Lot Requirements.

1. The minimum dimensional requirements for lots in each District shall be provided as shown in Table 2.
2. Corner lots shall provide front yards on each street frontage. The remaining two (2) yards shall be considered side yards.
3. For corner lots that have three (3) frontages, the front and/or side yards shall be determined depending on where the front door faces. The primary front yard is where the front door is oriented toward the street.
4. Any lot of record existing at the effective date of this Chapter may be used for the erection of a building or structure conforming to the use regulations of the District in which it is located, even though its area and/or width are less than the minimum requirements of this Chapter provided that all other requirements of the District in which it is located can be met.
5. Any development of a lot shall conform to the dimensional requirements of the Zoning District in which it is located as well as, if applicable to the lot, any additional Overlay provisions as identified in Article IV of this Chapter.
6. Flag lots shall not be permitted unless a minimum width of 30 feet is met and the lot is on a minimum of five (5) acres. There is a limit to one (1) flag lot.

Section 306: Historic buildings.

A. Purposes. In addition to serving the overall purposes of this chapter, this section is intended to:

1. Promote the retention of community character through preservation of the local heritage by recognition of historic and architectural resources.
2. Establish a clear process to review and approve demolition of designated historic buildings.
3. Encourage continued use, appropriate rehabilitation and adaptive reuse of historic buildings.
4. Implement Sections 603(b), 603(g), 604(1) and 605(2) of the Pennsylvania Municipalities Planning Code which address protecting and facilitating the preservation of historic values through zoning and using zoning to regulate uses and structures at or near places having unique historic, architectural or patriotic interest or value.

5. Strengthen the local economy by improving property values and increasing investment in older buildings.

6. Carry out recommendations of the Township Comprehensive Plan.

B. Applicability.

1. This Section shall apply to any principal building within a V Village District, except for a building or building addition for which the Zoning Officer has knowledge that it was built after 1945. The applicant may provide evidence to the Zoning Officer that a building was built after 1945. This Section shall also apply to any principal building identified on the Historic Structure Map as an historic building.

2. Any partial or complete demolition of a principal building regulated by this Section shall only occur in compliance with this section.

3. Demolition shall be defined as "the dismantling, tearing down, removal or razing of the exterior of a building, in whole or in part. This term shall not include changes to the interior of a building, provided such changes do not alter the structural integrity of the building." A partial demolition shall include, but not be limited to: removal of an attached porch roof, removal of porch columns and removal of exterior architectural features.

C. Historic Structure Map. An Historic Buildings Map may be adopted as part of this chapter, or a later amendment of this chapter.

D. Approval of demolition.

1. A building regulated by this Section shall not be demolished, in whole or in part, unless the applicant proves to the satisfaction of the Board of Supervisors as a conditional use that one or more of the following conditions exists:

a. The existing building cannot feasibly and reasonably be reused, and that such situation is not the result of intentional neglect or demolition by neglect by the owner; or

b. The denial of the demolition would result in unreasonable economic hardship to the owner, and the hardship was not self-created; or

c. The demolition is necessary to allow a project to occur that will have substantial, special and unusual public benefit that would greatly outweigh the loss of the building regulated by Section. For example, a demolition may be needed for a necessary expansion of an existing public building or to allow a street improvement that is necessary to alleviate a public safety hazard; or

d. The existing building has no historical or architectural significance and the demolition will not adversely impact upon the streetscape. To meet this condition, the applicant may present information concerning the proposed design of any replacement building or use to show that the

proposed building or use will result in a net improvement to the streetscape

2. For approval of a demolition, the standards of this Section shall apply in place of the general conditional use standards. In reviewing the application, the Board of Supervisors shall consider the following:
 - a. The effect of the demolition on the historical significance, streetscape and architectural integrity of neighboring historic buildings and on the historic character of the surrounding neighborhood.
 - b. The feasibility of other alternatives to demolition.
3. A complete application for the demolition shall be submitted by the applicant in writing. This application shall include the following:
 - a. The name, address and daytime telephone number of the owner of record and the applicant for the demolition.
 - b. Recent exterior photographs of the building proposed for demolition. If the applicant is alleging that the building cannot be reused or rehabilitated, then interior photos and floor plans shall be provided as needed to support the applicant's claim.
 - c. A site plan drawn to scale showing existing buildings and the proposed demolition.
 - d. A written statement of the reasons for the demolition.
 - e. The proposed use of the site, and a proposed timeline for development of that proposed use.
4. Evidence. The applicant shall provide sufficient credible evidence to justify any claims that a building cannot feasibly be repaired or reused.
5. Emergency. The Zoning Officer may issue a permit for the demolition without compliance with this section if the Building Inspector certifies in writing that the building represents a clear and immediate hazard to public safety, and that no other reasonable alternatives exist to demolition.
6. In the V District where new construction or vehicle parking is proposed in place of the demolished building, information about the proposed use shall be provided prior to approval of the demolition.
7. If a principal building is to be demolished, a performance bonding shall be required to be posted to ensure that the site is adequately cleared after the demolition, with proper disposal of debris.

8. A separate demolition permit shall also be required under the Township Construction Codes, and the applicant shall prove compliance with State Department of Environmental Protection requirements for disposal of the debris.
- E. Exceptions. Conditional use approval shall not be needed for the following:
 1. Demolition of accessory buildings or structures. Additional requirements for the BC District.
 2. Interior renovations or removal of features (such as a rear porch) that do not harm the structural stability of the building and that are not visible from a public street (not including an alley).
 3. Removal of features that were added after 1945, such as a modern porch or aluminum siding or carport.
 4. Relocation of a building within the Township, provided that the relocation does not result in a partial or complete demolition that is regulated by this section.

Section 307: Additional requirements for BC District

- A. Impervious coverage. The maximum impervious coverage may be modified as follows, if the flexibility is used to provide a substantial buffer adjacent to existing dwellings:
 1. Within a subdivision or land development, the maximum impervious coverages of certain individual lots may be approved to be a maximum of 70%, provided that deed restrictions are put into place to restrict the maximum impervious coverage of other lots to a lower percentage, so as to ensure that a maximum impervious coverage of 60% is maintained for the total land area of all lots. This provision is intended to allow for substantial buffer areas adjacent to dwellings or for common recreation areas.
 - a. For example, by deed restrictions, one lot of two acres might have a maximum impervious coverage of 75%, while another two acre lot is approved with a maximum impervious coverage of 55%, resulting in an average impervious coverage of 65%.
- B. Height. A maximum height of 60 feet or six stories, whichever is more restrictive, shall apply if a BC District includes more than 10 contiguous acres. If a BC District includes less than 10 contiguous acres, then a maximum height of 40 feet or three stories, whichever is more restrictive, shall apply. Also, a maximum height of 40 feet or three stories, whichever is more restrictive, shall apply for any portion of a building that is within 100 feet from the lot line of an existing residential use.
 1. Customary extensions of a building that are not occupied by persons may exceed this height limit, such as elevator equipment, skylights, water towers, chimneys, smokestacks, parapet walls used to screen mechanical equipment, and similar features.
- C. Landscaping and screening.

1. Planting strips shall be provided adjacent to each public street. The planting strip shall have a minimum width of 30 feet adjacent to the curbline of an arterial street and 15 feet adjacent to the curbline to any other street. If curbing is not provided, then such width shall be measured from the street right-of-way. A sidewalk of approved width and approximately perpendicular driveways of approved width may be placed within this planting strip. The planting strip shall be maintained in deciduous shade trees, shrubs and an attractive vegetative ground cover.
2. As part of land development review for each new principal building, a landscaping plan shall be submitted to the Township. A minimum of 20% of each lot shall be landscaped, which shall include grass or other vegetative ground cover and an appropriate distribution of trees and shrubs.

D. Utilities. All new electric and telephone service lines within the development shall be placed underground.

E. Pedestrian access and amenities.

1. See the provisions of the Subdivision and Land Development Ordinance regarding sidewalks along streets. An applicant may apply for a modification under such ordinance to allow a bituminous asphalt bicycle/walking trail in place of concrete sidewalks.
2. Consideration should be given to providing pedestrian routes (such as crushed stone paths in areas that are not along a public street) and outdoor lunch areas with picnic tables and trees within a subdivision for the use of employees of businesses within the subdivision.

F. Additional BC provisions.

1. Facade materials. It is strongly encouraged that a minimum of 75% of the facades of buildings facing onto streets consist of glass, brick or other decorative masonry. This provision is intended to avoid metal or cinder block construction, at least as visible from a street. Subdividers are strongly encouraged to place such a requirement on each lot through deed restrictions.
2. Landscaped front yards. Parking in the front yard should primarily be used for visitor parking and handicapped parking. Other vehicle parking should primarily be placed to the side or rear of buildings.
3. Loading docks. An applicant shall prove to the satisfaction of the Township that loading docks have been located within reason to seek to minimize their visibility from dwellings, public streets and expressways. No loading dock routinely served by tractor-trailer trucks shall be located within 75 feet of the existing right-of-way of a public street.
4. Access. The Board of Supervisors may require that vehicle access be provided using an alternative other than direct access from lots onto Linglestown Road or

another arterial street. These alternatives may include, but are not limited to, access onto a street that is perpendicular to Linglestown Road, access by multiple lots onto a new interior street, use of a cross-easement from an adjacent nonresidential lot, or another method that is not in conflict with minimum sight distance requirements of the state. The Board of Supervisors may require that a new lot, use or land development include a cross-easement and an appropriate driveway design or a stub right-of-way to allow adjacent lots to access an arterial street at an appropriate and coordinated access point.

Section 308: Neighborhood Design Overlay District (NDD).

A. Purpose and intent. This zone is established pursuant to the authority granted to Lower Paxton Township by Article VII-A of the Pennsylvania Municipalities Code (MPC), 53 P.S. § 10701-A, et. seq., and provides for a Traditional Neighborhood Development with no commercial or mixed uses. This zone seeks to promote conventional neighborhood planning and design principles for new residential communities. The primary goal of this section shall be to make permitted densities attainable in order to ensure the residential "highest and best use" of Lower Paxton Township's valuable and diminishing commodity of developable land, as well as to permit and provide for appropriate conventional neighborhood planning and design. The provisions of this Section seek to balance the benefit and attraction of being able to achieve permitted densities with an increased emphasis on outstanding architectural design; creation of neighborhoods with a unique identity and a "sense of place" with green open space public "squares;" and establishment of scale, massing and architecturally consistent streetscapes which are of appropriate conventional neighborhood design proportions. Any property developed within the parameters of this Section must be designed in accordance with the design guidelines, hereinafter referred to as the "Neighborhood Design Guidelines (NDG)." Some of the specific development objectives of this section include the design and construction of neighborhoods that:

1. Reflect, preserve and enhance one selected consistent traditional building style currently existing within the region.
2. Provide for an architecturally consistent and seamless diversity of housing sizes appropriate for a mix of market segments of Lower Paxton Township's population and do so by intermixing the range of housing choices together (as opposed to grouping similar housing types together and separating from other housing types).
3. Make efficient use of local infrastructure and services, provide for convenient vehicular access to the neighborhood's edges, but also place an emphasis on pedestrian-friendly movements within the neighborhood's boundaries.
4. Incorporate an efficient pattern of streets modified to produce outstanding and attractive streetscapes.
5. Reserve and feature upkeep green open spaces as community focal points.

6. Provide safe, efficient and compatible linkages with existing nearby land uses, by providing appropriate linkage of streets, sidewalks, walking/bicycle trails and open spaces.
7. Foster social interaction among the neighborhood's residents accomplished by targeting the spatial relationship between open spaces, walking/bicycle trails, sidewalks, streets, front porches, and the residential buildings.
8. Blend these above-described features in a manner that promotes community identification, a "sense of belonging" and a "sense of place" for the neighborhood's residents.

These development objectives will be used as the guidelines to measure conformance of proposed development under the parameters of this Section, as well as to judge the merit and validity of any requested waivers from the Neighborhood Design Guidelines (NDG).

- B. Minimum area requirements. Applications for development of new Neighborhood Design Communities under this Section shall require that the subject property contain no less than 20 contiguous acres, whether comprised of one parcel or multiple contiguous parcels. However, applications that expand a previously approved development under this section shall have no minimum area requirements.
- C. Required ratios of housing type mix based on percentage of open space.
 1. The following table sets forth permitted residential structure types and densities within Neighborhood Design communities based upon the extent of proposed common open space. No Neighborhood Design Community may have less than 20% of gross buildable acreage as common open space.

Dwelling Unit Type			
Proposed Common Open Space (as a percentage of gross buildable area)	Single-Family Detached Dwelling Units	Duplex Dwelling Units	Townhouse Dwelling Units
More than 1% but less than 11%	More than 65%, but less than 75%	Less than 20	Less than 2
30% or more but less than 40%	More than 55%, but less than 65%	Less than 15	Less than 10
40% or more, but less than 55%	More than 40%, but less than 55%	Less than 10	Less than 7.5
55% or more	More than 25%, but less than 35%	More than 25, but less than 30	More than 25%, but less than 30%

1. Gross buildable area shall be calculated from the required Master Plan existing features map

2. Residential structure types must vary throughout the Neighborhood Design Community

2. The following table sets forth permitted residential structure types and densities within Neighborhood Design communities based upon the extent of proposed common open space. No Neighborhood Design Community may have less than 20% of gross buildable acreage as common open space.

3. Ownership and maintenance of common open space. The ownership and maintenance of common open space shall be by a legally binding homeowners association or lawful owner if no homeowners' association is yet created. Lower Paxton Township shall not be responsible for any expense associated with owning or maintaining the common open space.
4. SALDO. This open space requirement shall be in place of any recreation land or fee requirements in the Subdivision and Land Development Ordinance.

D. Lot standards. Neighborhood Design communities shall have a maximum permitted density of five units per buildable acre. The following table and its footnotes set forth applicable lot size, lot width and lot coverage standards to be applied to the various dwelling types and their respective lots:

Use	Minimum Lot Area (Square feet)	Maximum Lot Area ¹ (square feet)	Minimum Lot Width at Building Setback Line (Frontage)(feet)	Maximum Lot Coverage ²
Single-Family detached dwelling lot with attached garage	6,000	10,000	55 (45)	65%
Single-family detached dwelling lot with carriage house	4,500	8,000	40 (35)	65%
Duplex dwelling lot with attached garage	4,500	7,500	40 (35)	70%
Duplex dwelling lot with carriage house	3,500	6,500	30 (25)	70%
Townhouse dwelling with attached garage (or front yard parking)	2,000 per unit	3,500	22 (22)	75%
Townhouse dwelling with carriage house (or rear yard parking)	1,750 per unit	3,000	22 (22)	75%

¹ Five percent of the total number of lots may exceed their respective maximum lot size provisions.

² Maximum-lot-coverage percentage refers to the area of the lot covered by impervious surfaces or structures as a percentage of the total building lot area.

E. Minimum yard setbacks for principal structures. The following table sets forth permitted minimum yard setbacks for principal structures.

Use	Minimum Front (feet)	Maximum Front (feet)	Minimum Side (feet)	Minimum total Sides (feet)	Minimum Rear ¹ (feet)
Single-family detached dwelling lot	10	25	5	10	25
Duplex dwelling lot	10	25	5	N/A	25
Townhouse dwelling lot	10	25	5 (end units)	N/A	25

Single-family detached dwelling lot fronting a Community Green	5	10	5	10	25
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Minimum rear yard setback can be less than 25 feet for the purposes of locating attached garages carriage houses or other accessory structures

F. Minimum yard setback requirements for attached garages and carriage houses. The following table sets forth permitted minimum yard setbacks for attached garages and carriage houses.

Required Attached Garage or Carriage House Yard Setbacks ⁴					
Garage Type	Type of Street Driveway Accesses From	Minimum Front (feet)	Minimum ¹ Side ⁵ (feet)	Minimum ² Sides (feet)	Minimum Rear (feet)
Attached garage (front load)	Public right-of-way	20	5	10	25
Attached garage (side load ²)	Public right-of-way	20	5	10	25
Carriage house (front load)	Public right-of-way	50	3	3	5
Carriage house (side load ³)	Public right-of-way	50	3	10	5
Carriage house (alley load ⁴)	Private alley	50	5	10	5
Attached Garage (alley load)	Private alley	25	5	10	10

¹ A front-load garage is defined to be a garage which has door facing the public right-of-way (street).

² A side-load garage is defined to be a garage which has doors not facing the public right-of-way (street) but facing a private alley

³ An alley-load garage is defined to be a garage which has doors facing a private alley

⁴ Yard setbacks shall always be oriented based on the front side and rear yards as defined by the principal structure

⁵ The 'minimum one side setback' may be decreased to zero in the instance of constructing attached carriage houses. Also the 'minimum one side setback' automatically shall increase to 20 feet in instances where a lot is a corner lot and the garage is either a side-load or alley-load garage

G. Minimum yard setback requirements for accessory structures other than garages.

1. Front yard: No accessory structures (except permitted signs) are permitted within the front yard.
2. Side yard: five feet.
3. Rear yard: five feet.

H. Structure heights.

1. Principal buildings and structures shall have a maximum height of 40 feet.
2. Carriage houses shall have a maximum height of 30 feet.
3. All other accessory buildings and structures shall have a maximum height of 25 feet.
4. A minimum of 75% of all principal residential dwelling units shall be a minimum of 2 stories above ground and a minimum of 90% of all principal residential dwelling units that front a Community Green shall be 2 stories above ground.

I. Public utility and service requirements. All Neighborhood Design communities must comply with the following:

1. Mail delivery. Mail and boxes shall either be attached to each unit's front facade, be located on posts on the street in front of each respective unit or be cluster mailboxes. All mailbox posts and mailboxes shall be the same product throughout the Neighborhood Design Community. All cluster mailboxes shall be within an open-air pavilion type structure constructed in the same architectural style as set forth in the housing Architectural Design Book. Different types of mail delivery may be utilized for different housing types within any given single Neighborhood Design community project. The mail delivery plan is subject to approval by the local postmaster.
2. Water and sewer. All proposed dwellings shall be connected to and served by both public water and public sewer utilities.
3. Underground utilities. All utility lines within Neighborhood Design communities shall be located underground and within public streets or other public rights-of-way or, preferably, private alleys. Existing utility lines (including extensions, upgrades or improvements to utility lines) which are located on the border/perimeter of the Neighborhood Design communities shall not be required to be located underground. Any required utility structures, buildings, pump stations or other similar devices shall be screened from adjoining properties and roads as appropriate.
4. Utility meters. Utility meters larger than 100 square inches each shall not be attached to the front of a dwelling in a manner that makes them visible from a street. If utility meters are attached to the front of the dwelling, they should have colors like adjacent building materials and/or should be screened by landscaping.
5. Public transportation. Bus stops, if available, shall be placed at appropriate location(s) along major roads serving the proposed development as coordinated with local mass transit providers.
6. Snow removal. Applicants must develop and map and plan for the removal of snow from private streets (alleys), sidewalks and common pedestrian paths and

courtyards. Such plan must identify snowplow drop locations during snow emergency periods.

J. Neighborhood Design Guidelines (NDG). The following design guidelines are hereby promulgated pursuant to the authority granted to Lower Paxton Township by Section 708-A of the Pennsylvania Municipalities Planning Code (MPC), 53 P.S. § 10708-A.

1. Streets. All streets shall be designed in accordance with the following requirements:

- a. Any street within the Neighborhood Design Overlay District, whether public or private, shall meet the same minimum construction material requirements and construction specifications as any new street intended to be dedicated to the Township under Township ordinances.
- b. A street within the Neighborhood Design Overlay District, whether public or private, shall be two-way and have a cartway width of 30 feet.
- c. All streets within the Neighborhood Design Overlay District shall have a minimum right-of-way width extending 10 feet on either side of the curb line.
- d. Cul-de-sacs are prohibited in the Neighborhood Design Overlay District.
- e. Dead-end streets are prohibited unless designed for future access to adjoining properties that are likely to be developed within 5 years as evidenced by a separate land development plan or a letter of intent from the adjoining property owner. If such a temporary dead-end street is permitted, then a sufficiently large temporary turn-around shall be constructed at the end of said street to allow for the largest Township fire apparatus to properly egress the street.
- f. All streets within the Neighborhood Design Overlay District shall have vertical curbing.
- g. The applicant shall prove that the Neighborhood Design Community involves a fully coordinated interior traffic access system that minimizes the number of streets and driveways entering onto a State highway.

2. Alleys. All alleys shall be designed in accordance with the following requirements:

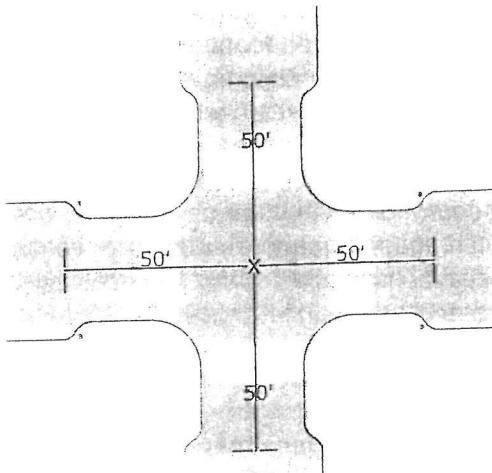
- a. Any alley within the Neighborhood Design Overlay District, whether public or private, shall meet the same minimum construction material requirements and construction specifications as any new street intended to be dedicated to the Township under Township ordinances.
- b. Alleys shall be designed to discourage through traffic.

- c. Alleys shall have a minimum paved width of 14 feet if limited to one-way traffic and 18 feet if allowing two-way traffic. Additional width shall be required if any parallel parking is provided. The right-of-way for an alley shall be at least four feet wider than the cartway (two feet on each side of the cartway).
- d. All alleys shall have adequate sight distance at all corners and intersections with streets or other alleys.
- e. All alleys shall be maintained by a legally binding homeowners association, at no expense to the Township.
- f. Alleys are not required to have curbing. If curbing is installed in an alley it shall be horizontal curbing.
- g. All alleys shall be designed to provide adequate snow storage areas.

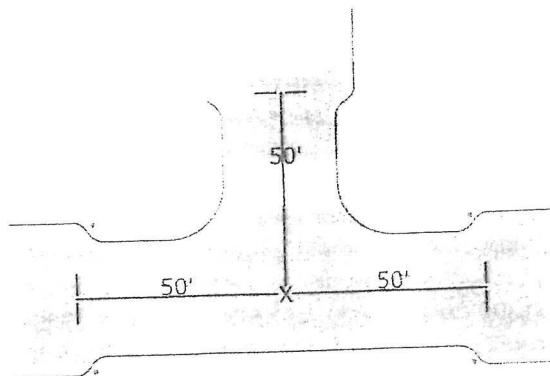
3. Intersections. All street intersections shall be designed in accordance with the following requirements:

- a. No more than two streets shall intersect at the same point.
- b. Street intersections should be designed in a manner, so the intersecting roads are directly opposite from each other.
- c. The centerlines of streets shall intersect at right angles unless existing conditions dictate otherwise. No street shall intersect another street at an angle of less than 70 degrees nor more than 120 degrees.
- d. The minimum separation distance between street intersections shall be based upon the functional classification of the road to which the proposed street intersection is planned. When in the best interest of the health, safety or general welfare of the community, Lower Paxton Township may require greater isolation distances and curb radii to overcome obstacles such as, but not limited to, centerline street grades, street alignments, functional speed limits, existing land uses and proposed land development activities.
- e. Clear sight triangles shall be provided at all street intersections. Within such triangles, nothing, except permitted street signs, traffic lights or signs, and mailboxes, which impedes vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the center line grades of the intersecting streets shall be erected, placed, planted, or allowed to grow.
- f. All proposed intersections shall have sufficient horizontal and vertical sight distance to provide a safe and convenient point of ingress and egress.

g. All proposed 4-way intersections shall have a 4-foot bulb-out on each side of each intersecting street extending back each street to a point that is 50 feet from the intersection center point. The transition from full cartway width into each bulb-out shall be an arc.



h. All proposed 3-way or "T" intersections shall have a 4-foot bulb-out on each side of the terminating street extending back the terminating street to a point that is 50 feet from the intersection center point and a 4-foot bulb-out 100 feet long on the opposite side of the through street centered on the midpoint of the intersection. The transition from full cartway width into each bulb-out and back again shall be an arc.



4. SALDO and Street Standards.

a. As authorized by the traditional neighborhood provisions of the State Municipalities Planning Code, the Township Board of Supervisors shall have the authority to modify specific street and other requirements of the Subdivision and Land Development Ordinance, without proof of hardship.

in order to result in a development that is pedestrian-oriented and that promotes low-speed traffic.

5. Street Trees.

- a. A minimum of one deciduous tree shall be required for every 50 feet of street frontage on each side of each existing or proposed street. The street trees shall be located within the Tree Lawn except for the side of a street segment enclosing a Community Green (See design guidelines for Community Green). Tree wells may be used.
- b. A uniform separation is required between street trees unless a given placement would interfere with a driveway or walkway placement. In which case the separation shall be calculated to result in the most uniform separation possible on that street while still producing a total number of street trees equal to 1 tree per 50 feet of the length of the street.
- c. Street trees, except for trees of a Community Green (See design guidelines for Community Green) shall have a minimum trunk width when planted of 2 inches, measured 5 inches above the ground level. The species shall be approved by the Township Shade Tree Commission.
- d. The site design of a Neighborhood Design Community shall carefully consider and maximize the preservation of existing healthy attractive trees with a trunk width of 6 inches or more, measured at a height of 3.5 feet above the ground level.
- e. Dead or destroyed street trees shall be replaced.

6. Landscaping.

- a. Areas that are between the dwelling and the street curb and that are not used for approved sidewalks or Tree Lawn shall be maintained in a vegetative ground cover and landscaping.
- b. A landscape planting plan shall be prepared by a registered landscape architect. Such plan may specify a range of species in various locations and may include typical planting locations without specifying the exact location of each plant. Such plan shall state the minimum initial sizes of landscaping. Such landscaping plan shall be offered for review by the Township Planning Commission and Shade Tree Commission and shall be approved by the Supervisors as part of the subdivision plan.

7. Sidewalks.

- a. Five-foot wide sidewalks shall be provided along both sides of each street. The sidewalk shall begin 5 feet from the curb to allow for the Tree Lawn.

- b. Pedestrian crosswalks shall be provided at each intersection internal to the Neighborhood Design development using materials and colors that visually distinguish the crosswalk from the street surface and that include some form of texture. The use of pavers, patterned concrete or stamped textured asphalt is encouraged.
- c. The materials, depths and cross sections of the sidewalks and crosswalks shall be subject to approval by the Township, after review by the Township Engineer.

8. Walking / Bicycle Paths.

- a. All walking/bicycle paths shall be all-weather materials, hard durable surface and be a minimum of 5.5 feet wide. Where such paths intersect streets, they shall include aprons for access by disabled persons according to standards contained in the latest version of the Pennsylvania Universal Accessibility Standards.
- b. The path crossing the cartway shall be of distinct materials (e.g., cobblestone, pressed concrete or macadam) and color to present a visual and tire rumble indication that the pathway is present.
- c. All the pathways shall be ADA-accessible.
- d. Every Neighborhood Design Community is encouraged to provide a minimum of 50 linear feet of walking path per buildable acre.

9. Street Lighting.

- a. All intersections shall have at least one decorative streetlight placed within the Tree Lawn next to the curb.
- b. Streetlights shall be on either a fluted or straight pole no more than 20 feet high and be either black or Brunswick green in color.
- c. Street light fixtures shall be either frosted glass globe, "coach" or "gaslight" style and allow access to the light source for maintenance. If the coach or gaslight style fixture is used, then its color should match that of the pole. All fixtures shall be "full-cutoff" to keep the light from exiting the fixture greater than parallel to the ground.
- d. A minimum of 25% of the residential units shall have lamppost lighting placed between the sidewalk and the residential unit. Lampposts shall be white in color. Lamppost lighting shall be switchable from within the residential unit. Lamppost fixtures shall be architecturally compatible with the street light fixtures.
- e. The entire Neighborhood Design development shall use the same streetlights, street light fixtures, lampposts and lamppost fixtures.

- f. In all other respects, Neighborhood Design Overlay District lighting shall comply with the Lower Paxton Township lighting ordinance.
- g. Lighting Plan. A lighting plan shall be prepared and shall specify the locations, types, and styles of all streetlights and lamp post lights in addition to all other required specifications required by the Lower Paxton Township Lighting Ordinance. Such lighting plan shall be offered for review by the Township Planning Commission and shall be approved by the Lower Paxton Township Supervisors as part of the subdivision plan.

10. Community Open Space – Community Greens.

- a. The total area of Community Green(s) shall be a minimum of 875 square feet per dwelling unit of the Neighborhood Design Development.
- b. The minimum size of a Community Green is 1.25 acres with a minimum length or width of 150 feet. The maximum size of a Community Green shall be 2.5 acres.
- c. A Community Green shall be internal to the Neighborhood Design development and shall comprise its own block (i.e. bordered on all 4 sides by a street) with residential units across each street fronting the Community Green.
- d. Community Greens shall be of level topography to the greatest extent possible. (e). Community Greens may be used for subsurface stormwater management.
- e. Community Greens shall consist of upkept lawn with perimeter trees and perimeter bench seating.
- f. Community Greens shall be enclosed with sidewalk set back 5 feet from the curb.
- g. Community Greens shall be planted with perimeter trees every 50 feet, set back 20 feet from the curb. The perimeter trees shall be of the same deciduous large hardwood variety such as Sycamore, White Oak, or Sugar Maple.
- h. Community Greens shall have benches of durable construction and hard surface access a minimum of every 100 feet around the perimeter of the Community Green set back between 10 feet and 15 feet from the curb; however, each side of a Community Green shall have a minimum of 2 benches. Benches shall be secured to a concrete pad or concrete foundation/pilings for durability. The benches shall face into the Community Green.

11. Ponds or other non-moving bodies of water.

- a. Any ponds or other non-moving bodies of water within a Neighborhood Design community, whether used for stormwater management or not, shall contain a fountain that jets water to a minimum height of the apothem of the waterbody as measured to the furthest shore or 50 feet, whichever is lower.

12. Architecture.

- a. As a component part of any Preliminary Plan submission to the Township an applicant for Neighborhood Design land development approval shall also submit an Architectural Design Book showing that the exteriors of all residential units and Carriage Houses in the development are of a consistent, recognized, architectural style that will honor the intent of this Section to have a unified and consistent architectural style. British Colonial Georgian and Mid-Atlantic, Neoclassical, Federal, and Modern Farmhouse styles are preferred. The Architectural Design Book shall be subject to approval by the Lower Paxton Township Board of Supervisors, after review by the Lower Paxton Township Planning Commission, as a condition of final subdivision and land development approval. A Preliminary Plan submission without an Architectural Design Book shall be deemed deficient and rejected.
- b. The applicant shall establish legally enforceable provisions controlling the style of architecture, porches, the general types of exterior materials, and other architectural items as set forth in the Architectural Design Book.
- c. Upon final land development plan approval, the Architectural Design Book shall become enforceable by Lower Paxton Township. Additionally, the Township may require that some or all of the architectural provisions be recorded and/or be included in a development agreement with the Township. The Township shall have the authority to ensure that a system continues to be in place to enforce the architectural provisions that were required by the Township. However, the Township shall accept no responsibility to directly enforce private deed restrictions upon individual properties.

13. Unit height design.

- a. A minimum of seventy-five percent (75%) of the residential units within a Neighborhood Design community shall be at least two stories above grade, subject to the overall height requirements.

14. Porches.

- a. A minimum of 95% of the principal dwelling units in a Neighborhood Design Community shall be constructed with an unenclosed front porch with a covered roof structure that shall be a visual extension of the architectural style of the dwelling.

- b. A maximum of 5% of the non-single-family dwelling units may have a covered front stoop. The stoop shall be constructed of brick, stone, concrete or a synthetic composite.
- c. A maximum of 10% of single-family dwelling units may be constructed with a double gallery porch that encompasses both the 1st and 2nd stories and each shall be limited in length to one-half the front facade.
- d. Every porch shall have 3 or more steps from grade to porch. Steps shall not be less than 36 inches in width at all points, but not more than 10 feet in width. Steps shall be centered on the front door. Porch steps shall be composite wood with white colored risers, brick tread with natural stone facade on front of the risers, or brick tread with brick risers.
- e. Porch floor surfaces may be standard or stamped concrete flooring with brick inlay trim around the sides, all brick, composite wood, flagstone, travertine, granite, or bluestone.
- f. Porch Columns.
 - i. Porch columns or posts shall be clad in a synthetic material, white in color, and be round, square or rectangular in shape.
 - ii. A minimum of 15% of single-family dwelling units shall be constructed with tapered white columns / posts as the upper section set on a brick or natural stone pier as the bottom of the structure. This shall be utilized only with a minimum porch length of at least 25 feet.
 - iii. Column bases shall be aligned slightly inside of the face of the porch foundation walls or piers.
 - iv. Columns shall not be placed directly in front of windows.
 - v. A minimum of 85% of SFD dwelling units shall be constructed incorporating white columns or posts on both the front and the wrap-around porches (if any).
- g. Piers or chain walls beneath the porch, if present, shall be, or appear to have, a brick, natural stone, dark colored stucco, or tan/beige synthetic fiber cement facade.
- h. Porch roofing shall be either the same as the principal dwelling or metal.
- i. All porches shall have a minimum ceiling height of 8 ½ feet and a minimum roof overhang of a 1 foot.
- j. Minimum Porch Specifications.

Percent of Units	Dwelling Type	Minimum Depth	Minimum Length
90%	Single Family	6 ft.	8 ft.
55%	Single Family	8 ft	20 ft. or $\frac{1}{2}$ the width of the front facade, whichever is greater
90%	Duplex	4 ft.	6 ft.
90%	Townhouse	4 ft.	6 ft.
50%	Townhouse	6 ft.	8 ft.

* Higher unit percentages incorporate the lesser unit percentages for the same dwelling type

** The percentages listed in this table does not decrease the overall porch percentage set forth in Subsection (a)

*** See additional specifications for wrap-around porches

k. Wrap Around Porches.

- i. A minimum of 50% of single-family dwelling units at the intersection of two streets shall be constructed with a wrap-around porch that extends from the front to the second street side of the dwelling.
- ii. A minimum of 75% of the duplex or multi-family dwelling units at the intersection of two streets shall have a wrap-around porch that extends from the front to the second street side of the dwelling.
- iii. A minimum of 35% of the duplex dwelling units shall have an extended wrap-around porch with a minimum depth of 6 feet and a minimum length of 8 feet.
- iv. A minimum of 80% of the townhouse dwelling end units at the intersection of two streets shall have a wrap-around porch with a minimum depth of 6' and a minimum length of 8'.
- v. If a wrap-around porch is present, then the entire porch shall be contiguous and visually flow from front to side and be constructed of the same materials.
- vi. Where a wrap-around porch is used, the side porch sq/ft area shall be a minimum of 50% of the sq/ft area of the front section or 16 feet long at the same depth as the front section, whichever is smaller.

I. Prohibitions. Exterior roll-down sunscreens, roller shades or similar elements shall not be permitted on front porches. Raised planters shall not block the front porch. Space beneath the porch may not be occupied for any purpose. Porches shall not be enclosed.

15. Garages.

- a. It is the intent of this subsection that Neighborhood Design developments shall minimize the visual presentation of garages of each dwelling unit to

the principal street and be of sufficient capacity to minimize on-street parking.

- b. Of the total number of dwelling units in a Neighborhood Design development, more dwelling units shall have garages that alley load than side load, and more garages that side load than front load.
- c. Every garage shall be able to accommodate a minimum of 2 vehicles.
- d. All garages, whether attached or detached, shall be of the same architecture as the principal structure. The architecture of detached garages and Carriage Houses with garages shall be detailed in the Architectural Design Book required by this Section.

16. Driveways.

- a. It is the intent of this subsection that Neighborhood Design developments shall minimize the visual presentation of driveways of each dwelling unit to the principal street.
- b. Driveways may be constructed of asphalt, concrete, pavers, pervious pavers, or brick. Brick driveways shall be of the same brick as on the principal structure, if any.
- c. Each duplex and multi-family building shall have driveways constructed of the same material.
- d. The material of each driveway shall be detailed in the Architectural Design Book required by this Section.
- e. Driveways shall be 10 feet wide until such location as needed to allow for passable ingress and egress of a 2 or more-car garage.

17. Solar Panels.

- a. Solar panels may only be installed on the roof of principal dwellings to either not be visible from the street (or streets if a corner lot) upon which the principal dwelling fronts or be of an architectural grade indistinguishable from traditional roof shingles. Ground base solar panels are prohibited in the Neighborhood Design Overlay District.

K. Modification of Neighborhood Design standards.

1. The Lower Paxton Township Board of Supervisors may permit the modification of the provisions of this Section to encourage the use of innovative design as long as the proposed modification(s) is/are in keeping with the spirit of the purpose and intent of this Section. A landowner/developer desiring to obtain such approval shall, when making application for approval for a development under this section, also make application for modification. The Lower Paxton Township

Board of Supervisors shall consider both the by-right development application under this section and the modification of design standards simultaneously. Any modification of the design guidelines shall be subject to the following standards:

- a. Such modifications of design guidelines better serve the intended purposes of this section as expressed in the purpose and intent.
- b. Such modifications of design guidelines would not result in adverse impact to adjoining properties nor to future inhabitants of the Neighborhood Design community.
- c. Such modifications will not result in an increase in residential densities permitted for the site.
- d. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the preceding criteria.

L. Master Plan

1. Before any use is approved or lot is subdivided for a Neighborhood Design, the applicant shall submit and have approved an overall "Master Plan." Such Master Plan shall be submitted as part of or prior to a preliminary plan submission for a Neighborhood Design development.
2. The Master Plan shall address coordinated vehicle access from all adjacent land owned, equitably owned or otherwise controlled by the applicant. If the applicant's land extends into an adjacent municipality or zoning district, then the Master Plan shall also show such area to plan for a coordinated road and infrastructure system.
3. The master plan shall be fully coordinated with any existing, proposed or approved development on adjacent land, including providing for pedestrian and bicycle access to adjacent tracts.
4. The Master Plan shall contain an existing features map that accurately shows the locations of wetlands, 100-year floodplains, areas of woodland, existing topography, existing buildings with a description of any buildings over 70 years old, highlighting of 15 to 25% slopes and 25% and greater slopes, and any major scenic views from within the tract. The existing features map shall be reviewed by the Township Zoning Officer and Township Engineer, and then determined by the Planning Commission as to whether it represents a reasonably accurate estimate of the number of dwelling units possible on the site for purposes of establishing the buildable area of the site. If such estimates are determined to not be accurate, the applicant shall be required by the Zoning Officer to revise the existing features map until it is accurate.
5. The overall master plan shall show proposed streets, alleys, cartway widths, approximate lot lines and dimensions, common open spaces, recreation areas,

major pedestrian and bicycle pathways, parking areas, major detention basins and proposed types of housing and nonresidential uses.

6. The Master Plan and application for the Neighborhood Design development shall be reviewed by the Township Planning Commission and the Board of Supervisors. After any modifications, the Master Plan shall become part of the approved preliminary plan under the Subdivision and Land Development Ordinance. Once preliminary plan approval is granted for the Neighborhood Design development, then individual lots may be submitted for final plan approval under the
7. Subdivision and Land Development Ordinance and uses allowed by this Section may occur as permitted by right uses.
8. The Master Plan is not required to include the same level of engineering detail as a preliminary subdivision plan. Stormwater calculations, construction details, erosion and sedimentation control plans, profiles and similar engineering details are not required at the Master Plan stage. The Master Plan shall include sufficient information to accurately show existing conditions and the proposed layout of the homes, lots, open space, streets and alleys.
9. Changes to the Master Plan may occur, provided there is compliance with Township Ordinances. The Township may require that a revised preliminary subdivision or land development plan be submitted and approved if there are substantial changes from the previously approved preliminary plan.
10. Consistent with final plan approvals, individual portions of the Neighborhood Design development may be owned and constructed by different entities, provided there is compliance with the overall Master Plan.

M. Additional Requirements and Miscellaneous Provisions.

1. Deed restrictions/covenants. The applicant shall submit a written statement of the proposed substance of deed restrictions or similar controls that would affect matters addressed in this chapter.
2. Association provisions. A draft set of homeowner association or condominium association provisions shall be submitted for legal acceptance by the Township Solicitor prior to recording of the final subdivision plan.
3. Emergency vehicles and equipment. The Neighborhood Design development shall be subject to review by Township public safety and fire officials to assist the Township in determining whether sufficient access points, cartway widths and turning radii will be provided for access by emergency vehicles and equipment.
4. Phasing. If the Neighborhood Design development will be constructed in phases, then a phasing plan shall be submitted with the preliminary plan and be shown on the Master Plan. The applicant shall demonstrate by clear and convincing evidence that each phase of the Neighborhood Design development would be

able to function properly and meet Township requirements if later phases of the Neighborhood Design development are not completed.

N. Neighborhood Design Transitional Development

1. Purposes. Neighborhood design transitional developments are intended to provide a form of development that serves as a transitional but compatible extension of an existing neighborhood design development that incorporates some but not all of the design elements of the neighborhood design development.
2. A neighborhood design development for which preliminary land development plan approval has been granted shall be permitted to be extended as a neighborhood design transitional development onto one or more tracts in (i) the R-2 and R-3 Districts and (ii) in the R-1 District if such tract or tracts have a combined area of at least 50 acres and the density yielded in the neighborhood design development is less than 60% of the maximum permitted density for neighborhood design development, subject to the standards of this section. Under no circumstance shall an existing neighborhood design transitional development be permitted to be extended across any arterial street.
3. All lands that are to be included as part of a neighborhood design transitional development shall be identified and designated on a preliminary land development plan that is submitted for the **entirety of the** neighborhood design development and the standards of this section shall be applied to the entirety of such lands as one neighborhood design transitional development. Any lands that are not included as part of such preliminary land development plan when approved shall not thereafter be permitted to be included as part of a neighborhood design transitional development and the design of such entirety of the neighborhood design transitional development complies with the standards of this section as if all such lands were included as part of one preliminary plan submission.
4. Incorporation of Neighborhood Design Standards. Neighborhood design transitional developments shall comply with the standards of Neighborhood Design Zone set forth in §203-322, except as follows:
 - a. **Minimum area requirement.** The minimum area requirement under §308 shall be 50 acres.
 - b. **Minimum percentage of common open space.** The minimum percentage of common open space (as a percentage of gross buildable area) shall be as follows: 55% in the R-1 District; 35% in the R-2 District; and 30% in the R-3 District. Utility easements greater than 100 feet in width shall be incorporated as common open space but shall not count towards the minimum required common open space.
 - c. **Required ratios of housing types.** The ratio of housing type mix shall be as follows: Single-family detached dwelling units – more than 25% but less than 45%; duplex dwelling units – more than 5% but less than 20%; and townhouse dwelling units – more than 25% but less than 30% (or

50% if the density yielded in a neighborhood design development is less than 60% of the maximum permitted density for neighborhood design development).

- d. **Maximum density.** The maximum permitted density shall be **two** units per acre in the R-1 District, three units per acre in the R-2 District, and four units per acre in the R-3 District.
- e. **Structure heights.** A maximum of 75% of the principal residential dwelling units shall be a minimum of two stories above ground.
- f. **Neighborhood Design Guidelines.**
 - i. **Streets.** Cul-de-sac streets shall be permitted in accordance with the Chapter 180 (Subdivision and Land Development). Curbing shall be regulated by Chapter 180 (Subdivision and Land Development).
 - ii. **Common open space.** Community greens shall not be required. A minimum of 50% of the required common open space shall be in one contiguous lot, except that the preserved open space may be separated by creeks, lakes, and a maximum of one street. The Board of Supervisors may approve the following, if the applicant proves to the satisfaction of the Board of Supervisors that such configuration would serve the purposes of this section and be in the best interests of the Township, considering the unique circumstances of the tract: (i) a reduction of the percentage of the preserved open space that is in one lot; or (ii) the crossing of the preserved open space by two or more streets. The Board of Supervisors may require that the majority of the required preserved open space be placed: adjacent to an existing or planned public or homeowner association-owned recreation area; adjacent to existing farmland; at the edge of a neighboring undeveloped lot, where the common open space could be connected in the future to open space on that neighboring lot; or adjacent to an arterial street or expressway where the open space will serve to buffer homes from the traffic.
 - iii. **Unit height design.** A minimum of 75% of the residential units shall be at least two stories above grade, subject to the overall height requirements of §308.
 - iv. **Garages.** Alley loaded garages shall not be required for single-family detached and duplex dwellings. There shall be no limitation on the maximum number of front loaded garages for single-family detached and duplex dwellings. A minimum of 50% of townhouse dwellings shall be alley loaded.
 - v. **Driveways.** The visual presentation of driveways of each dwelling unit to the principal street shall be permitted.

Section 309: Towne Center District

A. Intent. The primary purpose of the Towne Centre (TC) Zone is to create walkable, livable, and attractive mixed-use development centers of a sustainable density to create a sense of place. Specifically, the Towne Centre Zone is intended to blend residential, commercial, cultural, institutional, and/or entertainment uses, where those functions are physically and functionally integrated and:

1. Allow market-driven growth in places that are most conducive to accommodating additional activity.
2. Encourage economic development through the creation of a mix of uses within existing commercial centers.
3. Provide housing development.
4. Promote a walkable community with pedestrian-oriented buildings and open space.
5. Promote street-level activity with attractive first-floor retail, dining and personal service and other compatible uses to support the needs of local employees and residents.
6. Create and support lively, human-scaled activity areas and gathering places for the community by encouraging civic uses, plazas, and a mix of uses.
7. Ensure that new development is consistent with and enhances the internal and external streetscapes.
8. Promote the adaptive reuse of existing buildings.
9. Encourage the redevelopment of underutilized or obsolete industrial or commercial property.
10. Encourage a high level of architectural detail, aesthetically pleasing signage and functional site design through the utilization of design guidelines.

B. Uses.

1. Permitted uses. A lot and/or building may be used for one or more of the following by-right permitted uses:
 - a. Office, entertainment, institutional and related uses, as listed below:
 1. Professional, administrative, and business offices.
 2. Financial institutions, excluding drive-through facilities.
 3. Hotels, provided the building or part of a building so used is a minimum of five stories in height, convention centers, meeting space, and banquet facilities.
 4. Galleries and museums.
 5. Theaters.
 6. Schools and day-care centers.

7. Government administrative uses, post offices, community centers, and libraries.
- b. Retail, restaurant, and related uses, as listed below:
 1. Retail commercial sales, excluding drive-through facilities.
 2. Personal service businesses.
 3. Restaurants and other food or beverage establishments, including those that offer entertainment experiences, but excluding drivethrough facilities.
 4. Studios for dance, music, fitness, art, or photography.
 5. Indoor sports facilities, racquet sports, and health clubs.
- c. Apartment and condominium units, provided all dwelling units are located on the second floor and above except as conditionally permitted in Subsection B(2), and further provided that the building or part of a building so used is a minimum of four stories in height.
- d. Parks, open space uses, and plazas.
- e. Structured parking, in accordance with Subsection E(3)(b). Multistory parking decks are encouraged.
- f. Accessory uses to a principal use, including surface parking lots.

2. Conditional uses. A lot and/or building may be used for one or more of the following conditional uses, in conjunction with a permitted use, provided conditional use approval is received in accordance with the requirements of this Section of this chapter and all standards of the TC District are met:
 - a. Apartment and condominium dwelling units on the first floor, provided:
 1. The units are not located on a block or across the street from a block that is primarily comprised of existing or proposed retail and related uses, as listed in Subsection B(1)(b), on the first floor.
 2. Townhouses, provided:
 - a. They are not located on a block or across the street from a block that is primarily comprised of existing or proposed retail and related uses, as listed in Subsection B(1)(b), on the first floor.
 - b. The townhouses are not located on a collector or higher classification street. § 203-321 § 203-321 :2
 - c. Transit facilities, provided buildings over 1,000 square feet in size incorporate ground floor retail and related uses, as listed in Subsection B(1)(a) and (b) along at least 50% of the front facade(s) of the building.
 - d. Temporary surface parking lots as a principal use, provided the parking lot is not located on the principal retail street of the development and an alternative permitted use is shown on the approved Master Plan for the development.
 3. Prohibited uses. The following uses, as well as any use not specifically permitted, are prohibited:
 - a. Drive-through window or facilities.
 - b. Automobile or other vehicle sales, service, or repair establishments.
 - c. Gasoline service station and filling station.
 - d. Self-service storage facilities.

- e. Adult entertainment uses.
- f. Single-family detached homes.
- g. Tattoo parlors.
- h. Medical marijuana facilities.
- i. Bowling alleys unless a part of an adult amusement arcade.

C. Mixed use, Master Plan, and general requirements.

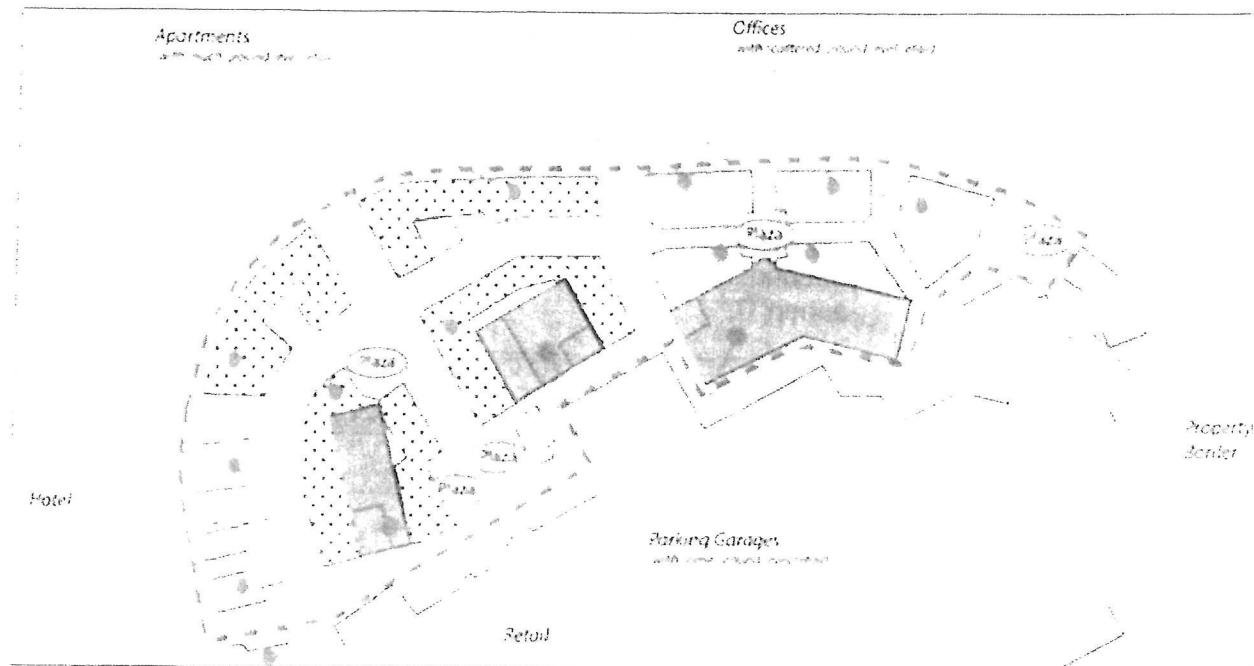
1. Mix requirements.

a. Developments shall meet the following mix of use requirements, depending on the size of the property at the time the property was zoned TC:

Land Use Group	Tracts greater than 10 acres in size		Tracts of 1 to 10 acres in size	Tracts of less than 1 acre in size
	Minimum Percent of Building Floor Area	Maximum Percent of Building Floor Area		
Group 1: Office, entertainment, institutional, and related uses, as listed in section 321.B 1.a	5%	70%	Developments shall include at least two of the land use groups listed in the first column of this table, with each of the required groups comprising at least 10% of the development's total building floor area. In addition, retail, restaurant, and related uses (Group 2 uses) may not comprise more than 35% of the development's total building floor area.	
Group 2: Retail, restaurant, and related uses, as listed in Section 321.B.1.b.	5%	70%		No mixing requirement Developments can consist of one or many uses
Group 3 Residential, as listed in sections 321.B 1.c. or 321 B 2. a. and b.	20%	70%		

b. Usable open space and plaza uses shall comprise at least 5% of the net tract area of all TC developments.

Illustration of Mix of Uses



2. Master Plan. Before any use is approved or any lot is subdivided or developed, all properties proposed for TC development shall be developed in accordance with an overall single Master Plan that has been approved by the Township Board of Supervisors after review and recommendation of the Township Planning Commission. Master Plans shall be submitted as part of or prior to a preliminary plan submission for a TC development. Consistent with final plan approvals, individual portions of the TC may be owned and constructed by different entities, provided there is compliance with the overall Master Plan and any phasing plan.
 - a. Master Plans shall meet the following requirements:
 1. Master Plans shall be prepared when any property, existing at the time of adoption of this section, is initially proposed for subdivision or land development. Subdivided properties that are intended to be developed at a later date shall be subject to this initial Master Plan.
 2. Master Plans shall show land uses, proposed buildings, existing buildings that will remain post-development, proposed streets, existing streets that will remain post-development, cartway widths, approximate lot lines and dimensions, common open spaces, plaza areas, major pedestrian and bicycle pathways, parking areas, major detention basins and proposed types of housing and commercial uses. Master Plans are not required to include the same level of engineering detail as a preliminary subdivision plan.
 3. Master Plans must show coordinated vehicle access from all adjacent land owned, equitably owned or otherwise controlled by the applicant and be fully coordinated with any existing, proposed

or approved development on adjacent land, including providing for pedestrian and bicycle access to adjacent tracts.

4. Landscaped open space and plaza areas shall be strategically placed within the TC.
5. Pedestrian and motor vehicle routes shall be laid out to create a sense of place and a main streetscape.
6. Master Plans shall include sufficient information to accurately show existing conditions and the proposed layout of the mixed uses, open spaces, plazas and streets. Master Plans shall demonstrate that the mix requirements of Subsection C(1)(a) have been met.

b. The Board of Supervisors may require changes in the Master Plan in order to meet the legislative intent and other standards of the TC District. Development of property may be done in phases; however, any proposed subdivision or land development of a property or portion of a property must be consistent with the Master Plan. If a proposed subdivision or land development is not consistent with the Master Plan, the Master Plan as a whole may be revised, provided the following requirements are met:

1. The Master Plan complies with all TC requirements, including the mix requirements of Subsection C(1)(a). § 203-321 § 203-321 :5
2. All owners of land within the original Master Plan development area, whose property is affected by the revised Master Plan, approve the revisions to the Master Plan that affect their properties.
3. The revised Master Plan is approved by the Township Board of Supervisors after review and recommendation of the Township Planning Commission.

c. After any modifications, the Master Plan shall become part of the approved preliminary plan under the Subdivision and Land Development Ordinance. Once preliminary plan approval is granted for the TC development, then submission may be made for final plan approval under the Subdivision and Land Development Ordinance, and uses allowed by this section may occur as permitted-by-right uses. Changes to the Master Plan may occur, provided there is compliance with Township ordinances. The Township may require that a revised preliminary subdivision or land development plan be submitted and approved if there are substantial changes from the previously approved preliminary plan.

d. Stormwater calculations, construction details, erosion and sedimentation control plans, profiles and similar engineering details are not required at the Master Plan stage.

3. Other plan requirements. Applicants submitting preliminary and final plans shall also submit architectural drawings, such as elevations, perspective drawings, axonometrics, and cross sections, that demonstrate compliance with the standards in the TC District.
4. Utilities. All development in the TC District shall be served by public sewer and public water. All utilities, including cable, telephone, and FIOS, unless separate

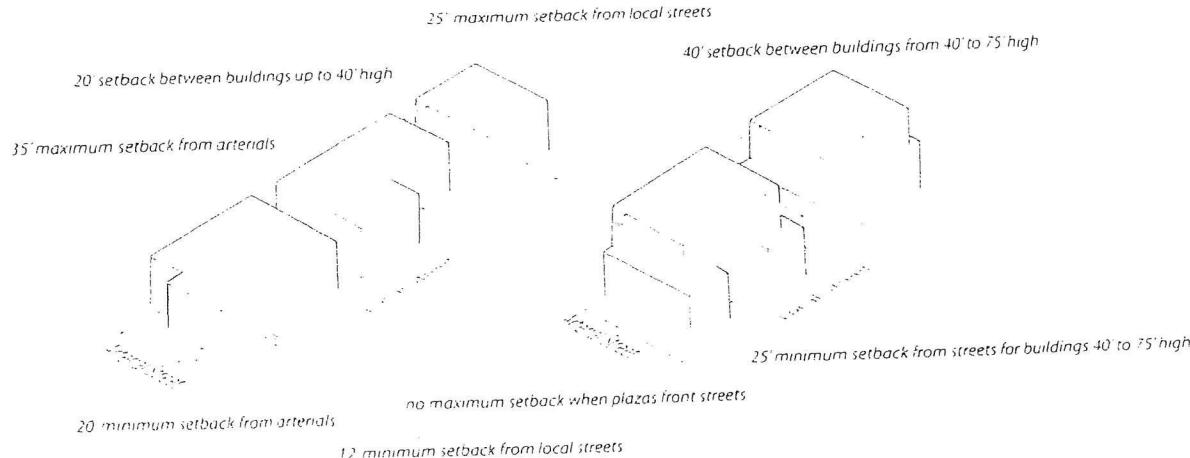
regulation by the Pennsylvania Public Utility requires otherwise, shall be underground.

5. Ownership. Any land area proposed for development shall be in one ownership or shall be subject to a joint application filed by every owner of the land area proposed for development, under single direction, using one overall Master Plan and complying with all requirements of the TC District.
6. Ownership and perpetual maintenance of common open space, plaza areas, and other facilities. The proposed ownership and perpetual maintenance of common open space, plaza areas and other common facilities shall be described in the final land development plan and approved by the Township Board of Supervisors.
7. Off-street parking shall be provided in accordance with Article IX unless otherwise provided for in this section.
8. Signs shall meet the requirements of Article X. Editor's Note: See Ch. 180, Subdivision and Land Development.
9. Landscaping, street trees, streetscaping, and buffers shall be provided in accordance with Lower Paxton Township Subdivision and Land Development Ordinance (See Chapter 180, Article V) unless otherwise provided for in this section.

D. Dimensional requirements. All lots within TC developments shall meet the following dimensional requirements:

1. Lot area requirements.
 - a. Minimum net lot area for all apartments and nonresidential uses: no minimum lot size; however, all lots must be consistent with the Master Plan.
 - b. Minimum net lot area for townhouses: 2,000 square feet.
2. Lot width requirements.
 - a. Minimum lot width for all apartments and nonresidential uses: no minimum lot width; however, all lots must be consistent with the Master Plan.
 - b. Minimum lot width for townhouses: 20 feet.
3. Building setback from the edge-of-street curblines:
 - a. When no plaza is between the building and the street
 1. Minimum building setback from street curblines, portions of buildings up to 40 feet in height, provided buildings are not located within the street legal right-of-way line:
 - a. Arterial streets: 20 feet.
 - b. All other streets: 12 feet.
 2. Minimum building setback from street curblines, any portions of buildings from 40 to 75 feet in height: 25 feet.
 3. Maximum building setback from street curblines for 60% or more of the front facade of the ground floor level of buildings (these standards do not apply to structured parking garages):
 - a. Arterial streets: 35 feet.
 - b. All other streets: 25 feet.
 - b. Where a plaza is between the building and the street, the minimum and maximum building setback from street curblines shall be the depth of the plaza.

Illustration of Building Setbacks



4. Minimum building setback from property lines not abutting streets:
 - a. Portions of buildings sharing a party wall: 0 feet.
 - b. Portions of buildings not sharing a party wall, up to 40 feet in height: 10 feet.
 - c. Portions of buildings not sharing a party wall, from 40 to 75 feet in height: 20 feet.
5. Minimum setback between any portions of separate buildings not sharing a party wall:
 - a. Portions of buildings up to 40 feet in height: 20 feet.
 - b. Portions of buildings from 40 to 75 feet in height: 40 feet.
6. Minimum building and parking setback from abutting residential properties that are not part of the proposed Towne Center: 40 feet.
7. Minimum surface parking area setback from street ultimate right-of-way lines and property lines: 10 feet.
8. Maximum building height: 125 feet or 10 stories, whichever is less.
9. Maximum impervious coverage: 85%, unless the TC development is a redevelopment of an existing tract, in which case the impervious coverage maximum shall be no greater than exists pre-development.
10. Floor area ratio.
 - a. Maximum floor area ratio (FAR) with no bonus: 1.5.
 - b. Maximum floor area ratio with bonuses, as described in Subsection

Illustration of Floor Area Ratio

E. Design standards. All development within the TC District shall comply with the following design standards:

1. General layout and street pattern. The following general layout and street pattern requirements shall be shown on the Master Plan:
 - a. Various land uses shall be laid out and spaced to make walking from one land use to any other land uses as easy as possible.
 - b. Retail uses shall be located as physically close to as many of the following on- and off-site features as possible: existing retail areas, transit stops, existing collector or higher classification streets, and proposed plaza areas.
 - c. Single-use residential buildings, when proposed, shall be located and designed to provide a transition between abutting off-site residential zoning districts, when they exist, and the nonresidential uses in the TC District.
 - d. TC developments shall be laid out with streets, in accordance with the following standards:
 1. Streets shall be laid out to create blocks, and blocks shall not exceed 1,000 feet in length before being interrupted by a street intersection, unless the reuse of existing buildings longer than 1,000 feet or the presence of unique barriers, such as a creek or a grade-separated highway, preclude the creation of a street intersection. In such cases, blocks shall be as small as feasible. Alley and driveway intersections shall not be used to meet the block length requirement.
 2. All proposed buildings, except structured parking garages, must be located within a certain distance of a street, as shown in Subsection D(3), Building setback from the edge-of-street curblines. Buildings do not have to meet these standards from alleys or driveways.
 3. Streets shall be interconnected with each other and with streets on abutting properties in a grid or modified grid pattern.
 4. Streets shall be extended to abutting properties in logical locations, as determined by the municipal governing body. When warranted by unique circumstances, the municipal governing body may allow driveways to be used instead of streets for these connections, provided access for the driveway is guaranteed to the abutting property.

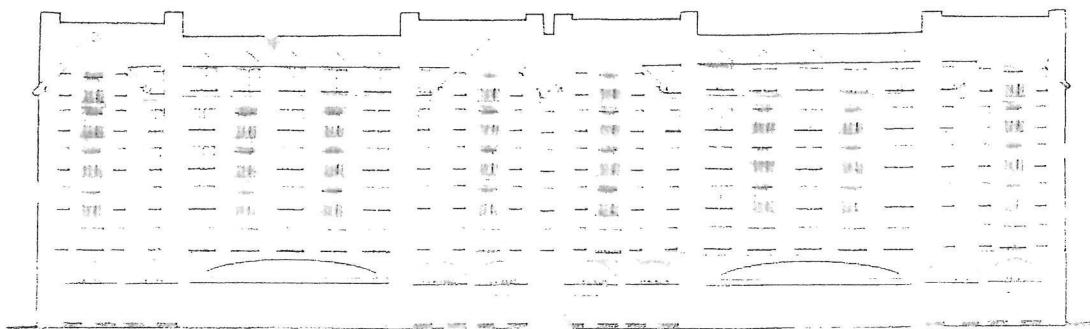
5. On tracts of 10 acres or more, new streets within a TC development shall have a street connectivity index of 1.40 or more. The street connectivity index shall be computed by dividing the number of new street links (defined as street segments between intersections and/or cul-de-sac heads) by the number of new street intersections/ permanent cul-de-sac heads.
 - e. At least every 500 linear feet, blocks shall include public pedestrian connections through the block between generally parallel streets, unless the reuse of existing buildings longer than 500 feet or the presence of unique barriers, such as a creek or grade-separated highway, preclude the creation of a pedestrian connection.
 - f. Developments shall be designed to support existing and/or future public transportation service through the provision of transit shelters, public transportation pickup areas, roads and driveways designed to handle the weight and length of a forty-foot bus, and other similar features.
 - g. On tracts next to public transportation stations and/or on tracts of 20 acres or more, the layout of uses and buildings shall be designed to encourage pedestrian access to the existing or future public transportation service.
2. Building design standards.
 - a. Building orientation and entrances.
 1. Front facades of buildings shall be oriented towards existing and proposed streets, with an everyday entrance in the front facade. Buildings with multiple front facades shall have entrances in each front facade, corner entrances, or, if permitted by the municipal governing body, entrances in only some of the front facades.
 2. All primary building entrances shall be accentuated. Permitted entrance accents may include: recessed, protruding, canopy, portico, or overhang.
 3. Loading doors, service doors, and loading docks shall not be located in any facade facing a street or any portion of a facade within 35 feet of a street.
 - b. Walls and windows.
 1. Blank walls shall not be permitted along any exterior wall facing a street or passenger train station. Walls in these locations shall comprise a minimum of 35% window area and a maximum of 75% window area, with windows interspersed across the facade.
 2. Ground floor facades of retail, restaurant, and related uses facing a street or passenger train station shall comprise a minimum of 50% clear window area, with windows providing views of display areas or the inside of the building. These ground floor windows shall begin between 12 to 24 inches above ground level and shall end above 86 inches above ground level.
 3. Smoked, reflective, or black glass in windows is prohibited.
 4. Walls or portions of walls where windows are not provided shall have architectural treatments designed to break up the bulk of the wall, including at least four of the following treatments: masonry, but not flat concrete block; concrete or masonry plinth at the base of the wall; belt courses of a different texture or color; projecting

cornice; projecting metal canopy; decorative tilework; trellis containing planting; medallions; opaque or translucent glass; artwork; vertical/horizontal articulation; lighting fixtures; or a similar architectural element not listed above, as approved by the municipal governing body.

Illustration of Facade Requirements

Roofline is varied through gables, dormers, and vertical changes.

Facade broken up with offsets, balconies, and changes in materials.



Upper facade area has at least 35% window area and no more than 75% window area.

Ground floor retail has front doors and extra window area.

5. Rear and side facades shall have colors and materials that are similar to the front facade and shall blend with structures within the development. Any development with more than one building on the site shall have a common and coherent architectural theme throughout the development.
- c. Roofs.
 1. Building ridgelines or roof planes facing a street, parking area, or walking area must be interrupted at least once every 100 feet by the inclusion of at least two of the following: a gable, a dormer, a vertical change of five feet or more, a tower, a dome, a barrel vault, a projecting cornice, an articulated parapet of five feet or more, or the inclusion of a similar architectural feature.
 2. Buildings shall use parapets or mansard-type roof styles to conceal flat roofs, elevator and stair shafts, large vents, and rooftop equipment such as HVAC units along all roof edges.
- d. Building massing.
 1. Buildings shall be designed to achieve a fine-grained texture by dividing large facades into the appearance of several sections or

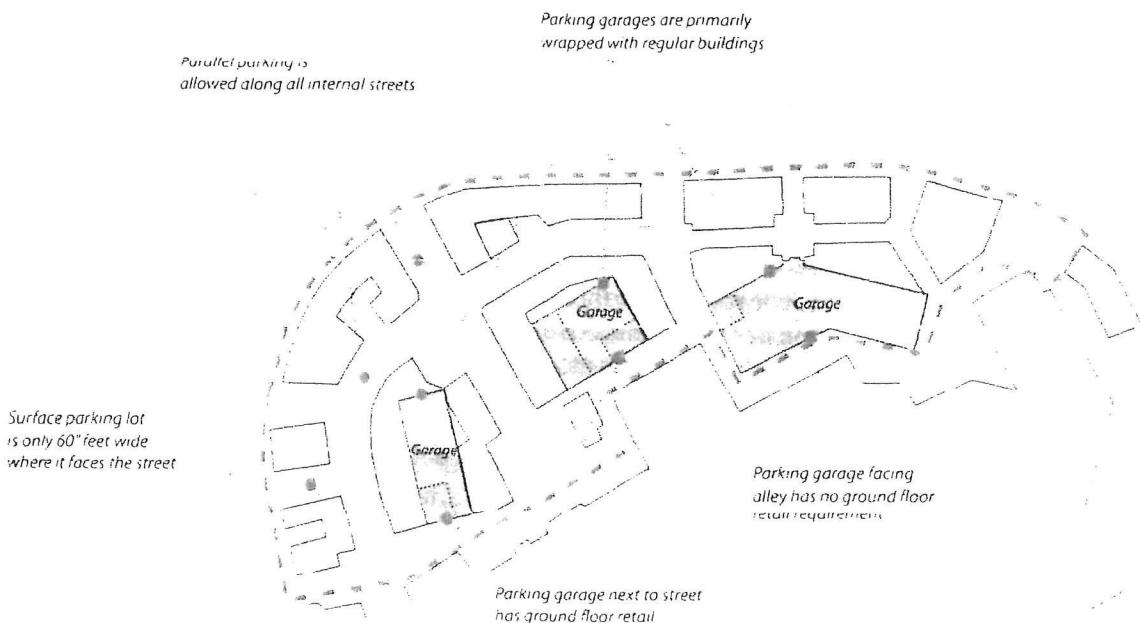
smaller buildings to avoid the appearance of a large, monotonous building mass.

2. Buildings must have at least a three-foot break in depth in all front facades for every 100 feet of continuous facade. Such breaks may be met through the use of bay windows, porches, porticos, building extensions, building recesses, balconies, towers, and other architectural treatments.
3. In addition to the required three-foot break, building facades of 200 feet or more facing a street, surface parking lot, passenger train station, or walking area shall include design elements that will break up the facade, such as awnings, porches, canopies, towers, balconies, bays, gables, changes in materials, changes in facade treatments, etc.

3. Parking design standards.

- a. Surface parking.
 1. Surface parking lots shall be located to the rear of principal buildings or to the side. Surface parking shall not be located between a building and a street.
 2. Surface parking shall not extend more than 70 feet in width along any street without being interrupted with a principal building.
 3. Parking lots visible from a street shall be continuously screened by a three-foot-high wall/fence or hedge. Parking lots adjacent to a residential use shall be continuously screened by a six-foot-high wall/fence or hedge. Screening shall also include street trees.
 4. Surface parking lots within a block in a TC development shall be interconnected by access driveways.
 5. Each lot created within a TC development shall provide cross-access easements for its parking areas and access driveways guaranteeing access to adjacent lots within the same block that are zoned TC. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow.
- b. Structured parking.
 1. Except for their pedestrian and vehicular entrances, structured parking garages, or structured parking within a principal building that is located within 50 feet of a street curbline at street level, shall have office, entertainment, institutional, apartment lobby, retail, restaurant, or a related use in occupied space along 70% of the first floor of the structured parking that faces the street.
 2. Structured parking shall have design treatments such as colonnades, arcades, awnings, landscaping, street furniture, and other public amenities to create the appearance of an occupied building. Blank walls are not permitted.
 3. Cars shall be generally visually screened from the street through features such as grills, lattices, mock windows, louvers, false facades, etc. Such screening shall be in keeping with the rest of the building's architectural style and materials.

Illustration of Parking Requirements

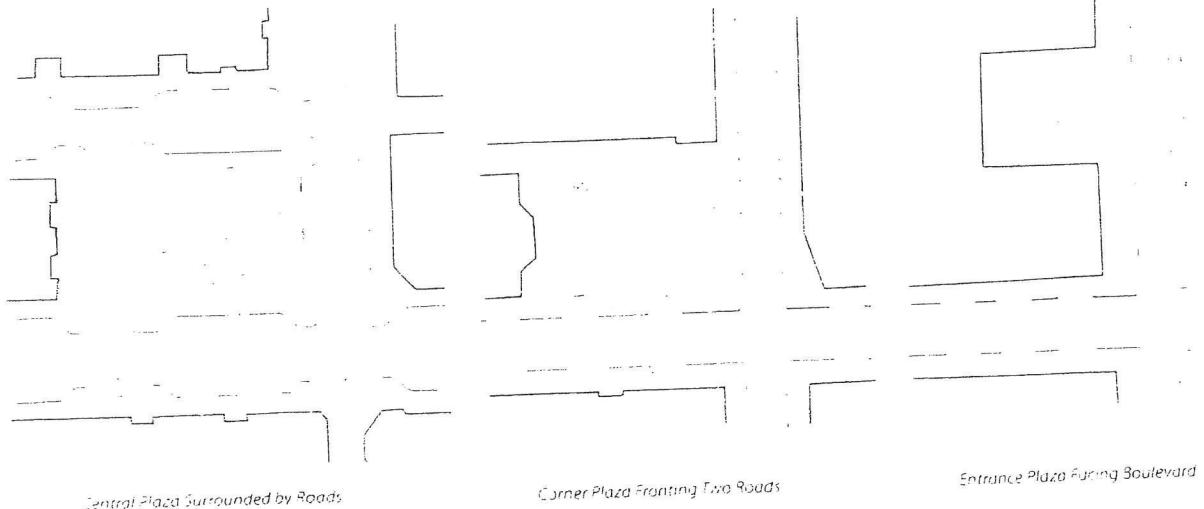


- c. Access to off-street parking. When feasible, vehicular access to off-street parking facilities shall be from a street, alley, or driveway that has no retail or related uses facing this street or alley. When this is not feasible, access shall be located as far from retail or related uses' front facades as possible.
4. Pedestrian design standards.
 - a. Sidewalks, with a minimum unimpeded width of eight feet, are required along all street frontages with retail, restaurant, and related uses. Sidewalks with a minimum width of six feet are required along all street frontages with other uses.
 - b. Sidewalks are required to connect the street frontage to all front building entrances, parking areas, plazas, and any other destination that generates pedestrian traffic. Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destination points and transit stops.
5. Open space and plaza design standards.
 - a. Required open space areas shall only consist of plazas, central greens, playing fields, playing courts, playgrounds, trails, greenways with trails, pedestrian malls, promenades, picnic areas, and other similar types of usable public space, designed in accordance with the Lower Paxton Township Subdivision and Land Development Ordinance.²
 - b. Required open space areas shall be designed as focal points within the development and shall make public access as easy and straightforward as possible. Public access shall be guaranteed to all required open

space through a deed restriction or other means acceptable to the municipal governing body. (c) Plazas shall meet the following requirements:

1. TC developments shall provide one square foot of plaza area for every 40 square feet of gross building floor area; however, TC developments with less than 43,560 square feet of gross floor area are not required to provide any plaza area. Because of limits on the maximum size of plazas, more than one plaza area may be required in larger developments.
2. Individual plazas shall be no smaller than 2,500 square feet and no larger than 40,000 square feet.
3. Plazas shall be surrounded on all sides by either streets or the front facades of buildings. Perpendicular or angled parking spaces shall not abut plazas. When streets abut a plaza, the opposite side of the street from the plaza shall have building front facades rather than parking lots or open space facing the plaza.
4. At least 25%, but no more than 80%, of the plaza shall be landscaped with trees, shrubs, and mixed plantings with year-round interest.
5. Plazas shall be centrally located within the TC development and easily and conveniently accessible from all residential and nonresidential buildings. Plazas shall be integral to the development and designed as a focal point for the TC development.

Illustration of Plaza Designs



6. The plaza shall not be used for parking, loading, or vehicular access, except emergency and maintenance vehicular access.
7. Plazas shall include a defining central element, such as a large fountain, sculpture, gazebo, pond, or similar feature. They shall

also be improved with a variety of other amenities, such as small fountains, public art, shade trees, trash containers, benches, decorative pedestrian lights, trellises, and/or other similar features. These improvements shall be provided in locations and amounts that are acceptable to the municipal governing body.

6. Lighting standards.
 - a. Adequate lighting for pedestrians and vehicles shall be provided in all areas open to the public.
 - b. Lighting shall be shielded to meet the following requirements:
 1. No light shall shine directly from a light source onto the ground, into the windows, or onto improvements of an abutting property, although incidental light may be permitted to fall on abutting property. Such incidental lighting shall not exceed 1/2 an ISO footcandle at ground level on the abutting property.
 2. No light, except streetlights, shall shine directly onto public roads.
 - c. Where the abutting property is residentially zoned and used, lighting shall meet the following requirements:
 1. Light fixtures shall be directed towards the proposed development and away from the abutting property.
 2. The light source itself must not be visible from the abutting residential property.
 3. Light fixtures shall be set back at least 20 feet from the property line.
 4. Light fixtures located within the building setback area that adjoins a residentially zoned and used property shall be no more than 10 feet in height.
 - d. No parking lot lighting standard or building fixture designed to illuminate the ground shall exceed 18 feet in height from grade level, and no pedestrian lighting standard shall exceed 14 feet in height from grade level.
7. Refuse area design standards.
 - a. The storage of refuse shall be provided inside the building(s) or within an outdoor area enclosed by either walls or opaque fencing at least six feet in height. Any refuse area outside of the building shall be designed to be architecturally compatible with the building(s) and shall not be located in the front of the building.
8. Screening design standards.
 - a. All wall-mounted or ground-mounted mechanical, electrical, communication, and service equipment, including satellite dishes and vent pipes, shall be screened from public view by parapets, walls, fences, landscaping, or other approved means.
 - b. Service and loading areas must be visually screened from streets and pedestrian ways and must be located to the side or rear of buildings.
9. Outdoor dining design standards.
 - a. Outdoor dining areas shall not impede pedestrian traffic flow. A minimum pathway of at least five feet free of obstacles shall be maintained.
 - b. Advertising or promotional features shall be limited to umbrellas, a menu board, and canopies.

10. Outdoor storage. Outdoor storage is not permitted.

F. Bonus provisions.

1. TC developments with at least 15% of the development's commercial building floor area providing experiential commerce shall receive a FAR bonus of 0.5.
2. TC developments which contain a regional attraction shall receive a FAR bonus of 1.
3. TC developments which construct a structured parking facility containing parking for 100 or more vehicles shall receive a FAR bonus of 1.25.
4. TC developments with 80% green buildings, in accordance with one of the following definitions, shall receive a FAR bonus of 0.5:
 - a. Green buildings shall include buildings that meet the silver or higher designation in the Leadership in Energy and Environmental Design (LEED) program, as determined by the Green Building Certification Institute.
 - b. Green buildings shall include buildings that meet any national, generally accepted certification that is equivalent to the LEED silver or higher designation.

G. Parking standards.

1. Parking ratios. Any building or structure erected, altered, or used, and any lot used or occupied for any of the following purposes, shall be provided with the maximum or minimum (specific to the use) number of parking spaces set forth below, except as adjusted for shared parking or on-street parking.
2. All parking spaces must be on existing property or adjacent lots not separated by a street.

LOWER PAXTON TOWNSHIP		DRAFT ZONING ORDINANCE - May 2021	
Use	Minimum Requirement	Maximum Requirement	
Retail commercial sales, excluding drive through facilities		2 spaces/1000 Square Feet (SF) Gross Floor Area (GFA)	
Restaurants and other food or beverage establishments, excluding drive through facilities	1 per 75 sq ft. with no additional parking for employees		
Professional, administrative, and/or business offices		2 spaces/1000 SF GFA	
Convention centers, meeting facilities, banquet halls		1 space per every 4 persons of seating capacity	
Banks or financial institutions, excluding drive through facilities		2 spaces/1000 SF GFA	
Hotels		1 space/room (plus 50% of restaurant requirement if applicable)	
Bed and breakfast facilities		1 space/room (plus 50% of restaurant requirement if applicable)	
Museums		1 space per 450 square feet of gross floor area	
Theaters		1 space/4 seats max occupancy	
Schools		1/7 students design capacity	
Day care centers		1/5 students design capacity	
Post offices		1 space per 450 square feet of gross floor area	
Community centers		1 space/4 seats max occupancy	

Libraries		1 space/4 seats max occupancy
Personal service businesses		2 spaces/1000 SF GFA
Studios or galleries for dance, music, fitness, art, or photography		1 per 4 persons of maximum capacity of all facilities
Bowling alley / Racquet sports /		1 per 4 persons of maximum capacity of all facilities
Health club		
Transit facilities		1 space per 3 employees on the largest shift
Apartment units	1.5 space per unit	
Townhouses	1.25 spaces per unit	

3. Exception for parking spaces located above or below ground. Any parking located in a facility (parking structure) which is located above or below grade is not subject to restrictions or provisions identified in the minimum or maximum parking ratio requirements.
4. The Township Supervisors may allow installation of additional parking spaces when there is evidence of a continued overflow of parking as installed by the applicant. Evidence may consist of, and not be limited to, the following: provide information that the employees and/or patrons will utilize public transportation services or other modes of transportation which are not related to the use of an automobile, documentation of observations or surveys of actual parking situations of same uses at similar locations, etc.
5. Shared parking.
 - a. The parking spaces required in the above standards may be reduced when two or more establishments share the same parking area, whether on the same lot or on abutting lots, subject to the following conditions:
 1. That some portion of the shared off-street parking area lies within 1,000 feet of an entrance, regularly used by patrons, into the buildings served by the shared parking facilities.
 2. That access and parking easements are prepared and recorded for each property affected by the shared parking.

3. All shared parking shall consider safety, accessibility and convenience for the pedestrian traveling between the points of destinations.
6. On-street parking. On-street parking spaces within a development may be counted towards the amount of required parking.

H. Streetscaping standards.

1. Sidewalks and crosswalks.
 - a. Sidewalks are required along all street frontages, alleys, and internal driveways. Sidewalks along alleys may be waived if an applicant can demonstrate that these areas are not anticipated to have pedestrians. Sidewalks shall meet the following width requirements:
 1. In areas that predominantly consist of retail, restaurant, and related uses on the ground floor of buildings, sidewalks shall have a minimum unimpeded width of eight feet.
 2. In all other areas, sidewalks shall have a minimum unimpeded width of six feet.
 - b. Sidewalks shall be constructed of durable, attractive materials like brick, stone, or high-quality concrete accented with pavers. Sidewalk materials shall be continued across curb cuts when possible.
 - c. Arterial streets shall be separated from sidewalks by a six-foot-wide landscaped strip, decorative verge area, or expanded sidewalk area, so as to allow for street trees and to buffer pedestrians from automobile traffic. All other streets shall be separated from sidewalks by a four-foot-wide landscaped strip, decorative verge area, or expanded sidewalk area.
 - d. Sidewalks shall be required to connect the street frontage to all front building entrances, parking areas, plazas, other usable open space areas, and any other destination that generates pedestrian traffic. Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destinations and/or transit facilities.
 - e. All sidewalks shall have accessibility ramps and shall comply with the regulations of the Americans with Disabilities Act.
 - f. Crosswalks not more than 10 feet and not less than six feet wide shall be required at all street intersections and wherever necessary to provide safe pedestrian access to buildings, open space areas, and public transit facilities.
 - g. Crosswalks shall be constructed of inlaid thermal plastic, patterned surface dressing, or stone/brick/concrete pavers that make them easy to view and distinguish from the rest of the roadway. Crosswalk borders shall be highlighted with white lines at least six inches in width. Minor streets within the development may have painted white crosswalks.
2. Traffic calming devices.
 - a. Curb extensions/bulb-outs.
 1. Curb extensions/bulb-outs narrow the street carriageway at intersections and midblock locations to make pedestrian crossings shorter and/or reduce the perceived width of long, straight streets.
 2. Curb extensions/bump-outs shall extend at least six feet from the rest of the curbline into the street.
 3. Curb extensions/bump-outs shall be at least 15 feet in length.

4. Curb extensions/bump-outs must leave at least 20 feet of cartway for travel lanes on arterial streets, and 18 feet of cartway on all other streets.
- b. Raised median islands.
 1. Raised median islands are narrow islands between travel lanes that are designed with breaks in landscaping and curbing for pedestrians.
 2. Raised median islands shall be at least six feet wide; however, the municipal governing body may allow this width to be reduced to four feet when existing street cartway and sidewalk widths warrant a narrower width.
 3. Raised median islands shall be a minimum of 20 feet in length; however, the municipal governing body may allow this length to be reduced to 12 feet when a longer length would interfere with a driveway.
 4. Portions of raised median islands not used for sidewalk area shall be landscaped.
- c. Traffic circles.
 1. Traffic circles are raised islands located in the center of an unsignalized intersection.
 2. Traffic circles shall be designed to give vehicles adequate turning radii within the intersection, with all traffic negotiating the circle and circulating in a counterclockwise direction.
 3. The diameter of traffic circles may not be less than 13 feet.
 4. At least 16 feet of street width must be located between the traffic circle and the closest curbline.
 5. Traffic circles shall be designed with mountable curbs.
 6. Traffic circles shall be landscaped.
 7. A plaza may be contained within a traffic circle.
- d. Speed humps.
 1. Speed humps are raised, elongated surfaces on the roadway designed to slow traffic.
 2. Speed humps shall be three to four inches in height.
 3. Speed humps shall be at least 14 feet in length.
 4. Speed humps shall be constructed across the cartway, from curb to curb.
 5. Speed humps shall have a parabolic cross section.
 6. Speed humps are only allowed on local streets with a grade of less than 8%. They are not permitted on collector or arterial streets.
- e. Speed tables.
 1. Speed tables are raised, flat-topped surfaces on roadways, often built with brick or other textured materials on the flat section.
 2. Speed tables shall be three to four inches in height.
 3. Speed tables shall have a total length of 22 feet, with six-foot ramps on each end and a flat ten-foot section in the middle.
 4. Speed tables shall be built from curb to curb.
 5. Speed tables shall not be installed on arterial streets.
- f. Raised crosswalks.

1. Raised crosswalks are marked and elevated pedestrian areas that are an extension of the sidewalk at midblock locations or intersections.
2. Raised crosswalks shall be three to six inches in height.
3. The ramps on each side of the crosswalk shall have a grade of 4% to 8%.
4. The flat area of the crosswalk shall be at least 10 feet in width.
5. Raised crosswalks shall be installed curb to curb.
6. Raised crosswalks shall not be installed on arterial streets.
- g. Raised intersections.
 1. Raised intersections are intersections, including crosswalks, that are raised above the street cartway level.
 2. Raised intersections shall be three to six inches in height.
 3. The ramps on each side of the raised intersection shall have a grade of 4% to 8%.
 4. Raised intersections shall cover the whole intersection, including crosswalk areas.
 5. Raised intersections shall not be installed on arterial streets.
3. Street furniture and streetscape elements.
 - a. Street furniture shall be provided and include (though not be limited to) benches, trash and recycling receptacles, planters, and bike racks. Street furniture shall be decorative, functional, and properly scaled to the space.
 - b. Street furniture shall be provided to the municipal governing body's specifications on style and/or color, and shall be given final approval by the municipal governing body.
 - c. Street furniture shall be properly maintained by the property owner and be constructed of durable materials such as cast iron, aluminum, stainless steel, or similar materials.
 - d. All furniture and streetscape items shall be offset from the curb by a minimum of 1.5 feet to avoid car door obstruction. Furniture intended for seating shall be set back from the curb by a minimum of five feet from arterial roads without on-street parking.
 - e. A minimum of five linear feet of seating, such as a bench or a cluster of chairs, shall be provided for every 1,000 square feet of plaza area on public or private land. Areas seating at least four people at a time shall be provided at the rate of one per block face, outside of plaza areas.
 - f. Between two and four paired trash and recycling receptacles shall be placed along each block face with more than 40,000 square feet of commercial uses, one pair at each end of the block and additional receptacles spaced evenly between. A minimum of one additional trash receptacle shall be provided for each 5,000 square feet of public open space.
 - g. Sidewalk-mounted trash receptacles shall have at least three feet clear on all sides from any standing object, including, but not limited to, parking meters, lights, and sign posts.
 - h. One drinking fountain shall be provided for each 10,000 square feet of usable public open space.

- i. Freestanding planters and protective devices, such as bollards, shall be installed between sidewalks and adjacent vehicular traffic to help shape the pedestrian environment.
- j. All new retail and office development shall provide a minimum of one bicycle parking rack per 20,000 square feet of gross floor area or fraction thereof. A minimum of one bicycle parking rack shall be provided for every 10,000 square feet of public open space.
- k. Bicycle racks shall be located in highly visible, well-lit areas near building entrances; bicycle parking areas shall not obstruct walkways. Bicycle parking may be provided within a building, but the location must be easily accessible for bicyclists. Establishments that provide internal bicycle parking may also want to consider providing lockers and shower facilities to encourage employees to bike to work.

4. Site and streetscape lighting.

- a. Applications for development in the TC District shall include a lighting plan.
- b. Lighting that is oriented for vehicles shall be generally spaced at 100 to 120 feet on center in a staggered pattern.
- c. Pedestrian-oriented streetlights shall be provided and spaced at 40 to 60 feet on center, paired across the street or, 80 to 120 feet on center in a staggered pattern. They should be centered on a line 20 inches from the face of curb.
- d. With approval from the Board of Supervisors, these spacing guidelines may be modified to meet minimum safety standards and provide a logical rhythm or cadence. Minor adjustments may be necessary to avoid utilities, vaults, and other conditions.
- e. Public areas and open spaces shall be lit for safety and ease of visibility.
- f. Lighting fixtures and luminaires, both pole-mounted and building mounted, shall be consistent and/or compatible with any existing light fixtures, and the Board of Supervisors shall have final approval over the style and placement of all lighting fixtures.
- g. Light fixtures shall be constructed of durable, attractive materials and be easy to maintain. Light poles be constructed of durable materials such as cast iron, aluminum, stainless steel, or similar materials.
- h. Where the abutting property is residentially zoned or used, nonresidential uses shall direct light fixtures toward the proposed development and shield the residential properties from direct lighting or glare. The light source itself must not be visible from the abutting residential property.
- i. No streamers or festoon lighting, comprising a group of incandescent light bulbs, shall be hung or strung on a building or any other structure.
- j. No flashing or intermittent or moving lights, including lights on signs, shall be permitted.

I. Usable open space standards. The following requirements apply to all proposed usable open space in Towne Centre developments.

1. General usable open space standards.
 - a. Usable open space areas shall be focal points of the community and key public assets. These areas must be visible and accessible from a

public walkway or sidewalk, and shall not be in utility areas, stormwater management areas, or behind buildings.

- b. At the discretion of the Township, stormwater management ponds may be used as usable open space areas when these ponds (when permanently containing water) function as a focal point such as by installation of a fountain centered in the pond and equal in height to 1/2 the diameter of the pond or greater.
- c. Usable open space areas shall be located within 200 feet of an adequate parking area for the open space area or within 200 feet of a public street.
- d. Usable open space areas shall connect to outdoor cafes, restaurants or building entrances and have maximum direct sunlight. Necessary shade shall be provided by trees, canopies, trellises, building walls or tables with umbrellas.
- e. Usable open space areas shall be generally flat and unconstrained, and at grade with sidewalks whenever possible. At most, a three-foot differential between the sidewalk and the space may be allowed for physical definition of space.
- f. Trails, paths, and sidewalks shall be clearly marked and separated from vehicular travel ways and shall connect to the sidewalk system.
- g. No parking, loading or vehicular access is allowed in or on the open space, other than for emergency or maintenance vehicles.
- h. The applicant must submit a maintenance plan describing how improvements will be managed and maintained. The responsibility for maintenance shall rest with the owner of the property.
- i. Usable open space areas shall be deed restricted to permanently preserve the area and to guarantee permanent public access.

2. Specific open space standards.
 - a. Central greens.
 1. Buildings abutting central greens shall have entrances facing the central greens.
 2. Central greens shall be surrounded on all sides by either streets or the front facades of buildings, with at least 45% of their perimeter surrounded by public streets.
 3. Central greens shall contain both open grassed areas and more formally landscaped areas, as well as pedestrian facilities, such as sidewalks, paths, benches, or gazebos. At least 60% of any central green shall be landscaped with trees, vines, shrubs and seasonal flowers, as well as lawn area around these features.
 4. Central greens shall also include central public amenities, such as (but not limited to) a water feature, fountain, gazebo, band shell, sculpture, play sculpture, etc.
 5. Central greens shall be at least 10,000 square feet in size but no greater than 40,000 square feet.
 3. Trails or greenways with trails.
 - a. To the maximum extent feasible, trails and greenways with trails shall be installed in areas where significant natural and scenic resources exist on a site.

- b. Trails shall be located in prominent areas with visual interest. The primary portion of trails and area of greenways shall not be constructed along private yards (unless separated by a fence and/or safety buffer), public or private streets or rights-of-way, parking areas and driveways, or stormwater detention facilities.
- c. Trails or greenways with trails must be at least 1/2 mile in length, must directly connect with an existing trail that is at least 1/2 mile in length, or must provide a critical link in a future trail shown in the municipality's open space plan. Trails or greenways shall also directly connect with the development's retail area via a sidewalk connection or pathway.
- d. Trails that are multiuse shall be at least 10 feet wide with an aggregate six-foot-wide shoulder and shall be constructed of macadam or a similar quality material. Pathways shall be at least five feet wide. The entire trail corridor shall be a minimum of 30 feet in width.
- e. A corridor up to 30 feet wide containing the trail or greenway with trail shall be considered usable open space and shall count toward fulfilling the requirements of the TC District.

4. Picnic areas.

- a. Picnic areas shall be located adjacent to playground areas, trails, greenways with trails, playing fields, playing courts, and scenic resources at appropriate and convenient spots.
- b. Picnic areas shall be used only during daylight hours; no lighting shall be installed.
- c. At least two picnic tables shall be provided for each picnic area.
- d. Adequate refuse and recycling containers shall be provided.
- e. Shelters and/or shade trees and other landscaping shall be provided at all picnic areas.
- f. Two trees of at least two-inch caliper shall be provided for every 1,000 square feet of picnic area.
- g. Gazebo or picnic-type shelters may be used in addition to, but not in exchange for, any landscaping requirements.
- h. Picnic areas shall be at least 3,000 square feet in size, and at least 30 feet wide.
- i. Picnic tables shall be set back at least 10 feet from lot lines, 10 feet from the ultimate right-of-way of local access streets, and 25 feet from the ultimate right-of-way of collector or arterial streets.

5. Playgrounds.

- a. Playgrounds shall include structured play equipment designed for the use and enjoyment of children.
- b. Playgrounds shall be used only during daylight hours; no lighting shall be installed.
- c. Sitting areas, including benches, shall be provided for the convenience of persons supervising children.
- d. Two trees of at least two-inch caliper shall be provided for every 1,000 square feet of playground area; gazebo or picnic-type shelters may be used instead of half the required shade trees.
- e. When a playground is placed adjacent to playing fields, practical measures, such as fencing and orientation of facilities, shall be used to reduce hazards, especially from balls, frisbees, or other flying objects.

- f. Playgrounds shall be at least 2,500 square feet in size (within any fenced areas) and 35 feet wide.
- g. Playground equipment shall be set back at least 10 feet from lot lines, 10 feet from the ultimate right-of-way of local access streets, and 100 feet from the ultimate right-of-way of collector or arterial streets.
- h. Playgrounds shall be located within residential areas and shall be easily visible from the street.

6. Playing fields.

- a. Playing fields shall be used only during daylight hours; no lighting shall be installed.
- b. Playing fields shall consist of a lawn area, unobstructed by trees, shrubs, benches, and other playground equipment. Applicants shall locate trees and shrubs at the perimeter of playing fields to define their limits, enhance their appearance, and filter noise that may be generated by any activities.
- c. Playing fields shall be gently sloped, not less than 1% nor more than 3% grade, and shall be well drained so as to be suitable for use in good weather.
- d. Playing fields may be fenced and sitting areas may be provided along the perimeter if desired by the applicant.
- e. Playing fields shall be at least 8,000 square feet in size with a minimum width of 80 feet.
- f. The minimum setbacks to the edge of a playing field shall be at least 50 feet from any dwelling unit. The minimum setback from the ultimate right-of-way of streets shall be 25 feet from local access streets, and 50 feet from collector or arterial streets.
- g. Playing fields shall be located in residential areas or near the edges of a TC development.

7. Playing courts.

- a. Playing courts shall be constructed in accordance with specifications approved by the Municipal Engineer and shall be oriented in a north south direction.
- b. Minimum dimensional standards shall be as follows:
 1. For court areas of standard size:
 - a. Tennis courts shall be a minimum of 60 feet by 120 feet.
 - b. Basketball courts shall be a minimum of 70 feet by 104 feet.
 2. These standards can be divided accordingly to allow for half-court areas.
 3. Minimum setbacks to the edge of paving:
 - a. From any dwelling unit: 50 feet.
 - b. From the ultimate right-of-way of streets: 25 feet from local access streets; 50 feet from collector or arterial streets.
 - c. From any lot line: 15 feet.
- c. Tennis courts shall be fenced around the entire perimeter with minimum ten-foot-high fencing.
- d. Basketball courts shall be fenced with minimum six-foot-high fencing under the following conditions:

1. When the edge of the pavement is less than 30 feet from a lot line, that edge shall be fenced.
2. When the edge of the pavement is less than 30 feet from an area sloping steeply downward from the court, the edge shall be fenced.
- e. Lighting may be provided for nighttime use of courts, so arranged that no glare affects abutting residences on nearby streets, on a demand-activated basis, until no later than 10:00 p.m.
- f. Landscaping shall be provided along the exterior perimeter of the playing courts, outside of the fenced-in area if applicable. Up to 50% of the landscaped area may be planted with shrubs, and one tree of at least two-inch caliper shall be planted for every 200 square feet of planting area. In addition to any required trees and shrubs, all of the landscaped area shall be covered with grass, organic mulch, or live ground cover.
- g. Playing courts shall be placed at convenient locations within residential and/or retail areas and may be used as a transitional use between more naturalized open space areas.

8. Pedestrian malls or promenades.
 - a. Pedestrian malls or promenades shall be developed within the equivalent of a street right-of-way, with a minimum fifty-foot right-of-way width. Buildings shall be set back from the right-of-way area the same distance as from a street. The pedestrian mall shall intersect a public street in the same manner that a street would.
 - b. Except for landscaping, pedestrian paving shall cover the entire right-of-way. Paving shall be enhanced, decorative paving and not asphalt.
 - c. Paving sections shall be designed to accommodate emergency as well as delivery vehicles. Necessary clear zones shall also be kept so that vehicles may access the buildings. Deliveries shall be restricted to hours when the pedestrian mall is not open to the public.
 - d. Loading dock entries shall not face onto pedestrian malls.
 - e. Seating areas, which may include benches or seats grouped around or attached to a table, must be provided along each block face at a rate of five linear feet of seating for each 300 linear feet of pedestrian mall.
 - f. Landscaping shall be provided throughout pedestrian malls or promenades and shall comprise at least 25% of the pedestrian area. Up to 50% of the landscaped area may be planted with shrubs or flowers in planters and pots. Additionally, one tree of at least two-inch caliper shall be planted for every 500 square feet of planting area. In addition to any required trees and shrubs, the landscaped area shall be covered with grass, organic mulch, or live ground cover where appropriate.
 - g. Between two and four paired trash and recycling receptacles shall be placed along each block face with more than 40,000 square feet of building area.

Section 310: Optional transfer of development rights ("TDR").

- A. Purposes. In addition to serving the overall purposes of this chapter, this section is intended to:
 1. Encourage the permanent preservation of important farmland and environmentally sensitive areas;
 2. Direct growth to locations where public water and sewerage services are available; and
 3. Provide a voluntary method for landowners to be compensated by the free market to preserve their land.
- B. Applicability.
 1. The transfer of development rights shall only officially occur at the time of final approval of a subdivision or land development plan or a conditional use approval. The approval of a preliminary plan shall be conditioned upon compliance with this section. As part of a preliminary and final plan application, the applicant shall present a draft conservation easement on the "sending property" and a written, signed and notarized agreement by the owner of the "sending property" acknowledging and agreeing to the application.
 2. The conservation easement shall be drafted so that it is binding if the "receiving property" is granted final subdivision or land development plan approval. The conservation easement shall be recorded at the same time as, or prior to, the final plan for the receiving property.
 - a. If a final plan is recorded in phases, then the conservation easement may be recorded in corresponding phases.
 3. The form of the conservation easement shall be acceptable to the Board of Supervisors, based upon review by the Township Solicitor and Planning Commission. The term "conservation easement" shall include, but not be limited to, an agricultural conservation easement. In the case of agricultural land, the standard language for an agricultural conservation easement used by the County Agricultural Land Preservation Board may be utilized.
 4. A sending property shall be within the CO or AR District. A sending property shall have a minimum lot area of 10 acres.
 5. A receiving property shall be within the R-1 or R-2 District.

6. The owners of the sending and receiving properties shall voluntarily commit to participate in the transfer of development rights. Once such conservation easement is established, it shall be binding upon all current and future owners of the sending property. The applicant for the receiving property is responsible to negotiate with, and pay compensation to, the owner of the sending property for the conservation easement. Such transaction shall occur privately, and the value shall be determined by the private market. The Township is under no obligation to pay the owner of the sending property, unless the Township purchases the development rights.
7. Donations or intermediaries. The right to develop a sending property may be purchased by or donated to the Township, a Township Authority, the county or an established incorporated nonprofit organization whose mission includes preservation of agricultural land or natural features. A permanent conservation easement shall be established on the sending property at the time of such purchase or donation. In such case, the right to develop such dwelling units may be held for a maximum of 10 years, before being used on a receiving property(ies).

C. Determination of density.

1. Yield plans shall be presented by the applicant. One yield plan shall be presented for the receiving property and one for the sending property. Such yield plans shall be a level of detail typically found in a sketch plan, including showing potential lots and roads, steep slopes, 100-year floodplains and suspected wetlands. Such yield plans shall estimate the number of new dwelling units that could be lawfully constructed on each property under Township regulations without any transfer of development rights. Detailed septic perc tests are not required for such sketches, but new septic systems shall not be assumed to be possible in areas with severe soil and slope limitations.
2. Such yield plans shall be reviewed by the Zoning Officer, with advice by the Township Engineer, to determine whether each represents a reasonably accurate estimate of the number of dwelling units possible on each site, both physically and legally. If such estimates are determined to not be accurate, the applicant shall be required by the Zoning Officer to revise such yield plan until it is accurate.
3. Based upon the yield plans, permission to develop the allowed number of dwelling units may be transferred from the sending property to the receiving property.
 - a. For each dwelling unit that would have otherwise been allowed on the sending property, one additional dwelling unit may be approved on the receiving property.
 - b. If one or more lots each include less than one acre of lot area and are not served by Township-approved central sewage service, such lots shall not be used to transfer density.

- c. If, for example, the yield plan determines that 10 new dwelling units would be allowed under current zoning on the sending property, and the sending property will be preserved by a conservation easement, then the right to develop 10 additional dwelling units shall be transferred to the receiving property.
 - d. The development of the receiving property shall still comply with all other requirements of this chapter, except for the maximum density, which shall be regulated by this section.
4. A partial transfer of the allowed dwelling units shall also be allowed, depending upon the amount of land affected by the permanent conservation easement.
 - a. For example, if under current zoning, five dwelling units would be possible on the western portion of a lot and six dwelling units on the eastern portion, the owner may choose to transfer the right to develop five dwelling units by placing a permanent conservation easement on the western portion. The owner would then still have the right to develop the eastern portion under the zoning in effect at the time of a future development application for that eastern portion.
 - b. If only a portion of a lot would be affected by the conservation easement, the applicant shall prove that the conservation easement would permanently preserve a contiguous area of rectangular (or similar regular) shape that would relate to the number of dwelling units that would otherwise be allowed on such portion of the lot.
 - c. Where a conservation easement would be established in phases over time, each phase shall be contiguous with a previous conservation easement, unless the applicant proves to the satisfaction of the Board of Supervisors that there is a valid public purpose for the easement to not be contiguous.
5. The receiving property shall be permitted to include the increased total number of dwelling units above the number that would otherwise be permitted, as approved by the Township based upon the yield plan.
6. The development of the receiving property shall comply with all other requirements of this chapter, except that the following requirements shall be reduced, provided the maximum overall density for the TDR is not exceeded:
 - a. For a receiving property within the R-1 District, for single-family detached dwellings, a minimum lot area of 12,000 square feet and the minimum lot width shall be 90 feet shall apply, provided both central sewage and central water services are provided.
 - b. For a receiving property within the R-2 District, for a single-family detached dwelling, the minimum lot area shall be reduced to 8,000 square feet, and the minimum lot width may be reduced to 60 feet.

- c. For a receiving property within the R-2 District, for other allowed dwelling types, the minimum average lot area per dwelling unit shall be reduced to 6,000 square feet.
- 7. Utilities. To receive a transfer of development rights, any lot that includes less than one acre per dwelling unit on receiving property shall be served by Township-approved central sanitary sewerage service and central water service.
- 8. The transfer of development rights shall not be combined with reduced lot sizes other incentives concerning open space development or traditional neighborhood development.

D. Once a conservation easement is established under a transfer of development rights, it shall be permanent, regardless of whether the receiving property is developed. The approval to develop the receiving property in a higher density shall be treated in the same manner as any other final subdivision or land development approval. The Board of Supervisors may extend time limits to complete the development of the receiving property in response to a written request.

- 1. If an approved development on the receiving property is not completed, the Township may allow a new development application to be submitted to use such number of additional dwelling units that would be allowed under the Township ordinances in effect at the time of the new development.

Section 311: Additional requirements in the V Village District.

A. Purposes. The V District is intended to serve the following purposes, in addition to purposes described in the Comprehensive Plan and the overall objectives of this chapter:

1. To promote traditional neighborhood development in village areas, particularly to protect significant historic resources in accordance with the traditional neighborhood development provisions of the Pennsylvania Municipalities Planning Code, which purposes are hereby included by reference;
2. To create traditional neighborhood development that regulates new development and infill development where existing uses and structures may be incorporated into existing development;
3. To promote the historic integrity of village areas;
4. To develop and redevelop in a manner generally consistent with historic development patterns and existing character of village areas;
5. To uphold the design principles of traditional neighborhood development;
6. To promote the use, reuse, and renovation of existing structures;
7. To preserve the look and feel of existing village characteristics, which may include a centrally located village square, greenspaces, commercial enterprises, public buildings, residences, and facilities for social activity, recreation and community functions;
8. To encourage a livable neighborhood with a fully integrated, mixed use, pedestrian-oriented community;
9. To provide for adequate and safe circulation patterns for pedestrians, bicyclists, motor vehicle traffic, and other modes of transportation through village areas;
10. To foster a sense of place and community by providing a setting that encourages the natural intermingling of everyday uses and activities within a recognizable community;
11. To support and enhance the economic viability of village areas;
12. To encourage off-street community parking areas located on small vacant lots and parcels adjacent to alleys, based upon site and land development plan approvals;
13. To protect natural, historic, and cultural resources of village areas through regulation of the use of land;

14. To encourage a variety of architectural features and building materials to give each building or group of buildings a distinct character; and To develop compactly in ways that are designed for the human scale, including sensitivity to walking distances, the height of buildings, the design of streetlights and signs, sidewalks, and other features that preserve the look and feel of village areas as seen from public view.

B. Dimensional standards.

1. Lot area: 6,000 square feet minimum.
2. Lot access: Each lot shall front on a public street, not including an alley. The Township may establish minimum cartway and pavement standards for abutting segments of an alley.
3. Minimum lot width: 50 feet measured at front lot line. The minimum lot width shall be 45 feet per dwelling unit for a single-family semidetached dwelling.
4. Minimum lot depth: 120 feet measured at the side lot line.
5. Setbacks: The following minimum setbacks shall apply:
 - a. Front yard setback: 15 feet, 10 feet of which may be occupied by an unenclosed front porch, which may be covered by a roof. Where the majority of principal buildings on a block along a public street have a certain predominant front yard setback, then any new principal building shall be constructed with a setback that is not more than 10 feet greater than such predominant front yard setback.
 - b. Rear yard setback: 30 feet, except five feet from an alley for a storage building or vehicle garage that is accessory to a dwelling.
 - c. Side yard setback: five feet, except 10 feet for a new principal nonresidential building from a lot line of a lot occupied by a principal dwelling.
6. Maximum impervious surface per lot: 80%, except 65% if the lot does not include a principal nonresidential use.
7. Height regulations:
 - a. Minimum height: The height of a principal building or structure shall not be less than 22 feet. There shall be no minimum height for accessory buildings or structures.
 - b. Maximum height:
 1. No principal building or structure shall be erected to a height greater than 35 feet.

2. No accessory building or structure shall be erected to a height greater than 20 feet.
3. Exceptions to maximum height include steeples of places of worship, cupolas, flagpoles, or other appurtenances usually required to be placed above the roof line, and not intended for human occupancy, provided that the height of the appurtenance shall not exceed a maximum of 20 feet over the building height.
- c. All principal buildings shall be at least two stories and no more than three stories in height.

8. Building area:

- a. No single use shall exceed a gross floor area per floor of 3,500 square feet.
- b. No building or structure shall exceed a total gross floor area of 5,000 square feet, unless otherwise specified herein.

C. Parking and access.

1. If a public alley or a non-through-street borders any portion of the lot, then any new vehicle access to the lot shall be from the public alley or non-through street, unless existing conditions prohibit safe access from any public alley and any non-through street.
2. Parking spaces shall be located to meet the following requirements:

- a. All uses shall provide parking on the same lot with the principal use that the parking serves or off-premises within 500 lineal feet of the lot. When the off-premises parking option is taken, it shall be met in one or more of the following ways:

1. On-Street: Parking spaces along the street frontage of the lot, except where there are driveway curb cuts, may be counted toward the minimum number of parking spaces required for the use on that lot.

2. Parking lot:

- a. Parking for two or more private uses in an off-street parking lot, if the total number of spaces provided is not less than the sum of the spaces required for each use individually.
- b. However, the number of spaces required in a common parking lot may be reduced below this total if approved under

3. Fee-in-lieu:

- a. Fees-in-lieu of providing a certain number of the required offstreet parking spaces may be allowed, as provided in this section. A fee-in-lieu of parking shall only be allowed where additional parking is required because of a new building or building addition or change in use and the additional spaces cannot feasibly be provided on the lot. [Amended 11-20-2007 by Ord. No. 07-01]
b. Fee-in-lieu of parking shall be subject to such reasonable operations and maintenance fees as may be assessed for community lots.
c. Fee-in-lieu of parking shall be permitted under the following provisions:
 - i. If this option is chosen, the applicant must: provide at least two of the required parking spaces on site; and provide a minimum of 50% of the total required off-street parking spaces in a manner that does not use the fee-in-lieu of parking option.
 - ii. The Board of Supervisors, upon written application, may permit the payment of a fee by the applicant in lieu of the applicant's providing such required off-street parking within the V District.
 - iii. The fee to be charged shall be a fee per space in accordance with the fee schedule adopted through resolution by the Board of Supervisors and on file at the administrative offices of the Township and payable in accordance with the administrative policies established by the Board of Supervisors. If a fee schedule has not been established for such fee, then the fee shall be \$3,000 per parking space.
 - iv. All fees collected hereunder and all interest earned thereon shall be placed in the Parking Facilities Fund to be established by the Board of Supervisors, and such funds shall be used only for studies relating to parking and parking facilities, the acquisition and/or lease of land for improvement or maintenance of municipally operated offstreet parking facilities.
 - v. Such collected fees shall be expended for the purposes set forth herein within 10 years of the receipt thereof.

3. Off-street parking lots shall be located to the side or rear of buildings and shall not be located within the front yard. Side yard parking shall be designed so that parking spaces do not protrude into the front yard.
4. Reduction of impervious surfaces through the use of interlocking pavers, or other pervious or semipervious materials is strongly encouraged for areas, such as community parking lots and parking areas for periodic uses in accordance with Chapter 170, Stormwater Regulations.

D. Village design standards.

1. Design and construction of new buildings and structures, alterations to existing buildings and structures, and demolition of buildings and structures shall be completed in a manner consistent with the preservation of the character of a village and shall meet the following requirements.
 - a. Principal buildings shall be located to have their front facade facing towards a public street. A principal building shall not be oriented to front toward a parking lot.
 - b. No drive-through service or drive-in facilities shall be permitted.
 - c. Outdoor lighting:
 1. Lighting on pole fixtures shall not exceed 16 feet in height.
 2. The maximum maintained illumination average shall not exceed 5.0 footcandles for nonresidential sites and 2.0 footcandles for residential sites. The minimum maintained illumination average shall not be less than 2.0 footcandles for nonresidential sites and 0.5 footcandle for residential sites.
 3. The maximum permitted illumination at the property line for nonresidential uses that are located adjacent to other nonresidential uses shall not exceed 0.5 footcandle. All other uses, including nonresidential uses adjacent to residential uses, shall not exceed 0.2 footcandle as measured at ground level.
 4. Exterior lighting shall be recessed and shielded at the top and sides to:
 - a. Prevent light shining beyond the lot lines onto adjacent properties or public ways.
 - b. Direct light downward or otherwise angled in order to prevent glare and overhead sky glow.

5. Lighting from all fixtures, including internally illuminated signs that are to remain illuminated during nonoperating hours shall be reduced by at least 75% of the lighting level used during hours of operation; provided that such reduction shall not apply to residential uses.

d. Outdoor storage and display:

1. Outdoor storage and display area, when accessory to a permitted use, shall be regulated as follows:

- a. Outdoor storage or display shall not occupy any part of the street right-of-way and no other area intended or designed for pedestrian use or required parking area;
- b. Outdoor storage, excluding display, shall be shielded from view from the public streets and adjacent residential uses, and shall not be located in the required front yard; and
- c. Outdoor display shall only be permitted during business hours of operation. There shall be no overnight outdoor display of goods or services.

2. Maximum areas:

a. Outdoor display areas shall not exceed 300 square feet.

b. Outdoor storage areas shall not exceed an area of 25% of the total lot size.

e. Restaurant outdoor seating area: outdoor customer seating areas shall be permitted as additional restaurant seating, provided the following standards are met:

1. Outdoor customer seating areas shall include, but not be limited to, patios, decks, terraces, and porches;

2. Outdoor customer seating areas shall not exceed 600 square feet; and

3. Restaurant parking requirements shall include outdoor customer seating in the calculation for the total number of parking spaces required in accordance with Article VI.

f. Fences, walls and hedges: All fences, walls, and continuous hedges shall conform to the following standards in addition to § 203-403.

1. Chain-link and solid fences are prohibited between a street and the front wall of the principal building;

2. Fences, walls, and continuous hedges within the area between the street frontage right-of-way and the building or structure may not exceed 42 inches in height; and
3. Fences, walls, and hedges within clear sight triangles shall not exceed 36 inches in height.
4. (g) Note: See also provisions of the International Construction Codes that provide flexibility in certain standards to encourage the reuse and renovation of historic buildings.

E. Demolition of an existing principal building. The requirements of § 203-316 shall apply.

F. Additional requirements for new principal buildings.

1. See § 203-318D.
2. The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street and be consistent in character with the village.
3. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences.
4. For commercial or mixed use buildings with commercial uses on the first floor, no less than 20% of the front facade facing onto a public street on the ground floor shall consist of window or door openings of glass, plexiglass or similar transparent materials. No more than 60% of the front facade of a building facing onto a public street shall consist of glass, plexiglass or similar surfaces.
5. All roofs shall have a minimum pitch of 4/12 pitch.
6. Guidelines. The following advisory guidelines should be considered in the design of new construction. Some of these features may be required by other sections of this chapter in specific cases.
 - a. Exterior building materials facing onto a public street should be brick, stone, or wood, vinyl or aluminum siding or materials with a closely similar appearance, in keeping with the character of existing village development.
 - b. Vehicle parking and any garage doors should be placed to the rear of buildings as opposed to between buildings and the street. Where rear parking is not practical, then parking should be provided to the side of a building. Where a driveway needs to enter from the front, the garage should be setback further from the street than the house, and the driveway should be as narrow as practical through the front yard.
 - c. See § 203-318B(5).

- d. Modern additions and features should be placed towards the rear of the property.
- e. New construction should have rooflines that are similar to adjacent older buildings. Where a pitched roof is not practical, then the roof should at least appear to have angles and a pitch when viewed from the street.
- f. Where existing older buildings have a certain horizontal or vertical orientation, that orientation should be continued in new construction. Where existing older buildings have a certain spacing of windows and doors, similar spacing (and similar sizes of windows and doors) should be continued in new construction. Blank walls without door and window openings shall not be allowed facing onto a public street.
- 7. Review of new construction. If a new principal building is proposed to be constructed or expanded, the applicant shall submit a plan elevation or sketch that shows the appearance of the building, as viewed from a public street. The applicant shall also submit a description of the exterior building materials that will be used on sides of the building that face a public street. This information shall be submitted to the Zoning Officer, who may distribute it to other Township officials for their review and advisory comment.

Section 312: Table of Authorized Accessory Uses and Structures

- A. Accessory uses shall be permitted in accordance with Table 11:

P – Permitted Use by Right

SE – Use by Special Exception (see General and Express Standards in Article V)

CU – Conditional Use (see General and Express Standards in Article V)

Blank cells indicate that the use is not permitted in the corresponding District.

- B. All accessory structures and uses are also subject to the general standards listed in Section 319 and the supplemental regulations found in Article VI of this Ordinance.
- C. Standards related to the specific accessory structures and uses are found in Section 320 of this Ordinance.

TABLE 2: TABLE OF AUTHORIZED ACCESSORY USES AND STRUCTURES

Section 313: General Standards for all Accessory Uses and Structures

- A. Permitted Accessory Uses. Accessory uses and structures permitted by this Ordinance are listed in the Table of Authorized Accessory Uses and Structures (Table). Accessory uses and structures which are not specifically listed in the Table shall not be permitted in the Township.
- B. If an accessory structure or building is attached to the principal structure, then it shall be considered part of the principal structure and shall be subject to all requirements relating to the principal structure.
- C. Location of Accessory Structures and Uses.
 - 1. Accessory structures and uses, with the exception of authorized signs and fences, shall not be located in the required front yard of any lot in any Zoning District unless a 100 ft. setback is provided from the required front setback line.
 - 2. All accessory structures shall be set back a minimum of five (5) feet from any side or rear property line except where specifically authorized elsewhere in this Ordinance or in the specific area and bulk regulations of the Zoning District in which the property is located.
 - 3. Accessory uses shall be conducted on the same lot as the principal use to which it is related; and clearly incidental to, and customarily found in connection with, the principal use or structure.
- D. Architectural Easement. Architectural Easements shall be permitted in all Residential Zoning Districts for the construction of a front porch or deck onto the front of an existing or new dwelling unit subject to the following criteria:
 - 1. The architectural easement may be used for a porch or deck only. The porch or deck may have a roof structure over top of the structure.
 - 2. No enclosure of the porch or deck may be made at any time to convert the space to habitable space in the structure.
 - 3. In all Zoning Districts, the maximum encroachment within the front yard shall be eight (8) feet.
 - 4. Any existing structure which is located less than ten (10) feet from the current setback line shall be permitted a maximum encroachment of half the distance between the setback line and the existing structure.
- E. Accessory structures shall be counted towards the maximum lot coverage on a lot and in no case shall exceed the maximum lot coverage for the Zoning District in which it is located when considering all structures on the lot.
- F. Accessory uses shall not include the conduct of trade or business unless permitted in conjunction with an authorized principal or accessory use that permits trade or business.

- G. While properties can have multiple accessory structures, not more than one (1) accessory structure by type shall be permitted on an individual lot (e.g. shed, play structure, pool, etc. are types of accessory structures).
- H. Accessory structures shall not exceed the height of the principal structure unless the accessory structure is directly related to an agricultural operation.
- I. Accessory buildings or uses shall not be constructed or established on a lot until the construction of the principal structure is completed or the principal use is established.
- J. Trailers including utility, commercial, mobile homes, living trailers, and motorized recreational vehicles may not be stored in any front or side yard, as defined by this Ordinance.

Section 314: Specific Standards for all Accessory Uses and Structures for all Zoning Districts except TND and NDD Districts

A. Accessory Dwelling Units.

- 1. Subject to the conditional use standards found in Article VI of this Ordinance.

B. Carports.

- 1. The maximum height of carports are listed in the Table of Carport Heights (Table 12).

TABLE 3: TABLE OF CARPORT HEIGHTS

Lot size	Height of Structure
Lots \leq 1 Acre	15 ft.
Lots $>$ 1 Acre \leq 2 Acres	20 ft.
Lots $>$ 2 Acres	20 ft.

C. Day Care, Home.

- 1. Subject to the conditional use standards found in Article VI of this Ordinance.

D. Drive-through Facilities.

- 1. Subject to the conditional use standards found in Article VI of this Ordinance..

E. Garage, Private.

- 1. A private garage may include the maximum storage of one (1) private vehicle not registered to family and/or individuals living within the permitted principal use.
- 2. No part of an accessory garage shall be occupied as a residential living area.

3. All detached private garages shall be set back a minimum of seven and one-half (7.5) feet from any property line.
4. The maximum size and height of detached private garages are listed in the Table of Detached Garage Heights (Table 13).

TABLE 4: TABLE OF DETACHED GARAGE HEIGHTS

Lot size	Height of Structure
Lots ≤ 1 Acre	15 ft.
Lots > 1 Acre ≤ 2 Acres	20 ft.
Lots > 2 Acres	20 ft.

F. Home Occupational Business.

1. Subject to the conditional use standards found in Article VI of this Ordinance.

G. Restaurant, Outdoor Dining.

1. The area to be utilized shall be accessory to an existing permitted restaurant and shall abut the sidewalk or ROW of the permitted restaurant.
2. The portion of the sidewalk or ROW to be used shall be no greater than one-half (0.5) of the space measured between the outside face of the curb and the property line. An unobstructed pedestrian passageway of no less than six (6) feet shall be provided between the curb and the sidewalk dining area. The unobstructed area shall be clear of utility poles, traffic meters, water hydrants, street trees, planter boxes, trash receptacles, etc.
3. The sidewalk dining area shall be separated from the designated pedestrian passageway by a removable barrier surrounding the perimeter. The height of the barrier shall be approximately three (3) feet and shall be removed when the restaurant is closed. The barrier shall be of material and design in keeping with the character of the neighborhood and shall not create a hazard to pedestrians.
4. No obstruction shall be placed within eighteen (18) inches of the face of any curb, within five (5) feet of any fire exit, fire hydrant, building entry, building exit, or building corner or within ten (10) feet of any bus stop.
5. The hours of operation of outdoor dining services shall be determined by the elected officials at the time of approval.

H. Roadside Stands, Accessory.

1. A current peddler's license shall be clearly displayed on the premises.
2. Accessory roadside stands shall be authorized by the resident and/or owner of the permitted principal structure.

3. All parking for salespeople and customers shall be on the property of the landowner, and there shall be no parking permitted on a ROW.
4. Roadside stands shall be setback a minimum of ten (10) feet from any property line or ROW.
5. No permanent signs related to the roadside stand shall be erected.

I. Sheds.

1. No part of a shed shall be occupied as a residential living area.
2. All sheds shall be set back a minimum of seven and one-half (7.5) feet from any property line.
3. The maximum size and height of sheds are listed in the Table of Shed Size and Heights (Table 14).

TABLE 5: TABLE OF SHED HEIGHT

Lot size	Height of Structure
Lots ≤ 0.5 Acres	15 ft.
Lots > 0.5 Acre ≤ 1 Acres	15 ft.
Lots > 1 Acres	15 ft.

J. Solar Energy System, Small.

1. Zoning approval is required for the construction of any solar-energy facility that is an accessory use on any site or lot.
2. The zoning permit application shall indicate the location of the proposed facility, including the percentage of roof coverage, if the facility is mounted on a building.
3. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to, information regarding site selection, facility design or appearance, buffering, and screening of ground-mounted electrical and control equipment.
4. Where the installation of the facility constitutes a land development, all provisions of applicable Ordinances shall be met.
5. Noise from any solar-energy facility shall not exceed fifteen (15) dBA at the lot line, unless all affected adjacent property owners shall have executed a non-disturbance easement, covenant, or consent which has been recorded with the County. Methods for measuring and reporting acoustic emissions from the facility shall be equal to or exceed the minimum standards for precision

described in AWEA Standard 2.1 – 1989, titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier."

6. Construction of any solar-energy facility shall comply with all applicable rules, laws, and regulations of the FAA. Documentation of compliance shall be provided to the Township.
7. To the extent applicable, all solar-energy facilities shall comply with the Pennsylvania Uniform Construction Code (UCC) and the regulations adopted by the Pennsylvania Department of Labor and Industry (PA L&I).
8. Solar-energy facilities shall not display advertising, except for reasonable identification of the facility manufacturer.
9. Transmission and power lines shall be placed underground or out of sight.
10. Where installed on the roof of a building, no solar-energy facility shall be installed such that more than 50% of each roof area is covered by the facility.
11. No solar-energy facility or facilities may exceed in total 30% of the total lot or site area.
12. Solar-energy facilities shall meet the accessory structure setbacks that may apply in the Zoning District within which the facility is constructed, and where no such setback is specified, the facility shall be no closer than ten (10) feet to any property line.
13. No facility shall be attached to a tree or any other natural object or structure not intended to support such a facility, except that facilities may be appropriately attached to buildings capable of accommodating them.
14. No facility shall be installed immediately adjacent to a swimming pool or other open body of water.
15. All businesses and residences within the Township that have solar panels, whether ground-mounted or roof-mounted, shall display a window sign on the building that states "Solar-Equipped" to alert the Township Fire Department. This sign shall be provided by the Township at the property owner's expense.

K. Storage Building.

1. The location of permitted storage buildings is governed by the same dimensional regulations as set forth for the principal use or principal structure or structures of the underlying Zoning District.
2. No part of an accessory storage building shall be occupied as a residential living area.

3. The maximum size and height of storage buildings are listed in the Table of Detached Garage Heights (Table 15).

TABLE 6: STORAGE BUILDING HEIGHT

Lot size	Height of Structure
Lots ≤ 1 Acre	15 ft.
Lots > 1 Acre ≤ 2 Acres	20 ft.
Lots > 2 Acres	20 ft.

L. Swimming Pools.

1. In residential areas, pools and accessory decks attached to a pool shall be erected only in a side and/or rear yard, provided that they are no closer than five (5) feet to any lot line.
2. In-ground pools in all Zoning Districts shall be enclosed by a fence, as required by the Township's Building Code.
3. Above-ground pools in all Zoning Districts having vertical barriers, as required by the Township's Building Code.
4. Outdoor lighting, if any, shall be shielded and reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

M. Trailers, Construction or Sales.

1. Construction trailers, including sales trailers, shall be permitted in any Zoning District of the Township subject to the following restrictions:
 - a. Such construction or sales trailers shall be located on the lot on which construction is progressing and shall not be located within 25 feet of the boundary line of any abutting residential lot.
 - b. Such construction or sales trailers shall be used only as temporary field offices and for storage of incidental equipment and supplies, and not for any dwelling use whatsoever.
 - c. No combustible materials shall be stored in the construction trailer or construction shed.
 - d. All construction trailers or sales trailers shall have at least ten (10) feet on all sides for clearance. Two (2) or more construction trailers can be joined for passage from trailer-to-trailer.

- e. Such construction or sales trailers shall not be moved to or construction sheds erected on a construction site until the date on or after which construction actually commences and shall be removed from such site within 30 days after completion of construction. If construction is interrupted and ceases for more than 60 days, the construction trailer shall be removed until actual construction commences again.

N. Wind Energy System, Small.

1. Township zoning approval is required prior to the construction of any wind-energy facility on any site or lot.
2. The zoning permit application shall indicate the location of the proposed facility.
3. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to, information regarding site selection, facility design or appearance, buffering, and screening of ground-mounted electrical and control equipment.
4. Where the installation of the facility constitutes a land development, all provisions of applicable Ordinances shall be met.
5. Noise from any WEF shall not exceed fifteen (15) dBA at the lot line, unless all affected adjacent property owners shall have executed a nondisturbance covenant which has been recorded in the office of the Recorder of Deeds of Beaver County. Methods for measuring and reporting acoustic emissions from the facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 – 1989, titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.
6. Construction of any WEF shall comply with all rules, laws, and regulations of the FAA. Documentation of compliance shall be provided to the Township.
7. To the extent applicable, all wind-energy facilities shall comply with the UCC and the regulations adopted by the PA L&I.
8. All electrical components of wind-energy facilities shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards.
9. WEFs shall not be artificially lighted, except to the extent required by the FAA or other applicable authority that regulates air safety.
10. WEFs shall not display advertising, except for reasonable identification of the facility manufacturer.
11. Transmission and power lines shall be placed underground or out of sight.

12. Setbacks.

- a. From Buildings. one and one-tenth (1.1) times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part; except where the facility is mounted to a building, the setback shall not be required between the facility and the building to which it is attached.
- b. From Property Lines. one and one-tenth (1.1) times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part.
- c. From Public Roads. one and one-tenth (1.1) times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part.

13. Each vertically oriented wind-energy facility mounted on a building shall be separated from any other wind-energy facility by one and one-tenth (1.1) times the height of the facility, measured from the point at which the facility is mounted to the building, to the highest reach of any movable or immobile part of the facility.

14. Any wind-energy facility that is an accessory structure shall meet the applicable accessory structure setbacks that may apply in the Zoning District within which the facility is constructed; and where no such setback is specified, the facility shall be no closer than ten (10) feet to any property line or the distance set forth above, whichever is greater.

15. Maximum Height. Where the facility is an independent structure and not mounted to a building, twenty (20) feet maximum height in residential Zoning Districts and 75 feet maximum height in Commercial Zoning Districts, measured from ground level to the tip of the wind-energy facility's blade fully extended perpendicular to the ground plane. Where the facility is mounted to a building, the maximum height shall be ten (10) feet higher than the tallest point on the building.

16. Minimum vertical clearance between ground level and the lowest movable component of the WEF when at its lowest point shall be fifteen (15) feet.

17. The color shall be a neutral and nonreflective tone, such as white, off-white, or gray. The facility coloring shall be solid, and any alphabetical or numerical characters shall be representative of the facility manufacturer only and shall comprise no more than five (5) sq. ft.

Article IV: Overlay Districts

Section 401: General

A. The basic requirements of each Zoning District shall be subject to additional standards and regulations of this Article based upon said Township Overlay Districts. These additional mandatory standards and regulations are intended to supplement, not repeal, abrogate, impair, or replace any existing Ordinances or provisions that relate to zoning or building construction within the Township.

Section 402: Environmental Overlay District

A. Wetlands.

1. Lot Area. Wetlands (as officially defined under Federal and/or State regulations) shall not count towards more than 50 percent of the required minimum lot area. The Township may require an applicant to prove that a lot will contain sufficient contiguous buildable land area that is outside of wetlands. This Section 402.A shall only apply to a lot within a subdivision or land development submitted for approval after the adoption of this Ordinance.
2. Wetland Studies. It shall be the responsibility of each applicant to determine whether land areas proposed for alteration meet the Federal or State definition of a wetland prior to submittal of development plans to the Township. If the Zoning Officer has reason to believe that wetlands may be present on a site proposed for development or subdivision, the Zoning Officer may require that the applicant provide a suitable wetland delineation study prepared by a qualified professional. The Township may require that the qualifications and any certifications of the person conducting the wetland delineation be provided in writing to the Township. The Township may require that a statement be provided on the plan that is signed by the wetlands delineator stating that the wetlands are accurately shown according to a standard government wetlands manual or that wetlands are not present.
3. Wetland Setbacks. A minimum setback of 25 feet shall be required between any new principal building for which a building permit is issued after the effective date of this Ordinance and any "wetland."
4. Land Disturbance shall not occur within fifty (50) feet of the Wetlands boundary.
5. Wetlands shall not be altered, regraded, filled, piped, diverted, or built upon except where Commonwealth and Federal permits have been obtained

6. Septic drainfields and sewage disposal systems shall not be located within one hundred (100) feet of the Wetlands boundary. The replacement of an existing sewage disposal system located within this setback line shall comply with the setbacks set forth herein.
7. The application of biosolids shall not occur within the Wetlands or within one hundred (100) feet of the Wetlands boundary.

B. Steep Slopes.

1. Purpose. The following provisions are primarily intended to avoid erosion, sedimentation, stormwater management and winter driving hazards, particularly considering the Township's climate, in addition to serving the overall purposes of this Ordinance.
2. Regarding. Non-man-made slopes of 15 percent or more shall not be disturbed (re-graded) prior to the submission of a zoning site plan, or subdivision or land development plan. This Section shall not regulate slopes that were clearly man-made prior to the adoption of this Ordinance.
3. Slopes Over 25 Percent. A new principal building shall not be located on a slope greater than 25 percent.
4. Single Family Dwellings and Steep Slopes. New single family detached dwellings are permitted on slopes that are no greater than 25%.
5. Steep Slopes and Other Uses. A lot shall only be used for a building for principal uses other than single family detached dwellings if the proposed "building area" includes an average slope of less than 20 percent.
 - a. For such uses, the "building area" shall include locations of all proposed principal buildings and parking areas that serve such buildings and an area 20 feet around such buildings and related parking areas.
 - b. Access. Each principal building and each parking area shall have vehicle access from an existing or proposed street by means of a driveway, that follows natural topography when possible, with a maximum grade of 10 percent.
6. Site Plan and Tree Protection. If an applicant proposes to alter or build upon slopes of 15 percent or greater, then a site plan shall be submitted to the Zoning Officer. A separate site plan is not required if the same information was included in an approved subdivision or land development plan.

- a. Site Plan. The site plan shall show:
 - i. The proposed lot lines,
 - ii. The existing and proposed contours,
 - iii. The existing and proposed building locations, and the outer perimeter of the proposed "building area" as described above.
- b. Mature Trees. Where building or alteration is proposed on slopes of over 15 percent, the applicant shall prove to the satisfaction of the Zoning Officer that the removal of healthy trees with a trunk width of over 6 inches (measured at a height 4.5 feet above the ground level) will be minimized. The Zoning Officer may ask for reviews by the Township Engineer or Planning Commission. The Site Plan shall show wooded areas to be removed or preserved, and methods to be used to make sure trees are protected by temporary fences or other measures during the construction process.
7. Any disturbance of Steep Slopes shall be completed within one construction season, and disturbed areas shall not be left bare and exposed during the winter and spring thaw periods. Permanent vegetative cover shall be planted within three (3) days after completion of grading.
8. Grading or earthmoving on all Steep Slopes shall not result in earth cuts or fills whose highest vertical dimensions exceed ten (10) feet, except where no other public improvements, in which case such vertical dimensions shall not exceed twenty (20) feet. Finished slopes of all cuts and fills shall not exceed three to one (3:1), unless the applicant can satisfactorily demonstrate to the Township Engineer that steeper slopes can be stabilized and maintained adequately. The landscape shall be preserved in its natural state insofar as practicable.
9. Retaining Walls.
 - a. Any cuts shall be supported by retaining walls or other appropriate retaining structures, when, depending upon the nature of the soil characteristics, such structures are approved by the Township Engineer in order to prevent erosion. Where the face of such retaining wall does not exceed three (3) feet in height, Township Engineer approval is not required.
 - b. No retaining wall shall exceed the height prescribed in this Zoning Ordinance, and there shall be at least ten (10) horizontal feet between stepped retaining walls. All retaining walls greater than three (3) feet in

height require certification by a professional engineer that the wall was constructed in accordance with the approved plans and applicable building codes.

C. Conservation Along Creeks and Riparian Buffers.

1. Setbacks. No new building (except an accessory storage shed with a floor area of 150 square feet or less), new or expanded vehicle parking, or business outdoor storage shall be located within 50 feet from the top of the bank of a perennial creek. This minimum setback shall be increased to 75 feet from the top of the bank of a perennial creek within the AR and CO zoning districts. A perennial creek shall be defined as a waterway shown as a perennial creek on the U.S. Geological Survey quadrangle maps.
2. Standards. To the maximum feasible extent:
 - a. Any street or driveway crossing of a perennial creek shall be approximately perpendicular to the creek; and
 - b. Existing healthy natural vegetation adjacent to a creek should be preserved.
 - c. Areas within the setback established by this Section shall be preserved in their natural state, except for planting of trees and shrubs, erosion control improvements, public recreation improvements and necessary utility, street, and driveway crossings. Low-maintenance landscaping is encouraged along creeks and other areas where maintenance would otherwise prove difficult.
3. Vegetation. Where the majority of the existing trees and/or shrubs are removed from areas within the setback distance provided as part of, or in preparation to, a subdivision, land development or construction of a new building, then new trees and shrubs shall be planted and maintained that will have the same or better impact upon controlling erosion and filtering pollutants from runoff as the trees and/or shrubs that were removed.
 - a. Publications of the Pennsylvania Department of Conservation and Natural Resources (including "Stream ReLeaf") and/or the Chesapeake Bay Commission shall be used as standards for the planting of the buffer. These publications include recommended species. Native species of vegetation shall be used. If trees and plants do not survive, they shall be replaced within 100 days afterwards by the current owner of the property.

4. Septic drain fields and sewage disposal systems shall not be permitted within the Riparian Corridor and shall maintain a minimum distance of one hundred (100) feet from the top of the stream bank.
5. Solid waste disposal facilities and junkyards shall not be permitted within three hundred (300) feet of the top of the stream bank.
6. Above or underground petroleum storage facilities shall not be permitted within one hundred fifty (150) feet of the top of the stream bank.
7. The application of biosolids shall not be permitted within one hundred (100) feet of the top of the stream bank.
8. Except for trail construction, waterway access, waterway restoration and enhancement, livestock crossings, and infrastructure and utilities, the filling, grading or excavating of Riparian Corridors shall be prohibited.
9. Uses Prohibited in the Riparian Corridor.
 - a. Clearing of all existing vegetation, except where such clearing is necessary to prepare land for a use permitted, removal of invasive species, or improvement to the riparian buffer.
 - b. Storage of any hazardous or noxious materials
 - c. Motor or wheeled vehicle traffic in any area not designed to accommodate adequately the type and volume.
 - d. Roads or driveways, except where permitted as corridor crossings.
 - e. Parking lots.
 - f. Any type of permanent structure, including fences, except structures needed for a permitted use.
 - g. Subsurface sewage disposal areas.
 - h. Sod farming.
 - i. Stormwater basins, including necessary berms and outfall facilities.
10. Corridor Crossing Areas.

- a. The width of the right-of way should not be greater than the minimum right-of-way width required by the Lower Paxton Subdivision and Land Development Ordinance.
- b. Crossings should be designed to cross the riparian corridor at direct right angles to the greatest extent possible in order to minimize disturbance of the corridor.
- c. Corridor crossings should be separated by a minimum of 1,000 feet of buffer length.
- d. Bridges should be used in place of culverts when crossings would require a 72-inch or greater diameter pipe. When culverts are installed, they should consist of slab, arch, or box culverts and not corrugated metal pipe. Culverts should also be designed to retain the natural channel bottom to ensure the passage of water during low flow or dry weather periods.

11. Septic drain fields and sewage disposal systems shall not be permitted within the Riparian Corridor and shall maintain a minimum distance of one hundred (100) feet from the top of the stream bank.
12. Solid waste disposal facilities and junkyards shall not be permitted within three hundred (300) feet of the top of the stream bank.
13. Above or underground petroleum storage facilities shall not be permitted within one hundred fifty (150) feet of the top of the stream bank.
14. The application of biosolids shall not be permitted within one hundred (100) feet of the top of the stream bank.
15. Except for trail construction, waterway access, waterway restoration and enhancement, livestock crossings, and infrastructure and utilities, the filling, grading or excavating of Riparian Corridors shall be prohibited.

Section 403: Floodplain Overlay District

- A. Purposes. The FP Floodplain District is an overlay district to the underlying zoning districts. The FP district includes areas that have been identified by the Federal Government as being subject to periodic inundation by floodwaters. This inundation needs to be managed to avoid loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, impairment of tax base, and other adverse effects on the public health, safety, and general welfare. The FP District is intended to manage development

and alteration of floodplain areas to avoid incompatible or dangerous development. In addition to serving the purposes listed in Article 1, this Section is intended:

1. To prevent the erection of structures in areas with a known danger from flooding.
2. To protect public health and safety by protecting water quality and promoting safe drainage.
3. To control development which, alone or in combination with similar development, could create burdens on the community, governments, emergency service providers and individuals for the costs of flood control works, rescue, relief, emergency preparedness measures, sandbagging, pumping, and temporary dikes or levees, as well as business interruptions, factory closings, disruptions of transportation routes, and interference with utility services, as well as other factors that result in loss of wages, sales, and production and generally adversely affect the economic wellbeing of the community.
4. To maintain a stable tax base that is not threatened by the destruction of properties.
5. To permit certain uses which can appropriately be in the floodplain as herein defined without impeding the flow of floodwaters or otherwise causing danger or damage to life or property at, above, or below their locations in the floodplain.
6. To permit certain uses in the floodplain in ways that preserve natural conditions conducive to the maintenance of ecological balance, wildlife and productive wildlife habitat, marine life and productive marine habitat, other healthy biotic systems, scenic and natural values, constant rates of water flow throughout the year, and areas for groundwater absorption for sustaining the subsurface water supply.
7. To provide sufficient unimpeded drainage courses and prohibit the restriction of their carrying capacities so as to safely carry abnormal flows of storm water from periods of heavy precipitation.
8. To encourage the utilization of appropriate construction practices which will minimize flood damage in the future.
9. To prevent the placement of materials which might be swept by floods onto other lands or downstream to the injury of others.
10. To provide for public awareness of flooding potential and to discourage and protect unwary individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

11. To regulate uses, activities, development, and structures which, acting alone or in combination with existing or future uses, activities, development, or structures, will cause increases in flood heights, velocities, and frequencies.
12. To provide areas for the deposition of sediment.
13. To protect people and property in other municipalities within the same watershed from the impact of improper development in floodplains and the consequent increased potential for flooding.

B. Relationship to Other Articles.

1. The provisions of this Article create an overlay zoning district which is applicable within floodplains in all other zoning districts established by this Zoning Ordinance. To the extent the provisions of this Article are applicable and more restrictive, they shall supersede conflicting provisions within all other Articles of this Ordinance and all other ordinances of the Township. However, all other provisions of all other Articles of this Zoning Ordinance and all other ordinances of the Township shall remain in full force.

C. Lands in Floodplains.

1. The FP Floodplain District is hereby defined to include all the following lands within Lower Paxton Township:
 - a. All those areas identified as being subject to the 100-year flood in the latest officially issued Flood Insurance Study (FIS) and the accompanying maps prepared by the Federal Emergency Management Agency.
 - b. Where the complete and definitive information necessary to delineate the boundary of the Floodplain District is not available to the Zoning Officer in his/her consideration of an application for a permit, he/she shall require that the applicant prepare and submit such on-site studies and/or surveys to be made as are necessary to fix the precise boundaries of the Floodplain District as defined in this Article. Such studies and surveys shall be certified by a licensed professional engineer registered by the State. Copies of such studies and surveys shall be submitted by the Zoning Officer to the Township Engineer, who shall have 30 days to comment. Any property owner whose property is so studied and/or surveyed to justify an application for a permit shall pay all costs of these studies.
 - c. The floodplain shall consist of subdistricts as follows, if so categorized by the Official Federal Floodplain Mapping.

- i. FW (Floodway Area) - the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.
- ii. FF (Flood-Fringe Area) - the remaining portions of the 100-year floodplain in those areas identified as an AE Zone in the FIS where a floodway has been delineated. The basis for the outermost boundary of this area shall be the 100-year flood elevations as shown in the flood profiles contained in the FIS. The AE floodplain zone shall be the base the base flood hazard area shown on the Federal Floodplain Maps where base floodplain elevations are provided. (as amended by Ordinance 07-01, adopted 11/20/07)
- iii. FE (Special Floodplain Area) - the areas identified as Zone AE in the FIS where 100-year flood elevations have been provided, but no floodway has been delineated.
- iv. FA (General Floodplain Area) - the areas identified as Zone A in the FIS for which no 100-year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the 100-year elevation, as well as a floodway area, if possible. When no other information is available, the 100- year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

D. Boundary Disputes.

1. Should a dispute concerning any boundary of the Floodplain District arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board. The burden of proof in such an appeal shall be on the property owner. The Zoning Hearing Board shall conduct a hearing and render its decision in accordance with the procedures listed in this Ordinance.
2. All changes to the boundaries of the Floodplain District which affect areas identified in this Article are subject to the review and approval of the Federal Insurance Administrator for compliance with the Rules and Regulations of the National Flood Insurance Program.

E. Permitted by Right Uses.

1. The following uses and others are permitted in the Floodplain District, provided they are allowed in the underlying zoning district and provided they do not involve

any grading or filling which would cause any increase in flood heights or frequency, and provided they comply with other sections of this Ordinance.

- a. Forestry.
- b. Erosion and sedimentation control measures, facilities, and structures provided no increase in flood heights or frequency, unhealthful ponding, or other unsanitary conditions shall occur.
- c. Public and private recreational uses such as parks, swimming areas (excluding swimming pools), play areas, day camps, campgrounds (excluding camp sites), picnic groves, lawns, gardens, golf courses, driving ranges, archery ranges, game farms, areas or clubs for hunting, fishing, and/or boating (including marker or anchor buoys), paved bicycle paths, and hiking and horseback riding trails, all excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.
- d. Crop farming, not including buildings.
- e. Activities related to the preservation of natural amenities, including wildlife sanctuaries, nature preserves, woodland preserves, botanical gardens, or arboreta, excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.
- f. Stream improvements whose sole purpose is to improve aquatic life habitat, and which are approved by the Fish and Boat Commission and reviewed by the County Conservation District, and subject to the provisions of this Article.
- g. Fences of a design that does not obstruct flood waters.
- h. Picnic tables, park benches, fireplaces and grills, and playground equipment, all if anchored to prevent flotation.
- i. Blinds for the shooting or observation of wildlife.
- j. Circuses, carnivals, and similar transient enterprises, provided that natural vegetative ground cover is not destroyed, removed, or covered in such a way as to create erosion or sedimentation.
- k. Farm ponds which are constructed in accordance with a Conservation Plan reviewed by the County Conservation District, and which do not create any

increase in flood heights or frequency, and subject to the provisions of this Article

- I. Floodproofing of structures in compliance with State and Federal regulations.
- m. Public utility facilities (except buildings) under the exclusive jurisdiction of the State Public Utility Commission and specifically exempted from control by municipal zoning ordinances, subject to the provisions of this Article.
- n. Water monitoring devices, docks, piers and boat launching ramps.
- o. Utility lines.

F. Prohibited Uses.

1. The following uses are prohibited in the Floodplain District:
 - a. All uses prohibited either expressly or implicitly in the underlying zoning district for the land in question.
 - b. All structures, except for those specifically allowed in this Article.
 - c. Sanitary landfills, dumps, junk and salvage yards, and outdoor storage of hazardous materials.
 - d. Placing, depositing, or dumping any spoil, fill, or solid waste, except such grading or filling necessary to accomplish and carry out those uses permitted in this Article; provided, however, that no grading or filling is permitted which would cause any increase in flood heights or frequency.
 - e. Grading or filling that could cause any increase in flood heights or frequency.
 - f. Damming or relocation of any watercourse, except as provided for in this Article.
 - g. Fences of a type that could obstruct floodwaters.
 - h. Storage of herbicides, pesticides, domestic or industrial waste, radioactive materials, petroleum or other flammable materials, explosives, poisonous materials, hazardous materials, or other materials which, if flooded, would pollute the watercourse or be injurious to human, animal, or plant life.

- i. Cemeteries for humans or animals.
- j. Any development, structure, or use which may, whether alone or in combination with others, and except where specifically authorized elsewhere in this Article:
 - i. Obstruct, impede, retard, change, or increase the velocity, direction, or flow of floodwaters.
 - ii. Increase the surface elevation of floods, or the frequency of floods.
- k. Increase the surface elevation of floods, or the frequency of floods.
 - i. Hospitals
 - ii. Nursing Homes
 - iii. Jails
 - iv. Prisons
 - v. Mobile / Manufactured Home Parks
- l. Any new structure or building, or any expansion or addition to an existing structure or building that will be used for the production or storage or any of the following dangerous materials or substances, or that will be used for any activity requiring the maintenance of a supply of any of the following substances in quantities exceeding 550 gallons.
 - i. Acetone
 - ii. Ammonia
 - iii. Benzene
 - iv. Calcium carbide
 - v. Carbon disulfide
 - vi. Celluloid
 - vii. Chlorine
 - viii. Hydrochloric acid

- ix. Hydrocyanic acid
- x. Magnesium
- xi. Nitric acid and oxides or nitrogen
- xii. Petroleum products (gasoline, fuel oil, etc.)
- xiii. Phosphorus
- xiv. Potassium
- xv. Sodium
- xvi. Sulfur and sulfur products
- xvii. Pesticides (including insecticides, fungicides, and rodenticides)
- xviii. Radioactive substances, insofar as such substances are not otherwise regulated.

G. Special Exception Uses.

- 1. Within the 100-year floodplain, any allowed parking lot that will include spaces for 4 or more motor vehicles and any allowed commercial or industrial outdoor storage area shall need special exception approval. Such uses shall not be allowed if they would violate this Article.

H. Standards and Criteria for Special Exceptions.

- 1. Where special exception approval is required for a use within the Floodplain District, the Zoning Hearing Board shall also determine that the following standards and criteria have been complied with:
 - a. That danger to life and property due to increased flood heights, velocities, or frequencies caused by encroachments, is minimized.
 - b. That the danger that floodwaters or materials may be swept onto other lands or downstream to cause injury to others is minimized.
 - c. That a possibility of disease, contamination, and unsanitary conditions, is minimized and especially that any proposed water supply or sanitation systems are able to prevent these problems.

- d. That the susceptibility of the proposed facility and its contents to flood damage, the effect of such damage on the individual owners, and the need for and effect of floodproofing, are minimized.
- e. That the proposed facility and its services are important to the community.
- f. That there are no available alternate locations not subject to flooding for the proposed use.
- g. That the proposed use is compatible with existing and anticipated development.
- h. That the proposed use is consistent with any floodplain management program for the area.
- i. That the safety of access to the property in times of flooding for ordinary and emergency vehicles is assured.
- j. That the expected area, height, depth, velocity, pressure, frequency, duration, rate of rise, seasonality, and sediment, debris, and pollutant load of floodwaters expected at the site is not inconsistent with the proposed use.
- k. That the proposed activity will not unduly alter natural water flow or water temperature.
- l. That historic sites and structures and high quality wildlife habitats will not be degraded or destroyed.
- m. That the natural, scenic, and aesthetic values at the proposed site will be conserved.
- n. That the danger, damage, and injury to all adjoining properties on both sides of any watercourse, regardless of municipality, is minimized. In this regard, any proposal affecting an adjacent municipality shall be submitted to that municipality's planning commission and governing body for review and comment.
- o. That the granting of the special exception will not result in any of the following:
 - i. Increases in flood heights.
 - ii. Additional threats to public safety.

iii. Extraordinary public expense.

iv. Creation of nuisances.

v. Conflict with local laws or ordinances.

p. With any FW (Floodway Area), the following provisions apply:

i. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.

ii. No new construction or development shall be allowed, unless a permit is obtained from DEP, as applicable.

q. Within any FE (Special Floodplain Area), no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the 100-year flood more than one foot at any point.

I. Application Requirements.

1. In hearing and deciding upon special exceptions to be granted or denied under the provisions of this Article, the burden of proof shall be on the applicant. The Zoning Hearing Board may require the applicant to submit such plans, specifications, and other information as it may deem necessary to assist it in arriving at a fair and impartial determination. Such required information may include, but is not limited to, the following:

a. Plans drawn to scale showing the nature, location, dimensions, and elevations of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the channel.

b. A typical valley cross-section showing the channel of the watercourse, elevations of land area adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high-water information.

c. A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply facilities, and sanitary facilities;

photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.

- d. A profile showing the slope of the bottom of the channel or flow line of the watercourse.
- e. Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of material, water supply facilities, and sanitary facilities.

J. Referrals. In hearing and deciding upon special exceptions to be granted or denied under the provisions of this Article, the Zoning Hearing Board shall solicit the comments and recommendations of the Township Planning Commission, and any other experts or authorities it may deem necessary to assist it in arriving at a fair and impartial determination.

K. Conditions of Approval. In granting any special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Zoning Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.

L. Fees for Special Exceptions. Any fees assessed an applicant for a special exception, whether for a hearing, a flood study, or any other purpose, shall not exceed those costs directly associated with the particular application.

M. Variances.

- 1. Variances from the provisions of this Article are discouraged. Where, however, a variance is essential, the following requirements of the National Flood Insurance Program must be complied with in addition to all other variance provisions of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code, as amended. In all variance proceedings the burden of proof shall be on the applicant.
 - a. No variance shall be granted for any development, structure, use, or activity within the Floodplain District which would cause any increase in flood levels during the 100-year flood as defined by this Article.
 - b. No variance shall be granted for any of those prohibited uses listed in Sections of this Article.
 - c. Variances shall only be granted upon:
 - i. A showing of good and sufficient cause.

- ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
- iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with any other applicable laws, ordinances, or regulations.
- iv. A determination that the granting of a variance will not jeopardize Lower Paxton Township's participation in the National Flood Insurance Program.
- d. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e. Whenever a variance is granted, the Board shall notify the applicant in writing that:
 - i. The granting of the variance may result in increased premium rates for flood insurance.
 - ii. Such variances may increase the risks to life and property.
- f. A complete record of all variance requests and actions, including justifications for granted variances, shall be maintained by the Board.

N. Nonconforming Uses and Buildings in the Floodplain District.

1. Nonconformities.

- a. Continuation. All uses or buildings lawfully existing in the Floodplain District as the effective date of this Ordinance which are not in conformity with the provisions of this Section, shall be deemed nonconforming uses or buildings. Such nonconforming uses or structures may be continued, maintained, repaired and floodproofed, except as otherwise provided for in this Article. However, such nonconforming uses or structures may at any time be improved to comply with existing Pennsylvania or Township health, sanitary or safety code specifications which are necessary solely to assure safe living conditions.
- b. Expansion and Modification. A nonconforming use or building may not be expanded or modified in any manner which would a) increase or aggravate flooding or flood hazards; or b) causes it to occupy more ground area within

the Floodplain District than was occupied by it on the effective date of this Article.

c. Replacement and Rebuilding.

- i. A nonconforming use or structure may be replaced, repaired or rebuilt if it is damaged or destroyed by any means, including floods, to the extent of less than 50 percent of its fair market value at the time of its damage or destruction. In such a case, however, the nonconformity of the new use or structure with respect to requirements as expressed in provisions of this Zoning Ordinance shall not exceed that of the original use or structure which was damaged or destroyed. Nothing shall be done which would otherwise violate any of the provisions of this Article.
- ii. A nonconforming use or structure which has been damaged or destroyed by any means, including floods, to the extent of 50 percent or more of its fair market value at the time of its damage or destruction may not be replaced, restored, repaired, reconstructed, improved, or rebuilt in any way other than in complete conformity and full compliance with this Ordinance, and all other ordinances of the Township.
- iii. The Zoning Hearing Board may waive, as a special exception, the requirements of this paragraph where it is shown that such requirements could not be met on land owned by the appellant or where such requirements would impose undue hardship to the appellant in the efficient operation of the premises. In such a case, the Zoning Hearing Board shall be authorized to grant only the minimum relief necessary, and the least modification possible of the purposes and intents of this Article.
- iv. The Zoning Officer shall have the initial responsibility of determining the percent of damage or destruction and the fair market value of the damaged or destroyed use or structure at the time of its damage or destruction and may call on any experts or authorities he may deem necessary to assist him in arriving at a fair and impartial determination. Appeals of the decision of the Zoning Officer may be made to the Zoning Hearing Board.

O. Historic Structures. The Zoning Hearing Board shall have the right to waive, as a special exception, any of the requirements of this Section for any structure listed on the National Register of Historic Places or the Pennsylvania Register of Historic Sites and Landmarks, and the provisions of this Article shall be applied in such a case.

P. Design and Performance Standards.

1. Applicability. Unless otherwise specified in this Article, the standards and criteria included in this Section are to be used, together with the provisions of all other Articles and all other ordinances in force in Lower Paxton Township by the Zoning Officer and Zoning Hearing Board in their administration of this Article.
2. Regulations and Reviews by Other Agencies.
 - a. Where applicable and where possible, all necessary permits or other written approvals will be obtained from all other agencies before any approvals of plans, special exceptions, variances, or permits may be granted by Lower Paxton Township or its agencies, officials, or employees.
 - b. Where necessary, permits or written approvals from other agencies cannot be obtained prior to action by Lower Paxton Township, any approval of plans, special exceptions, variances, or permits by the Township or its agencies, officials, or employees shall be conditioned upon receiving such other agencies' permits or written approvals.
 - c. No regulations of the Commonwealth governing watercourses are amended or repealed by this Ordinance. Prior to any proposed alteration or relocation of any watercourse, a permit shall be obtained from DEP, and notification of any such proposal shall be given to all affected adjacent municipalities. Copies of such permit application and municipal notifications shall be forwarded to the Federal
 - d. Insurance Administration and to the State Department of Community and Economic Development.
3. Placement and Construction of Authorized Uses and Structures.
 - a. All uses and structures shall be designed, constructed, and placed to offer the minimum obstruction possible to the flow of water, and shall be designed to have a minimum effect upon the flow, velocity or height of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and so far as is practicable, structures shall be placed approximately on the same flood flowlines as those of nearby structures.
 - b. All new construction and substantial improvement shall be constructed with materials and utility equipment resistant to flood damage and shall be constructed by methods and practices that minimize flood damage.

- c. All new or replacement drains, water supply facilities or sanitary sewage facilities shall be designed to preclude infiltration or back-up of sewage or floodwaters into the facilities or structures and discharges from the facilities into floodwaters.
 - d. All new construction and substantial improvements of permanent nonresidential structures shall either (1) have the lowest floor (including basement) elevated to one foot above the 100-year flood elevation as defined by this Ordinance, or (2) together with attendant utility and sanitary facilities, be floodproofed so that below one foot above the 100-year flood elevation as defined by this Ordinance the structure is watertight, with walls substantially impermeable to the passage of water and with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - e. All authorized improvements or additions to existing residential structures shall, to the greater extent possible, be elevated. Any portion of the structure not elevated to one foot above the 100-year flood elevation as defined by this Ordinance shall be floodproofed.
 - f. All authorized new residential structures shall have the lowest floor (including basement) elevated to one foot above the 100-year flood elevation as defined by this Ordinance.
4. Floodproofing. Where floodproofing is authorized by this Article, it shall be done according to the standards and provisions for floodproofing regulations officially issued by the U.S. Army Corps of Engineers. Where reference is made in such Flood- Proofing Regulations to the "RFD" (Regulatory Flood Datum), it shall be interpreted to mean the 100-year flood elevation as defined by this Article. The floodproofing of a new residential building shall not cause the construction of the building be permitted.
5. Anchoring. All structures, including buildings, air ducts, large pipes, and storage tanks within the Floodplain District, shall be firmly anchored to prevent flotation, movement, or collapse, thus reducing the possibility of the blockage for bridge openings and other restricted sections of the watercourse.
6. Surface Drainage. Adequate drainage shall be provided for all new development to reduce exposure to flood hazards.
7. Uniform Construction Code Coordination. The standards and specifications contained in 34 PA Code Chapters 401-405, as amended and not limited to the following provisions, shall apply to this Section, to the extent that they are more restrictive and/or supplement the requirements of this Section. (Note: As of 2006,

the following were some relevant sections of the construction codes: International Building Code: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G; International Residential Building Code: Sections R104, R105, R109, R323, Appendix AE101, Appendix E, and Appendix J.)

8. Water heaters, furnaces, air conditioning, and ventilating units, and other electrical, mechanical, or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

Q. Zoning Permits.

1. Within the Floodplain District, building permits shall be required for all proposed development, construction, reconstruction, placement, replacement, expansion, extension, repair, or other improvement of uses or structures, regardless of value, including the placement of mobile homes and activities such as mining, dredging, filling grading, logging, paving, excavation, or drilling operations. Building permits shall not be required for normal maintenance.
2. Every zoning permit application for work or uses within the Floodplain District shall include or be accompanied by all information necessary for the Zoning Officer to determine that the proposal meets all the provisions of this Article and this Zoning Ordinance.
3. The following information is specifically required to accompany all zoning permit applications involving structures within the Floodplain District:
 - a. The elevation (in relation to mean sea level) of the lowest floor (including basement).
 - b. Whether or not the structure includes a basement.
 - c. If the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed.
 - d. Where floodproofing is proposed to be utilized for a particular structure, the zoning permit application shall be accompanied by a document certified by a licensed professional engineer registered by the State or a licensed professional architect registered by the State certifying that the floodproofing methods used meet the provisions of this Zoning Ordinance and are adequate to withstand the flood depths, pressures, velocities, impact, uplift forces, and other factors associated with the 100-year flood as defined this Article, and indicating the specific elevation (in relation to mean sea level) to which such structure is floodproofed.

- e. A copy of all plans and applications for proposed construction or other improvements within the Floodplain District to be considered for approval may be submitted by the Zoning officer to any other appropriate agencies and/or individuals for review and comment.
- f. Site location including address.
- g. Brief description of proposed work and estimated cost, including a breakout of the flood-related cost and the market value of the building before the flood damage occurred.
- h. The elevation of the 100-year flood.
- i. The following data and documentation:
 - i. Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents.
 - ii. Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100-year flood.
 - iii. A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during a 100-year flood, including a statement concerning the effects such pollution may have on human life.
 - iv. A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on 100-year flood elevations and flows.
 - v. A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100-year flood elevation and the effects such materials and debris may have on 100-year flood elevations and flows.

- vi. The appropriate component of the DEP Planning Module for Development.
- vii. Where any excavation or grading is proposed, a plan meeting the requirements of the DEP to implement and maintain erosion and sedimentation control.
- viii. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the DEP under Section 302 of Act 1978-166.
- ix. An evacuation plan which fully explains the way the site will be safely evacuated before or during the course of a 100-year flood.

Municipal Liability. The lawful granting of a permit or making of any other administrative decision under this Article shall not constitute a representation, guarantee, or warranty of any kind by Lower Paxton Township, or by any official, agent, or employee thereof, of the practicability or safety of any structure, use, or other plan proposed with respect to damage from flood or otherwise, and shall create no liability upon, or a cause of action against, such public body, official, agent, or employee for any flood damage that may result pursuant thereto or as a result of reliance on this Article. There is also no assurance that lands not included in the Floodplain District are now or ever will be free from flooding or flood damage.

Section 404: R-R RESIDENTIAL-RETIREMENT DEVELOPMENT ("RRD").

A. General Provision: Residential Retirement Development shall be allowed as an optional type of development in districts where authorized. Where an applicant chooses to use this Residential Retirement Development option, the provision of this Section 404 shall apply in place of the zoning district provisions.

B. Purposes. The RRD Option is designed to accommodate nursing care, assisted living and independent retirement living primarily for persons age 55 and over. Such development may provide residents with a series of compatible uses and services ranging from lodging, housekeeping, meal preparation and service, laundry service, transportation, recreation, health care, pharmacy and banking services, and other uses as applicable.

C. Residential-Retirement Development. Any developer who desires to utilize the RRD Option shall submit to the Planning Commission and the Board of Supervisors through the Planning and Zoning Officer the following supplemental information as part of a preliminary subdivision and/or land development plan for any portion of a RRD:

1. Location map showing the project in relation to the surrounding area;
2. Master concept plan of the overall RRD showing:

- a. Property lines and easements with dimensions and area;
- b. Approximate location, size, spacing, setbacks and dimensions of all existing and proposed buildings and structures;
- c. The general building types and floor plans to clearly define the character of the project;
- d. Topographic information showing existing features and conditions and proposed grading;
- e. Landscaping plans showing open spaces, planting, existing and proposed trees and recreational area and facilities;
- f. Existing streets, showing access to the project, proposed roads and parking layout with dimensions; and
- g. Pedestrian circulation plan, providing for effective pedestrian travel on-site between facilities.

3. Written information regarding land use designations, surrounding land uses, project design team, development schedule, type, size, number and estimated selling price of units and density calculations; and
4. Written information regarding the following:
 - a. The nature and extent of the common open space in the project, the proposals for maintenance and conservation of the common open space, and the adequacy of the amount and function of the open space in terms of the densities and dwelling types proposed in the plan;
 - b. The manner in which such plan does make adequate provision for public services, provide adequate control over vehicular traffic and further the amenities of light and air, recreation and visual enjoyment;
 - c. The relationship, beneficial or adverse, of the proposed development upon the physical environment and the neighborhood in which it is proposed to be established;
 - d. Whenever applicable, aspects of the RRD requiring compliance and approval of mandated State statutes or other laws shall be identified;
 - e. The manner in which such plan addresses the community need or demand for the type of housing and services proposed; and

f. Architectural guidelines for buildings. It is not the intent of the Board of Supervisors to dictate architectural styles. However, a set of standards shall be chosen by the applicant and adhered to for the buildings of the RRD. Standards selected shall be consistent with the architectural design objectives under this subsection 404.F.24.

D. Permitted by Right Uses. Only the following uses shall be permitted by right in a RRD:

1. Nursing Home;
2. Assisted Living Facility or Personal Care Center;
3. Independent Retirement Living Apartment Units;
4. Single-Family Detached Dwellings;
5. Twin Dwellings;
6. Townhouses;
7. Apartments; and
8. Meeting and recreation center that primarily serves residents of the development and their guests, and which may include a temporary sales office while the development is under construction and management offices for the development after construction is completed.
9. The following non-residential uses where a RRD abuts an arterial street:
 - a. Offices;
 - b. individual and Family Social Services, Adult Day Care Centers, and Places of Worship;
 - c. Retail Stores;
 - d. Restaurants, Cafeterias and Coffee Shops;
 - e. Drug Stores and Pharmacies;
 - f. Financial Institutions;
 - g. Beauty and Barber Shops;

- h. State-Licensed Brew Pubs and Limited Distilleries;
- i. Personal Services;
- j. Hospitals, Hospices or Surgery Centers;
- k. Publicly-Owned or Operated Recreation Areas and Parks or Required Open Space; and
- l. Commercial Indoor Recreation and Commercial Outdoor Recreation.

E. Conditional Uses. In a RRD that does not abut an arterial street, the following uses shall be conditional uses as long as they are ancillary to a permitted use:

- 1. Office of Physicians, Dentists, Osteopathic Physicians, and other Health Practitioners;
- 2. Individual and Family Social Services, including Adult Day Care Centers;
- 3. Stores selling food, gifts, and household items;
- 4. Restaurants, Cafeterias and Coffee Shops without a separate exterior entrance;
- 5. Drug Stores and Pharmacies;
- 6. Financial Institutions; and
- 7. Beauty and Barber Shops.

F. Overall Requirements.

- 1. A RRD shall be limited to residential and mixed use development that serves the needs of persons age 55 and older and persons with significant disabilities. RRD promotes a continuum of care. A minimum of 75% of the overall tract area of a RRD shall be used for residential, assisted living facility, personal care center, nursing home, common open space, and/or park uses (inclusive of streets providing access to such uses and stormwater management facilities serving such uses).
- 2. Subject to Section 404.G, to promote visitability and universal design, a minimum of 80% of all single-family detached, twin, and townhome dwellings shall meet the design standards set forth in Section 404.F.7. and 100% of apartment units shall meet the design standards set forth in Section 404.F.8.

3. A minimum of 50% of all single family detached, twin, and townhouse dwellings shall be occupied by at least one person 55 years of age or older in accordance with federal law and there shall be a permanent legally binding restriction placed of record in accordance with federal law. A note shall be placed on the plan stating the age residency requirement.
4. A plan for the entire tract of a RRD shall be approved and recorded as an entity. However, lots may be subdivided and sold as part of the overall land development plan. The overall land development plan may take place in phases.
5. All Nursing Care and Assisted Living Facilities are subject to all relevant federal and state regulations, and a condition of the land development approval process shall be that a statement be provided indicating that such requirements will be met. Proof shall be provided that all applicable State, County and Township licenses have been obtained following their receipt from the appropriate regulatory authority.
6. Standards for Retail Stores, Restaurants, Cafeterias, and Coffee Shops.
 - a. Where a RRD abuts an arterial street:
 - (1) Only one grocery store shall be permitted, which shall not exceed 40,000 square feet of gross floor area.
 - (2) Only one drug store or pharmacy shall be permitted, which shall not exceed 15,000 square feet of gross floor area.
 - (3) Places of worship, financial institutions, beauty and barbershops, personal services, and retail stores, other than grocery stores and drug stores and pharmacies, shall not exceed 10,000 square feet of gross floor area.
 - (4) Offices and commercial indoor recreation, and commercial outdoor recreation shall not exceed 30,000 square feet of gross floor area.
 - (5) Hospitals, hospices and surgery centers exceeding 30,000 square feet of gross floor area shall be permitted only by conditional use.
 - (6) Drive-Through Service Facilities. Drive-thru service facilities shall be permitted only for drug store, pharmacy, coffee shop, and financial institution uses. In addition to the specific use standards of Article 4 of this Zoning Ordinance for drive-through service facilities, drive-through windows and menu boards/boxes shall not be located between the

arterial streetscape buffer yard (as required under subsection 404.F.23) and the building to which they are attached or serve.

- (7) Parking lots that are located between a building used and the arterial streetscape buffer yard (as required under subsection 404.F.23) shall be limited to not more than four rows of parking spaces. Such parking lots shall be screened from the arterial streetscape buffer yard by a masonry wall, decorative fence or evergreen hedge or combination of wall, fence and hedge.
- b. Where a RRD does not abut an arterial street:
 - (1) Drive-through service facilities shall be prohibited; and
 - (2) No retail use shall exceed 10,000 square feet of gross floor area.
7. Single-Family Detached Dwellings, Twin Dwellings and Townhouses qualifying under Section 404.F.2 shall incorporate the following design elements:
 - a. Each dwelling unit shall have a master bedroom and accessible bathroom located on an accessible ground floor level;
 - b. Each dwelling unit shall be located on a lot that does not exceed a lot or unit area of 9,000 square feet;
 - c. Each dwelling unit shall be incorporated in a declaration of planned community or condominium that provides for some level of exterior maintenance (e.g., lawn and landscaping maintenance, snow removal, etc.);
 - d. Each dwelling unit shall have at least one stepless entrance;
 - e. Each dwelling unit shall have at least 36 inches of clear passage through all exterior doors and at least 32 inches of clear passage through all interior doors, including bathroom doors; and
 - f. Each dwelling unit shall have at least five (5) additional universal design features for housing set forth in the most recently published version of universal design in housing standards developed by the Center of Universal Design, School of Design, North Carolina State University at Raleigh or successor organization.
8. A maximum of 40 apartment dwellings may be located within a single building. A maximum of 40% of all of the dwelling units within an RDD may be apartment dwellings. Apartment buildings shall incorporate the following design elements:

- a. Elevator access shall be provided to all floors;
- b. The apartment building complex shall include common area amenities such as a library, entertainment area, or other similar feature;
- c. The apartment building complex shall include a fitness center or provide access to a fitness center within the RRD;
- d. Each apartment building shall have at least 36 inches of clear passage through all exterior doors and at least 32 inches of clear passage through all interior doors that are open to residents of the building. Each apartment dwelling shall have at least 32 inches of clear passage through all doors, including bathroom doors; and
- e. At least five (5) additional universal design features for housing set forth in the most recently published version of universal design in housing standards developed by the Center of Universal Design, School of Design, North Carolina State University at Raleigh or successor organization.

9. The maximum height of any structure on a tract in a RRD shall be no more than 40 feet measured from the average level of the grade at the building perimeter to the average height between the eave and the ridge of the roof. However, if the RRD is within the IN District, then the maximum building height may be increased to 60 feet (or to 70 feet for apartment buildings where the RRD abuts an arterial street), provided that the minimum yard setback to the lot line shall be increased by 2 feet for each foot that the height of the building exceeds 40 feet, except along lot lines abutting a lot in common ownership, a street right of way, or a lot used as a single family detached or townhome dwelling unit.

10. Off-street parking shall be provided in accordance with the following:

- a. Off-street parking shall be provided at the rate of 2 parking spaces for each dwelling unit. In addition, one additional parking space for each 4 apartment dwelling units or townhouse dwelling units shall be provided for guest parking.
- b. One visitor parking space shall be provided for every 4 patient beds located in an Assisted Living or Nursing Care Facility, plus at least one additional space for each full-time staff member per maximum shift. In addition, space shall be provided for service vehicle parking and for automobile passenger pick-up and discharge near buildings.
- c. Off-street parking for non-residential uses shall be provided in accordance with the requirements of Section 601.

11. A mobile/manufactured home park shall not be developed within the RRD regulations.
12. The maximum impervious coverage for the overall tract of a RRD is as follows:
Maximum Impervious Coverage for the entire development after completion: 60%
13. The minimum setbacks for Nursing Homes and Personal Care/Assisted Living Facilities and All Non-Residential

Uses are as follows:

Minimum Lot Area N/A

Minimum Lot Frontage N/A

Minimum Yard Setback:

Front Yard 15 ft.

Side Yard 10 ft.

Rear Yard 25 ft.

Minimum Distance Between Residential Structures 20 ft.

Minimum Distance Between Non-Residential Structures 40 ft.

14. For single family detached and twin dwelling units, the following minimum lot areas and minimum lot widths shall apply:

Bedrooms	Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)
1	2,750	35
2	3,700	35
3	4,200	40

15. For townhouses, the following requirements shall apply:

Bedrooms	Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)
1	1,600	18
2	1,800	20
3	2,000	22

16. The minimum setbacks for all other residential uses are as follows:

Minimum Yard Setbacks

Front Yard 20 ft.

Minimum Yard Setbacks

Side Yard 5ft., except oft. at the shared lot or unit line of lawfully attached dwellings

Rear Yard 20 ft.

Minimum Distance Between Residential Structures (except at the shared lot or unit line of lawfully attached dwellings) 10 ft.

17. All required front, side and rear yard areas shall be landscaped with trees and shrubs and/or other ground cover. When a Nursing Home or Assisted Living/Personal Care Center or Non-Residential Use is contiguous to an adjacent existing residential development, rear and side yard setbacks and buffer zones shall be increased by 100%. Minimum buffer distances are as follows:

Not Adjacent to an Existing Residential Development	Adjacent to an Existing Residential Development
Front 15	30
Side 10	20

Rear	25	50
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- a. Parking areas serving an Assisted Living/Personal Care or Nursing Home Facility or shall not intrude upon minimum landscape requirements; however, entrance and/or exit drives may be located within the required front yard landscaped area if perpendicular to the street. Where adjacent to existing residential development, required landscaping shall be of a type that shall provide at maturity a visual screen or barrier between the residential zone and the RRD. Such landscaping shall include at least 50% evergreen species of trees and shrubs which are no less than 4 feet in height at the time of planting and 20 feet apart. Any trees or shrubs that fail to grow shall be replaced by the property owner within 12 months of planting.
18. If non-residential uses are developed within a RRD, such facilities shall be designed and integrated into the RRD to serve the occupants. Delivery facilities to such non-residential facilities shall be concealed or screened from the normal pedestrian circulation routes of the RRD.
19. An Assisted Living/Personal Care Center and any apartment dwellings shall be designed to accommodate the elderly by incorporating necessary safety and convenience features. At least one looped portion of a pathway system shall have slopes and a surface that are intended for use by older persons, with slopes consistent with the Americans with Disabilities Act (ADA) or no more than five percent (5%), whichever is less.
20. Maximum Overall Density. The maximum overall density of the Residential Retirement Development shall be determined as follows, as calculated in acres (and decimals):
 - a. Start with the total land area of the development tract, after deleting existing rights-of-way of existing streets.
 - b. Delete 75 percent of all areas of land with a slope exceeding 25 percent and delete 50 percent of the area of lands with a slope over 15 to 25 percent from "a" above.
 - c. Delete 50 percent of the area of lands within the 100-year floodplain from "a." above.
 - d. Multiply the resulting acreage by the following dwelling units per acre to result in the maximum number of permitted dwelling units within the development. See bonuses in subsection "9." below.
 - e. The maximum overall density shall be 6 dwelling units per acre.

Note: This method of calculating density does not require the deletion of stormwater detention basins, shared parking areas, new streets, new preserved/common open space, new alleys or similar features. Therefore, the actual density that could be achieved on a "net" piece of land would be higher than the above numbers.

f. Each 3 beds in a nursing home or personal care center shall be counted the same as one dwelling unit for the purposes of controlling density.

21. Density bonuses:

- a. As an option to the applicant, the applicant may apply for conditional use approval from the Board of Supervisors to approve the following increases in the maximum density provided in Subsection "8." above. In such case, only the increase in density shall need conditional use approval.
 - (1) If the applicant proves that the architectural standards required by Section 404.D.13 will result in excellence in traditional architectural beyond the minimum requirements of this Ordinance, the maximum density may be increased by a maximum of 0.5 additional dwelling unit per acre.
 - (2) The maximum density may be increased by a maximum of 0.5 additional dwelling unit per acre if the applicant commits to provide a minimum of 30 percent of the total tract area in Common Open Space.
 - (3) The maximum density may be increased by a maximum of 0.5 additional dwelling unit per acre if the applicant commits to construct substantial recreation improvements and landscaping beyond the amounts of landscaping and improvements that would otherwise be required. The market value of the additional recreational improvements and landscaping shall exceed a minimum of \$15,000 per each additional dwelling unit that is allowed.
 - (4) The maximum density may also be increased through use of the Age-Restricted Housing Bonus provided in Section 315.

22. Required Open Space and Recreation Land.

- a. For RRDs, open space and recreation land shall be provided in the amount of 3,150 square feet (.0723 acres) per dwelling unit. To the extent feasible, such

open space and recreation land shall consist of one contiguous area. A minimum of 50% of such land shall be suitable for active recreation.

- b. Notwithstanding any other provision of the Subdivision and Land Development Ordinance or this Zoning Ordinance to the contrary, the required open space and recreation land shall satisfy all of the open space and recreation requirements of such ordinances.
- c. The open space and recreation land shall be permanently preserved for open space and recreational use through deed restrictions or other appropriate restriction of record.

23. Vehicular and Pedestrian Connectivity.

- a. The existing street system shall be extended into a new RRD to the extent feasible. Streets, other than cul-de-sac streets, and sidewalks or trails shall be interconnected throughout the RRD. The RRD shall have a focal point, such as a commons, park, or commercial area that is interconnected with the residential areas of the RRD via streets and sidewalks or other Township-approved pedestrian pathways.
- b. Sidewalks or other Township-approved pedestrian pathways shall be provided along both sides of each street, excluding arterial streets, unless a modification or waiver is granted in writing by the Board of Supervisors under the Subdivision and Land Development Ordinance. The width of sidewalks shall be a minimum of five (5) feet.
- c. Pedestrian crosswalks shall be provided in the commercial area using materials and colors that visually distinguish the crosswalk from the street surface.

24. Arterial Streetscape Buffer Yard.

- a. A minimum 35 feet wide streetscape buffer yard with screen plantings shall be required along arterial streets.
- b. The arterial streetscape buffer yard shall comply with buffer and landscaping standards of sections 803 and 804 of this Zoning Ordinance, and be maintained in deciduous shade trees, shrubs and an attractive vegetative ground cover.

25. Architectural Design Objectives. The developer shall establish legally enforceable provisions controlling the guidelines of architectural design of non-residential buildings and shall adhere to the following objectives:

a. Building Facades.

- (1) Use of preferred materials is required on the sides of any building that (i) contains the building's main entrance and (ii) oriented toward any street that adjoins the lot on which such building is located. Preferred materials include brick, stone, cast stone, precast, stucco, dryvit, textured split faced block, fiber cement siding, wood siding and materials of similar quality provided, however, no preferred materials shall include metal siding or non-textured split faced block.
- (2) The wall of a building containing the main entrance shall be architecturally emphasized through fenestration, entrance treatment, columns, colonnades, pilasters, piers, recesses, projections, bays, offsets, or other architectural details.
- (3) In order to scale down the horizontality of a building having a gross floor area exceeding 20,000 square feet, any pilasters, piers or columns that are used shall be regularly spaced at intervals of no less than 20 feet on center and no more than 40 feet on center.
- (4) Any portico, colonnade, porch or other building projection that is supported by the above mentioned pilasters, piers or columns shall extend at least 8 feet from the building.
- (5) The wall of a building that is oriented toward a street adjoining the lot on which such building is located shall be architecturally emphasized through fenestration, entrance treatment, columns, colonnades, pilasters, piers, recesses, projections, bays, offsets or other architectural details that breaks up the wall so as not to provide the appearance of a blank wall. The materials and colors of such side, and the base of the building, shall be consistent with the materials and colors of the wall of the building that contains the main entrance.

b. Roofs.

- (1) Use of preferred materials also is required on all pitched roofs. Preferred materials include slate shingles, standing seam metal roofs, architectural grade fiberglass shingles and materials of similar quality.
- (2) Flat roofs shall be provided with a 30 inch or taller parapet along any edge of a building facing a street right-of-way, Township-approved public pedestrian pathway, residential zoning district or occupied residential dwelling that adjoins the lot on which such building is located.

(3) For any buildings occupied by more than one principal use, roof line offsets of a minimum of 2 feet shall be provided in order to provide architectural interest and variety to the massing of a building and relieve the effect of a single roof line.

G. Combination of Age-Restricted and Non-Age-Restricted Development Areas.

1. Within the IN District two adjacent residential development areas may be submitted for approval of their zoning densities in one subdivision and/or land development plan application, provided the two adjacent development areas are in common ownership at the time of such zoning density determination by the Township and a concept plan is submitted to the Township showing how the street access and open space of the two development areas will be coordinated. Such development areas may subsequently be developed by independent entities, provided there is compliance with the overall density determination under this Section and any conditions placed upon such determination by the Township.
2. One of the two development areas shall meet all of the requirements of this Section 404. The second development area shall meet the requirements of this Section 404, except that the second development area shall not be required to meet the requirements of Sections 404.F.2 and 404.F.3 above. If approved under this Section 404.G., then the maximum density of the two adjacent development areas may be calculated as an average for the two development areas as if they were a single development area. At that time, a maximum density shall be assigned to each of the two development areas, provided the requirements of this Ordinance are met.
3. This Section 404.G. shall only be allowed to be used if (i) a minimum of 60% of the total single-family detached, twin, and townhouse dwelling units in the two development areas together would qualify under the requirements of Section 404.F.2. above and (ii) a minimum of 50% of the total single-family detached, twin, and townhouse dwelling units would meet the age restriction requirements of Section 404.F.3., including a restriction on occupancy by at least one person age 55 or older. In such case, the maximum average density of the two development areas, when calculated together, shall not exceed 5 dwelling units per acre.
 - a. An applicant may choose a second option of having (i) a minimum of 70% of the total single-family detached, twin, and townhouse dwelling units in the two development areas together meeting the requirements of Section 404.F.2. above and (ii) a minimum of 50% of the total single-family detached, twin, and townhouse dwelling units meeting the age restriction requirements of Section 404.F.3., including a restriction on occupancy by at least one person age 55 or older. In such case, the maximum average density of the two development areas, when calculated together, shall not exceed 6 dwelling units per acre.

4. For dwellings that are not age-restricted or qualify under Section 404.F.2. above, the parking requirements of Article IX shall apply instead of the parking standards for Section 404.

Section 405: TRADITIONAL NEIGHBORHOOD DEVELOPMENT OVERLAY DISTRICT (TND).

- A. Purposes. Traditional Neighborhood Development ("TND" is primarily intended to:
 1. Encourage new development to occur in a manner that will be consistent with the traditional patterns and scale of development and mix of uses that occurred in the region before 1946;
 2. Promote a mix of diverse but compatible types of neighborhood development;
 3. Avoid development that would be inconsistent with the character of the community, and could cause inefficient patterns of sprawled development;
 4. Encourage a blending of recreation areas, preserved natural features, compatible institutional uses, and a mix of housing at a medium density, including housing intended to be affordable to middle-income persons;
 5. Provide for reasonably safe and convenient pedestrian, bicycle and vehicle circulation, with an emphasis on avoiding conflicts between vehicles backing out of garages across sidewalks;
 6. Encourage persons to live, work, shop, attend religious services and enjoy recreation within the Township;
 7. Encourage the creation of a sense of place, feelings of belonging and a community spirit that promotes social interaction and volunteerism;
 8. Encourage the location of principal nonresidential uses with distinguished architectural features at prominent locations around a Central Commons, to serve as a focal point for the development;
 9. Serve the purposes for traditional neighborhood development as listed in the State Municipalities Planning Code, as amended;
 10. Allow a TND under this set of development standards to have a higher density and a wider range of uses than would otherwise be allowed, in return for a higher level of site design and preservation of common open space land; and
 11. Promote the placement of new single-family detached dwellings abutting preexisting single family detached dwellings on abutting lots, when feasible.
- B. Applicability. The TND Overlay District is shown on the Zoning Map. Within the TND Overlay District, in addition to development allowed under the conventional underlying zoning district, an applicant shall also have an option of developing a TND under the provisions of this Article. A TND shall be permitted by right within the TND Overlay District. If an area of land is not within the TND Overlay District, then an applicant may request that the Board of Supervisors consider a zoning map amendment to add the TND Overlay District to that land area.
 1. If an applicant chooses to utilize these TND provisions, then all of the requirements of this section shall apply. All the provisions of this chapter and other Township regulations shall remain in full force, except for provisions modified by this section. Where § 405 and another Zoning Ordinance or

Subdivision and Land Development Ordinance provision apply to the same matter, § 405 shall apply in place of that other provision.

2. Minimum tract size: 80 acres. However, if one TND has been approved to include a minimum 80 acres, than an adjacent tract may have a minimum tract size of 20 acres, provided that the second TND is designed to be consistent with the first TND, including compatible architectural standards with the first TND and a logical extension of streets. The term "tract size" shall include the lot area of all lots prior to subdivision and land development, but after deleting existing legal rights-of-way of preexisting public streets.
3. Stub streets: Any TND shall be designed with stub street right-of-way extending to the edges of the tract if the Township determines that there is potential for interconnected streets onto an adjacent tract. The developer of the adjacent tract shall be responsible to fund the completion of the construction of such street extensions at the time they would be needed. Until such time, the stub right-of-way shall be maintained in vegetative ground cover. Any TND shall be designed with streets that can be interconnected with adjacent lands to the maximum extent feasible and desirable, in the determination of the Township.
4. Master plan: The TND shall be developed following a single master plan. Consistent with final plan approvals, individual portions of the TND may be owned and constructed by different entities, provided there is compliance with the overall master plan and the phasing plan.

C. Master plan for a TND.

1. Before any use is approved or lot is subdivided for a TND, the applicant shall submit and have approved an overall master plan. Such master plan shall be submitted as part of or prior to a preliminary plan submission for a "traditional neighborhood development." Such master plan should address coordinated vehicle access from all adjacent land owned, equitably owned or otherwise controlled by the applicant. If the applicant's land extends into an adjacent municipality or zoning district, then it is requested that the master plan also show such area to plan for a coordinated road and infrastructure system.
 - a. The master plan shall be fully coordinated with any existing, proposed or approved development on adjacent land, including providing for pedestrian and bicycle access to adjacent tracts.
 - b. Landscaped open space and recreation areas shall be interspersed within the TND. Pedestrian and motor vehicle routes shall be laid out to complement the interaction between the commercial core of the TND and residential areas.
2. The Overall master plan shall show proposed streets, alleys, cartway widths, approximate lot lines and dimensions, common open spaces, recreation areas, major pedestrian and bicycle pathways, parking areas, major detention basins and proposed types of housing and nonresidential uses. The master plan shall designate certain areas for primarily commercial development, certain areas as preserved open space, and certain areas for various types and densities of residential development. The intent is to have the higher density areas closer to

the proposed commercial core, and lower residential densities adjacent to preexisting single-family detached housing developments on adjacent lots.

3. The master plan and application for the traditional neighborhood development shall be reviewed by the Township Planning Commission and the Board of Supervisors. After any modifications, the master plan shall become part of the approved preliminary plan under the Subdivision and Land Development Ordinance. Once preliminary plan approval is granted for the traditional neighborhood development, then individual lots may be submitted for final plan approval under the Subdivision and Land Development Ordinance and uses allowed by this section may occur as permitted by right uses.

a. The master plan is not required to include the same level of engineering detail as a preliminary subdivision plan. Stormwater calculations, construction details, erosion and sedimentation control plans, profiles and similar engineering details are not required at the master plan stage. The master plan shall include sufficient information to accurately show existing conditions and the proposed layout of the homes, nonresidential uses, lots, open space and streets.

4. Changes to the master plan may occur, provided there is compliance with Township Ordinances. The Township may require that a revised preliminary subdivision or land development plan be submitted and approved if there are substantial changes from the previously approved preliminary plan.

5. The master plan shall designate various areas of the TND for various types or ranges of uses and types of housing. The intent is to have most business uses and denser housing clustered at one area of the development. The intent is to have less-dense housing towards the perimeter of the TND, particularly adjacent to preexisting single-family detached housing that is outside of the TND.

D. Overall requirements. A TND shall meet all of the following requirements:

1. The existing street system shall be extended into the new development, to the maximum extent feasible. Streets shall be interconnected through the development. The development shall have a central focal point, such as a central commons, park, commercial area that is similar to a historic main street and/or allowed institutional building. Streets or trails should lead towards this focal point.
 - a. A cul-de-sac street shall be permitted only where the applicant proves that there is no reasonable alternative. Street linkages shall be provided to allow connections with future phases of development or adjacent tracts. Where direct street access is not practical between two areas, then the Township Board of Supervisors may require the provision of bicycle and pedestrian access using an easement.
2. A minimum of 60% of the dwelling units shall have access to a front door accessing onto an unenclosed front porch with a minimum depth of five feet and a minimum length of eight feet. Such porch shall be covered by a permanent roof. Such porch shall not be enclosed, now or in the future.
 - a. A minimum of 50% of single family dwelling units at the intersection of two or more public streets shall have a porch that wraps around the front and

side of the dwelling, or shall have separate front and side porches facing onto the streets.

3. The applicant shall prove that proper site planning and architectural design will be used to minimize visual impact of garages and garage doors as viewed from the front of the lot. A minimum of 50% of the dwelling units shall not have garage doors for two or more motor vehicles facing onto a street at the front of the dwelling. The placement of garages along rear or side alleys or to the rear of the lot with a side driveway is encouraged. No garage shall be located with a smaller setback from the front lot line along a street than the living quarters of the dwelling. For single-family detached dwellings that have a front facing garage, the garage should be setback a minimum of 20 feet greater than the front of the dwelling. No garage or carport shall be permitted within five feet from the right-of-way of an alley. (However, on-street parallel parking may be approved along an alley under other provisions of this Article.)
 - a. Garage doors shall not make up more than 50% of the front street level of the facade of a dwelling. Driveways and off-street parking spaces shall not make up more than 50% of the land area of the front yard between the front of a dwelling and the street right-of-way.
 - b. All streets and alleys shall have a right-of-way, whether public or private.
 - c. See this Article, which allows on-street parking to be counted towards off-street parking requirements. To the maximum extent feasible, vehicle parking, carports and garages shall be placed to the rear or side of lots, preferably with rear or side access. For example, the following alternative methods of providing parking are permitted and encouraged:
 - i. A rear landscaped shared parking court or shared carport structure;
 - ii. A garage placed towards the rear of the lot, with a side driveway that is of minimal width within the front yard and then widens in front of the garage;
 - iii. A detached rear garage or rear individual parking pad or side-entry garage accessed from a rear alley or side street;
 - iv. Decks built to extend over garages or over driveways leading to garages; or
 - v. A landscaped shared parking court connected to a street, provided that parked vehicles do not need to back out onto a through-street and provided that all paving is setback a minimum of 20 feet from any dwelling (other than a front porch).
 - d. If driveways pass through the front of the lot (such as to reach detached rear garages), then it is encouraged to place driveways of adjacent dwellings immediately adjacent to each other. This would allow the driveway on each lot to be more narrow than would otherwise be possible. However, each property owner shall still be responsible for their own half of the driveway, and each half shall be wide enough to allow a passenger car to travel on each lot. As an alternative, the Township may

approve shared driveways with maintenance by a legally binding homeowners' association.

4. All principal buildings shall have a minimum roof pitch of 4/12 or have the appearance of such a roof pitch as viewed from the street, except a flat roof may be approved for townhouses or connected commercial buildings if the buildings have a decorative cornice. Variations in rooflines are specifically encouraged.
5. Sidewalks or other Township-approved pedestrian pathways shall be provided along both sides of each street, unless a modification or waiver is granted in writing by the Board of Supervisors under the Subdivision and Land Development Ordinance. The width of sidewalks shall be a minimum of eight feet along a commercial main street (which may include street tree wells) and a minimum of five feet in other locations.
 - a. A sidewalk in a commercial main street area shall be constructed primarily of decorative masonry or material that has the appearance of decorative masonry. This may include interlocking brick pavers or concrete pavers or patterned concrete that has the appearance of brick. The use of dry laid pavers on a suitable subsurface of concrete, sand or stone and stone dust is encouraged.
 - b. Pedestrian crosswalks shall be provided in the commercial main street area using materials and colors that visually distinguish the crosswalk from the street surface and that include some texture. The use of pavers, patterned concrete or stamped textured asphalt is encouraged.
 - c. The materials, depths and cross sections of the sidewalks and crosswalks shall be subject to approval by the Township, after review by the Township Engineer.
6. Commercial. Allowed commercial uses and their parking areas shall occupy a minimum of 5% and a maximum of 15% of the total land area of the traditional neighborhood development. This percentage may be increased to 20% if the commercial area will be adjacent to an arterial street. No such maximum percentage shall apply in portions of a TND that are within a commercial district. A principal commercial use shall be set back a minimum of 200 feet from any dwelling outside of the TND that existed at the time of the enactment of this section.
 - a. If a new TND is proposed adjacent to a previously approved TND, and if the first TND included a commercial area, then the second TND is not required to include commercial uses.
 - b. Off-street parking for a commercial use shall not be located between the commercial use building and the front lot line along a street. Off-street parking shall be located to the side or rear of a commercial building.
 - c. The majority of commercial uses shall be placed in a Main Street style commercial area, with the businesses fronting upon a through street, and with parking being on street or to the rear or side of the businesses. Buildings in commercial areas of the TND are encouraged to have dwelling units or offices placed above first-floor commercial uses.

- d. Bulb-out curbs, raised textured crosswalks and similar traffic calming measures are encouraged to be used in the main street area.
7. Housing types.
 - a. The allowed housing types within a TND are listed in this Article.
 - b. Any new dwelling units located within 150 feet from a single-family detached dwelling that existed or approved outside of the TND at the time that the TND Overlay District was applied to the subject tract shall be a new single-family detached dwelling. If such existing single-family detached dwelling is on a lot of over 20,000 square feet, then any new dwellings built within 150 feet of such dwelling area shall have a minimum lot area of 8,000 square feet. The Township may require that a twenty-foot-wide planting area with a naturalistic mix of deciduous canopy trees, flowering trees, evergreen trees and shrubs be planted along the perimeter of the TND tract where there are concerns about compatibility with the adjacent uses. Such planting area may overlap a rear yard, but shall be free of buildings and fences.
 - c. A minimum of 30% of the dwelling units shall be single-family detached dwellings.
8. Any alleys shall be designed to discourage through traffic. All streets, whether public or private, shall be constructed following Township roadbed specifications for a public street. Any alley shall be constructed with six inches of crushed stone, two inches of BCBC and one inch of binder course, unless a modification is granted by the Board of Supervisors.
 - a. Alleys shall have a minimum paved width of 12 feet if limited to one-way traffic and 16 feet if allowing two-way traffic. Additional width shall be required if any parallel parking is provided. The right-of-way for an alley shall be at least four feet wider than the cartway (two feet on each side of the cartway). An alley shall have adequate sight distance at all corners and intersections of alleys.
 - b. Any alleys shall be maintained by a legally binding homeowners association, at no expense to the Township.
9. New streets shall be sufficient in width to allow on-street parking along at least one side of each street, and to provide room for bicycle riding, unless a separate bicycle pathway is provided. The Township may require a prohibition of parking on one side of a street if the street does not have sufficient width for parking on both sides.
10. Any commercial uses that are developed shall be located in an area that is adjacent to a street that is similar to a traditional main street of a historic borough or a Central Commons that is immediately adjacent to such a street. One or more prominent sites adjacent to a Central Commons should be proposed for a principal nonresidential use. The subdivision approval for the traditional neighborhood development may allow for two or more alternative uses for certain sites, to allow a developer with reasonable flexibility to attract different uses.

11. Public transit. An applicant for a Traditional Development Neighborhood shall provide evidence that they have contacted the provider of public transit services and requested the provision of service to the development once it is significantly complete. If public transit service is intended to eventually be provided, the applicant shall show that provisions have been made for convenient public transit stops. The Township may require the applicant to construct one suitable shelter for persons waiting for a public bus. The applicant shall also contact the school district and request comment about appropriate school bus stops within or adjacent to the TND.
12. Streetlights. The applicant shall install streetlights meeting minimum requirements of the Township and the electric provider. Such streetlights shall be of sturdy construction, have a decorative design similar to designs used more than 50 years ago, be dark in color (such as black, dark gray or dark green), and have a maximum total height of 22 feet. Streetlights shall be provided at all street intersections and at other locations approved by the Township as part of the subdivision and land development approval process.
13. Architecture. The intent is to have unified and consistent architectural styles, while avoiding monotony. The applicant shall establish legally enforceable provisions controlling the styles of architecture, rooflines, porches and the general types of exterior materials in such a manner as to incorporate the best features of traditional architecture commonly found in boroughs and villages in Pennsylvania, unless the applicant proves to the satisfaction of the Board of Supervisors that a more-contemporary architectural design would be appropriate. Such features shall include front porches on most dwellings, landscaped front yards, nonprominent garage doors, varied rooflines and use of masonry on most facades. The emphasis shall be upon sides of a building visible from a street.
 - a. Such provisions shall be approved and sealed by a registered architect. The substance of such draft provisions shall be provided to the Township in writing for review at the time of preliminary subdivision submission. Such provisions shall be subject to approval by the Board of Supervisors as a condition of final subdivision and land development approval. Any future substantive changes to the architectural provisions established under this section shall require approval by resolution of the Board of Supervisors.
 - b. Such provisions shall not be designed to require excessive uniformity in design, nor to restrict home purchasers to a single design, but instead to encourage high-quality design with a consistent character. Such provisions shall limit monotony and excessive modernity in architectural design. Standards should also be established for the design of fencing.
 - c. The architectural provisions shall promote the use of display windows facing onto the public street on a majority of commercial principal buildings in the development. Blank walls without window and door openings shall be avoided facing onto a public street. Where window openings are not feasible, then enclosed display windows may be used.

- d. The Township may require that some or all of the architectural provisions be recorded and/or be included in a development agreement with the Township. The Township shall have the authority to ensure that a system continues to be in place to enforce the architectural provisions that were required by the Township. However, the Township shall accept no responsibility to directly enforce private deed restrictions upon individual properties.
- e. The architectural provisions shall promote use of front or side porches, and be designed to minimize the visual impact of garage doors as viewed from a street.
- f. The architectural provisions shall require use of decorative masonry, or materials with a closely similar appearance, on specified minimum percentages of the front facades of a majority of the principal buildings in the development. A maximum of 40% of the dwelling units shall have a front facade that is composed primarily of vinyl siding.
- g. The architectural provisions shall promote varied rooflines, overhangs and/or setbacks along attached dwelling units.
- h. The architectural provisions shall promote the use of architectural detailing and features, such as decorative porches, decorative cornices, shutters on multiple principal buildings in the development.
- i. The architectural provisions shall address the locations of front doors, particularly to ensure that most dwellings and business uses have a front door facing onto a street at the front of the building.
- j. Buildings of over 150 feet in length shall be designed to have the appearance of smaller connected buildings.
- k. Such provisions shall address minimum sizes of street level front windows, roof pitches as viewed from the street, siding materials, porches, front stoops, front awnings, screening of rooftop mechanical equipment and similar matters. Such provisions shall also address allowed materials for fences visible from a street.

14. Utility meters. Utility meters larger than 100 square inches each shall not be attached to the front of a dwelling in a manner that makes them highly visible from a street. If utility meters are attached to the front of the dwelling, they should have colors similar to adjacent building materials and/or should be screened by landscaping.

E. Allowed uses.

1. The following uses shall be allowed within an approved traditional neighborhood development, provided all the uses are consistent with the overall master plan:
 - a. Single-family detached dwellings.
 - b. Twin dwellings, side-by-side, with each dwelling on its own fee-simple or condominium lot.
 - c. Townhouses, with each dwelling on its own fee-simple or condominium lot.
 - d. Places of worship*.

- e. Public transit passenger shelters.
- f. Library, community center, post office* and museum*.
- g. Child or adult day care as a principal use or as an accessory.
- h. Nursing home* or assisted living/personal care center*, which shall not exceed 10% of the total tract area of the development.
- i. Offices*.
- j. Meeting facility for a membership club*.
- k. Retail store*, art gallery*, farmers market*, financial institution,* personal service use*, or restaurant,* with each establishment limited to a maximum floor area of 10,000 square feet. Outdoor cafes* are encouraged and may extend onto a sidewalk, provided that a minimum four-foot-wide pedestrian pathway is maintained. Drive-through facilities, fuel sales and "adult uses" are prohibited in all cases, except that a financial institution may include a drive-through.
- l. Exercise club* or hotel/bed-and-breakfast inn with a maximum of 30 guest rooms*
- m. Apartment dwelling units may only be allowed above a street-level commercial use or where allowed below, and may only be allowed in areas designated for such uses in the approved master plan. These dwelling units may be designed as "live work units" that encourage a person to work on the first floor and live in the upper stories.
- n. Indoor or outdoor noncommercial recreation facilities owned by the Township or a property owner association.
- o. Preserved open space or a nature preserve.
- p. Golf course with a minimum acreage of 50 acres.
- q. Major and minor home occupations and accessory uses shall be addressed in the same manner as the underlying zoning district, except that a major home occupation shall be permitted by right in an area of the TND that is approved by the Township for commercial uses.
- r. A second dwelling unit in an allowed single-family detached dwelling, building or above the garage of a single-family detached dwelling, provided:
 - i. No more than 5% of such dwellings shall have a second dwelling unit;
 - ii. The locations of the lots allowed to have a second dwelling unit shall be designated on the master plan; and
 - iii. The second dwelling unit shall not include more than 1,000 square feet of habitable indoor floor area and shall not include more than two bedrooms.

* Uses marked with an asterisk shall only be permitted adjacent to or within 200 feet from a Central Commons within a TND or along a traditional downtown style main street, unless the uses are placed within a rehabilitated historic building. Business buildings shall have their main

pedestrian entrance facing a street or a Central Commons. No outdoor commercial storage shall be permitted unless it is completely screened by landscaping and/or buildings.

F. Preserved open space.

1. A minimum of 20% of the total lot area of the tract shall be permanent preserved open space.
 - a. The minimum amount of preserved open space shall be reduced from 20% to 15% of the total lot area of the tract if the applicant commits to construct and continue to provide a minimum of three of the following types of recreational facilities, and provided such facilities are available at a minimum for use of the residents and their invited guests with no charge that exceeds the costs of operating and maintaining the facility. A minimum of one of the three recreation facilities shall be a community center with a minimum floor area of 2,500 square feet built around an ADA-accessible meeting room for community meetings and social events. That community center may be temporarily used as a sales office until the TND is completed, and may also include a property owners' association office.
 - i. 2 golf putting greens.
 - ii. 2 regulation-sized tennis courts.
 - iii. One full or two half basketball courts.
 - iv. An outdoor amphitheater that allows seating by a minimum of 100 people and is used for outdoor music concerts, at a minimum, and which does not involve shows with a mandatory admission charge.
 - v. A swimming pool.
 - vi. A roofed picnic pavilion with tables and seating for a minimum of 40 persons.
 - vii. A fitness center with a variety of exercise machines.
 - viii. An open grass generally level play field with a minimum length of 100 feet and a minimum width of 50 feet that allows for unscheduled informal sports by young persons.
 - ix. An improved area near the commercial main street area that is suitable for special events, including both hard-surfaced and landscaped areas and benches.
 - x. A decorative water fountain or waterfall of sufficient size and scope so as to be a focal point of the community, located at or near the commercial main street.
 - b. A minimum of 25% of the required preserved open space shall be in an interconnected area that is linked together with a looping recreation trail. The preserved open space shall meet the definition of "open space, reserved or common" in this Article.
 - i. SALDO. This open space requirement shall be in place of any recreation land or fee requirements in the Subdivision and Land

Development Ordinance, provided that a minimum of 50% of the required preserved open space is improved for active and passive recreation purposes that is open to use by the residents of the TND, at a minimum. A payment of a fee in lieu of providing open space required by this section shall not be allowed for a TND.

- ii. A landscaping plan for the preserved open space shall be prepared by a registered landscape architect.
 - c. A minimum of 25% of the required preserved open space shall be composed of the following areas when added together: landscaped central commons, squares, greens or similar areas suitable for at least passive recreation and that each include walkways/paths and trees.
2. At least a portion of the preserved open space shall be provided within at least one Central Commons with a minimum lot area of 20,000 square feet.
 - a. The majority of the Central Commons should be planted so as to eventually result in a canopy of deciduous trees over areas of the Commons that are not planned for active recreation. Existing trees may be retained to serve the same purposes, if found acceptable by the Township Shade Tree Commission.
 - b. The required Central Commons shall have a minimum width and minimum length of 60 feet.
 - c. The required Central Commons shall include benches of durable construction and hard surface pathways. The majority of the pathways in a Central Commons shall be ADA accessible.
3. Stormwater detention basins and drainage channels shall not be used to meet the minimum common open space requirements, except for areas that the applicant proves to the satisfaction of Township Board of Supervisors would be able to be attractively maintained and be usable for recreation during the vast majority of weather conditions or that would have the appearance of a natural scenic pond.

G. Dimensional requirements.

1. Single-family detached dwellings:**
 - a. Minimum lot area: 5,000 square feet. See provisions in Section 314.D.7. that require larger lot sizes adjacent to certain pre-existing single-family detached dwellings.
 - b. Minimum lot width at the minimum building setback line: 40 feet, except 50 feet if garage door(s) for two or more vehicles will face the front of the dwelling along a street.
2. Twin dwelling unit:**
 - a. Minimum lot area: 4,500 square feet.
 - b. Minimum lot width at the minimum building setback line: 30 feet, except 40 feet if garage door(s) for two or more vehicles will face the front of the dwelling along a street.
3. Townhouse dwelling unit:**
 - a. Minimum lot area: 2,000 square feet.

- b. Minimum dwelling unit width at the front of the enclosed dwelling unit: 18 feet, except 24 feet if garage door(s) for two or more vehicles will face onto the front of the dwelling along a street.
- c. Maximum number of connected townhouse dwellings: eight.
- d. Minimum separation distance between each set of townhouses: 20 feet.
- 4. Principal nonresidential use (a lot may include more than one allowed nonresidential use, and within Township-approved commercial areas, principal buildings with a first-floor business use may be attached to each other and may include upper story dwelling units):
 - a. Minimum lot area: 5,000 square feet.
 - b. Minimum lot width at the minimum building setback line: 30 feet.
- 5. Maximum building coverage for each phase of the TND after completion: 40%.
- 6. Building setbacks/yards** (along a street, minimum yards shall be measured from the proposed future/ultimate right-of-way):
 - a. Front yard and side yard from a local street: minimum five feet, maximum 30 feet from a new local street.
 - b. Front yard or side yard from a collector street: minimum 10 feet, maximum 35 feet from a new collector street.
 - c. Any yard from an arterial street: minimum 30 feet, except minimum of 10 feet if the arterial street is integrated into the commercial portion of the development.
 - d. Side yards: minimum five feet each, except zero where buildings are approved to be attached. Commercial buildings shall be allowed to be attached to each other within the approved commercial portion of the development. Each twin dwelling unit shall have one side yard, while a side yard shall be required for each end townhouse unit. A detached garage located to the rear of the lot shall have a minimum side yard setback of three feet. If a garage is only connected to a dwelling by a breezeway, it may be considered to be attached or detached by the applicant for the purposes of meeting setback requirements.
 - i. For a detached principal building, the subdivision plan may be approved with one side yard wider than the other to allow wider use by the residents of the larger side yard and/or to provide for a side driveway to rear parking. In such case, one side yard may be a minimum of three feet, provided the total width of the two side yards equals a minimum of 10 feet.
 - e. Rear yard for a principal nonresidential building: minimum 30 feet.
 - f. Rear yard for a vehicle garage serving a dwelling or a dwelling unit that is allowed to be above a garage: minimum of five feet. A deck attached to a dwelling may extend into the rear yard and may extend over a vehicle garage, provided the deck is not enclosed.
 - g. Each dwelling unit, other than an apartment, shall have a minimum of 300 square feet of usable outdoor space for the exclusive use of the residents of that dwelling unit. If a single family detached dwelling is allowed to

have an accessory dwelling, then the two dwellings together shall provide 300 square feet of such outdoor space. Such outdoor private space may be a yard, garden, patio, porch or unenclosed deck or a combination of such features. Measures shall be used to provide some measure of privacy for residents in rear yards, such as use of decorative walls, fencing, berming, latticework, awnings or landscaping.

- h. Two front yards for corner lots are required.
- i. Swimming pools and accessory buildings that are not vehicle garages shall have a minimum side yard and rear yard setback of three feet.
- j. A maximum of 20% of the single-family detached, twin or townhouse dwelling units are not required to have a minimum lot width directly along a street-right-of-way, provided each dwelling unit:
 - i. Has a minimum lot width of 20 feet along an alley; and
 - ii. Fronts upon a landscaped common open space with a paved or concrete sidewalk or pathway that provides pedestrian access to a street.
- k. A maximum of five feet of the required front yard setback may be used for an unenclosed front porch, stoop, steps, handicapped ramp, awning, or canopy.

** In place of individual fee-simple lots meeting these dimensional requirements, an applicant may choose to utilize a condominium form of ownership. In such case, the lots shall be laid out so that the dimensional and coverage requirements would be physically able to be met as if the dwellings were on fee-simple lots. However, for a condominium development, the actual lot lines do not need to be legally established.

- 7. Parking setback. No parking area of five or more spaces shall be located within 30 feet from a contiguous lot line of a dwelling that is outside the perimeter of the TND and that existed prior to the enactment of this section.
- 8. Maximum overall density. The maximum overall density of the traditional neighborhood development shall be determined as follows, as calculated in acres (and decimals):
 - a. Start with the total land area of the development tract, after deleting existing rights-of-way of existing streets.
 - b. Delete 75% of all areas of land with a slope exceeding 25% and delete 50% of the area of lands with a slope over 15% to 25% from Subsection G(8)(a) above.
 - c. Delete 50% of the area of lands within the 100-year floodplain from Subsection above.
 - d. Multiply the resulting acreage by the following dwelling units per acre to result in the maximum number of permitted dwelling units within the development. See bonuses in Subsection 9 below.
 - i. For acreage in the AR Agricultural Residential District: two dwelling units per acre.

- ii. For acreage in the R-1 District: four dwelling units per acre.
- iii. For acreage in the R-2 District: six dwelling units per acre.

Note: This method of calculating density does not require the deletion of stormwater detention basins, shared parking areas, new streets, new preserved/common open space, new alleys or similar features. Therefore, the actual density that could be achieved on a "net" piece of land would be higher than the above numbers.

- e. Each three beds in a nursing home or personal care center shall be counted the same as one dwelling unit for the purposes of controlling density.

9. Density bonuses:

- a. As an option to the applicant, the applicant may apply for conditional use approval from the Board of Supervisors to approve the following increases in the maximum density provided in Subsection G(8) above. In such case, only the increase in density shall need conditional use approval. [Amended 11-20-2007 by Ord. No. 07-01]

- i. If the applicant proves that the architectural standards required by in this Article will result in excellence in traditional architectural beyond the minimum requirements of this chapter, the maximum density may be increased by a maximum of 0.5 additional dwelling unit per acre.
- ii. The maximum density may be increased by a maximum of 0.5 additional dwelling unit per acre if the applicant commits to provide a minimum of 30% of the total tract area in common open space.
- iii. The maximum density may be increased by a maximum of 0.5 additional dwelling unit per acre if the applicant commits to construct substantial recreation improvements and landscaping beyond the amounts of landscaping and improvements that would otherwise be required. The market value of the additional recreational improvements and landscaping shall exceed a minimum of \$15,000 per each additional dwelling unit that is allowed.
- iv. The maximum density may also be increased through use of the age-restricted housing bonus provided in this Article.

10. Maximum building height: 45 feet or three stories, whichever is more restrictive.

H. Landscaping and street trees.

1. A green area with a minimum diameter of 4.5 feet shall be provided to accommodate street trees between the curb and the sidewalk, unless an alternative location for street trees is specifically approved by the Township. Tree wells may be used. Areas that are between the dwelling and the street curb and that are not used for approved sidewalks shall be maintained in a vegetative ground cover and landscaping.

2. A minimum of one deciduous street tree shall be required for an average of each 50 feet of street frontage on each side of each existing or proposed street. A uniform separation is not required between street trees. Such street trees shall have a minimum trunk width when planted of two inches, measured five inches above the ground level. The species shall be approved by the Township Shade Tree Commission.
3. The site design of a traditional neighborhood development shall carefully consider and maximize the preservation of existing healthy attractive trees with a trunk width of six inches or more, measured at a height of 3.5 feet above the ground level.
4. A landscape planting plan shall be prepared by a registered landscape architect. Such plan may specify a range of species in various locations and may include typical planting locations without specifying the exact location of each plant. Such landscaping plan shall state the minimum initial sizes of landscaping. Such landscaping plan shall be offered for review by the Planning Commission and Shade Tree Commission and shall be approved by the Supervisors as part of the subdivision plan.

I. **Parking incentive.** An applicant may meet a maximum of 50% of the off-street parking space requirements of adjacent uses by counting on-street spaces parallel to the curb along a local street or along an alley. This provision shall be permitted only:

1. For spaces along the same side of a street along curb that is directly contiguous to the set of lots being served, or a new alley within a TND, and provided the spaces are within 200 feet of each use they serve; and
2. If the applicant proves to the satisfaction of the Board of Supervisors that the street or alley would be sufficiently wide to allow the parking, and that there are no unusual safety hazards involved, compared to typical on-street parking at other locations; and
3. If the applicant proves that such number of parking spaces could be legally accommodated along the street, considering the locations of driveways, fire hydrants and street corners.

Note: Required parking may also be reduced particularly for shared parking among uses.

J. **Parking Relief-** An applicant may meet a maximum of 50% of the off-street parking requirements for each abutting business or dwelling unit by counting adjacent off-street parking within 500 feet of the proposed parking lot.

K. **Deed restrictions/covenants.** The applicant shall submit a written statement of the proposed substance of deed restrictions or similar controls that would affect matters addressed in this chapter.

L. **Association provisions.** If applicable, a draft set of homeowner association or condominium association provisions shall be submitted for legal acceptance by the Township Solicitor prior to recording of the final subdivision plan.

M. **SALDO and street standards.** As authorized by the traditional neighborhood provisions of the State Municipalities Planning Code, the Township Board of Supervisors shall have the authority to modify specific street and other requirements of the Subdivision and

Land Development Ordinance, without proof of hardship, in order to result in a development that is pedestrian-oriented and that promote slow-speed traffic.

1. For example, the Board of Supervisors may approve reduced street cartway widths, street right of-way widths and street curve radii.
2. The Board of Supervisors may also defer certain submission requirements from the preliminary to the final plan stage.
3. The applicant shall submit a request for modifications in writing, which shall state the reasons why the modification would be consistent with the purposes for a traditional neighborhood development as stated in this chapter and the State Municipalities Planning Code and would be in the public interest while protecting public safety.
4. The following street right-of-way and cartway widths shall be allowed for new streets that are not dedicated to the Township or the state, in addition to options that are allowed under the Subdivision and Land Development Ordinance:
 - a. A street fronting upon commercial development with two-way traffic may be constructed with two travel lanes of 12 feet each, diagonal parking lanes of 18 feet each or eight feet wide parallel parking lanes, a 4.5 feet wide planting area for street trees using tree wells on each side of the street, pedestrian sidewalks on each side of the street that are a minimum of eight feet in width (which may count walkable parts of tree wells as sidewalks), and a right-of-way width that extends a minimum of nine feet on either side of the curbline.
 - b. A street with two-way traffic that does not front upon commercial development may be constructed with two travel lanes of 10 feet each and eight feet wide parallel parking, a 4.5 feet wide planting strip with street trees on each side of the street, pedestrian sidewalks on each side of the street that are a minimum of five feet and a minimum right-of-way width that extends a minimum of 9.5 feet on either side of the curbline.
5. Any street within the TND Overlay District, whether public or private, shall meet the same minimum construction material requirements as any new street intended to be dedicated to the Township under Township ordinances.
6. The development shall be subject to review by Township Fire Officials to assist the Township in determining whether sufficient access points, cartway widths and turning radii will be provided for access by emergency vehicles and equipment.

N. Access controls. The applicant shall prove that the development involves a fully coordinated interior traffic access system that minimizes the number of streets and driveways entering onto a State highway.

O. Phasing. A phasing plan shall be submitted for the TND. The applicant shall show that each phase of the TND would be able to function properly and meet Township requirements if later phases of the TND are not completed.

1. Construction of the TND project must be phased so that:
 - a. No more than 50% of the building permits for residential dwelling units may be issued until at least 65% of the total non-residential floor area is constructed.

P. Signs. For commercial uses, signs shall be allowed meeting the requirements for signs in the CN district. However, no signs shall be internally illuminated, and no freestanding sign shall have a height exceeding eight feet.

Section 406: OPEN SPACE DEVELOPMENT OVERLAY DISTRICT.

A. Purposes. To allow reasonable amounts of flexibility in site planning of residential development to:

1. Protect environmentally sensitive areas and avoid severe soil erosion and sedimentation,
2. Avoid severely increased storm water flows and speeds,
3. Preserve areas of prime farmland,
4. Provide additional recreation land,
5. Steer development to those areas that are more physically suited for it,
6. Avoid construction of steep roads that are difficult, time consuming, and expensive to maintain and plow snow upon,
7. Avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice,
8. Conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats,
9. Reduce construction costs and municipal maintenance costs,
10. Provide for transitional forms of development between residential and agricultural or industrial areas or highways, with open space serving as a buffer, and
11. Allow each property owner a reasonable use of their land, related directly to the features and location and accessibility of the land. This option will encourage the preservation of significant areas of preserved open space.

B. Applicability. For land within the OSD Overlay District, this Section 406 allows an applicant the option to use the provisions of Section 406 in place of the provisions of the underlying zoning district. In order to use Section 406, the applicant must prove compliance with all of the requirements of this Section 406 to the satisfaction of the Township. If an area of land is not within the OSD Overlay District, then an applicant may request that the Board of Supervisors consider a zoning map amendment to add the OSD Overlay District to that land area. An Open Space Development shall be permitted by right within the OSD Overlay District.

1. An "Open Space Development" is a residential development that meets the requirements of this Section 406 and is approved by the Township as an Open Space Development. An Open Space Development shall only be allowed in the OSD Overlay District.
2. Uses. An Open Space Development shall only include the following uses: single family detached dwellings, nature preserves, Township-owned recreation, non-commercial recreation uses that the Township approves to be within the preserved open space, utilities necessary to serve the development, and customary permitted accessory uses. A mobile/ manufactured home park shall not qualify as an Open Space Development.

3. A tract shall be eligible for approval for an Open Space Development if it includes a minimum of 10 acres of lot area in common ownership in the OSD Overlay District. Such land area shall be contiguous, except that portions of the tract may be separated only by existing or proposed streets or creeks.
 - a. The amount of Preserved Open Space shall be based upon the total lot area of all lots within the development, prior to subdivision, and prior to deletion of rights-of-way of future streets and before deleting the area of any environmental features. Land area of future rights-of-way of existing streets may be deleted from the total lot area before calculating the required amount of Preserved Open Space.
 - i. Areas that were preserved by a conservation or agricultural preservation easement or deed restriction prior to the submittal of the subdivision plan shall not be counted towards the area of the tract in calculating Preserved Open Space or allowed density.
 - ii. No open space shall be less than 2 acres.
 - iii. Each residential lot shall be within 300 feet walking distance of either public recreation or common open space.
 - iv. A minimum of 15 percent of the required open space shall exceed 6% slope.
 - v. Required open space must be in the form of large tracts, with linear trails connecting to other larger open spaces internal to the development and adjacent tracts to create regional open space corridors. A trail system must be established that connects these corridors
 - vi. The required open space may not include streets, stormwater detention ponds, or private yards.
 - vii. All open space must be physically accessible by the residents from the street or a pedestrian walkway
 - viii. Wherever possible, required open space should be left in its natural, vegetative state with the exception of view from the public street must be maintained.
 - ix. Use of open space may include recreation equipment, pavilions, benches, paths, bikeways and walkways, athletic fields, farming, passive agricultural activities or similar uses. No commercial uses are permitted in open space area; however, one-story accessory structures used solely for storage of maintenance equipment used exclusively for the upkeep of the open space may be permitted after issuance of a zoning permit.
 - b. Areas used for a principal non-residential use (other than uses approved by the Township to be part of the preserved open space) shall not be included within the land area used to calculate residential density
 - c. Conservation easements or deed restrictions shall be established on lots as necessary to ensure that the maximum density requirement is met over time. Such conservation Districts 3-33 Lower Paxton Township

Zoning Ordinance - Adopted July 11, 2006 District 3-34 easements shall prevent the re-subdivision of lots in a manner that would violate this Section 406.

4. An Open Space Development shall be designed as a unified, coordinated residential development, and shall be approved with a single development plan proposed by a single development entity. After final subdivision approval and within an approved development agreement(s) and phasing plan, portions of the development may be transferred to different entities, provided that there is compliance with the approved development plan and this Section 406.
5. Procedures.
 - a. Applicants are strongly encouraged to first submit a Sketch Plan, before completing detailed fully-engineered preliminary subdivision plans. This two-step process will allow the Township and the applicant to discuss the preserved open space and development layout before large sums of money are spent by the applicant on detailed engineering.
 - b. The applicant and Township officials are strongly encouraged to walk the tract after a detailed Existing Features Map has been provided to the Township, but before the site layout has been finalized.

C. Density, Open Space and Lot Standards. The maximum number of dwelling units on the tract shall be determined based upon an Existing Features Map and a Yield Plan, except within the AR district.

1. An Existing Features Map shall be required to be submitted as part of the application for an Open Space Development. This Existing Features Map shall accurately show the locations of the following at a minimum: wetlands, 100 year floodplains, areas of woodland, existing topography, existing buildings with a description of any buildings over 70 years old, highlighting of 15 to 25 percent slopes and 25 percent and greater slopes, and any major scenic views from within the tract or from outside of the tract.
2. A Yield Plan shall be submitted to the Township by the applicant. The Yield Plan shall accurately show the maximum number of dwelling units that would be possible under current Township ordinances if the Open Space Development provisions would not be used, and instead the provisions for conventional development in the applicable zoning district would be used. The Yield Plan shall be completed to an accurate scale, including accurately showing the Existing Feature Map information described above. The Yield Plan shall show potential lots, streets, and retention/ detention pond locations. However, the Yield Plan shall not serve as, and is not required to contain, the engineering detail requirements of a preliminary subdivision plan.
3. The Yield Plan shall be reviewed by the Zoning Officer and Township Engineer, and then determined by the Planning Commission as to whether it represents a reasonably accurate estimate of the number of dwelling units possible on the site, both physically and legally. If such estimates are determined to not be accurate, the applicant shall be required by the Zoning Officer to revise the Yield Plan until it is accurate.

- a. For land that is not within the AR District, the maximum number of dwelling units allowed on the tract through Open Space Development shall be 10 percent greater than the number of dwelling units that is determined by the Township to be possible under the Township-accepted Yield Plan.
 - b. The allowed number of dwelling units may be rounded to the nearest whole number.
 - c. The Yield Plan shall not have any legal standing except for the purposes of determining density for an Open Space Development.
4. For land within the AR District, the maximum number of dwelling units allowed on the tract through Open Space Development shall be equal to an average of one dwelling unit for every 1.0 acre of total lot area.
5. All provisions of the zoning district shall apply, except for provisions that are specifically modified by this Section 406. The following dimensional requirements shall apply, provided that the total maximum density for the tract is not exceeded:
 - a. CO District - The minimum lot area shall be one acre (43,560 square feet). The same dimensional requirements shall apply as are provided for in conventional development in the AR district. A minimum of 60 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Preserved Open Space.
 - b. AR District - The minimum lot area shall be 20,000 square feet. The same dimensional requirements shall apply as are provided for in conventional development in the R-1 district. A minimum of 40 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Preserved Open Space.
 - c. R-1 District - The minimum lot area shall be 10,000 square feet. The same dimensional requirements shall apply as are provided for in conventional development in the R-2 district. A minimum of 40 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Preserved Open Space.
 - d. R-2 District - The minimum lot area for single family detached residential lots shall be reduced to 5,000 square feet. All other dimensional requirements shall remain the same as are listed for the R-3 district. A minimum of 25 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Preserved Open Space.
6. Utilities. Any lot of less than one acre shall be served by Township-approved public sanitary sewerage service and public water service.
7. Subdivision of Part of a Tract. This subsection "7" addresses a situation in which only part of a lot is proposed to be subdivided, and the applicant at the present time does not intend to subdivide for the maximum number of dwellings allowed by this Section. In such case, the applicant shall establish a permanent conservation easement covering Preserved Open Space to comply with this Section. Because only part of the tract is being subdivided, it may not be

necessary to meet the Preserved Open Space requirement based upon the area of the entire tract.

- a. The land under the conservation easement shall be a regular rectangle in shape and shall be located where it could adjoin land that would be added as Preserved Open Space in the future if the total allowed number of dwellings would be developed.
- b. The following hypothetical example assumes a tract includes 50 acres, and the Yield Plan determines that the applicant for an Open Space Development is allowed a total of 30 new dwellings. In this example, the applicant only wishes to subdivide lots for 10 new dwellings at the present time, which is one-third of the total number of allowed dwellings. At the present time, only one-third of the open space would need to be preserved, compared to if all of the allowed housing units would be developed. However, the preserved open space would need to be placed on the tract at a location where it could be joined by the remaining acres of land under a conservation easement if the applicant in the future decided to subdivide lots for the remaining 20 dwelling units that are allowed.
8. A minimum of 50 percent of the required Preserved Open Space shall be in one contiguous lot, except that the Preserved Open Space may be separated by creeks, lakes, and a maximum of one street.
 - a. The Board of Supervisors may approve the following, if the applicant proves to the satisfaction of the Board of Supervisors that such configuration would serve the purposes of this Section and be in the best interests of the Township, considering the unique circumstances of the tract:
 - i. a reduction of the percentage of the preserved open space that is in one lot; or
 - ii. the crossing of the preserved open space by two or more streets.
 - b. An accessway limited to emergency vehicles may also cross the preserved open space.
9. The Board of Supervisors may require that the majority of the required Preserved Open Space be placed:
 - a. adjacent to an existing or planned public or homeowner association-owned recreation area,
 - b. adjacent to existing farmland
 - c. at the edge of a neighboring undeveloped lot, where the preserved open space could be connected in the future to open space on that neighboring lot, or
 - d. adjacent to an arterial street or expressway where the open space will serve to buffer homes from the traffic.
- D. Conditions for Approval. An Open Space Development shall only be approved if the applicant proves to the satisfaction of the Board of Supervisors, based upon review by the Planning Commission, that the following additional conditions shall be met:

1. That the Open Space Development would clearly serve a valid public purpose that would result in a development that would be superior to what would result if the land would be developed as a conventional development. Such valid public purposes include but are not limited to the following:
 - a. The permanent preservation of dense forests, steep slopes, wetlands, creek valleys, highly scenic areas or other sensitive natural features.
 - b. The permanent preservation of a substantial area of land in agricultural uses, in a tract of proper size and configuration that allows for efficient agricultural use and that properly considers the issue of compatibility between the agricultural uses and homes. In such case, new dwellings shall be clustered adjacent to existing dwellings and residential zoning districts.
 - c. The dedication of recreation land at a site deemed appropriate by the Board of Supervisors and that involves land that is clearly suitable for active and/or passive recreation.
 - d. The provision of preserved open space in a location that will allow homes to be buffered from highly-noxious, nuisance-generating uses, such as a heavily traveled street or industrial uses. In such case, intensive landscaping and/or planting for eventual reforestation shall be provided.
2. The applicant shall prove that the proposed Open Space Development has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes and wetlands.
 - a. At a minimum, the applicant shall prove that areas along perennial creeks shall be preserved in their natural state, except for landscaping, erosion control improvements, public recreation improvements and needed utility, street and driveway crossings. Low-maintenance landscaping is encouraged along creeks and other areas where maintenance would otherwise be difficult.
 - b. The natural features of the site shall be a major factor in determining the siting of dwelling units and streets
3. The Township may require the use of conservation easements within an Open Space Development to limit the disturbance of natural slopes over 15 percent, wetlands, mature forests, creek valleys and other important natural features.

E. Preserved Open Space

1. Preserved Open Space. The minimum amount of "Preserved Open Space" shall be provided, which shall meet the requirements of this Ordinance and the definition of "Open Space, Preserved."
 - a. The Preserved Open Space requirements of this Section 311 shall be in addition to the Recreation Land or Fee-in-Lieu of Land requirements of the Township Subdivision and Land Development Ordinance (SALDO), unless the applicant proves to the satisfaction of the Board of Supervisors that the proposed Preserved Open Space would include suitably improved land that will meet the intent of the recreation land requirements of the SALDO.

- b. The Preserved Open Space requirements of this Section 311 shall not be waived through a payment of a fee in lieu of land.
2. Open Space Standards. Required Preserved Open Spaces shall meet all of the following requirements:
 - a. Preserved open space shall be permanently deed-restricted or protected by an appropriate conservation easement to prevent the construction of buildings or the use for any nonagricultural commercial purposes or the use of the land for timber harvesting, except for routine thinning of woods. Land approved as required Preserved Open Space shall only be used for non-commercial active or passive recreation, a non-commercial community center for meetings and recreation, a nature preserve, a horse farm, a wholesale plant nursery, and/or a Township-approved agricultural use.
 - b. Improvements to Open Spaces. Where Preserved Open Space is proposed to be used for recreation and/or dedicated to the Township, the application shall include a detailed and legally binding (if approved) description of what improvements the applicant will make to any land to make it suitable for its intended purpose.
 - i. Examples of such improvements include preservation and planting of trees, development of trails, stabilization of creek banks, removal of undesirable vegetation, and grading of land for recreation (such as an informal open play field for youth).
 - ii. Type of Maintenance. The final subdivision plan shall state the intended type of maintenance of the open space, such as lawn areas that are regularly mowed, or natural areas for passive recreation that are intended for minimal maintenance.
 - c. All proposed Preserved Open Space shall be cleared of construction debris, materials from illegal dumping and any rocks that were not naturally on the land, unless those rocks are incorporated into landscaping improvements.
 - d. The applicant shall prove that all required Preserved Open Space would be suitable for its intended and Township-approved purposes. The Township may require the provision of a trail easement and/or the construction of a recreation trail through Preserved Open Space. If a developer installs a trail, it shall be completed prior to the final sale of any adjacent residential lots.
 - e. Lots and Preserved Open Spaces shall be located to promote pedestrian and visual access to preserved open spaces whenever possible.
 - f. Sufficient access points from each preserved open space shall be provided to streets for pedestrian access and maintenance access. The Board of Supervisors may require that maintenance and/or pedestrian access points be paved and be up to 8 feet in width, meeting Township standards for a bike path. Maintenance access points shall be of a slope that is suitable for access by vehicles and equipment.

3. Open Space Ownership. The method(s) to be used to own, preserve and maintain any Preserved Open Space shall be acceptable to the Township. The Township shall only approve an Open Space Development if the applicant proves there will be an acceptable method to ensure permanent ownership, preservation and maintenance of land that will not be included in individual home lots.
 - a. The method of ownership and use of any required preserved open space shall be determined prior to preliminary subdivision or land development approval. The Township should be given right of first refusal at the time of such review to accept proposed open space as public open space. The Township shall only accept ownership of open space if the Board of Supervisors has agreed in writing in advance to accept such ownership. If the preserved open space will not be owned by the Township, then the preserved open space shall be permanently preserved by one or a combination of the following methods that are found to be acceptable to the Board of Supervisors:
 - i. Dedication to the County as public open space, if the County Commissioners agree in writing to such dedication.
 - ii. Dedication to the School District if such Board of Education agrees in writing to accept such dedication and to use and maintain the land for school recreation, public recreation, environmental education and/or related open space.
 - iii. Dedication to a homeowners association as preserved open space, with the homeowners legally bound to pay fees for the maintenance and other expenses of owning such land, and with such homeowners association being incorporated with covenants and bylaws providing for the filing of assessments and/or municipal liens for the non-payment of maintenance costs for preserved open space that is not publicly-owned.
 - a. Such responsibilities shall be specified as part of each deed prior to sale of each lot or dwelling unit. The Township may delay a dedication of maintenance responsibilities by a developer to a homeowners association until such association is incorporated and able to maintain such land.
 - iv. Dedication of the land to an established nature conservation organization acceptable to the Board of Supervisors for maintenance as a nature preserve or passive recreation area
 - v. Dedication of a permanent conservation easement that results in the land being used for a Township-approved crop farming, wholesale tree farm, or an equestrian use, and which may include one of the allowed dwelling units on the lot.
 - vi. Dedication to the State Game Commission, State Fish and Boat Commission or similar public agency, if such agency agrees in

writing in advance to accept the dedication and to maintain the land for public recreation.

- b. Legal documents providing for ownership and/or maintenance of required preserved open space shall be reviewed by the Township Solicitor and be subject to approval by the Board of Supervisors prior to recording of the final plan.
- c. A legally binding system shall be established to oversee and maintain land that will not be publicly-owned. The applicant shall prove compliance with State law governing homeowner associations. Proper notations shall be required on the Recorded Plan. For example, if the preserved open space is intended to be owned by a homeowner association as recreation land, a statement should be included that the designated open space "shall not be further subdivided and shall not be used for the construction of any non-recreation buildings".

4. Changes in Open Space Uses. If the required Preserved Open Space is proposed to be used for purposes that were not authorized in the Township zoning or final subdivision plan approval, then a revised Township approval shall be required for the changed use.

F. Steep Slopes. Within an Open Space Development, no principal building shall be placed on slopes of over 25 percent.

G. Phasing. The development shall include a phasing system that shall be approved by the Board of Supervisors. Such phases shall ensure that the requirements of this Article will be met after the completion of any one phase, and that the development could properly function without the construction of additional phases.

H. Landscaping Plan. An application for an Open Space Development involving over 10 acres shall include a landscape planting and preservation plan prepared by a registered landscape architect.

- 1. Such plan shall show the locations, general species and initial sizes of landscaping to be planted within the preserved open space and throughout the tract.
- 2. Such plan shall also show that existing substantial healthy trees will be preserved to the maximum extent reasonable. The methods to ensure preservation during construction shall be described.
- 3. Landscaping shall also be used as appropriate to filter views of denser housing from any adjacent housing that is less dense.

Article V: Supplemental Regulations

Section 501: Screening and Landscaping

A. Landscaping Specifications. Landscaping shall be provided in accordance with the following specifications: A landscaping plan, with detailed drawings, must be submitted with a required land development application or in the case where land development approval is not required prior to building permit application. The landscaping plan must contain and show the following information:

1. All required buffer areas with proposed plantings (identifying each proposed tree, bush, or shrub) drawn to scale and identifying the size of the plantings.
2. All required plantings (identifying each tree, bush, shrub, the use of sod or seeding, etc.) drawn to scale and identifying the size of plantings.
3. Any existing trees or vegetation which are to be preserved, accurately identifying their relative location.
4. Any existing trees or vegetation which will be removed, accurately identifying their relative location.
5. All areas of a lot not covered by building or impervious material shall be maintained as landscaped or natural areas.
6. A replacement program for any non-surviving plants must be included.
7. Plans for buffer yards and plant screening shall be reviewed and approved by the Shade Tree Commission.
8. Required bufferyard planting shall not be placed within the right-of-way, except that the Township may allow deciduous canopy trees.

B. General Landscaping Requirements Except for single-family detached, single family semi-detached, and two family detached dwellings, any part or portion of a property which is not used for building area, accessory use, or parking lot or space area shall be planted with an all-season ground cover, shrubbery, grass, or mulch and shall be landscaped according to an overall landscaping and maintenance plan.

1. Landscaped areas shall contain evergreen and/or deciduous trees at least one (1) inch in caliper, evergreen and/or deciduous shrubs one (1) foot to three (3) feet in height, and continuous ground cover.
2. Bufferyards shall be landscaped and free of structures, dumpsters, commercial or industrial storage, or display, signs, manufacturing or processing activity, materials, loading and unloading areas, or vehicle parking or display.

C. Bufferyards.

1. Buffer areas required. Buffer areas are required under the following circumstances:

- a. Parking Lots and Loading Areas. A landscape buffer will be required around the perimeter of parking lots and loading areas in all Zoning Districts.
- b. Adjacent Uses. Bufferyards are intended to minimize impacts of differing land uses on adjacent sites or properties. When new development is proposed, bufferyards will be required along the perimeter of the site. Bufferyards on a redeveloped site may be relaxed or eliminated at the discretion of the Township where the development proposes reuse of existing structures on the site and where such site does not provide adequate area for the addition of a buffer.
- c. Where the express standards and criteria for a conditional use or use by special exception in this Ordinance specify that a bufferyard is required.
2. Applicants shall demonstrate through the submission of a landscape plan that sufficient landscaping and buffering is provided to minimize impact to adjacent land uses. When required, a minimum of two (2) deciduous trees and three (3) evergreen trees shall be required for every 100 feet of property line where buffering is required. In addition, five (5) shrubs shall be provided for every 100 feet of property line where buffering is required. Bufferyards are required to be a minimum of ten (10) feet in width. The Township encourages flexibility in design and will entertain alternative buffering plans where the applicant demonstrates the buffering plan is equal to or better than the requirements of this ordinance and meets the intent of this Section. The use of decorative walls, decorative fences, and landscape mounds are allowable to meet the requirements of this Section.
3. Bufferyards shall be maintained and kept free of debris and rubbish.
4. No structure, parking, processing activity, or storage of any materials shall be permitted in a bufferyard. However, access roads, service drives, and utility easements may cross a bufferyard.
5. Bufferyards shall be included on applicable subdivision and land development plans for review and approval. The plans shall show the location of all the buffer yards and the placement, species, and size of all vegetative material to be planted therein.
6. Non-residential uses abutting residential uses shall have a minimum bufferyard of 30 feet.
 - a. If a business includes an area(s) used for manufacturing or has a loading dock, then the minimum buffer yard shall be increased to 70 feet, and the minimum height of the plantings shall be increased to eight (8) feet.
 - b. Within the Village and Traditional Neighborhood development districts the minimum bufferyard shall be four (4) feet.
 - c. The bufferyard requirement can be waived within the Traditional Neighborhood Development District if the business use is built before the adjacent residential use is sold and the applicant proves compatibility as part of the Master Plan review by the Township.
7. If a lot includes more than 100,000 square feet of business building floor area, than the minimum bufferyard width shall be increased to 70 feet with the minimum height of initial planting increased to eight (8) feet,

8. A ten (10) feet minimum buffer with screening shall be required where a residential use with a rear yard abutting a public street or expressway.
9. A required yard may overlap a required bufferyard if the requirement for each is met. The bufferyard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable.

D. Fencing

1. Fences and Walls Accessory to Residential Use. The following fences and walls may be erected as an accessory structure to a residential use:
 - a. Front Yards.
 - i. Split rail or any other fence with 50 percent or less of the surface area being opaque, not exceeding four (4) feet in height. Chain link fences are prohibited in front yards in residential zoning districts.
 - ii. Masonry wall or fence with 50 percent or more of the surface area being opaque, not exceeding three (3) feet in height.
 - b. Side and Rear Yards.
 - i. Masonry or concrete wall not exceeding five (5) feet in height.
 - ii. Any other type of fence not exceeding six (6) feet in height.
 - iii. Security fence for a swimming pool not exceeding eight (8) feet in height.
2. Fences and Walls Accessory to Nonresidential Use. The following fences and walls may be erected as an accessory structure to a nonresidential use in any yard:
 - a. Masonry or concrete wall, not exceeding three (3) feet in height.
 - b. Fences with 50 percent or less of the structure area being opaque, not exceeding eight (8) feet in height.
 - c. Fences with more than 50 percent of the surface area being opaque, not exceeding six (6) feet in height.
3. General Requirements for Fences and Walls.
 - a. No fence in any district shall be erected in such manner to obstruct visibility at a street or driveway intersection.
 - b. The finished side of the fence shall face out toward neighboring properties and the street.
 - c. Any wall or fence in a buffer yard shall be placed on the inside of any required screening.

- d. Fences for public or private tennis courts and similar outdoor recreational facilities may be erected up to ten (10) feet in height, if constructed of chain link material.
- e. A retaining wall of any height may be erected along any property line or in any required yard where it is needed to prevent a landslide or other hazardous condition. The location and placement of a retaining walls shall meet the requirements of the Subdivision Land Development Ordinance. Wall in excess of six (6) feet in height shall have a safety feature place along the top of the wall such as a fence or railing erected along in all areas that exceed six (6) feet.
- f. Fences located along a property boundary shall go up on the property line.
- g. The owner of any fence or wall shall be responsible for maintaining it in good repair. If a fence or wall is not being properly maintained, the Zoning Officer shall give written notice to the owner of the property to repair or remove the fence or wall within the time period stipulated by the notice. Failure to comply with the order shall be considered a violation of this Chapter.
- h. Any fence within a commercial or industrial district shall be constructed of wood planks, PVC panels, PVC picket-style posts or similar designs and material. The previous options shall be used opposed to chain-link or wood sheeting.
- i. Any wall that is visible outside of the buffer yard shall be constructed of brick, decorative masonry or stucco, stone or have an appearance of such material.

E. General Provisions.

- 1. Openings for driveways shall be permitted to cross a required buffer area. Plantings in required buffer areas shall be located to not obstruct visibility for traffic entering or leaving the site.
- 2. Maintenance Required. It shall be the responsibility of the owner/applicant to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease, or other reasons for the discontinued growth of the required trees, shrubs, and bushes. Replacement shall be no later than the subsequent planting season.
- 3. Conflict between buffer areas and building setback requirements. When the width of a required buffer area conflicts with the minimum building setback requirements of this Ordinance, the greater distance shall apply. The buffer area planting requirement shall be adhered to regardless of the setback requirement.
- 4. Stormwater management facilities in buffer areas. Stormwater management facilities and structures may be maintained within a buffer area, but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements.

F. Plant Sizes.

1. Deciduous Trees. All trees required to be planted shall be a minimum of two (2) inches in diameter at a point one (1) ft. above the ground. All required trees shall be a minimum of six (6) feet in height at time of planting measured from the ground adjacent to the planted tree to the top of the tree.
2. Evergreen Trees. All evergreen trees required to be planted shall be a minimum of six (6) feet in height at the time of planting measured from the ground adjacent to the planted tree to the top of the tree.
3. Shrubs. All shrubs required to be planted shall be a minimum of 24 inches in height at planting.

G. Screening

1. Screen planting shall be provided where a commercial or industrial use adjoins the Residential District, Mixed-Use District or a residential use. Screen plantings shall be provided also in any other instance where screening is required by this Ordinance. They shall be located in the exterior portion of a required bufferyard(s) or in the side setback(s) and shall be in accordance with the following requirements:
 - a. Plant material used in screening shall be at least four (4) feet high when planted, shall spread not more than three (3) feet apart, and be sufficient height and density to reasonably conceal the structures and uses from the view of adjacent use. Ultimately, a year-round visual screen of at least six (6) feet in height should be achieved.
 - b. Screening shall be maintained permanently. Any vegetation which does not live shall be replaced within one (1) year.
 - c. The screen plantings shall be so placed that at maturity it will be closer than three (3) feet from any ultimate right-of-way or property line.
 - d. A clear sight triangle shall be maintained at all street intersections and at all points where vehicular access ways intersect public streets (See Section 626 of this Article).
 - e. The screen planting shall be broken only at points of vehicular or pedestrian access.
 - f. Vegetative screening shall include a variety of deciduous and evergreen species which are indigenous to the area as to provide a year-round visual buffer.
 - g. Evergreen trees shall be planted using diagonal off-sets to allow for future growth.
 - h. If existing healthy trees with a trunk diameter of six (6) inches or greater measured at 4.5 feet above ground level within the bufferyard, they shall be preserved to the maximum extent possible.

- i. Weak steam plants shall not be used to meet the bufferyard requirements.
- j. Bufferyards composed of one species shall be avoided.
- k. Plant screens shall be placed as to not obstruct a street or walkway when mature.

Section 502: Lighting Requirements

- A. Refer to the Lower Paxton Township Subdivision and Land Development Ordinance.

Section 503: Environmental Performance Standards

- A. Steep Slopes. In areas of steep slopes, i.e., those above fifteen percent (15%), the following standards shall apply:
 1. 16%-25%: No more than 60% of such areas shall be developed and/or regraded or stripped of vegetation.
 2. 26% or more: Earth Disturbance Activities are generally restricted except as authorized by the Township Engineer.
- B. Ponds, Watercourses, or Wetlands. No development, filling, grading, piping, or diverting shall be permitted except for required roads and utility line extensions, unless authorized and permitted by the appropriate State, County, or other regulatory agency.
- C. Stormwater Drainage and Management. All plans shall comply with the provisions of State and local regulations in effect at the time of final plan approval by Township Board of Supervisors.
- D. Fats, Oils, and Grease. Residential, commercial, and/or industrial properties located within the Township shall not be permitted to dump fats, oils, and/or grease into the public sewer system.
- E. Soil Erosion and Sedimentation. With any earth disturbance, there shall be control of erosion and the protection of streams and ponds from sedimentation in accordance with the "Clean Streams Law P.L. 1987", Chapter 102 of Title 25 of the Pennsylvania Code, and the "Soil Erosion and Sedimentation Control Manual" of the DEP. In addition, an E&S Plan shall be required as part of the application for any Township permit where earth disturbance or excavation will occur. As a minimum, where sediment can be transported away from the disturbed area, a silt fence or straw bale barrier shall be erected and maintained in working order until vegetation is fully established, or erosion resistant ground cover has been installed. Additional sediment pollution control measures may be required where land development is more extensive and/or if a land development requires an NPDES permit.

Section 504: General Performance Standards

- A. Glare. There shall be no direct or sky-reflected glare, whether from floodlights or from high-temperature processes (for example, combustion or welding), so as to be visible from within any District.

- B. Fire Hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material.
- C. Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
- D. Odors. No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
- E. Discharge. No discharge at any point into any private sewage disposal system or stream or into the ground, of any materials in such a way or in such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements or the accumulation of solid wastes conducive to the breeding of rodents or insects is permitted.
- F. Heat, Cold, Dampness, or Movement of Air. No activities producing heat, cold, dampness, or movement of air are permitted which shall produce any material effect on the temperature, motion, or humidity of the atmosphere at and/or beyond the lot line.
- G. Air Pollution. No pollution by air by fly ash, dust, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause excessive soiling. Ultimately, air pollution may be acceptable provided that the use complies with all regulations or requirements of the DEP, EPA, and all other regulatory agencies.
- H. Determination of Compliance with Performance Standards. During the review of an application for zoning approval, the applicant may be required to submit data and evidence documenting that the proposed activity, facility, or use will comply with the provisions of this Section. In reviewing such documentation, the Township may seek the assistance of any public agency having jurisdiction or interest in the particular issues and the Township may seek advice from a qualified technical expert. All costs of the expert's review and report shall be paid by the applicant. A negative report by the technical expert and the applicant's refusal or inability to make alterations to ensure compliance with this Section shall be a basis for denying approval of the application.

Section 505: Outdoor Storage

- A. Outdoor storage of any kind shall not be permitted unless it is accessory to and associated with a principal use and part of the operation conducted on the premise.
- B. All storage shall be completely enclosed and screened from view through use of a fence or screen planting.
- C. No storage shall be permitted in a front yard.
- D. In Nonresidential Zoning Districts, except for nurseries, garden supply, building supply, custom crafting, and similar businesses which require outside storage of materials, storage and display of materials outside a completely enclosed structure shall not be permitted. In the case of nurseries, garden supply, building supply, custom crafting, and

similar businesses, outside display and storage areas shall be completely enclosed by an opaque fence or dense, compact evergreen hedge which is at least six (6) feet in height.

E. In any other Zoning District, any material or equipment stored outside an enclosed building, except for the purposes identified above, shall be incidental to the principal use of the lot and shall be stored to the rear of the building or an alternative location which screens the storage area from public view from the street. Buffering as identified in the bufferyard requirements of Article III of this Ordinance, may be required to screen material or equipment stored outside and shall be decided upon the discretion of the Township Board of Supervisors.

F. All organic rubbish and discarded materials shall be contained in tight, vermin-proof dumpsters which shall be screened from public view by an opaque fence, masonry wall or dense, compact evergreen hedge which meets the requirements of Section 601.F of this Ordinance. Containers shall not be permitted in the front yard.

G. No lot or premises shall be used as a garbage dump or a dead animal rendering plant. No manure, rubbish, or miscellaneous refuse may be stored in the open within any Zoning District where the same may be construed as a menace to public health or safety. No exceptions shall be made except by official government action.

Section 506: Utilities

A. All electrical, telephone, cable television, and other communication system service laterals on a lot or site shall be installed underground for new developments.

Section 507: Temporary Uses

A. Permit Required. An occupancy permit is required for any temporary use of land and/or a structure.

1. Authorized Temporary Uses, Residential Districts.
 - a. Model home in a plan of homes used temporarily as a sales office which shall terminate upon the sale or rental of the last unit.
 - b. Rental or sales office in a multi-family residential complex.
 - c. Outdoor fair, exhibit, show, or other special event that is sponsored by a nonprofit organization.
 - d. Pop-up events, defined as temporary events that last from a few hours or few days, not exceeding five (5) days Refer to Article II for the full definition of Pop-Up Event.
 - e. Private garage/yard sale.
 - f. Five (5) consecutive day long events and long-weekend events.
 - g. Other temporary uses, as approved by the Township Board of Supervisors and the Township Codes Enforcement Officer.
2. Authorized Temporary Uses, all Other Zoning Districts.
 - a. Flea market.
 - b. Outdoor fairs, exhibits.

- c. Temporary sales events.
- d. Rental or sales office in a development complex.
- h. Other temporary uses, as approved by the Township Board of Supervisors and the Township Codes Enforcement Officer.

B. Conditions of Approval for Temporary Uses.

- 1. Adequate traffic and pedestrian access and off-street parking areas must be provided to the extent possible.
- 2. Any licenses and permits required to sell products or food or approvals from other governmental agencies shall be submitted prior to the issuance of the occupancy permit.
- 3. The Township Chief of Police, Fire Chief, and the Codes Enforcement Officer shall be notified in writing of the temporary use.
- 4. If the applicant does not own the land on which the temporary use is to be located, a letter of agreement and/or permission between the applicant and the landowner shall be submitted.
- 5. The applicant shall be responsible for conducting the temporary use or activity in a safe manner within the conditions set forth by the Township. This includes, but is not limited to, provisions for security, trash pick-up, and daily maintenance of the grounds.
- 6. The Zoning Officer may refer any application for a temporary use to Planning Commission for review and recommendation prior to issuance of the occupancy permit.
- 7. The provisions of this Section in no way shall be deemed to authorize the outdoor display or sale of automobiles, trailer, or equipment rentals, used furniture, appliances, plumbing or building materials, or similar display or sale in any District except as specifically authorized by this Ordinance.

C. Temporary Construction Structures. Temporary structures and trailers used in conjunction with construction work may not be moved onto a site until the building permit has been issued and must be removed within 30 days after the completion of construction. Permits for such temporary structures shall not exceed one (1) year but up to three (3) annual renewals of the permit may be obtained.

Section 508: Open Burning

- A. Open burning shall comply with the open burning regulations as outlined in the Township's Fire Code, as may be amended from time to time.

Section 509: Essential Services

- A. Essential services, as defined in this Ordinance, shall be permitted in all Zoning Districts, subject to the restrictions approved by the Planning Commission with respect to use, design, yard area, setbacks, and height.

Section 510: Projections into Required Yards

- A. The following architectural features may project into the required yards as established herein:
 1. Steps or stoops not exceeding 24 sq. ft. in area.
 2. Eaves, cornices, sills, and belt courses not exceeding 24 inches.
 3. Open fire escapes not exceeding 54 inches.
 4. Chimneys and ventilation pipes not exceeding 36 inches.
 5. "Bilco" -type doors for basement access.
- B. Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within the required setback area.

Section 511: Fences and Walls

- A. Fences and Walls Accessory to Residential Use. The following fences and walls may be erected as an accessory structure to a residential use twelve (12) inches from all property lines:
 1. Front Yards.
 - a. Split rail and any other fence with 25% or less of the surface area being opaque, not exceeding four (4) feet in height.
 - b. Masonry wall or fence with 50% or more of the surface area being opaque, not exceeding three (3) feet in height.
 - c. The finished side of a fence should face the adjacent property.
 2. Side and Rear Yards.
 - a. Masonry or concrete wall, not exceeding three (3) feet in height.
 - b. Any other type of fence, not exceeding six (6) feet in height.
 - c. Security fence for a swimming pool, not exceeding eight (8) feet in height.
 - d. Barbed wire fences shall not be permitted in conjunction with a residential use.
 - e. The finished side of a fence should face the adjacent property.
- B. Fences and Walls Accessory to a Nonresidential Use. The following fences and walls may be erected as an accessory structure to a nonresidential use in any yard twelve (12) inches from all property lines:
 1. Masonry or concrete wall, not exceeding three (3) feet in height.
 2. Fences with 50% or less of the surface area being opaque, not exceeding eight (8) feet in height.

3. Fences with more than 50% of the surface area being opaque, not exceeding six (6) feet in height.
4. Commercial building fencing shall be made of wood slated materials or vinyl.

C. General Requirements for Fences and Walls.

1. No fence in any District shall be erected in such a manner to obstruct visibility as a street or driveway intersection, in accordance with this Ordinance.
2. Fences for public or private tennis courts and similar outdoor recreational facilities may be erected up to ten (10) feet in height, if constructed of a chain link material.
3. A retaining wall of any height may be erected along any property line or in any required yard where it is needed to prevent a landslide or other hazardous condition. The location and placement of retaining walls shall meet the requirements of the SALDO. A wall more than six (6) feet in height shall have a safety feature place along the top of the wall such as a fence or railing erected along in all areas that exceed six (6) feet.
4. Fences located along a property boundary shall go up on the property line.
5. The owner of any fence or wall shall be responsible for maintaining it in good repair. If a fence or wall is not being properly maintained, the Zoning Officer shall give written notice to the owner to repair or remove the fence or wall within the time stipulated by the notice. Failure to comply with the order shall be considered a violation of this Ordinance.

D. Swimming Pools. Swimming pools shall be permitted in all Zoning Districts subject to the following requirements:

1. In residential areas, pools and accessory decks attached to a pool shall be erected only in a rear yard, all fences shall be set back a minimum of five (5) feet from all property lines.
2. In-ground pools, in all Zoning Districts shall be enclosed by a fence, constituting a barrier to small children, at least four (4) feet in height and equipped with a gate and a lock. Fencing for a pool shall comply with the requirements of this Ordinance.
3. Above-ground pools and collapsible pools in all Zoning Districts having vertical walls over four (4) feet above ground level and removable steps are not required to be fenced, provided the owner shall remove said steps when the pool is not in use to prevent access by small children. All other above-ground swimming pools shall be fenced in accordance with the requirements of Subsection A of this Section.

Section 512: Height Measurements

- A. Measurement of height shall be the vertical height from the average elevation of finished grade at the front of the structure to:
 1. The highest point of coping for flat roof structures.
 2. The deck line of the roof for mansard roof structures.

3. The average height of the roof for gable or hipped roof.
4. A habitable attic shall be counted as a story.

Section 513: Height Exceptions

- A. The height limitations of this Ordinance shall not apply to flag poles, church spires, belfries, domes, or similar architectural projections not used for human occupancy nor to chimneys, ventilation shafts, skylights, water tanks, public utility facilities, bulkheads, silos, ham radio antenna, or other necessary mechanical and operational apparatus usually carried above the roof level.

Section 514: Signs

- A. Signs shall conform with all Township Codes and shall comply with Article X of this Ordinance.

Section 515: Off-Street Parking

- A. Parking shall conform with Article IX of this Ordinance.

Section 516: Parking of Commercial Vehicles

- A. Commercial equipment, including trucks in excess of one (1) ton capacity, tandems, tractor-trailers, tractors, or other vehicles bearing commercial advertisement or construction or cargo-moving vehicles or equipment shall not, under any conditions, be stored outside an enclosed building or garage or be parked overnight on any lot in a District where residential uses are permitted. The parking of commercial vehicles is not permitted on Township streets or in front, side, or rear yards of a lot. This regulation shall not apply to any commercial vehicles parked temporarily in residential areas for the purpose of loading, unloading, or rendering service to any residential property.

Section 517: Parking of Recreational Vehicles

- A. Recreational vehicles, as defined in Article II, may be parked on the private property of the owner of such vehicle only under the following conditions:

1. A recreational vehicle may be parked on a paved off-street parking area for a continuous period not exceeding 72 hours.
2. A recreational vehicle must be parked on the owner's property behind the building line.
3. A recreational vehicle must be parked in such a manner as to not restrict visibility of traffic from any adjacent public street.
4. A recreational vehicle's wheels must at all times be blocked or otherwise rendered immobile so as to prevent any movement of the vehicle while it is in a stopped position.
5. Any recreational vehicle stored for periods exceeding 72 continuous hours shall be parked in a garage or in a covered parking area at the rear or side of the property behind the building line
6. Recreational vehicle parking is limited by the following regulations:

- a. Under no circumstances shall any recreational vehicle be parked on any public street in violation of existing Federal, State, or Local laws.
- b. No recreational vehicle shall be used for purposes of habitation while parked or stored on an owner's property within the Township.
- c. Not more than one (1) recreational vehicle may be parked or stored on a private lot in the Township unless that vehicle is parked in a garage.

Section 518: Home Based Business (No Impact) and Home Occupation

- A. Where permitted, all home based no impact businesses shall comply with the following standards of operation:
 1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 2. The business shall employ no employees other than family members residing in the dwelling.
 3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 4. There shall be no outside appearance of a business use, including but not limited to, parking, signs, or lights.
 5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 6. The business activity may not generate any solid waste or sewage discharge, in the volume or type, which is not normally associated with residential use in the neighborhood.
 7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
 8. The business may not involve any illegal activity.
 9. There shall be no outdoor storage display related to the home occupation.
 10. The use shall not require delivery by tractor trailer trucks;.
- B. Where permitted, all home occupations shall comply with the following standards of operation:
 1. The occupation, profession or limited commercial activity shall be conducted wholly within the principal building or accessory building thereto.
 2. No more than two (2) persons who are not members of the family shall be employed.
 3. No stock in trade shall be stored inside the building or on the exterior of the lot.
 4. No exterior signage shall be stored inside the building or on the exterior of the lot.
 5. Offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall not be generated by the home occupation.

6. Off-street parking shall be provided for employee vehicles and visitors in addition to the minimum required for the residential dwelling. For Major Home Occupations, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.
7. No home occupation shall utilize more than twenty percent (25%) of the gross floor area of the dwelling unit.
8. No home occupation shall have business hours past 8 PM.
9. No home occupation shall change the characteristic of the district it is proposed in.
10. A home occupation shall include but not be limited to the following:
 - a. Dressmaking;
 - b. Hairdressing and nail shop;
 - c. Teaching or tutoring;
 - d. Office of a physician;
 - e. Dentist;
 - f. Optometrist;
 - g. Pet Grooming;
 - h. Lawyer;
 - i. Engineer;
 - j. Architect;
 - k. Accountant;
 - l. Real estate agent; or
 - m. Insurance agent.

Section 519: Driveways and Access Drives

- A. Refer to the Lower Paxton Township Subdivision and Land Development Ordinance.

Section 520: Dumpsters

- A. Dumpsters.
 1. Dumpsters may be placed only in the side or rear yards.
 2. Dumpsters may not occupy any areas required for parking spaces.
 3. Dumpsters must be completely screened from adjoining roads and properties through the use of a fence (See Section 615) or screen planting (See Section 601) and screen a minimum of three of the four sides.
 4. Setbacks from Dwellings. Dumpsters shall be kept a minimum of twenty (20) feet from an abutting dwelling.
 5. All waste containers shall be completely enclosed, and lids shall be kept in place.

6. The location of all dumpsters shall be shown on all site plans and land development plans submitted to the Township.
7. This section shall not apply to dumpsters temporarily placed during actual construction or demolition on the premise, or for recycling containers that do not involve garbage.

Section 521: Through and Corner Lots

A. Corner Lots.

1. For a corner lot, a front yard shall be required along each street on which the lot abuts.
2. Corner lots shall have one side and one rear setback.

B. Through Lots.

1. Where a lot extends from street to street, the applicable front setback regulations shall apply on both street frontages.

C. Lots Widths Around Curves.

1. Around the bulb of a cul-de-sac street or on the outside of the curve of a street with a radius of less than 150 feet, the minimum lot width at the minimum building setback line may be reduced to 60 percent of the width that would otherwise be required.

Section 522: Visibility at Intersections

- A. A clear-sight triangle shall be established at all street, alley and access drive intersections. Nothing shall be erected, placed or allowed to grow in a manner which obscures vision above the height of three (3) feet and ten (10) feet above the ground level, except for utility posts, mailboxes, single signposts and trunks of deciduous trees.
- B. Where both cartways exceed twenty (20) feet, an isosceles triangle shall be established beginning at a point at the intersection of the two cartways adjacent to the property in question, a distance of 25 feet parallel to each cartway.
- C. Where one or both cartways are twenty (20) feet or less, an isosceles triangle shall be established for a distance of ten (10) feet parallel to each cartway.

Section 523: Sports Courts

- A. Sports courts shall not be permitted unless the court is protected by a permanent fence ten (10) feet in height behind each base line and extending ten (10) feet beyond the playing area in each direction.

Section 524: Self-Storage Buildings

- A. Self-storage buildings shall be equipped with an automatic, self-latching and locking gate or door to enter and exit the facility.
- B. All self-storage buildings shall have adequate fencing that conforms with the requirements set forth in this Article.
 - 1. In addition, any outdoor storage or garage doors within 200 feet of a right-of-way shall be screened by a bufferyard.
- C. Hours of operation of self-storage buildings shall be reviewed and approved by Township staff.
- D. Exterior finishes of the self-storage buildings shall be compatible with the character of the development of adjoining properties.
- E. Sight distance at access points that provide ingress and egress to the self-storage buildings shall meet the Township's minimum standards and shall be reviewed by Township staff.

Article VI: Standards and Criteria for Conditional Use

Section 600: Procedure for Conditional Uses

A. Authority.

1. The Board of Supervisors shall hear and decide requests for conditional uses in accordance with the provisions of this Chapter and the procedures, regulations, and standards and criteria of this Article.

B. Relationship to Township SALDO.

1. All provisions of the SALDO which are not specifically modified by the Board of Supervisors in approving a conditional use shall apply to any conditional use involving subdivision or land development.

C. Application Procedure.

1. The applicant shall submit an application for development for approval of a conditional use to the Zoning Officer or designated staff person at least twenty (20) working days prior to the Planning Commission meeting. The application for conditional development shall indicate the Section of this Article under which the conditional use is sought and shall state the grounds upon which it is requested.

D. Application Content.

1. An application for development for approval of a conditional use shall include the following:
 - a. One (1) original application form completed by the applicant. If the developer is other than the landowner, the landowner's authorization of the developer to apply and nature of the developer's interest in the site shall accompany application.
 - b. One (1) copy of the application form, provided by the Township and completed by the applicant.
 - c. Three (3) paper copies of the architectural renderings of all existing and proposed buildings and building additions, showing all sides of the building. In addition, all renderings shall be submitted electronically as (.bmp), (.jpeg), or (.png) files on a CD-ROM or flash drive. This requirement may be waived by the Township for existing buildings when it is demonstrated that no exterior changes to the building are proposed or when determined unnecessary by the Township.

- d. Seven (7) copies of a conditional use site plan meeting the requirements for a preliminary plan for land development as set forth in the SALDO and, in addition, demonstrating conformity with all requirements of this Ordinance.
- e. Three (3) copies of an environmental impact assessment for land developments of 5,000 square feet of gross floor area of buildings or more.
- f. Application fee and review fees established by ordinance or resolution of the Board of Supervisors to cover the cost of review.

E. Determination of Acceptance/Rejection as Incomplete.

1. Within seven (7) working days after a conditional use application is submitted, the Township shall certify the conditional use application as substantially complete and accepted or incomplete and rejected. Within said time, the Township shall notify the applicant in writing if the conditional use application is incomplete and rejected, stating the deficiencies in the application and returning the filing fee. The applicant may reapply, submitting the fee and missing material at any time.

F. Approval of Conditional Uses.

1. The Board of Supervisors shall hear and decide requests for conditional uses within 45 days after the last hearing before the Board of Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this or any other Ordinance contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
2. Where the Board of Supervisors fails to render the decision within the period required by this Subsection or fail to commence, conduct, or complete the required hearing as provided in §908(1.2) of the MPC, 53 P.S. §10908(1.2), within 60 days from the date of the applicant's request for a hearing or fails to complete the hearing no later than 100 days after the completion of the applicant's case-in-chief, unless extended for good cause upon application to the Dauphin County Court of Common Pleas, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of failure of the Board of Supervisors to meet or render a decision as hereinabove provided, the Board of Supervisors shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Board of Supervisors shall fail to provide such notice, the applicant may do so.

3. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.
4. Given the requirements of Subsections 600.F. 1 through 3 above, the Board of Supervisors shall not evaluate a conditional use application unless and until:
 - a. A written application for conditional use approval is submitted to the Zoning Officer no less than four (4) weeks or 28 days prior to the regular meeting of the Planning Commission. The application shall indicate the Section of this Chapter under which conditional use approval is sought and shall state the grounds upon which it is requested. The Director of Community Development shall determine the completeness of the application and either accept the application complete and properly filed or return the application to the applicant for resubmission if the application is incomplete and improperly filed. If the application is returned as incomplete, a written notice, which cites the specific requirements of this Chapter, which have not been met, shall be sent to the applicant. The application shall include the following:
 - i. A development plan, as defined herein.
 - ii. A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.
 - iii. A map showing and identifying all lots within 200 feet of the lot for which conditional use approval is requested and a list of the names and addresses of the owners of these lots from the most recent records of the Dauphin County Tax Assessors Office.
 - iv. A traffic impact analysis, if required by the SALDO or by the requirements of this Article.
 - v. The application fee required by the Township's Fee Schedule.
 - b. A written recommendation is received from the Planning Commission or 30 days has passed from the date of Planning Commission meeting at which the application is first considered for approval.
 - c. A public hearing is held by the Board of Supervisors pursuant to public notice.
 - d. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards in addition to those expressed in this Chapter, as it may seem necessary, to implement the purposes of the MPC and this Chapter.

G. Expiration of Conditional Use Approval. Conditional use approval shall expire automatically without written notice to the applicant if no application for a grading permit, building permit, or zoning certificate to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within twelve (12) months of said approval, unless the Board of Supervisors, in their sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be between one (1) month to twelve (12) months extension. Extensions are granted by the Board of Supervisors as an administrative procedure and are approved by a motion at one of the Board's regularly scheduled public meetings.

H. Expiration of Conditional Use Approval Granted Prior to Effective Date of this Chapter. Conditional use approval granted prior to the effective date of this Chapter shall expire automatically without written notice to the applicant if no application for a grading permit, building permit, or zoning certificate to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within twelve (12) months of the effective date of this Chapter or as specified in the approval, unless the Board of Supervisors, in their sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be between one (1) month to twelve (12) months extension. Extensions are granted by the Board of Supervisors as an administrative procedure and are approved by a motion at one of the Board's regularly scheduled public meetings.

I. Modifications. The Board of Supervisors shall consider proposed modifications in any of the requirements of this Chapter for each Zoning District, contained in an application for development for a conditional use will make for a more efficient, attractive, and harmonious conditional use. If such modifications, in the judgment of the Board of Supervisors, constitute a more beneficial use of the site than provided for under the requirements of the Zoning District in which the site of the conditional use is located, the Board of Supervisors in their sole discretion may grant the modifications for less strict requirements; however, no modification shall be granted for the following:

1. Authorized uses shall be limited to those specified as authorized uses or conditional uses in the Zoning District in which the site is located.
2. No modification shall be granted for any construction, development, use, or activity within any floodway area as identified by the Township's Floodplain Management Ordinance, that would cause any increase in the 100-year flood elevation.
3. Under no circumstances shall a modification be granted to the prohibition of uses or activities in floodplain areas as set forth in the Township's Floodplain Management Ordinance.
4. Whenever a modification is granted to construct a structure below the 100-year flood elevation, the Township shall notify the developer in writing that:

- a. The granting of the modification will result in increased premium rates for flood insurance.
- b. Such modification increases the risk to life and property.
- 5. All provisions of the Township's SALDO, which are not specifically modified by the Board of Supervisors in approving a conditional use, shall apply to any conditional use involving subdivision and land development.
- 6. Requests in Writing. All requests for modifications or waivers shall be in writing and shall accompany and be part of the application for development. The requests shall state in full the grounds and facts of hardship or evidence of equal or better result on which the request is based, the provision or provisions of the chapter involved, and the minimum modification necessary.

Section 601: General Standards and Criteria

A. Before approving a conditional use application, the Board of Supervisors shall determine that the proposed use will not alter the established character and use of the neighborhood or District in which it is located, and that it will not substantially impair the use or development of adjacent properties. The Board of Supervisors shall use the following general standards, among other things, in its evaluation. These standards shall be in addition to any other requirements in this Chapter for a specific type of use or development:

- 1. The proposed use complies with all applicable provisions and requirements for that type of use contained in this Chapter, unless a variance to any provision has been granted by the ZHB, and with other applicable Township, County, Commonwealth, and Federal Ordinances, laws, and regulations. The proposed use shall obtain applicable permits, licenses, and approvals from the Township, Dauphin County, Pennsylvania, and Federal agencies before final approval of the conditional use application shall be granted.
- 2. The proposed use is compatible with the surrounding land uses. It does not have a negative impact on the existing neighborhood or development in terms of air quality, water quality, noise, illumination, and glare, restrictions to natural light and air circulation, or other hazardous conditions that could endanger surrounding residents or impair the use of surrounding properties.
- 3. The proposed site for the conditional use is suitable in terms of topography and soil conditions and size, based on number of projected users and the frequency of use of the proposed use.
- 4. The proposed use and site provide for safe, adequate vehicular and pedestrian access. It has access from a street capable of handling the traffic generated by the proposed use, and it will not result in undue traffic congestion and hazardous

conditions on adjacent streets. The use provides for safe, efficient internal circulation and sufficient off-street parking and loading.

5. The proposed use complies with all applicable standards and requirements for providing sanitary sewage disposal, water supply, storm drainage, solid and toxic waste storage and disposal.
6. The proposed use provides screening or buffer areas as required by this Chapter.
7. The proposed use/development conforms to the scale, character, and exterior appearance of existing structures and uses in the neighborhood in which it is located.

Section 602: Standards for Specific Uses

- A. In addition to the general standards and criteria for conditional uses listed in Section 601, above, an application for any of the following uses which are listed in any Zoning District as a conditional use shall comply with the following applicable standards and criteria.

Section 603: Adult-Oriented Businesses

- A. An adult-oriented business shall be a permitted conditional use subject to the following express minimum standards and criteria:
 1. Adult-oriented businesses shall not be located within 1,000 lineal feet of any lot that is zoned residential.
 2. Adult-oriented businesses shall not be located within 500 lineal feet from the lot line of a residential dwelling.
 3. Adult-oriented businesses shall not be located within 500 lineal feet of the lot boundary of any existing school, day care center, hospital, group care facility, personal care boarding home, group home, public park or playground, place of worship, or an establishment which is licensed to serve and/or sell alcoholic beverages.
 4. No adult business shall be located within 1,000 lineal feet of any other existing or proposed adult-oriented business.
 5. No pornographic or sexually explicit signs and displays shall be prohibited that are visible from outside the premises.
 6. No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers nor or between employees or entertainers and customers. At any adult live entertainment, employees and entertainers must maintain a minimum of three (3) feet from customers. This shall include, but not be limited to, a prohibition on "lap dancing."

7. Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.
8. The use shall not operate between the hours of 12 midnight and 7AM.
9. Any application for such use shall state the names and home addresses on an annual basis of:
 - a. All individuals intended to have more than a five (5) percent ownership in such use or in a corporation owning such use;
 - b. An on-site manager responsible to ensure compliance with this Ordinance on a daily basis. Contact information shall be provided for immediate response of the on-site manager during normal business hours.
10. Persons or owners who intend to operate an adult-oriented business shall obtain from the Township a license to operate such an enterprise pursuant to the Township Code of Ordinances, as amended, and shall pay to the Township an investigation fee as may be set from time to time by resolution of the Board of Supervisors. In addition, such persons or owners shall supply to the Township detailed information regarding the ownership and financing of the proposed business as required on the licensing application as required by the Township Code of Ordinances, as amended. Applications for licensing can be obtained at the Township Planning Department and shall be filed with the Zoning Officer.
11. An adult business shall be initially licensed when it has met the requirements set forth in the Township Code of Ordinances, as amended. The license shall be valid through December 31st of the year in which the license is initially issued. For each year thereafter that the business intends to continue, the owner or operator shall seek an annual renewal of the license. The application for renewal shall be submitted to the Zoning Officer by November 1st of the year proceeding the year for which the license renewal is sought. The lack of a license or failure to renew such license in a timely fashion shall be grounds for the Township to deny or revoke an occupancy permit for an adult business.

Section 604: Airport

- A. An airport shall be a permitted conditional use subject to the following express minimum standards and criteria:
 1. As part of the conditional use approval, the Board of Supervisors shall have the authority to establish reasonable conditions that limit the types, sizes and weights of aircraft and the hours of operation to minimize noise nuisances to dwellings.
 2. As part of the conditional use approval, the applicant shall provide evidence that flight patterns will be designed to minimize noise nuisances to dwellings.

3. Each end of runway shall be setback a minimum of 200 feet from all lot lines. Each side of a runway shall be setback a minimum of 100 feet from all lot lines.
4. The applicant shall provide evidence that all structures within the major approaches are in conformance with the State Airport Zoning Regulations.
5. The minimum lot size shall be twenty (20) acres.
6. Ingress, egress, and internal traffic circulation shall be designed to minimize congestion during peak usage of the facility.
7. A traffic report shall be submitted with the application for development which identifies traffic control measures within the site and at the points of ingress and egress warranted at peak usage of the facility. The traffic report shall be reviewed and approved by the Township Traffic Engineer.
8. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandle between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.

Section 605: Animal Day Care

- A. An animal day care shall be a permitted conditional use subject to the following express minimum standards and criteria:
 1. No residential use may be established on land designated for use as an animal day care facility.
 2. The applicant and/or the owner/operator must hold all current and applicable state and local licenses and permits (including but not limited to those relating to maximum capacity, minimum space per animal, enclosure/cage specifications, and noise and odor controls).
 3. The applicant shall provide a Manure Management Plan to show that adequate provisions are being implemented to collect, store, and dispose of the animal waste associated with the proposed facility. The containers to be used in the process shall be kept covered and shall be cleaned on a regular basis to avoid the potential for detectable odors.
 4. All animal waste shall be properly stored and disposed of, so as not to be objectionable at the site's property line.

5. Any exterior fenced in area wherein animals exercise or are otherwise exposed must be located a minimum of 50 feet from any adjoining lot line.
6. The perimeter of any outdoor runs or exercise areas must be fenced in with weatherproof material, a minimum of six (6) feet in height, and accessible only through a self-latching gate or a manual latch with a locking pin.
7. The portion of the building or structure used to house animals (including any portions that are below grade) shall be equipped with code-approved non-toxic, noise dampening material or acoustic tile to minimize noise impact on adjacent uses or properties.

Section 606: Art Gallery/Studio

- A. Outdoor lighting, if any, shall be shielded and reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.
- B. The scale, massing and building design shall be compatible with the surrounding neighborhood.
- C. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.

Section 607: Campground

- A. Within a residential district, for each acre of total lot area, there shall be a maximum average of: five recreational vehicle sites (where allowed); 10 tent sites; or cabin sleeping capacity for 20 persons. Such sites may be clustered in portions of the tract. Such maximum density shall not apply within a nonresidential district.
- B. Retail sales shall be allowed as an accessory use. Within a residential district, any store shall be limited to sales, recreation, household, food, gift and camping items. Within a residential district, any short shall be primarily intended to serve persons camping on site.
- C. For a campground, which includes recreational vehicle campground, the requirements of the Subdivision and Land Development Ordinance shall also apply.
- D. Minimum lot area of ten (10) acres.
- E. All campsites, recreational vehicles sites, and principle commercial buildings shall be set back a minimum of 75 feet from any contiguous lot line of an existing dwelling that is not part of the campground. Within this buffer the applicant shall prove to the maximum extent possible that any existing healthy trees will be maintained and preserved. Where healthy mature trees do not exist within this buffer, and if practical considering soil and topographic conditions, new trees shall be planted within the buffer.

- F. Buildings used for sleeping quarters shall not be within the 100 year floodplain. See maximum steep slope disturbance provisions in the Subdivision and Land Development Ordinance.
- G. Maximum impervious coverage is 10%, which shall include the typical lot area covered by recreational vehicles at full capacity.
- H. No person other than a bona fide resident manager/caretaker shall reside on site for more than six months in any calendar year. No recreational vehicles shall be occupied on the site for more than six months in any calendar year by any individual or one family, other than a resident manager/caretaker.

Section 608: Care Facilities and Senior Housing (Independent Living Facility and Retirement Housing Facility)

- A. Care facilities and Senior Housing: Independent Care Facility and Retirement Housing Facility shall be a permitted conditional use subject to the following express minimum standards and criteria:
 - 1. Lot size. Care facilities and senior housing must be located on a minimum of ten (10) acres.
 - 2. When located in a Residential Zoning District, all care facilities or senior housing must comply with the density of development limits of the underlying district.
 - 3. The facility shall be duly licensed by the Commonwealth and shall operate in accordance with the regulations of the licensing agency.
 - 4. The facility shall provide on-site all required off-street parking and loading spaces.
 - 5. The facility shall be serviced by public water and public sewer systems.
 - 6. The facility shall have its principal traffic access from a public street with sufficient capacity to handle the traffic generated by the use. A traffic study shall be required in accordance with the SALDO provisions.
 - 7. Ingress, egress, and internal traffic circulation shall be designed to ensure access by emergency vehicles.
 - 8. The parking and circulation plan shall be referred to the appropriate Fire Department for comments regarding traffic safety and emergency access.
 - 9. Ambulance, delivery, and service areas shall be obscured from the view of adjacent residential properties by fencing, screening, or planting as approved by the Township.

10. The developer must record a covenant that runs in perpetuity that prohibits the property from being used for any other purposes than senior housing. Proof of said recording must be provided to the Township prior to issuance of any permits for the development.

Section 609: Distillery

A. A distillery shall be a permitted conditional use subject to the following express standards and criteria:

1. Operations shall cease between the hours of 12:00 midnight and 7:00 a.m. prevailing time, and the establishment may not be open to the public during those hours.
2. The use shall not be located closer than 600 feet to another similar use.
3. Operations shall be regulated so that nuisances such as excessive noise levels shall not be created. The Township may attach such reasonable conditions as it deems necessary to ensure the operation complies with this requirement.

Section 610: Dwelling Types

A. Manufactured Home Park.

1. The minimum tract area shall be under single ownership.
2. Density. The maximum average density of the tract shall be four (4) dwelling units per acre.
3. Landscaped Perimeter. Each mobile / manufactured home park shall include a 35 foot wide landscaped area including substantial evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic.
4. A dwelling, including any attached accessory building shall be set back 25 feet from another dwelling within the same mobile home park, except unenclosed porches, awnings and decks may be fifteen (15) feet from the walls of another dwelling.
5. The minimum separation between homes and the edge of the interior street cartway or parking court cartways shall be 25 feet.
6. Accessory Structures. All accessory structures shall be a minimum of fifteen (15) feet from any dwelling units which the accessory structure is not accessory to.

7. "Common Open Space". For a mobile home park a minimum fifteen (15) percent of the total lot area of the entire mobile park shall be set aside as common open space for the residents. This area shall be suitable for active or passive recreation.
8. Each home shall have its hitch and tires removed.
9. Anchoring. Each dwelling shall be secured to the ground to prevent shifting, overturning, or uneven settling.
10. Foundation Treatment. The space between the bottom of the home and ground and/or home pad shall be enclosed using a durable fire-resistant material. The enclosure shall have the appearance of a foundation of a site-built home, such as material with a concrete or stucco facing.
11. Utilities. All units within the mobile home park shall be connected to a public water and public sewage system. The system shall meet the appropriate minimum water pressure/fire flow and hydrant requirements.
12. Along the through-streets, a minimum nighttime lighting level of 0.2 foot candles shall be maintained, as no expense to the Township.

Section 611: Farmer's Market

- A. A farmer's market shall be a permitted conditional use subject to the following express minimum standards and criteria:
 1. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete, or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
 2. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. As part of its decision, the Board of Supervisors may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
 3. Vehicular and pedestrian access to the proposed use shall be designed and provided to maximize pedestrian and vehicle safety.

Section 612: Fire Station

- A. A fire station shall be a permitted conditional use subject to the following express minimum standards and criteria:
 1. Ingress and egress to and from a fire station shall be located to maximize sight distance along adjacent public streets and enhance safety for vehicles exiting the property.

2. Fire stations shall be located on the property so that vehicles and equipment can be maneuvered on the property without interrupting traffic flow or blocking public streets.
3. Lighting shall be oriented away from adjacent properties to minimize light pollution onto adjacent properties.

Section 613: Food and Grocery Store

- A. A food and grocery store shall be a permitted conditional use subject to the following express minimum standards and criteria:
 1. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhoods.
 2. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) footcandle.
 3. A food and grocery store shall have a maximum of two (2) points of ingress/egress to an arterial or collector street as defined by this Chapter.
 4. A food and grocery store shall not exceed 40,000 square feet in gross floor area.

Section 614: Freight and Truck Terminal

- A. A freight and truck terminal shall be a permitted conditional use subject to the following express minimum standards and criteria:
 1. Access shall be via an arterial or collector street.
 2. Setback requirements for a truck terminal shall be set at the following distances in addition to any buffer zones required by this Chapter:
 - a. Front: 50 feet
 - b. Side: 50 feet
 - c. Back: 50 feet

Section 615: Garden Center

- A. All garden centers shall have vehicular access to an arterial or collector road as identified in the Township Comprehensive Plan.
- B. All outdoor display areas shall be set back at least 50 feet from street right-of-way line.

- C. All structures, parking lots and loading areas shall be screened from adjacent residential properties.
- D. All landscaping equipment and associated vehicles shall be screened from adjacent residential properties.

Section 616: Golf Course

- A. A golf course shall be a permitted conditional use subject to the following express minimum standards and criteria:
 - 1. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete, or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
 - 2. An additional ten (10) feet of yard setback with a landscape screen bufferyard shall be provided around all off-street parking and loading areas. The intention of the bufferyard shall be to protect the surrounding neighborhood from inappropriate light and other disturbances.
 - 3. The outer safety zone of all golf holes, as recommended by the United States Golf Association, shall be a minimum of 50 feet from all adjacent residential lots.
 - 4. A golf course's hours of operation and activities must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, disturbance, or interruption.
 - 5. The owner(s) and operator(s) of a golf course shall be responsible for the conduct and safety of the members, visitors, or guests and shall be available to respond to inquiries and promptly quell any disturbances caused by the members, visitors, and guests.
 - 6. The site shall be served by public water and public sanitary sewer systems.
 - 7. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases, or solids is permitted with the exception of lawn chemicals and gasoline, diesel fuel, and oil for the operations and maintenance of motorized vehicles and equipment.

Section 617: Home Occupation

- A. A home occupation shall be a permitted conditional use subject to the following express minimum standards and criteria:
 - 1. The home occupation shall be carried on wholly within the principal or accessory structures.

2. No more than fifteen percent (15%) of the gross floor area of the principal dwelling and any accessory structures used shall be devoted to the conduct of the home occupation.
3. Articles not produced on the premises shall not be sold on the premises.
4. There shall be no display of merchandise available for sale on the premises. However, merchandise may be stored on the premise for delivery off the premises.
5. Exterior displays or signs other than those permitted in Article X of this Chapter, exterior storage of material and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.
6. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced. The use shall comply with the performance standards of Article V of this Chapter.
7. The use shall not significantly intensify existing vehicular or pedestrian traffic that is normal for the residences in the neighborhood.
8. The use shall not require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of a structure.
9. There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.
10. The use shall not cause an increase in the use of water, sewage, garbage, public safety, or any other municipal services beyond that which is normal for the residences in the neighborhood.
11. The use shall not cause a negative impact on lot values in the immediate neighborhood.
12. The home occupation shall not involve the use of commercial vehicles for regular delivery of materials to or from the premises, and commercial vehicles shall not be permitted to be parked on the premises.
13. One (1) work vehicle is permitted on the premises.
14. The following uses shall not be considered home occupations and shall be restricted to the Zoning Districts in which they are specifically authorized as permitted uses or uses by special exception, including, but not limited to:
 - a. Beauty shops or barber shops containing more than two (2) chairs.
 - b. Clinics, hospitals, or nursing homes.

- c. Kennels, veterinary offices, and clinics.
- d. Mortuaries.
- e. Private clubs.
- f. Private instruction to more than three (3) students at a time.
- g. Restaurants or tearooms.
- h. Stables.
- i. Tourist or boarding homes.
- j. Vehicle or equipment rental, repair, or sales.
- k. Vehicle repair garages, as defined by this Chapter.

15. Day care homes other than those defined in Article II of this Chapter shall meet all of the foregoing requirements for a home occupation as well as the following additional requirements:

- a. Adequate areas for outdoor recreation shall be provided and shall be secured by a fence with self-latching gate.
- b. A safe area shall be provided for the drop-off and pick up of children who do not obstruct the free flow of traffic on any public street.
- c. Off-street parking shall be provided in accordance with the requirements of Section X of this Chapter.

Section 618: Medical Marijuana Dispensary

- A. A medical marijuana dispensary shall be a permitted conditional use subject to the following express minimum standards and criteria:
 1. The applicant shall demonstrate compliance with all facility regulations in §802 of the Medical Marijuana Act, as amended (Act 16, Pennsylvania Law 84, No.16).
 2. The dispensary shall meet the same land use requirements as other commercial facilities that are located in the underlying District.

Section 619: Mineral Development

- A. Mineral development shall be a permitted conditional use subject to the following express minimum standards and criteria:

1. There shall be no removal of minerals or vegetative cover within 100 feet of the bank of any stream or natural watercourse identified on maps prepared by the United States Geologic Survey (USGS).
2. Mineral development shall be prohibited in watersheds of rivers or streams now or hereafter designated by the Pennsylvania Fish Commission as a "wilderness trout stream," by the PA DEP as part of the Scenic Rivers System or designated under the Federal Wild and Scenic Rivers Act.
3. No mineral development shall be conducted within 300 feet of any public building, school, place of worship, community or institutional building, commercial building, public park, or private recreational area.
4. No mineral development shall be conducted within 100 feet of the right-of-way line of any public road, except where access roads or haulage roads join the ROW line and where the appropriate State or Federal agency having jurisdiction over the conduct of mineral removal operations shall permit it in accordance with law.
5. No mineral development shall be conducted which will adversely affect any publicly owned park or places included in the National Register of Historic Sites, unless approved by the governmental agency with jurisdiction over the park or historic site.
6. No mineral development shall be conducted within 100 feet of a cemetery.
7. No mineral development shall be conducted within 300 feet of any occupied residential dwelling, unless the consent of the owner of the dwelling has been obtained in advance of the filing of the application for zoning approval.
8. A plan shall be submitted showing how dust will be controlled.
9. The Board of Supervisors may require fencing, landscaping, to other features to buffer between uses and protect public safety.
10. The applicant shall present expert testimony to demonstrate that the proposed mineral development operation will not adversely affect any of the following:
 - a. Lawful existing or permitted use of adjacent properties.
 - b. The quality of adequacy of any public or private water supply source.
 - c. Any flood-prone or landslide prone areas within the Township.
11. The applicant shall present expert testimony to demonstrate that the use of explosives, if proposed, shall not cause injury to any adjacent buildings or structures or shall not substantially diminish underground water resources.

12. If blasting is to be undertaken, a seismograph shall be placed on the site of the operation during all times when blasting is performed which shall be monitored by an independent engineering consultant whose credentials are acceptable to the Township and whose fee is paid by the applicant.
13. The applicant shall provide reclamation plans for the site, which demonstrate that the condition of the land after the operation is completed will allow economically and ecologically productive uses of the type permitted in the District in which the site is located. Acceptance of the reclamation plan shall not constitute approval of any aspect of any future development plan.
14. The applicant shall show the proposed routes of all trucks to be utilized for hauling and the estimated weights of those trucks. The applicant shall show evidence of compliance with designated weight limits on State, County, and Township roads and shall design the hauling routes for the mineral development operation to minimize the impact on local roads with the Township.
15. The operator shall post a bond in favor of the Township and in a form acceptable to the Township prior to beginning operations in the amount of \$100,000 for each mile of Township road or portion thereof proposed to be traversed for removing minerals from the site. The term of the bond shall begin on the date the zoning certificate is issued. The bond shall be returned to the operator upon completion of all operations, any backfilling and reconstruction of a damaged roadway due to excess weight in excess of the posted weight for the road. Any failure to complete the reconstruction required by this Chapter shall result in forfeiture of the required bond. Those portions of the Township roads that have been damaged shall be determined by inspection of the Township Engineer and shall be reconstructed to current Township Specifications for Street Construction.
16. Portions of the site where mineral development and removal operations are conducted may be required to be fenced or screened, as necessary, to provide security and protect adjacent properties.
17. Deep mine openings and aboveground structures shall not be located within 300 feet of any existing dwelling. Ventilating structures shall be located so as to comply with the performance standards of Section V regarding noise and to minimize noise impacts on adjoining property.
18. The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State or Federal permits, including proof of insurability, before initiating any work and of maintaining the required permits throughout the duration of all operations. Any suspension or revocation of the required State or Federal permits shall constitute a violation of zoning approval and will result in the suspension or revocation of zoning approval and/or enforcement of the penalty provisions of this Chapter.

19. Approval of the conditional use shall expire if work authorized in the application for the conditional use is not commenced within 90 days of the date of approval of the application by the Board of Supervisors unless the applicant submits a written request for an extension to the Board of Supervisors prior to the expiration of the 90 days explaining the reason for the delay in initiating the work and the Board of Supervisors approves the request.
20. Once work is initiated under an approved application for a conditional use, zoning approval shall be valid for a period of one (1) year from the date of conditional use approval by the Board of Supervisors. An application for renewal of zoning approval must be submitted prior to the date of expiration of zoning approval and can be granted by the Zoning Officer upon demonstration by the applicant that all conditions of approval of the conditional use and the required Federal and State permits remain in full force and effect and that the applicant is diligently pursuing the completion of the mineral removal operation. Upon expiration or revocation of zoning approval for the conditional use, the applicant may reapply for approval of the conditional use.
21. During the mineral development operation, the Township Engineer may inspect the site at the request of the Township to determine continuing compliance with these standards and criteria and any conditions of approval. The cost of inspection by the Township Engineer shall be borne by the operator.

Section 620: Night Club

- A. A night club shall be a permitted conditional use subject to the following express minimum standards and criteria:
 1. The night operations shall cease between the hours of 2:00 a.m. and 7:00 a.m., the prevailing time (unless more restrictive non-operating hours are established by the Board of Supervisors in its conditional use decision), and the establishment shall not be open to the public during those hours.
 2. All night club activities shall be conducted within an enclosed building, and all doors and windows shall remain closed during the hours that the night club is open for operation.
 3. The facility entrances and exits (excluding emergency exits) which face adjacent residential dwellings and/or residential zoned properties shall have a vestibule with a second door to minimize noise impacts to adjacent residential dwellings and properties.
 4. No night club shall be permitted within 500 lineal feet of an adult-oriented business and/or another night club, as measured from lot line to lot line.
 5. The night club operations shall not cause or create a nuisance, including, but not limited to, excessive noise levels.

6. The owner and operator of the night club shall be responsible for the conduct and safety of its patrons.
7. No more than one (1) identification sign shall be permitted. The sign shall be a ground sign or wall sign. The graphic area of the sign shall not exceed 40 square feet.

Section 621: Parking Lot, Commercial

- A. A parking lot, commercial, shall be a permitted conditional use subject to the following express minimum standards and criteria:
 1. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandles between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
 2. The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.
 3. A traffic impact study shall be required for parking lots with more than 100 spaces. The traffic study shall be reviewed and approved by the Township Traffic Engineer.
 4. A commercial parking lot shall be screened and buffered with an appropriate bufferyard.
 5. A street wall, in addition to landscaping, must be provided between the sidewalk/street and the parking lot.

Section 622: Parking Structure, Commercial

- A. A parking structure (commercial) shall be a permitted conditional use subject to the following express minimum standards and criteria:
 1. If the parking structure is accessory to the principal use of a lot, it shall be included in all building coverage calculations.
 2. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandles between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.

3. A traffic impact study shall be required and shall be reviewed and approved by the Township Traffic Engineer.
4. A parking structures shall not be located any closer to a ROW line or a property line than what is permitted by the building setbacks defined in this Ordinance.
5. The perimeter of a parking structure shall be landscaped with a bufferyard.

Section 623: Public Utility Building and Public Utility Transmission Facility

A. A public utility building and public utility transmission facility shall be a permitted conditional use subject to the following express minimum standards and criteria:

1. Ingress to and egress from the facility shall be permitted by roads to serve only the public utility building or transmission facility, unless approved by the Board of Supervisors.
2. A non-climbable security fence at least eight (8) feet in height shall be installed around all portions of the facility.
3. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandle between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.

Section 624: Repossession Business

A. A repossession business shall be a permitted conditional use subject to the following express minimum standards and criteria:

1. The standards for "Vehicle Repair Garage" in this Article shall apply.
2. Exterior storage of vehicles and/or equipment associated with the permitted principal use shall require approval of a storage yard as an accessory use.

Section 625: Skilled Nursing Facility

A. A skilled nursing facility shall be a permitted conditional use subject to the following express minimum standards and criteria:

1. The standards for "Care Facilities and Senior Housing" in this Article shall apply.

Section 626: Solar Energy Facility, Large

A. A large solar energy facility shall be a permitted conditional use subject to the following express minimum standards and criteria:

1. The layout, design, and installation of large solar energy production facilities shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories, the American Standards Technical Manual, or other similar certifying organizations, and shall comply with the UCC, Act 45 of 1999, as amended and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
2. All on-site utility and transmission lines extending to and from the large solar energy production facility shall be placed underground.
3. All large solar energy production facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street ROW.
4. Large solar energy production facilities mounted on the roof of any building shall be subject to the maximum height regulations specified within each Zoning District.
5. All ground-mounted and free-standing solar collectors of large solar energy production facilities shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
6. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
7. For a building-mounted system installed on a sloped roof that faces the front yard, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and the highest edge of the system.
8. Building-mounted systems mounted on a flat roof shall not be visible from the public ROW immediately adjacent to the property at ground level. System components can be screened with architectural treatments such as a building parapet walls or other screening or by setting the system back from the roof edge in such a way that it is not visible from the public ROW at ground level.
9. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed three (3) feet above the highest point of the roof line to which it is attached.
10. For a building-mounted system installed on a flat roof, the highest point of the system shall not exceed six (6) feet above the roof to which it is attached.

11. The surface area of ground-mounted systems, regardless of the mounted angle of any portion of the system is considered impervious surface and shall be calculated as part of the lot coverage limitations for the Zoning District in which it is located.
12. No signage or graphic content may be displayed on the system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than 36 square inches in size.
13. Vacation, Abandonment, and/or Decommissioning of Solar Facilities:
 - a. The solar energy production facility owner is required to notify the Township immediately upon cessation or abandonment of the operation.
 - b. Discontinuation/abandonment is presumed when a solar system has been disconnected from the Net metering grid for a period of six (6) continuous months or has not produced electricity for a period of six (6) months. The burden of proof in the presumption of discontinuation/abandonment shall be on the Township.
 - c. The solar facilities and all related equipment must be removed within twelve (12) months of the date of discontinuation or abandonment or upon the determination of the useful life of the solar system.
 - d. For ground-mounted and building-mounted systems, removal includes removal of all structural and electrical parts of the ground or building-mounted system and any associated facilities or equipment and removal of all net metering equipment.
 - e. If the owner fails to remove or repair the vacated, abandoned or decommissioned solar facilities within the twelve (12) month period outlined above, the Township reserves the right to enter the property, remove the system, and charge the landowner and/or facility owner and operator for all costs and expenses including reasonable attorney's fees or pursue other legal action to have the system removed at the owners expense.
 - f. Any unpaid costs resulting from the Township's removal of a vacated, abandoned, or decommissioned solar system shall constitute a lien upon the property against which the costs were charged. Each such lien may be continued, recorded, and released in the manner provided by the general statutes for continuing, recording, and releasing property tax liens.
14. At the time of issuance of the permit for construction of the large solar energy facility, the owner shall provide financial security in a form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.

Section 627: Solid Waste Facilities (Combustor/Incinerator, Landfill Facility, or Transfer Station)

A. Solid waste facilities shall be a permitted conditional use subject to the following express minimum standards and criteria:

1. The minimum site area required shall be 50 acres.
2. Ingress to and egress from solid waste facilities shall be permitted by roads to serve only the solid waste facilities. Street design shall allow a weight limit of 19,000 pounds per axle. Approach and departure traffic routes for a solid waste facility shall not be permitted through local streets primarily intended to provide access to residences in a neighborhood.
3. A non-climbable security fence at least eight (8) feet in height shall be installed around all portions of solid waste facilities directly involved in the storage, handling, and disposal of solid waste.
4. All buildings or structures used for the storage, treatment, processing, recycling, collection, recovery, or disposal of solid waste shall be located at least 500 feet from any exterior property line when such property line abuts a Residential Zoning District.
5. The hours of operation shall be limited from 7:00 a.m. to 7:00 p.m., except that the hours of operation may be extended when the DEP certifies that sanitation conditions require an extension of operating hours.
6. Municipal solid waste landfills shall be covered in accordance with the DEP. Exterior lighting shall not cause illumination in excess of one (1) footcandle at any property line, except that internally illuminated signs at the entrance to the landfill may exceed this standard where necessary.
7. A tire washing station shall be located on the site for service trucks exiting the facility.
8. The operator shall post a bond in favor of the Township and in a form acceptable to the Township prior to beginning operations in the amount of \$100,000 for each mile of Township road or portion thereof proposed to be traversed by vehicles traveling to the site. The term of the bond shall begin on the date that the zoning certificate is issued. The bond shall be returned to the operator upon completion of all operations and any backfilling or reconstruction of a damaged roadway due to weight in excess of the posted weight limits for the road. Any failure to complete the reconstruction required by this Chapter shall result in forfeiture of the required bond. Those portions of the Township roads that have been damaged shall be determined by inspection of the Township Engineer and shall be reconstructed to current Township Specifications for Street Construction.

9. Transfer Station operations shall not be conducted within 200 feet of any property lines adjoining residential use or Residential Zoning District.
10. Incinerator and landfill facilities shall not be located within 500 feet of any property lines adjoining a residential use or Residential Zoning District.
11. The applicant shall show compliance with applicable State and Federal laws regulating landfills, transfer facilities, incinerators, and recovery facilities.
12. The required State or Federal permits shall be maintained throughout the duration of all operations.
13. Any suspension or revocation of the required State or Federal permits shall constitute a violation of this Chapter and will result in the suspension or revocation of the zoning certificate or enforcement of the penalty provisions of this Chapter or both.
14. In January of each year, the operator shall apply to the Zoning Officer for renewal of the zoning certificate and shall present evidence of continuing compliance with all conditions of approval and require State or Federal permits.

Section 628: Vineyard

- A. A vineyard shall be a permitted conditional use subject to the following express minimum standards and criteria:
 1. The minimum lot size required is ten (10) acres.
 2. Vehicular access to and from a vineyard shall be conducted from an arterial or collector road.
 3. Vineyard operations shall be conducted in accordance with all applicable Federal, State, County, and Township laws and regulations governing the production of crops and related operations.
 4. No storage or transfer of toxic, corrosive, flammable, carcinogenic, or explosive materials, chemicals, liquids, gases, or solids shall be permitted on the lot(s), with the exception of gasoline, diesel fuel, and oil for the operation and maintenance of motorized vehicles and equipment.
 5. A vineyard shall not significantly intensify vehicular or pedestrian traffic, which is normal for residences in the neighborhood.

Section 629: Wastewater Treatment Plant

- A. A wastewater treatment plant shall be a permitted conditional use subject to the following express minimum standards and criteria:

1. The minimum lot size required is five (5) acres.
2. The site and facility shall be fenced and gated so that members of the general public cannot access the site or the facility.
3. Setbacks. The following setbacks shall be maintained for the treatment facilities or water withdraw and distribution facilities and any truck parking or staging areas.
 - a. 300 feet to adjoining properties and public road ROWs.
 - b. 500 feet to any existing adjoining residential structure.
 - c. 200 feet to any body of water, stream, or wetland.
4. On-site holding tanks shall be provided to collect and store water produced during the treatment process.
5. Proof of all applicable and required Federal, State, County, Township, and/or local approvals, permits, licenses, and/or registrations shall be provided to the Township, including but not limited to permits from PA DEP.
6. Reporting Requirements. For any facility approved by the Township, the operator shall submit to the Township a copy of all PA DEP-required or PA DEP-issued documents and reports associated with the operation within seven (7) days of the date of the document or report.

Section 630: Water Storage

A. A water storage facility shall be a permitted conditional use subject to the following express minimum standards and criteria:

1. No water storage facility shall exceed 250 feet in height.
2. A water storage facility shall be setback from adjacent property lines and/or ROWs a minimum distance equal to 115% of the water storage/tower's height but shall not be less than 25 feet in width.
3. The height of a water storage facility shall be measured from the top of the foundation to the upper most point of the tower.
4. Lighting shall be required for the water storage facility as a safety measure for low-flying aircraft in accordance with all FAA regulations and approvals.
5. Access driveways to a water storage tower shall be paved with a minimum of six (6) inches of slag or stone.

6. All water storage uses, which are principal uses or structures, shall comply with the area and bulk regulations for principal structures in the Zoning District in which they are proposed.
7. All aboveground water storage facilities that exceed the height limitations of the district shall increase the required yard clearances by one (1) foot for every two (2) feet of height in excess of the height limitations of the District.

Section 631: Winery

- A. A winery shall be a permitted conditional use subject to the following express minimum standards and criteria:
 1. The minimum lot size required is five (5) acres.
 2. Winery operations shall be conducted in accordance with all applicable Federal, State, County, and Township laws and regulations governing the production of crops and related operations.
 3. A business established as a winery shall have one (1) point of ingress and egress to a public road ROW. The point of ingress and egress shall be located in a manner that minimizes detrimental traffic impacts to both pedestrians and vehicles.
 4. Indoor and outdoor display areas associated with retail activity shall not exceed a total of 3,000 square feet in gross floor area. Display areas within parking lots and outdoor storage areas shall be included within the calculated gross floor area.
 5. The minimum number of required parking spaces shall not be utilized for display areas and/or outdoor storage areas.
 6. To promote adequate vehicular safety and circulation, an entrance drive surfaced with bituminous brick, concrete, or stabilized aggregate shall be constructed between the nearest public road ROW and the retail area. The entrance drive shall be a minimum of twenty (20) feet wide. Loading and equipment storage areas shall, at a minimum, be paved with crushed limestone aggregate.
 7. No more than one (1) identification sign associated with advertising the winery shall be permitted. The identification sign shall be a ground or wall sign and shall have a maximum graphic area of 40 square feet.
 8. The minimum distance between buildings shall be 30 feet.
 9. The maximum length of any building shall be no more than 200 feet.
 10. No storage or transfer of toxic, corrosive, flammable, carcinogenic, or explosive materials, chemicals, liquids, gases, or solids shall be permitted on the lot(s), with

the exception of gasoline, diesel fuel, and oil for the operation and maintenance of motorized vehicles and equipment.

11. A traffic impact study, in accordance with ITE standards, may be required to be submitted where the proposed development could generate 100 trips in addition to the adjacent roadways' peak-hour volumes or the traffic movements produced by the development could have the potential to create adverse conditions on public road ROW. A description of future LOS and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to LOS shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Township if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

Section 632: Uses Not Specifically Listed

- A. A use not expressly listed as a permitted use, conditional use, or use by special exception may be permitted as a conditional use upon the applicant's demonstration that the proposed use:
 1. Impacts the environment and adjacent streets and properties equal to or less than any use specifically listed in the Zoning District. In making such determination, the Board of Supervisors shall consider the following characteristics of the proposed use:
 - a. The number of employees.
 - b. The floor area of the building or gross area of the lot devoted to the proposed use.
 - c. The type of products, materials, equipment, and/or processes involved in the proposed use.
 - d. The magnitude of walk-in trade.
 2. The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards outlined in this Ordinance. A trip generation letter must be provided if a certain threshold of trips is projected and will require a traffic study.
 3. The proposed use will not endanger the public health and safety if located where proposed and that the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare, or vibration.
 4. The proposed use is in general conformity with the Comprehensive Plan and harmony with the area in which it is proposed.

5. The proposed use complies with any applicable standards and criteria specified in this Article for the most nearly comparable conditional uses or use by special exception specifically listed in the Zoning District in which it is proposed.
6. The proposed use is in compliance with all other standards of this Chapter and all other Township Ordinances.

Article VII: Standards and Criteria for Uses by Special Exception

Section 700: Procedure for Uses by Special Exception

A. Approval of Uses by Special Exception. The Township Zoning Hearing Board Zoning Hearing Board shall hear and decide requests for uses by special exception. The Township Zoning Hearing Board shall not evaluate an application for a use by special exception unless and until the following conditions have been met:

1. A written application for approval of a use by special exception is submitted to the Township Zoning Officer. The application shall indicate the Section of this Chapter under which approval of the use by special exception is sought and shall state the grounds upon which it is requested. The application shall include the following:
 - a. A development plan, as defined herein.
 - b. A written statement showing compliance with the applicable express standards and criteria of this Section for the proposed use
 - c. A map showing and identifying all lots within 200 feet of the property for which use by special exception approval is requested and a list of the names and addresses of the owners of these lots.
 - d. A traffic impact analysis, if required by the Township SALDO.
 - e. The application fee as required by the Township's adopted fee schedule.
2. A public hearing pursuant to public notice is held by the Township Zoning Hearing Board within 60 days of the date of submission of a complete and properly filed application. Said hearing shall be conducted in accordance with the procedures specified by this Ordinance.
3. In considering an application for approval of a use by special exception, the Township Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Ordinance. A violation of such conditions and safeguards, when made part of the terms and conditions under which approval of a use by special exception is granted, shall be deemed a violation of this Chapter.

B. Expiration of Approval of Use by Special Exception. Approval of a use by special exception shall expire automatically without written notice to the applicant if no application for a grading permit, building permit, or zoning certificate to undertake the construction to authorize the occupancy described in the application for approval of the use by special exception is submitted within 12 months of said approval, unless the Zoning Hearing Board, in their sole discretion, extends approval of the use by special exception upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be between one (1) month to twelve (12) months extension.

C. Expiration of Approval of Use by Special Exception Granted Prior to the Effective Date of this Chapter. Approval of use by special exception granted prior to the effective date of this Chapter.

this Chapter shall expire automatically without written notice to the applicant if no application for a grading permit, building permit or zoning certificate to undertake the construction or authorize the occupancy described in the application for approval of the use by special exception is submitted within 12 months of the effective date of this Chapter or as specified in the approval, unless the Zoning Hearing Board, in their sole discretion, extends approval of the use by special exception upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be between one (1) month to twelve (12) months extension.

Section 701: General Standards for Uses by Special Exception

A. In addition to the specific standards and criteria listed for each use below, all applications for uses by special exception listed in each Zoning District shall demonstrate compliance with all of the following general standards and criteria:

1. The use shall not endanger the public health, safety, or welfare nor deteriorate the environment, if it is located on the site where it is proposed.
2. The use shall comply with the performance standards specified in Article V of this Chapter.
3. The use shall comply with all applicable requirements of this Chapter governing screening, landscaping, parking and loading, building area analysis, and signs.
4. Ingress, egress, and traffic circulation on the site shall be designed to ensure safety and minimize congestion and the impact on local streets.
5. Site lighting, if proposed, shall be shielded, and reflected away from adjacent residential properties.

Section 702: Standards for Specific Uses

A. In addition to the general standards and criteria for use by special exceptions listed in Section 701, above, an application for any of the following uses which are listed in any Zoning District as a use by special exception shall comply with the following applicable standards and criteria.

Section 703: Agricultural Operations

A. Agricultural operations shall be a permitted use by special exception subject to the following express minimum standards and criteria:

1. All agricultural operations shall provide a setback of at least 150 feet around the entire perimeter of the lot.
2. A buffer strip shall be planted with evergreen, shrubs or other screening vegetation measuring 30 feet in width and designed in accordance with the Township's Subdivision Land Development Ordinance.
3. Prior to approval, a hydraulic study shall be completed which must show that the proposed use will not have an adverse impact on the region's water supply.

4. Groundwater monitoring wells, manure lagoon covers and operating plans, including a closure plan, a mortality disposal plan, a dust control plan, and a contingency plan to provide a preplanned response for potential breaches of the manure lagoons or leakage from the manure lagoons, are required to ensure the proposed land development will cause minimal pollution of the air, water, or environs. The developer must provide alternative manure lagoon covers and remedies for odor control for consideration by the Township.
 - a. All manure lagoons shall be constructed with an impermeable liner and fenced around the perimeter with at least a six-foot-high substantial fence and gates. All lagoon construction plans will be approved by the Township Engineer.

Section 704: Asphalt/Concrete Plant

- A. An asphalt/concrete plant shall be a permitted use by special exception subject to the following express minimum standards and criteria:
 1. If materials are to be stored, they shall be screened sufficiently from adjacent properties and the public ROW.
 2. All batch plants (permanent or temporary) shall have an effective dust collection system approved by the Township.
 3. The Board of Supervisors requires the use of wheel washers or another means of cleaning trucks/vehicles before entering public streets.
 4. Batch plants shall have an approved sediment pond before wash-out water is discharged into any waterway.
 5. The Board of Supervisors may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as they deem necessary to ensure that there is no adverse impact upon the functioning of the district or adjacent parcels.
 6. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties.

Section 705: Boarding House

- A. A boarding house shall be a permitted use by special exception subject to the following express minimum standards and criteria:
 1. Public ingress and egress to the boarding house shall be through one (1) common exterior entrance. Ingress and egress for boarders shall be through common exterior entrances.
 2. Entry access to all boarding sleeping rooms shall be through the interior of the building. No exit doors from individual boarding sleeping rooms shall lead directly to the exterior of the building.

3. All required parking shall be located in the rear yard of the lot and screened from surrounding parcels.

Section 706: Campground

- A. Within a residential district, for each acre of total lot area, there shall be a maximum average of: five recreational vehicle sites (where allowed); 10 tent sites; or cabin sleeping capacity for 20 persons. Such sites may be clustered in portions of the tract. Such maximum density shall not apply within a nonresidential district.
- B. Retail sales shall be allowed as an accessory use. Within a residential district, any store shall be limited to sales, recreation, household, food, gift and camping items. Within a residential district, any short shall be primarily intended to serve persons camping on site.
- C. For a campground, which includes recreational vehicle campground, the requirements of the Subdivision and Land Development Ordinance shall also apply.
- D. Minimum lot area of ten (10) acres.
- E. All campsites, recreational vehicles sites, and principle commercial buildings shall be set back a minimum of 75 feet from any contiguous lot line of an existing dwelling that is not part of the campground. Within this buffer the applicant shall prove to the maximum extent possible that any existing healthy trees will be maintained and preserved. Where healthy mature trees do not exist within this buffer, and if practical considering soil and topographic conditions, new trees shall be planted within the buffer.
- F. Buildings used for sleeping quarters shall not be within the 100 year floodplain. See maximum steep slope disturbance provisions in the Subdivision and Land Development Ordinance.
- G. Maximum impervious coverage is 10%, which shall include the typical lot area covered by recreational vehicles at full capacity.
- H. No person other than a bona fide resident manager/caretaker shall reside on site for more than six months in any calendar year. No recreational vehicles shall be occupied on the site for more than six months in any calendar year by any individual or one family, other than a resident manager/caretaker.

Section 707: Car Wash

- A. A car wash shall be a permitted use by special exception subject to the following express minimum standards and criteria:
 1. Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhoods.
 2. The definition of a car wash does not include a one-bay washing facility in a service station where washing facilities are purely incidental to the operation.
 3. A car wash shall provide a minimum of five stacking spaces per washing bay.

4. Paved off-street stacking spaces shall be arranged in an orderly fashion so as not to cause blockage of any means of ingress or egress and to ensure that the traffic flow on a public ROW is not endangered in any way. A separate means of ingress shall be established and clearly marked, as shall be a separate means of egress from the car wash. It shall be the responsibility of the owner to avoid any congestion in the public ROW by directing traffic away from the facility by posting a "Temporarily Closed" sign or other means of notification. Traffic studies and associated improvements may be required by the Township as a condition of approval.
5. The car wash shall have direct access to an arterial or collector road as defined by this Chapter or shall have a point of ingress/egress from a public or private street within the lot of a shopping center. The road shall have sufficient capacity to handle traffic generated by the facility.
6. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced. The use shall comply with the performance standards of Article V of this Chapter.
7. All equipment related to the operation of the car wash shall be properly screened to minimize nuisances to adjoining lots.
8. A car wash that adjoins an existing nonresidential lot shall provide a bufferyard. The bufferyard shall be planted within a combination of deciduous and evergreen trees, shrubs, ornamental grasses, or ground covers as defined by Section V of this Chapter. Grass, sod, or turf shall not be considered an acceptable plant for use within landscaped bufferyards.

Section 708: Community Center

- A. A community center shall be a permitted use by special exception subject to the following express minimum standards and criteria:
 1. The community center building shall be located within 100 feet of the property boundary of the principal use location of the organization that runs the community center.
 2. The community center structure(s) shall not exceed 3,000 square feet.
 3. No noise, music, or other outdoor activity shall be conducted between the hours of 11:00 p.m. and 8:00 a.m.

Section 709: Construction Related Business

- A. A construction related business shall be a permitted use by special exception subject to the following express minimum standards and criteria:
 1. All supplies and equipment shall be stored within a completely enclosed building.

2. Exterior display and sales of building materials and/or equipment associated with the permitted principal use shall require an approval of a supply yard as an accessory use.
3. The use shall be accessed directly from an arterial or collector street.

Section 710: Convenience Store

- A. A convenience store shall be a permitted use by special exception subject to the following express minimum standards and criteria:
 1. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.
 2. Building and parking setbacks shall be consistent with the existing building and parking setbacks of adjoining lots.
 3. Buffering of parking and loading areas shall be provided as defined by Section X of this Chapter.
 4. A convenience store shall have one (1) point of ingress/egress to an arterial road as defined by this Chapter.
 5. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) footcandle.
 6. A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate 100 trips in addition to the adjacent roadways' peak hour volumes. A description of future levels of service (LOS) and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to LOS shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Township if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

Section 711: Correctional Facility

- A. A correctional facility shall be a permitted use by special exception subject to the following express minimum standards and criteria:
 1. All applicable county, state, and federal permits shall be applied for prior to issuance of Township permits. Documentation of application shall be made a part of the use by special exception application.
 2. Lighting shall be required throughout the property for safety purposes. Such lighting shall be oriented away from adjacent properties and shall not exceed two (2) footcandles of illumination at the property boundary line.

3. All structures shall be a minimum of 150 feet from all property lines.
4. Access shall be from the collector street only.
5. An evacuation plan shall be submitted for review and approval by the Board of Supervisors and/or Township Emergency Management Coordinator.

Section 712: Day Care, Adult

- A. A day care, adult, shall be a permitted use by special exception subject to the following express minimum standards and criteria:
 1. The facility shall be registered with or licensed by the Commonwealth. Proof of this valid license shall be provided to the Township prior to the Township's issuance of a zoning occupancy permit for the use.
 2. There shall be provided an adequate area for safe drop-off and pick-up. Areas for drop-off and pick-up shall be safe for vehicle traffic and typically be separated from normal vehicle traffic and shall not cause traffic congestion or unsafe traffic circulation either on site or on the adjacent public streets.
 3. These provisions do not apply to home based day cares which are classified as an accessory use.

Section 713: Day Care, Child

- A. A day care, child, shall be a permitted use by special exception subject to the following express minimum standards and criteria:
 1. The facility shall be licensed as such by the Commonwealth of Pennsylvania. Proof of this valid license shall be provided to the Township prior to the Township's issuance of a zoning occupancy permit for the use.
 2. Ingress and egress to the site shall be designed to ensure the safe dropping off and pick up children. All drop-off locations shall be designed so as to not interfere with the free flow of traffic on adjacent streets.
 3. Outdoor play areas shall be provided and shall be secured by a fence, at least four (4) feet in height, with a self-latching gate.
 4. Outdoor play areas that adjoin residential lots shall be screened by a bufferyard as defined by Section V of this Chapter.
 5. Off-street parking shall be provided in accordance with the requirements of Article X of this Chapter.

Section 714: Dormitories

- A. A dormitory shall be a permitted use by special exception subject to the following express minimum standards and criteria:

1. Residents shall be limited to students enrolled at the sponsoring associated institution.
2. The service of meals, if provided, shall be limited to faculty, staff, enrolled students, and authorized visitors only.
3. A twenty (20) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures. The fire/emergency access route shall be constructed, at a minimum, of stabilized turf grass.
4. The primary entrance to the dormitory shall be from a private street within the campus of the associated institution.

Section 715: Drive-Through Facilities

- A. Drive-Through windows and remote tellers shall provide at least one hundred eight feet of stacking space for each facility, as measured from the service window or unit to the entry point into the drive-up lane. Non-food and/or non-beverage businesses may reduce the stacking space to a minimum of sixty feet.
- B. Each drive-through entrance/exit shall be at least fifty feet from an intersection of public rights-of-way, measured at the closest intersecting curbs, and at least twenty-five feet from the curb-cut on an adjacent property.
- C. Each drive-through aisle shall be separated from the circulation routes necessary for ingress and egress from the parking the property, or access to a parking space.

Section 716: Dwelling Types

- A. Conversion Dwelling Units. A conversion dwelling unit shall be a permitted use by special exception subject to the following express minimum standards and criteria:
 1. Each dwelling unit shall contain a minimum of 800 square feet of gross floor area.
 2. Each dwelling unit shall have separate living, sleeping, kitchen, and sanitary facilities.
 3. Each dwelling unit shall have a separate entrance, either directly from the outside or from a common corridor inside the structure.
 4. Conversion of detached garages or other accessory structures to dwelling units shall not be considered conversion dwellings and shall not be permitted.
 5. Conversion dwellings shall provide continuity in architectural design and shall incorporate any proposed construction into the existing structural features.
- B. Single-Family Dwellings. A single-family dwelling shall be a permitted Special Exception use subject to the following express minimum standards and criteria:

1. All open space associated with the development of single-family dwellings within residential subdivisions or plans shall be accessible to the public. Open space areas on parcels that are not part of larger subdivision plans where only one (1) single-family dwelling is to be built do not need to be accessible to the public.

Section 717: Emergency Services Facility

A. An emergency services station shall be a permitted use by special exception subject to the following express minimum standards and criteria:

1. Ingress and egress to and from an emergency services station shall be located so as to maximize sight distance along adjacent public streets and enhance safety for vehicles existing the property.
2. Emergency services stations shall be located on the property so that vehicles and equipment can be maneuvered on the property without interrupting traffic flow or blocking public streets.
3. All buildings and facilities shall be set back at least 15 feet from any property line and 35 feet from a street right-of-way line.
4. Outdoor storage of vehicles and related equipment shall be prohibited.
5. All off-street parking shall be at least 10 feet from adjoining property lines.

Section 718: Emergency Shelter

A. An emergency shelter shall be a permitted use by special exception subject to the following express minimum standards and criteria:

1. Ingress and egress to and from an emergency shelter shall be located so as to maximize sight distance along adjacent public streets and enhance safety for vehicles existing the property.
2. emergency shelter be located on the property so that vehicles and equipment can be maneuvered on the property without interrupting traffic flow or blocking public streets.
3. All buildings and facilities shall be set back at least 15 feet from any property line and 35 feet from a street right-of-way line.
4. All off-street parking shall be at least 10 feet from adjoining property lines.

Section 719: Funeral Home/Crematorium

A. A funeral home shall be a permitted use by special exception subject to the following express minimum standards and criteria:

1. Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhoods.

2. All off-street parking spaces must be provided on-site.
3. Outdoor lighting shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.
4. Off-street parking areas shall be screened with a bufferyard.
5. Building and parking setbacks shall be consistent with the surrounding neighborhood and surrounding developments.
6. All rooms available for funerals and viewings shall be located within the principal building.
7. Dumpsters shall be located in the rear yard setback and shall be screened with a masonry wall.

Section 720: Gas/Fuel Station

- A. A gas and fuel station shall be a permitted use by special exception subject to the following express minimum standards and criteria:
 1. No gas/fuel station shall be located within 1,000 feet of another gas/fuel station.
 2. Access driveways to the service station shall be at least 30 feet from the intersection of any public streets.
 3. Gasoline pumps shall be located at least 30 feet from the edge of the ROW of a public street. Gasoline pumps and canopies shall be located to the side or rear of a building within the Neighborhood Commercial District.
 4. The ingress and egress shall not create hazardous conditions or undue congestion of traffic circulation in the immediate area.
 5. Air towers and water outlets may be located outside an enclosed building, provided that no portion of these facilities shall be closer than ten (10) feet from any property line.
 6. All automobile parts and supplies shall be stored within a building, except that automotive supplies may be displayed for sale at the fuel pump and at a distance no greater than five (5) feet from the pumps.
 7. All canopy lighting must be fully recessed within the canopy.

Section 721: Hospital

- A. A hospital shall be a permitted use by special exception subject to the following express minimum standards and criteria:
 1. The minimum site area required for a hospital shall be five (5) acres.

2. The site shall be served by public water and public sewer systems.
3. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.
4. All hospitals shall be licensed by the Commonwealth of Pennsylvania. Proof of all proper permits and approvals must be submitted to the Township.
5. Water pressure and volume shall be adequate for fire protection.
6. Ingress, egress, and internal traffic circulation shall be designed to ensure access by emergency vehicles.
7. The plan illustrating parking and circulation shall be forwarded to the Township Volunteer Fire Department for comments regarding traffic safety and emergency access.
8. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
9. The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.
10. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning Districts shall be reduced to at least half of the maximum permitted footcandles between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
11. All lot lines adjoining a residential lot or Residential Zoning Districts shall be screened by a bufferyard.
12. The landowner and/or developer shall complete a traffic impact analysis to demonstrate that the Township's roadway network will maintain an acceptable level of service and roadway capacity based upon the proposed development's peak traffic volumes. The traffic impact analysis shall be completed in accordance with the requirements defined in the SALDO, as amended.
13. Safe vehicular access and areas for discharging and picking up patients shall be provided.

Section 722: Kennel

- A. A kennel shall be a permitted use by special exception subject to the following express minimum standards and criteria:
 1. The operator or owner of any kennel must hold all current state and local licenses and permits for the location, activity, and number of animals so specified.

2. The minimum lot area for a kennel shall be two (2) acres.
3. Kennels shall be located within a completely enclosed building and soundproofed to reduce noise impacts on adjacent properties.
4. Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be maintained in a safe condition, and shall be secured by a fence with a self-latching gate.
5. Outdoor runs and similar facilities shall be located at least 300 feet from any occupied dwelling on adjoining property and shall be visually screened from adjoining lots with hedging or opaque fencing that is at least eight (8) feet in height.

Section 723: Landscaping Service Center (Wholesale)

- A. A wholesale landscaping service center shall be a permitted use by special exception subject to the following express minimum standards and criteria:
 1. A business established for the purposes of wholesale landscaping shall have one (1) point of ingress and egress to a public road ROW. The point of ingress and egress shall be located in a manner that minimizes detrimental traffic impacts to both pedestrians and vehicular.
 2. Equipment storage shall be permitted to include man-operated or mechanical equipment or other machinery that is in operable condition. The storage of inoperable vehicles is prohibited.
 3. The storage of combustible materials shall be limited to 25 feet in height with available fire defense measures as approved by the Township Volunteer Fire Department. The storage of noncombustible materials shall be limited to 30 feet in height, in order to minimize:
 - a. The risk of fire.
 - b. Visibility from adjacent lots.
 - c. Noxious odors to adjacent lots and/or ROWs.
 4. Site grading shall be completed to ensure that surface run-off is directed away from any and all material storage areas.
 5. The owner(s) and operator(s) of a wholesale landscaping service center shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation, and surface water and groundwater contamination.
 6. The minimum distance between buildings shall be 30 feet.
 7. The maximum length of any building shall be no more than 200 feet.

8. Screen Walls.
 - a. An eight (8) foot high screen wall shall be constructed around the perimeter of a storage area if equipment and/or materials are not contained within an enclosed building/area. The screen wall shall be measured from the average grade of the adjacent ground, unless otherwise defined by the Township.
 - b. The screen wall shall have a minimum opacity of 80% and shall be composed of one (1) of the following.
 - i. Finished masonry or wood.
 - ii. Black or green vinyl-coated chain link fencing with eight (8) foot high evergreen plantings located on the exterior side of the fence, whereas no fence components may be visible from an adjacent lot or ROW.
 - iii. The landowner and/or developer shall provide evergreen plantings with a minimum height of eight (8) feet in quantity and spacing as approved by the Township.
9. No excessive noise, dust, odor, vibration, or light shall be generated to disturb the surrounding neighborhood.
10. No storage or transfer of toxic, corrosive, flammable, carcinogenic, or explosive materials, chemicals, liquids, gases, or solids shall be permitted, with the exception of gasoline, diesel fuel, and oil for the operation and maintenance of motorized vehicles and equipment.
11. The ground surface of off-street parking shall be paved with bituminous, brick, concrete, or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances. Loading and equipment storage areas shall, at a minimum, be paved with crushed limestone aggregate.
12. The hours of operation for material pick-ups, delivery, outdoor processing, and outdoor manufacturing operations shall be limited to 7 a.m. to 8 p.m.
13. No more than one (1) identification sign shall be permitted. The identification sign shall be a ground or a wall sign and shall have a maximum graphic area of 40 square feet.

Section 724: Library

- A. A library shall be a permitted use by special exception subject to the following express minimum standards and criteria:
 1. The primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood and subject property.
 2. The use shall have one (1) direct point of vehicular access from an arterial or collector street. The point of vehicular access shall be located in a manner that

minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood and subject property.

3. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning Districts shall be reduced to at least half of the maximum permitted footcandle between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
4. The site shall be serviced by public water and public sewer systems.
5. The owner and operator of the facility shall be responsible for the conduct and safety of the employees, visitors, and guests and shall be available to respond to inquiries and promptly resolve any issues caused by employees, visitors, and guests.
6. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
7. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.

Section 725: Manufacturing Facility, Heavy

- A. All materials and equipment shall be stored within a completely enclosed building.
- B. The use shall comply with all performance standards specified in this ordinance.
- C. The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.

Section 726: Museum / Cultural Center

- A. A museum /cultural center shall be a permitted use by special exception subject to the following express minimum standards and criteria:
 1. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning Districts shall be reduced to at least half of the maximum permitted footcandle between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
 2. The site shall be serviced by public water and public sewer systems.
 3. The owner and operator of the facility shall be responsible for the conduct and safety of the employees, visitors, and guests and shall be available to respond to

inquiries and promptly resolve any issues caused by employees, visitors, and guests.

4. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
5. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.

Section 727: Place of Worship

A. Place of worship shall be a permitted use by special exception subject to the following express minimum standards and criteria:

1. The minimum lot area shall be one (1) acre.
2. A place of worship's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
3. A traffic impact study shall be required to be submitted whereas the proposed development which according to the ITE standards will generate 100 trips in addition to the adjacent roadway's peak hour volumes. A description of future LOS and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to LOS shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Township if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.
4. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Township Engineer to ensure employee and visitor safety.
5. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
6. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) footcandle.
7. For parking demands greater than 300 automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light, and other disturbances.

Section 728: Public Utility Building and Public Utility Transmission Facility

A. A public utility building and public utility transmission facility shall be a permitted use by special exception subject to the following express minimum standards and criteria:

1. Ingress to and egress from the facility shall be permitted by roads to serve only the public utility building or transmission facility, unless approved by the Board of Supervisors.
2. A non-climbable security fence at least eight (8) feet in height shall be installed around all portions of the facility.
3. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning Districts shall be reduced to at least half of the maximum permitted footcandle between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.

Section 729: Recreation, Indoor

A. Recreation, Indoor shall be a permitted use by special exception subject to the following express minimum standards and criteria:

1. All indoor recreation facilities shall be located along an arterial or collector road as defined by this Chapter.
2. All off-street parking areas located adjacent to existing residences shall reduce exterior lights to half power after 11 p.m. and shall be screened by a bufferyard.
3. Grass, sod, or turf shall not be considered an acceptable plant for use within the landscaped bufferyards.
4. All off-street parking shall be located on the lot.
5. All lots used for commercial indoor recreation facilities shall have a minimum of two (2) points of ingress and egress.
6. All dumpsters, not incorporated into the principal building, shall be located in the rear yard setback and shall be screened with masonry. All screens shall be a minimum of eight (8) feet high and shall have a minimum opacity of 80%.
7. All indoor recreation facilities shall have a maximum gross floor area of 40,000 square feet.

Section 730: Recreation, Outdoor

A. Recreation, Outdoor shall be a permitted use by special exception subject to the following express minimum standards and criteria:

1. A minimum site size of one (1) acre shall be required.
2. All principal structures shall be located at least 40 feet from any property line.
3. Parking shall be provided in accordance with all parking requirements.

4. Screening via a bufferyard shall be provided along all lot lines adjoining residential use or Residential Zoning Districts.
5. All lighting shall be shielded from adjacent streets and properties.
6. The use shall comply with the performance standards of Article V.
7. Any facility located within 200 feet of a property line adjoining a residential use or Residential Zoning Districts shall cease operations at 12 Midnight.
8. All ingress and egress to and from the site shall be so situated as not to interfere with through traffic movements on adjacent streets.

Section 731: Recycling Business

A. A recycling business shall be a permitted use by special exception subject to the following express minimum standards and criteria:

1. The perimeter of the property shall be enclosed with a fence or wall no higher than eight (8) feet and no lower than six (6) feet in height. Barbed-wire fences are prohibited.
2. Requirements for indoor and outdoor storage are listed in the table below:

TABLE 1: RECYCLING REQUIREMENTS

Type of Recyclable	Under Roof Y/N	Need to be Covered Y/N
Beverage Containers	No	No
Demolition Debris	No	No
Electronics	Yes	N/A
Metal	No	No
Oil	Yes	N/A
Paper	Yes	N/A
Plastic	No	No
Rubber Products	No	Yes
Tires	Yes	Yes

- a. Batteries and other items considered hazardous waste shall not be kept on site.
- b. Recycled oil shall be kept in an enclosed container at all times.
- c. Any item that would create a hazardous run-off shall be kept under a roof or covered at all times.

- d. Items such as newspaper, office paper, plastic, and drinking containers shall be secured so that they are not affected by the wind.
- e. No pile of recyclables shall exceed twenty (20) feet in height.

Section 732: Restaurant - With Drive Through

- A. A restaurant with a drive through shall be a permitted use by special exception subject to the following express minimum standards and criteria:
 1. Drive through lanes shall be located in the rear of buildings unless the township determines the drive through lanes located on the side of the building will have less impact on adjacent uses.
 2. Drive through lanes shall be screened from views by landscaping, grading treatments, architectural features, or a combination of the above.
 3. A drive through shall be located so that it does not conflict with pedestrian or vehicular movements.
 4. Drive-thru lanes shall be distinctly marked by traffic islands a minimum of five feet in width. A separate circulation drive shall be provided for passage around and escape from the outermost drive-thru service lane. The Township may consider alternative designs when it is demonstrated that the drive-thru is screened from view and that traffic and pedestrian circulation is improved.
 5. A drive-thru shall have no more than two service lanes and a passage around.

Section 733: Retail Store (greater than 20,000 SF)

- A. A retail store greater than 20,000 square feet shall be a permitted use by special exception subject to the following express minimum standards and criteria:
 1. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.
 2. Any outdoor storage areas shall be completely enclosed by a security fence and shall be screened by fence or masonry wall which is at least six (6) feet in height and is 100% opaque unless otherwise defined by this Chapter.
 3. All property lines adjoining residential use or Zoning District shall be screened by a bufferyard.
 4. Building setbacks shall be consistent with the existing building setbacks of adjoining lots.
 5. As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination on a lot, when adjacent to a residential district, shall be a maximum of one (1) footcandle. Lighting levels shall also be reduced by half their standard operating power, between 11 p.m. and 6 a.m.

6. The location and arrangement of parking on a lot shall be designed and constructed so that general safety and circulation is optimized and so that the impact of vehicles and lighting on ROWs or residential activity in proximity to the lot is minimized. The Township reserves the right to increase bufferyard requirements, require parking to be located behind the minimum front principal building setback, or to designate other measures on the lot in order to maximize safety and/or minimize impacts to surrounding uses.
7. The site shall be connected to public water and public sewer systems.
8. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
9. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.

Section 734: Salvage/Junkyard

- A. A salvage/junkyard shall be a permitted use by special exception subject to the following express minimum standards and criteria:
 1. The site must be a minimum of ten (10) acres.
 2. The site shall be maintained so as to not constitute a nuisance or a menace to public health and safety.
 3. No garbage, organic waste, or hazardous waste shall be stored, buried, or disposed of on the site.
 4. The manner of storage of junk shall be arranged in such a fashion that aisles of a minimum width of 25 feet between rows of junk are maintained in order to facilitate access for fire-fighting and to prevent the accumulation of stagnant water. The proposed layout of the junkyard shall be indicated on the site plan submitted with the application.
 5. No junk shall be stored or accumulated, and no structure shall be constructed within 50 feet of any dwelling unit or within 25 feet of any other parcel line or ROW of a public street.
 6. The site shall be enclosed by a metal chain-link fence not less than eight (8) feet in height supported on steel posts with self-latching gate.
 7. The fence shall be supplemented with screening material which creates a visual barrier that is at least 80% opaque.
 8. No vehicles or material related to the principal use shall be stacked higher than the visual barrier.
 9. The Board of Supervisors may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation, and other such

matters as they deem necessary to ensure that there is not adverse impact upon the functioning of the district or adjacent parcels.

10. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties and shall not exceed one (1) footcandle.

Section 735: Service Station

- A. A service station shall be a permitted use by special exception subject to the following express minimum standards and criteria:

1. The standards for "Gas/Fuel Station" in this Article shall apply.

Section 736: Shopping Center

- A. A shopping center shall be a permitted use by special exception subject to the following express minimum standards and criteria:

1. Any shopping center proposed with an anchor tenant space shall provide an outdoor public plaza, open space, or similar pedestrian amenity equal to five percent (5%) of the lot area. This required amenity shall be constructed as part of Phase I should the project be constructed in phases.
 2. All buildings shall provide a prominent and highly visible street-level doorway or entrance along the front or side of the building which faces a street.
 3. Sidewalks shall extend from the main entry point and link to the public sidewalk, if applicable.
 4. The street-level façade of any building facing a street shall be transparent (incorporate windows) between a minimum of three (3) feet and eight (8) feet in height for no less than 60% of the horizontal length of the structure facing the street.
 5. Surface treatments to create visual interest, such as cornices, brackets, window, and door moldings and details, recesses, projections, awnings, porches, steps, decorative finish materials, and other architectural articulation, shall be required along facades facing streets. At least two (2) such surface treatments must be provided along the facade.
 6. Any drive-through proposed with a tenant space shall be designed in accordance with the provisions of this Chapter and shall require use by special exception approval for a "Drive-Through Facility" as defined in this Chapter.

Section 737: Short-term Rental, Principal

- A. A short-term rental shall be a permitted use by special exception subject to the following express minimum standards and criteria:

1. A short-term rental shall not have any outside appearance indicated a change in use from the surrounding neighborhood.

2. Applicant shall comply with all applicable tax requirements.
3. Parking shall meet the requirements of Article X of this ordinance. Parking shall be prohibited in any grass or lawn area.

Section 738: Stable, Commercial

- A. A commercial stable shall be a permitted use by special exception subject to the following express minimum standards and criteria:
 1. The minimum lot size required for a commercial stable shall be ten (10) acres.
 2. One (1) horse or pony shall be permitted on the first three (3) acres of land. One (1) additional horse or pony shall be permitted for each additional acre over three (3) acres.
 3. No stables or other buildings in which animals are kept or manure is stored shall be located within 75 feet of any lot line or within 100 feet of any occupied dwelling, other than the stable owner's dwelling.
 4. No grazing of any animals shall be permitted closer than 100 feet from any occupied dwellings within the parcel or located on an adjacent parcel, excluding the stable owner's dwelling.
 5. The owner or operator shall not permit litter and droppings from the horses or other animals to collect so as to result in the presence of fly larvae or objectionable odors.
 6. The area of the lot used for grazing shall be adequately fenced to properly enclose the animals and to protect adjacent lots.
 7. The primary residence/principal structure on the hobby farm must meet the following lot area and bulk regulations:
 - a. Minimum lot width—400 feet.
 - b. Minimum front setback—50 feet.
 - c. Minimum side setback—100 feet.
 - d. Minimum rear setback—100 feet.
 8. The minimum accessory building setbacks are the same as the principal building setbacks.
 9. Maximum structure height is 35 feet.
 10. Maximum lot coverage is 30%.
 11. Screening through the use of a bufferyard shall be required around the perimeter of the site.

Section 739: Tavern or Bar

A. A tavern or bar shall be a permitted use by special exception subject to the following express minimum standards and criteria:

1. Operations shall cease between the hours of 2:00 a.m. and 11:00 a.m. prevailing time, and the establishment may not be open to the public during those hours.
2. The establishment shall not be located closer than 600 feet to another similar existing use except in the TC zone.
3. Operations shall be regulated so that nuisances such as excessive noise levels shall not be created. The Township may attach such reasonable conditions as it deems necessary to ensure the operation complies with this requirement.

Section 740: Vehicle Repair Garage

A. A vehicle repair garage shall be a permitted use by special exception subject to the following minimum standards and criteria:

1. Such use shall not be located within 100 feet of any lot line adjoining residential use or Residential Zoning Districts.
2. A bufferyard shall be provided along all lot lines adjoining an existing residential use or Residential Zoning Districts.
3. There shall be no storage of parts or dismantled vehicles outside an enclosed building.
4. All repair work shall be performed within an enclosed building, which has adequate ventilation and fire protection provisions.
5. All towed vehicles shall be stored on the premises and no vehicle shall be stored or dismantled on any public street.
6. Vehicles or equipment awaiting repair shall be kept in an enclosed wall or building or in an outdoor area which is screened by an eight (8) foot high hedge or opaque fence within a minimum capacity of 80%.
7. The premises shall be kept clean and shall be maintained so as to not constitute a nuisance or menace to public health and safety.

Article VIII: Wireless Communications Facilities

Section 801: Purpose and Findings of Fact

A. The purposes of this Section of the Ordinance include a desire to establish reliable standards for the siting, design, permitting, construction, operation, inspection, maintenance, repair, modification, removal and replacement of wireless communications facilities in recognition of the federal Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996); the federal Middle Class Tax Relief and Job Creation Act of 2012 104, 110 Stat. 56 (2012); the federal Spectrum Act Pub. L. No. 112-96, 126 Stat. 156 (2012), and FCC regulations (Spectrum Act) promulgated thereunder by the Federal Communications Commission (FCC), including the FCC's Report and Order of October 21, 2014, FCC 14-153 (rel. Oct. 21, 2014); and the Pennsylvania Wireless Broadband Collocation Act (Act 191 of 2012), 53 P.S. § 11702.1 et seq. in Lower Paxton Township. Moreover, the Township desires to plan and accommodate for the managed deployment of infrastructure that is necessary to accommodate the wireless communications needs of the Township residents, businesses and emergency service providers. While the Township recognizes the benefit of wireless communications facilities in providing high quality communications service and enhancement to its residents, businesses and emergency service providers, the Township also recognizes that it has an obligation to protect public safety through the standards set forth in the following provisions.

B. By enacting this Ordinance, the Township intends to:

1. Promote the health, safety, and welfare of Township residents and businesses with respect to WCFs.
2. Provide for the managed development of WCFs in a manner that enhances the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations.
3. Establish procedures for the design, siting, construction, installation, maintenance, and removal of both tower-based and non-tower based WCFs in the Township, including facilities both inside and outside the public ROW.
4. Address new wireless technologies, including but not limited to, DAS, data collection units, cable Wi-Fi, and other WCFs.
5. Encourage the co-location of WCFs on existing structures rather than the construction of new tower-based structures.
6. Treat each communications services provider in a nondiscriminatory and competitively neutral manner in exercising the Township's authority.
7. Protect Township residents from potential adverse impacts of WCFs and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape.
8. Update the Township's wireless facilities regulations to incorporate changes in Federal and State laws and regulations.

Section 802: Landscaping, and Screening**A. Landscaping and Screening.**

1. An applicant for tower-based WCF where the new tower is more than 40 feet in height, located outside of the ROW, shall submit a landscaping and screening design including the following:
 - a. The applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF support structure shall be preserved to the extent practicable.
 - b. Ground mounted equipment may be screened from public view using an evergreen screen, artificial screen, or fencing, as directed by the Township.
2. Additional landscaping and screening requirements can be found in Article V of this Ordinance.

Section 803: General Standards for All Tower-Based WCFs**A. General Standards.** The following regulations shall apply to all tower-based WCFs:

1. Conditional Use Required. Each applicant proposing the construction of a tower-based WCF shall complete and submit a conditional use application as either a principal or accessory use prior to beginning construction of such WCF. Such application shall be evaluated by the Township and subject to the proceedings of Article V.
2. Proof of Ownership or Agreement. The applicant shall include a copy of a written agreement for use of the land if the applicant is not the owner the parcel on which the tower-based WCF will be constructed.
3. Historic Buildings or Districts. No tower-based WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, or is included in the official historic structures and/or historic Districts list maintained by the Township.
4. Related Equipment. Ground-mounted related equipment greater than three (3) cubic feet, such as cabinets and accessory structures, shall not be located within 50 feet of a lot in residential use or Residential Zoning District.
5. Standard of Care. Any tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the ANSI Code, National Electrical Safety Code, National Electrical Code as adopted by the UCC, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

6. Wind. Any tower-based WCF structures shall be designed to withstand the effects of wind gusts of at least 100 miles per hour in addition to the standard designed by the ANSI as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222-E Code, as amended).
7. Height. Any tower-based WCF shall be designed at the minimum functional height. All tower-based WCF applicants must submit documentation to the Township justifying the total height of the structure. The maximum total height of any tower-based WCF, which is not located in the public ROW, shall not exceed 150 feet, which height shall include all subsequent additions or alterations. Equipment in buildings, cabinets, and accessory structures shall not exceed fifteen (15) feet in height.
8. Public Safety Communications. No tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
9. Maintenance. The following maintenance requirements shall apply:
 - a. Any tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
 - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
10. Modifications. Applicants proposing the modification of any tower-based WCF shall submit a building permit application to the Township and shall not commence such modifications until the complete application has been received by the Township.
11. Radio Frequency Emissions. No tower-based WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the *FCC Office of Engineering Technology Bulletin 65* entitled "*Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields*," as amended.
12. Signs. All tower-based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. There shall be no other signage permitted on the WCF, except for that required by law FCC/FAA regulations.
13. Lighting. Tower-based WCFs shall not be artificially lighted, except as required by law. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
14. Noise. Tower-based WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township

Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

15. Aviation Safety. Tower-based WCFs shall comply with all Federal and State laws and regulations concerning aviation safety.
16. Timing of Approval. Within 30 calendar days of the date that an application for a tower-based WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. All applications for tower-based WCFs shall be acted upon within 150 days of the receipt of a fully completed application for the approval of such tower-based WCF and the Township shall advise the applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the 150 day review period.
17. Non-Conforming Uses. Non-conforming tower-based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location within one (1) year after damage occurs but must otherwise comply with the terms and conditions of this Ordinance. Co-location on non-conforming tower-based WCFs is permitted.
18. Removal. In the event that use of a tower-based WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - a. All unused or abandoned tower-based WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Township.
 - b. If the WCF and/or accessory facility is not removed within six (6) to twelve (12) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF. In addition to and not in lieu of any other remedy available to the Township to recover costs associated with removal, the Township shall file liens against the WCF owner and the owner of any real property upon which a WCF is sited, in order to recover any unpaid legal fees, consultant fees, and court cost that may be incurred.
 - c. Any unused portions of tower-based WCF, including antennae, shall be removed within six (6) to twelve (12) months of the time of cessation of operations. The Township must approve all replacements of portions of a tower-based WCF previously removed.
19. FCC License. Each person that owns or operates a tower-based WCF shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.
20. Emissions. The applicant shall demonstrate that the proposed WCF will comply with all applicable standards established by the FCC governing human exposure to electromagnetic emissions.

21. Insurance. Each person that owns or operates a tower-based WCF greater than 45 feet in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the tower-based WCF. Each Person that owns or operates a tower-based WCF 45 feet or less in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering each tower-based WCF.
22. Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a tower-based WCF, as well as related inspection, monitoring and related costs.
23. Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
24. Indemnification. Each person that owns or operates a tower-based WCF, or the property on which such WCF is located shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage or depreciation of property value or for violation of property or zoning rights, arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance, or removal of the tower-based WCF. Each person that owns or operates a tower-based WCF and each owner of property upon which a tower-based WCF is located shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance, or removal of tower-based WCF. The obligation to indemnify, hold harmless, and defend shall include, but not be limited to, the obligation to pay judgments, injuries, damages, reasonable attorneys' fees, reasonable expert fees, court liabilities, and all other costs of indemnification.
25. Engineer Signature. All plans and drawings for a tower and antenna shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.
26. Financial Security. Prior to receipt of a zoning permit for the construction or placement of a tower-based WCF, the applicant shall provide to the Township financial security in the form of a letter of credit or bond sufficient to guarantee the removal of the tower-based WCF. The amount of said financial security shall be determined based upon industry standards for removal and shall remain in place until the tower-based WCF is removed.
27. WCF Timeframes. Timeframes for specific WCF approvals can be found in Table 1.

Table 1: WCF Timeframe Requirements

		Township shall notify the applicant in writing of any information that may be required to complete application.	Township shall approve or deny the application unless a shorter time period is applicable under the MPC.
A	New Tower-Based WCFs	Within 30 calendar days of the date the application was filed with the Township.	Within 150 days* of submission of a complete application for a WCF.
B	WCF on Existing Structures	Within 30 calendar days of the date the application was filed with the Township	Within 90 days* of submission of a complete application for a WCF.
C	Eligible Facilities Requests** (as defined)	Within 30 calendar days of the date the application was filed with the Township	Within 60 days* of submission of a complete application for a WCF.

*The time period may be tolled by mutual agreement or in cases where the Township informs the applicant in a timely manner that the application is incomplete. If an application is considered incomplete, the time period begins running again as soon as the applicant makes a supplemental submission but may be tolled again if the Township provides written notice to the applicant within ten (10) days that the application remains incomplete and specifically delineates which of the deficiencies specified in the original notice of incompleteness have not been addressed.

**The Township shall only require the applicant to provide documentation that is reasonably related to determining whether the request is for an eligible facility.

Section 804: Specific Requirements for Tower-Based WCFs Outside of the ROW

A. Tower-based WCFs outside the ROW. The following regulations shall apply to tower-based WCFs located outside the public ROW:

1. Location. No tower-based WCF shall be located in an area in which all utilities are located underground, except as permitted by this Ordinance.
 - a. Tower-based WCFs may be located in the following Zoning Districts:

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- b. Such tower-based WCFs shall not be located in, or within 100 feet of an area in which all utilities are located underground.
2. Site Requirements. A tower-based WCF may be located as permitted in the District regulations or the general standards for accessory structures, as set forth in Article III of this Ordinance.
3. Permitted as a Sole Use on a Lot. A tower-based WCF may be permitted as a sole use on a lot, provided such WCF conforms to the regulations set forth in Article III in this Ordinance and the following standards:

- a. Minimum Lot Area. The minimum lot shall comply with the requirements for the applicable District and shall be the area needed to accommodate the tower-based WCF and guy wires, the equipment building, security fence, and buffer planting if the proposed WCF is greater than 50 feet in height.

- b. Minimum Setbacks. The tower-based WCF and accompanying equipment building shall comply with the requirements for the applicable Zoning District. In addition, the minimum setback for the tower shall be a distance that is at least equal to one and one-half (1.5) times the height of the tower.
- 4. Combined with Another Use. A tower-based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:
 - a. The existing use on the property may be any permitted use in the applicable District and need not be affiliated with the communications facility.
 - b. Minimum Setbacks. The tower-based WCF and accompanying equipment building shall comply with the general standards for accessory uses. In addition, the minimum setback for the tower from any existing structures shall be a distance that is at least equal to one and one half (1.5) times the height of the tower.
- 5. Gap in Coverage. An applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage.
- 6. Co-Location and Siting. An application for a conditional use for a new tower-based WCF shall not be approved unless the Township Council finds that the wireless communications equipment planned for the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building, or on Township property. Any application for a conditional use for approval of a tower-based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a two (2) mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township Council that a different distance is more reasonable and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
- 7. Notice. Upon submission of an application for a tower-based WCF, the applicant shall mail notice to all owners of every property within 500 feet of the proposed facility. The applicant shall provide proof of the notification to the Township.
- 8. Design Regulations.
 - a. The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township Council.
 - b. Any height extensions to an existing tower-based WCF shall require prior approval of the Township Council. The Township reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Township.
 - c. Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennae and comparable antennae for future users.

9. Surrounding Environs.

- a. The WCF applicant shall ensure that the existing vegetation, trees, and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible. Any plantings shall conform to the standards set forth in Article V of this Ordinance.
- b. The WCF applicant shall submit a soil report to the Township to document and verify the design specifications of the foundation of the tower-based WCF, and anchors for guy wires, if used.

10. Fence/Screen.

- a. A security fence having a maximum height of eight (8) feet shall completely surround any tower-based WCF greater than 50 feet in height, as well as guy wires, or any building housing WCF equipment.
- b. A screen of evergreen trees planted eight (8) feet on center, and staggered in two (2) rows, shall be located along the perimeter of the security fence surrounding a Tower Based WCF greater than 50 feet in height. Existing vegetation shall be preserved to the maximum extent possible.

11. Accessory Equipment.

- a. Ground-mounted equipment associated to, or connected with, a tower-based WCF shall be underground or screened from public view using Stealth Technologies, as described above.
- b. All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying Zoning District.
- c. Additional Antennae. As a condition of approval for all tower-based WCFs, the WCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennae on tower-based WCFs where technically and economically feasible. The owner of a tower-based WCF shall not install any additional antennae without obtaining the prior written approval of the Township.

12. Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to the tower-based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.

13. Parking. For each tower-based WCF greater than 50 feet in height, there shall be two (2) off-street parking spaces, or one (1) space per employee, whichever is greater.

14. Inspection. The Township reserves the right to inspect any tower-based WCF to ensure compliance with the provisions of this Ordinance and any other provisions

found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

Section 805: Specific Requirements for Tower-Based WCFs in the Public ROW

- A. Tower-based Facilities in the ROW. The following regulations shall apply to tower-based WCFs located in the public ROW:
 1. Tower-based WCFs are prohibited in any areas with underground utilities.
 2. Location. An applicant must site tower-based WCFs within an existing ROW of a collector road in the Township and meet the following requirements:
 - a. The tower-based WCF facility is not sited within 75 feet of an area in which utilities are underground.
 - b. Any tower-based WCF sited in the public ROW shall not be located directly between the front facade of any structure and the public or private ROW on which the structure fronts.
 - c. Any tower-based WCF shall be located at, or as close to as practicable to, the point where a side lot line intersects with a street ROW line.
 3. Gap in Coverage. An applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of tower-based WCFs in the ROW.
 4. Notice. Upon submission of an application for a Tower-Based WCF, the applicant shall mail the applicant notice to all owners of every property within 500 feet of the proposed facility. The applicant shall provide proof of the notification to the Township.
 5. Co-location and Siting. An application for a new tower-based WCF in the ROW shall not be approved unless the Township finds that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a tower-based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a one (1) mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
 6. Time, Place, and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair, and/or removal of all tower-based WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the police powers of the Township and the requirements of the PUC.
 7. Equipment Location. Tower-based WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or

vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:

- a. The placement of all ground-mounted equipment, walls, or landscaping shall be in accordance with the standards set forth in this Ordinance.
- b. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
- c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
- d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti. If such graffiti is not removed within the aforementioned time period, the Township will remove it and assess the cost of removal to the WCF owner.
- e. Any underground vaults related to tower-based WCFs shall be reviewed and approved by the Zoning Officer based on considerations of safety, accessibility, and impact on use of the ROW.

8. Design Regulations.

- a. The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township Council.
- b. Tower-based WCFs in the public ROW shall not exceed 45 feet in height.
- c. Any height extensions to an existing tower-based WCF shall require prior approval by the Township and shall not increase the overall height of the tower-based WCF to more than 45 feet.
- d. Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennae and comparable antennae for future users.

9. Additional Antennae. As a condition of approval for all tower-based WCFs in the ROW, the WCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennae on tower-based WCFs where technically and economically feasible. The owner of a tower-based WCF shall not install any additional antennae without obtaining the prior written approval of the Township.

10. Relocation or Removal of Facilities. Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of tower-based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any WCF when the Township,

consistent with its police powers and applicable PUC regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- a. The construction, repair, maintenance or installation of any Township or other public improvement in the ROW.
- b. The operations of the Township or other governmental entity in the ROW.
- c. Vacation of a street or road or the release of a utility easement.
- d. An emergency as determined by the Township.

Section 806: General Standards for All Non-Tower WCF

A. General Standards. The following regulations shall apply to all non-tower WCF:

1. Permitted in All Zoning Districts Subject to Regulations. Non-tower WCFs are permitted in all Zoning Districts subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Zoning Officer.
2. Locations Restrictions. Non-tower WCFs shall meet the following location restriction:
 - a. Prohibited on Certain Structures. Non-tower WCFs shall not be located on single-family detached residences, single-family attached residences, two-family residences, or any accessory residential structure.
 - b. Related Equipment. Ground-mounted related equipment greater than three (3) cubic feet shall not be located within 50 feet of a lot in residential use or Residential Zoning District.
 - c. Historic Buildings. No non-tower WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is eligible to be so listed, or is listed on the official historic structures and/or historic Districts list maintained by the Township, or has been designated by the Township to be of historical significance. The Township Council may, in its discretion, waive this prohibition if the applicant can demonstrate that the proposed location is less visually intrusive than other potential sites.
3. Proof of Ownership or Agreement. The applicant shall include a copy of a written agreement for the use of the structure if the applicant is not the owner the parcel on which the non-tower WCF will be constructed.
4. Building Permit Required. Applicants proposing the modification of an existing non-tower WCF shall obtain a building permit from the Zoning Officer. In order to be considered for such permit, the applicant must submit a permit application to the Township Zoning Officer.
5. Standard of Care. Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code, and

National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

6. Wind. Any non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the ANSI as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA-222-E Code, as amended).
7. Height. Any non-tower WCF shall be designed at the minimum functional height. All non-tower WCF applicants must submit documentation to the Township justifying the total height of the structure.
8. Public Safety Communications. No non-tower WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
9. Maintenance. The following maintenance requirements shall apply:
 - a. The non-tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township residents.
 - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
10. Radio Frequency Emissions. No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the *FCC Office of Engineering Technology Bulletin 65* entitled *"Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields,"* as amended.
11. Aviation Safety. Non-tower WCFs shall comply with all Federal and State laws and regulations concerning aviation safety.
12. Timing of Approval. Within 30 calendar days of the date that an application for a non-tower WCF is filed with the Township, the Township shall notify the WCF applicant in writing of any information that may be required to complete such application. Within 60 calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the WCF applicant in writing of such decision. The Township shall notify the WCF applicant as to completeness of the WCF application within 30 days of receipt. The timing requirements in this Section shall only apply to proposed facilities that fall under the Pennsylvania Wireless Broadband Collocation Act.
13. Removal. In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

- a. All abandoned or unused WCFs and accessory facilities shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the Township.
- b. If the WCF or accessory facility is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
14. Insurance. Each Person that owns or operates a non-tower WCF shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the non-tower WCF.
15. Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a non-tower WCF.
16. Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCF and once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
17. Indemnification. Each person that owns or operates a non-tower WCF shall, at its sole cost and expense, indemnify, defend, and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage or depreciation of property value or for violation of property or zoning rights, arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the non-tower WCF and each owner of property upon which a tower-based WCF is located. Each person that owns or operates a non-tower WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance, or removal of a non-tower WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
18. Engineer Signature. All plans and drawings for all non-tower WCFs shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

Section 807: Specific Requirements for Non-Tower WCF Outside the ROW

- A. Non-tower WCF outside the ROW. The following regulations shall apply to non-tower WCFs outside the ROW:

1. Development Regulations. Non-tower WCFs shall be co-located on existing structures, such as existing buildings or tower-based WCFs subject to the following conditions:
 - a. Such WCF does not exceed the maximum height permitted in the underlying Zoning District.
 - b. If the WCF applicant proposes to locate the related equipment in a separate building, the building shall comply with the minimum requirements for the applicable Zoning District.
 - c. An eight (8) ft. high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
2. Design Regulations.
 - a. Non-tower WCFs shall employ stealth technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township Council.
 - b. Non-tower WCFs, which are mounted to a building or similar structure, may not exceed a height of ten (10) feet above the roof or parapet.
 - c. The total height of any support structure and mounted WCF shall not exceed the maximum height permitted in the underlying Zoning District.
 - d. All non-tower WCF applicants must submit documentation to the Township justifying the total height of the non-tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
3. Antennae, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.
4. Non-Commercial Usage Exemption. Township citizens utilizing satellite dishes and antennae for the purpose of maintaining television, phone, and/or internet connections at their respective residences shall be exempt from the regulations enumerated in this Ordinance.
5. Removal, Replacement, and Modification.
 - a. The removal and replacement of non-tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of antennae.
 - b. Any material modification, such as an increase in height or width, to a WCF shall require a prior amendment to the original permit or authorization.
6. Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this Ordinance and any other provisions found

within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

Section 808: Specific Requirements for Non-Tower WCF in the Public ROW

- A. Non-tower WCF in the ROW. The following additional regulations shall apply to all non-tower WCFs located in the ROW:
 1. Co-location. Non-tower WCFs in the ROW shall be co-located on existing poles in the public ROW, such as utility poles or light poles.
 2. Design Requirements.
 - a. WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - b. Antennae and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
 3. Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all non-tower WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the police powers of the Township and the requirements of the PUC.
 4. Equipment Location. Non-tower WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
 - a. The placement of all ground-mounted equipment, walls, or landscaping shall be in accordance with the standards set forth in Article V of this Ordinance.
 - b. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
 - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
 - d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.

- e. Any underground vaults related to non-tower WCFs shall be reviewed and approved by the Township.
5. Relocation or Removal of Facilities. Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable PUC regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
 - a. The construction, repair, maintenance, or installation of any Township or other public improvement in the ROW.
 - b. The operations of the Township or other governmental entity in the ROW.
 - c. Vacation of a street or road or the release of a utility easement.
 - d. An emergency as determined by the Township.

Article IX: Parking and Loading Requirements

Section 901: Overview

- A. In all Zoning Districts, every use which requires the receipt or distribution, by vehicle, of material or merchandise, shall provide off-street parking and loading berths in accordance with the requirements of the following Sections.
- B. In addition to required off-street parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored or wait in a manner that blocks access to a public ROW.
- C. Off-street parking and loading spaces shall be provided in accordance with the specifications in this Article in any district whenever any new use is established, or existing use is enlarged.

Section 902: General Requirements

- A. Any new use, expansion of an existing use, or change of use in any Zoning District shall comply with the following minimum requirements for the provision of off-street parking and loading spaces.
 1. When the calculation of required parking and/or loading spaces results in a requirement of a fractional parking space, any fraction shall be counted as one (1) parking space.
 2. Where more than one (1) use exists on a lot, parking and loading requirements for each use shall be provided.
 3. A landowner and/or developer shall follow the specific requirements of the American Disability Act of 2004 for off-street parking requirements.
 4. Table 1 in this Article details the parking requirements and specifies the number of spaces required for various land use categories.
 5. If an existing lawful use includes less parking than would be required if the use were to be newly developed, then the deficit shall be grandfathered for reuse of an existing building.
 6. If a non-residential use expands by a total maximum of five (5) percent in the applicable measurement, beyond what existed at the time of adoption of this ordinance, than no additional parking is required.

B. Existing Parking.

1. Any parking spaces serving pre-existing structures or uses at the time of adoption shall not in the future be reduced in a number below what is required by this Ordinance.

2. If a new principal non-residential structure is constructed on a lot, then the existing parking on such lot that served the use / structure shall be reconfigured to comply with this Ordinance.
- C. Continued Obligation of Parking and Loading Spaces. All required numbers of off-street parking and loading space shall be available as long as the use or building which the spaces serve still exist. Such spaces shall not be reduced in the number below the minimum required by this ordinance.
- D. No required parking spaces or loading spaces shall be used for any other use such as storage or display of materials, that interferes with the availability of parking and loading spaces.
 1. All supplies and equipment shall be stored within a completely enclosed building.
 2. Exterior display and sales of building materials and/or equipment associated with the permitted principal use shall require an approval of a supply yard as an accessory use.

Section 903: Parking Ratios

- A. Applicability. The minimum parking ratio standards apply to all Zoning Districts except as may be modified in the provisions of this Chapter.
- B. Table 1 establishes the minimum number of parking spaces required for the uses indicated. Parking requirements may be met by one (1) or more of a combination of the following methods:
 1. On-site parking. A use shall provide the minimum number of required spaces for all uses located on the lot or site pursuant to Table 1. Only spaces that are designed consistent with this Section are counted toward the minimum parking required. The following provisions apply when providing the minimum number of required on-site parking spaces:
 - a. Required parking for single family dwellings may be stacked and do not require separate access to each required space.
 - b. No part of a parking or loading space required for any building to comply with this Article shall be included as part of a parking or loading space required for another building.
 - c. Spaces at gasoline pumps and bays for auto repair/service are not counted toward the minimum parking required.
 2. Shared Parking. Parking spaces required under this Section may be provided cooperatively for two (2) or more uses on a site as shared subject to the requirements of this Section. Off-street parking requirements of a given use may be met with off-site, off-street parking facilities of another use when, and if, all of the following conditions are met:

- a. Off-street parking can be located within 300 feet walking distance from the entrance of the principal use if the applicant proves satisfaction to the Zoning Hearing Board. Said spaces shall be available all of the years in which the use is in operation. This distance can be increased to 500 feet for employee parking of a non-residential use. A written and signed lease shall be provided, if applicable.
 - i. The Zoning Hearing board may require that the use be approved for a period of time consistent with the lease of parking, and that a renewal of the permit shall only be approved if the parking lease is renewed.
- b. The parking demands of the individual uses, as determined by the Zoning Officer, based upon minimum off-street parking requirements, are such that the total parking demand of all the uses at any one (1) time is less than the total parking stalls required.
- c. A written agreement between the owners and lessees is executed in perpetuity. This written agreement shall be reviewed and approved by the Township Solicitor. Should the lease expire or otherwise terminate, the use for which the off-site parking was provided shall be considered in violation of its zoning approval and, shall be subject to revocation. Continuation or expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this Chapter.
- d. The applicant shall provide calculations that demonstrate the individual and combined parking demands for the proposed shared parking uses during the following time periods:
 - i. Weekday Daytime
 - ii. Weekday Evening
 - iii. Weekend Daytime
 - iv. Weekend Evening
- e. An application for approval of a shared parking plan shall be filed with the Zoning Officer by the owner of the land area to be included within the cooperative parking plan, the owner or owners of all structures then existing on such land area, and all parties having a legal interest in such land area and structures. Sufficient evidence to establish the status of applicants as owners or parties in interest shall be provided. The application shall include plans showing the location of the uses or structures for which off-street parking facilities are required, the location of the off-street parking facilities, and the schedule of times used by those sharing parking in common. In the event the application also requires a subdivision or land development approval, the shared parking agreement requires approval of the Planning Commission and the Board of Supervisors.

C. Uses not identified: The Planning Commission shall determine the parking requirement for uses that do not correspond to the categories listed in Table 1. In such instances, the applicant shall provide a trip generation letter and other adequate information by which

the proposal can be reviewed, which includes but may not necessarily be limited to the following:

1. Type of uses.
2. Number of employees.
3. Building design capacity.
4. Building occupancy load.
5. Square feet of sales area and service area.
6. Parking spaces proposed on site.
7. Number of accessible parking spaces.
8. Parking spaces provided elsewhere.
9. Hours of operation.

D. Multiple uses: Where the application identifies accessory or multiple uses within a structure or multiple structures, the minimum standards shall apply to each use or the gross floor area of each structure. This provision does not apply where the applicant has sought and secured approval under the shared parking requirements of this Chapter.

E. Parking needs analysis: The number of off-street parking spaces and loading spaces required by Table 1 of this Article may be reduced if a parking needs analysis demonstrates that the specified ratios in Table 12 exceed the total parking demand of all uses on the subject lot at any one (1) time. The parking needs analysis is subject to the following conditions:

1. The parking needs analysis shall be signed and sealed by a licensed engineer.
2. The parking needs analysis shall be approved by the Township's Board of Supervisors and the Township Engineer.
3. The landowner or developer shall update the Township-approved parking needs analysis upon any change in use of the subject lot.

F. Reduction of Parking Requirements by Special Exception.

1. Purpose. To minimize the amount of land covered by impervious area, while making sure that adequate parking is provided and to recognize the unique circumstances that may justify a reduction in parking spaces required.
2. As a special exception, the Zoning Hearing Board may authorize a reduction in the number of required off-street parking spaces to be provided for a use if the applicant proved to the satisfaction of the Zoning Hearing Boards that a reduction in the number of required spaces would be sufficient.
 - a. The applicant shall provide evidence that proves and justifies that the reduced number of spaces, such as studies of similar uses during peak hours. The applicant shall also provide relevant data, such as number of employees, peak hours estimate, and or similar data.

TABLE 1: PARKING RATIO REQUIREMENTS

Parking Ratio Requirements	
Land Use/Activity	Minimum Vehicle Spaces
Adult Oriented Businesses	1 per 200 sf gross floor area
Agricultural Operations	None except 1 per 200 sf of gross leasable area of building used for sale of products produced on the premises
Amusement Park	1 per 600 sf outdoor recreation area
Animal Day Care	1 per 600 sf gross floor area plus 1 per employee
Animal Grooming Facility	2 per grooming station plus 1 per employee
Animal Hospital and Veterinarian Services	1 per employee and 2 per exam room
Aquarium/Zoo	1 per 300 sf gross floor area
Art Gallery/Studio	1 per 1,000 sf gross floor area
Auditorium	1 per each 2 seats in the main seating area
Bank/Financial Institution	1 per 300 sf gross floor area, 1 per employee and 2 per drive-through lane
Barn	None
Bed & Breakfast Inn	1 per guest room and 1 per permanent resident
Beverage Distributor	1 per 300 sf gross floor area
Billboards	1 per site
Boarding House	1 per guest room plus 2 per owner's portion
Bus or Truck Maintenance Facility	3 per repair bay and 1 per each employee
Car Wash	1 per 375 sf gross floor area, including service bays, wash tunnels, and retail areas
Care Facilities and Senior Housing:	
Assisted Living Facility	1 per every 3 rooms
Independent Living Facility	2 per dwelling unit
Life Care Community	1 per employee on peak shift and 1 per 3 beds or residents
Nursing Home	1 per 3 beds and 1 per employee on peak shift
Retirement Housing Facility	1 per 3 dwelling unit
Catering (Kitchen/Food Prep Only)	1 per employee
Catering/Event Venue	1 per 300 sf gross floor area

Cemetery & Mausoleums	1 per each employee and ample accessways to the cemetery sections so as to allow parking on the accessway for gravesite services and visitations and 1 per every 3 seats
Clubs/Lodges (not including commercial recreation uses)	1 per 100 sf of gross floor area
College/University	1 per 4 students
Commercial Motor Vehicle Repair	3 per repair bay and 1 per each employee
Community Center	1 per 300 sf gross floor area
Conference Center	1 per 1,000 sf gross floor area
Construction-related Businesses	1 per 1,000 sf gross floor area
Convenience Store	1 per 300 sf gross floor area
Correctional Facility	1 per employee on maximum shift, 1 per service vehicle, and 1 per resident of a halfway house or similar scaled facility
Day Care, Adult	1 per 375 sf gross floor area
Day Care, Child	1 per 375 sf gross floor area
Distribution Center	1 per 1000 sf gross floor area
Dormitories	1 per 4 students
Dwelling types:	
Conversion Dwellings	2 per dwelling unit
Duplex	2 per dwelling unit
Apartment, Garden	3+ Bedroom - 1.4 per dwelling unit 1-2 bedroom- 1.2 per dwelling unit Studio- 1.0 per dwelling unit
Apartment, High-Rise	3+ Bedroom - 1.4 per dwelling unit 1-2 bedroom- 1.2 space per dwelling unit Studio- 1.0 per dwelling unit
Manufactured Home Park	2 per manufactured home (1 on lot and 1 within 300 ft of mobile home)
Multifamily Dwellings	2 per dwelling unit
Quadruplex	1.7 per dwelling unit and 0.5 per dwelling unit for visitor parking within 300 ft of each dwelling unit
Single-family	2 per dwelling unit
Townhomes	2 per dwelling unit and 0.5 per dwelling unit for visitor parking within 300 ft of each dwelling unit
Emergency Services Facility	1 per employee
Emergency Shelter	1 per employee
Famers Market	1 per 300 sf gross floor area

Fire Station	1 per employee + 1 per each 3 volunteer personnel on normal shift + 1 per 200 sf usable office space
Fitness Center	1 space for every 400 sf of gross floor area
Flea Market	1 per employee plus spaces required to satisfy projected peak parking needs
Food and Grocery Store	1 per 300 sf of gross floor area
Freight and Truck Terminal	1 per 2 employees on peak shift
Funeral Home/ Crematorium	1 per 4 seats
Garden Center	1 per 1,000 sf
Gas/Fuel Station	1 per 375 sf gross floor area including service bays, wash tunnels and retail areas
Golf Course	4 per hole and 1 per employee on peak shift
Golf Driving Range	1 per golf tee box plus 1 per employee
Grain Silos	None
Ground Mounted Solar	1 per employee
Group Care Facility	1 per employee and 1 per 3 rooms
Group Home	1 per every 3 beds plus 1 for each employee
Heavy Equipment Repair	3 per repair bay and 1 per each employee
Heliport Facility	1 per 4 seating accommodations for waiting passengers plus 1 per each 2 employees
Home-Based Business (No Impact)	1 per dwelling unit
Home Occupation	Combined total for the dwelling type plus the nonresidential use
Hospital	1 per every 400 sf of gross floor area
Laboratory	Determined as per parking needs analysis
Landfill (Office)	1 per employee
Landscaping Service Center (Retail)	1 per 300 sf of net floor area (indoor) and 1 per 500 sf of gross floor area (outdoor) and 1 per employee on peak shift
Landscaping Service Center (Wholesale)	1 per 2 acres of production sales area
Laundromat	1 per 300 sf gross floor area
Library	1 per 300 sf gross floor area
Live-Work Units	Combined total for the dwelling type plus the nonresidential use
Magistrate Office & Court	1 per 300 sf gross floor area
Manufactured Home Sales	1 per 300 sf gross floor area of sales building
Manufacturing Facility, Light	1 per employee
Manufacturing Facility, Heavy	1 per employee

Massage Establishment	1 per 200 sf gross floor area
Medical Marijuana Dispensary	1 per 200 sf gross floor area
Medical Marijuana Grower/Processor	1 per 800 sf gross floor area
Medical Offices (Low Intensity)	3 per exam room and 1 per employee during peak shift
Medical Offices (High Intensity)	3 per exam room and 1 per employee during peak shift
Micro-Brewery	1 per 75 sf gross floor area
Micro-Distillery	1 per 75 sf gross floor area
Mineral Development	1 per employee plus 1 per facility vehicle
Motel	1 per employee on peak shift and 1 per sleeping unit and additional regulations for restaurant/bar/conference room if accessory use or open to general public
Night Club	1 per 2 seats
Nursery	1 per 300 sf of net floor area (indoor) and 1 per 500 sf of gross floor area (outdoor) and 1 per employee on peak shift
Offices, Business & Professional	1 per each 300 sf gross floor area
Pawn Shop	1 per each 200 sf gross floor area
Personal Services	1 per 200 sf or net floor area and 1 per 2 employees on peak shift
Pet Boarding	1 per employee and 1 per 1000 sf
Pharmacy	1 per 200 sf gross floor area
Pilot Manufacturing	1 per employee on peak shift
Place of Worship	1 per 8 seats
Police Station	1 per employee + 1 per each 3 volunteer personnel on normal shift + 1 per 200 square feet usable office space
Public Utility Building and Public Utility Transmission Facility	1 per employee on peak shift and 1 per service vehicle stored on lot
Recreation – Indoor	1.5 per 500 sf gross floor area
Recreation – Outdoor	1 per each 3 participants at maximum utilization
Repossession Business	1 per employee plus 5 additional spaces for customers
Recycling Business	1 per employee
Research and Development	1 per 500 sf gross floor area
Restaurant	1 per 50 sf gross floor area and 1 per employee on peak shift

Restaurant, Take-out Only	5 per customer take out/pick up and 1 per employee on peak shift
Retail Store (<5,000 to 20,000 sf)	1 per 200 sf gross floor area
Retail Store (5,000 sf)	1 per 200 sf gross floor area
Retail Store (> 20,000 sf)	1 per 200 sf gross floor area
Roadside Stand (Accessory or Principal)	1 per employee on peak shift plus 4 reservoir stacking spaces
Salt Storage Facility	1 per employee
Salvage Yard	1 per employee on peak shift, plus 1 per 200 sf gross floor area used for office or administrative functions
Self-storage Facility	1 per 100 storage units plus 3 for management staff
Service Station	3 per bay and 1 per employee on peak shift and 1 per business vehicle
Shopping Center	1 per 300 sf gross floor area
Short-term Rental (Accessory or Principal)	1 per bedroom
Skilled Nursing Facility	1 per 3 rooms
Solar Energy Production Facility, Large	1 per service employee
Solid Waste Combustor or Incinerator	1 per employee
Solid Waste Landfill Facility	1 per employee
Solid Waste Transfer Station	1 per employee
Stable, Commercial	1 per 4 stables and 1 per employee on peak shift (horse boarding)
Storage Yard, Principal	1 per employee
Supply Yard, Principal	1 per employee plus 5 additional spaces for customers
Tattoo Parlor	1 per 2 seats
Tavern or Bar	1 per employee
Taxi and Limousine Service	1 per employee
Theater	12 per 1000 sf gross floor area
Theater, Drive-In	1 per employee
Towing or Other Road Services	1 per employee
Vehicle Sales	1 per 400 sf of showroom space and 1 per employee and 2 per service bay
Vehicle Rental Facility	1 per employee plus 5 additional spaces for customers
Vehicle Repair Garage	3 per bay and 1 per employee on peak shift and 1 per business vehicle
Warehouse & Storage Services	1 per 1000 sf gross floor area

Water Storage	1 per facility
Wholesale Business	1 per 2 employees on peak shift
Wireless Communications Facilities	1 per service employee
Uses Not Identified	Determined as per parking needs analysis. Parking spot approval will be determined by the Traffic Engineer and the Director of Community Development.

Section 904: Off-Street Parking Design

- A. Size. Each off-street parking space shall have a minimum area of 180 square feet, exclusive of access drives or aisles shall have minimum dimensions of nine (9) feet in width and twenty (20) feet in length and shall be maintained free from obstruction.
 - 1. For parallel parking, the minimum size rectangle shall be eight (8) feet by twenty two (22) feet.
- B. Access.
 - 1. Width. Driveways and Accessways with access onto a public road shall meet the following requirements below:

TABLE 2: PARKING WIDTH REQUIREMENTS

One-Way Use		Two-Way Use
Minimum	12 feet*	25 feet*
Maximum	20 feet*	30 feet*

* Unless different standards are required by PennDOT for entrance to a State road.

- 2. Where an existing lot does not adjoin a public or private street, alley, or easement of access, an access drive shall be provided leading to the parking areas.
- 3. Joint access to abutting parcels shall be provided wherever practical. This will result in the development of shared parking areas at vehicular access points.
- 4. Access to off-street parking areas shall be limited to well-defined locations, and, in no case, shall there be unrestricted access along the length of a street. The street frontage shall be curbed in accordance with Design Standards in Lower Paxton Township's Subdivision and Land Development Ordinance.
- 5. The number of access drives from a single lot or development to any public street shall not exceed two (2) for every 400 feet of street frontage.
- 6. Except on corner lots, access drives shall be located at least 200 feet from the intersection of any two (2) street ROW lines. Where a lot has frontage on more than one (1) street, access shall be provided from the street with the lower traffic volume, if physically practical.

7. Each parking space shall have access directly to a driveway. Interior circulation of traffic shall be designed so that no driveway providing access to parking spaces shall be used as a through street. Interior traffic circulation shall be designed to ensure safety and access by emergency vehicles.
8. No parking area shall be designed in a way that requires or encourages vehicles to back into a public street in order to leave a parking space, except for single family, two-family / twin, or townhouse dwelling with access onto a local street or parking court. Parking spaces may back into an alley.
9. If parking spaces are aligned at less than 90 degrees, driveways shall be restricted to one-way traffic and head-in parking only.
10. There shall be at least fifteen (15) feet between driveways at the street line and at least five (5) feet between a driveway and a fire hydrant, catch basin, or lot line. There shall be at least 40 feet between a driveway and the ROW line of an intersecting street.
11. Adequate sight distance shall be provided, subject to review and approval by the Township Engineer. Driveways shall not exceed a slope of ten percent (10%) within twelve (12) feet of the street ROW line.

C. Internal Driveway System. All off-street parking lots with greater than 100 parking spaces shall include a separate internal driveway system which connects individual aisles to a public ROW. The purpose of the internal driveway system is to facilitate pedestrian and vehicular circulation, creating an interconnected circulation network.

1. Internal driveways shall be provided to permit on-site access to all parking and loading facilities and to permit emergency vehicle access.
2. Internal driveway systems shall be designed to connect into adjacent properties, where practical. The Township may require an easement be placed on the property to allow for future connection to the adjacent properties.
3. Sidewalks are required internally to parking area to allow safe transportation.

D. Aisles. Each aisle providing one-way traffic to access traffic stalls shall have the following minimum widths:

TABLE 3: PARKING REQUIREMENTS

Angle of Parking	Minimum Aisle Width
Parallel or 30 Degrees	12 feet
45 degrees	14 feet
60 degrees	18 feet
90 degrees	20 feet

1. Each aisle providing two-way access to stalls shall be a minimum of twenty two (22) feet in width, except a width of twenty (2) feet may be allowed for parking

areas with spaces that are parallel or involve an angle of parking of 45 degrees or less.

- E. All parking areas containing three (3) or more parking spaces shall include a turnaround that is designed and located so that vehicles can enter and exit the parking area without backing onto a public ROW.
- F. Except as otherwise permitted, off-street parking facilities shall be located on the lots on which the use or structure for which they are provided is located, or an abutting lot.
- G. All vehicular turning movements and maneuvering must take place on site.
- H. The end of each parking bay shall have an end cap island of at least five (5) foot in width. The end cap island area shall not be used in meeting required minimum parking space or travel aisle dimensions.
- I. Safety Requirement. The Board of Supervisors shall consider whether safety requirements are warranted to reduce traffic hazards which endanger public safety. The landowner and/or developer shall be responsible for construction of any required islands, acceleration, deceleration, or turning lanes and shall bare the cost of installing any required traffic control devices, signs or pavement markings.
- J. Marking. All parking spaces shall be clearly delineated by painted lines or markers. Delineated parking spaces shall be necessary, for safety or protection to adjacent structures or landscaped areas. All vehicular entrances and exits to parking areas shall be clearly marked for all conditions. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings. Accessible parking shall be appropriately marked.
- K. Parking Lot Curbs. All off-street parking lots, including loading areas, service areas and driveways, shall be curbed. All curbing shall be constructed only of concrete or another material approved by the Township Engineer. Vertical curbing must be constructed out of concrete or other suitable material. Asphalt and wedge curbing will not be accepted.
- L. Surfacing. All parking areas and access drives associated with the development of a major subdivision or PRDs shall have a paved concrete or bituminous surface, or any other surface approved by the Township Engineer, graded with positive drainage to dispose of surface water and be subject to any additional requirements of the SALDO.
- M. Parking Lot Lighting. Any lighting used to illuminate off-street parking areas shall be designed to reflect the light away from any adjoining Residential Zoning District or existing residential use and away from any streets or highways. The spacing of lighting shall be determined based upon a Township-approved plan of photometrics. The lighting system shall furnish an average minimum of two (2) footcandles during typical hours of operation. If required by this Chapter for certain uses, lighting intensity shall be reduced between defined hours.
- N. Separation from Street. Except for parking areas immediately in front of individual dwelling units, all areas of off street parking and off street loading shall be physically separated from the street by a contiguous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the parking and or loading area.

O. Stacking and Obstructions. Each lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-through facility.

Section 905: Parking Areas Serving Residential Dwellings

- A. Parking requirements for single-family, two-family, and townhouse dwellings shall be met by providing the required spaces in an enclosed garage or in a private driveway, but not within a required yard, on the lot.
- B. Parking for apartments shall be provided in a common paved, striped, and curbed off-street parking area(s) or structure.

Section 906: Parking Areas Serving Uses Other than Residential Dwellings

- A. Parking requirements for all uses other than residential dwellings shall be met by providing a common paved, striped, and curbed off-street parking area(s) or structures.

Section 907: Location of Parking Areas

- A. Required parking spaces shall be located on the same lot with the principal use.
- B. No parking area containing more than five (5) parking spaces shall be located closer than ten (10) feet to any adjoining lot line, and parking authorized in front yards shall be located at least ten (10) feet from the street ROW line.

Section 908: Off-Street Loading Design

- A. Size. Each loading berth shall be at least 65 feet in length and twelve (12) feet in width with an overhead clearance of fourteen (14) feet. The area used for loading berths shall not be used to satisfy parking area requirements.
- B. Access. Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets and the design shall be subject to review and approval by the Township Engineer. Loading berths shall have direct access to a driveway and shall be maintained free of obstruction.
- C. Location. All loading berths shall be located on the same lot with the principal use they are intended to serve. No loading berth shall be located in a required front yard. Loading berths shall be located at least 30 feet from the nearest point of intersection of any two (2) streets.
- D. Screening. Loading berths shall be screened by an eight (8) foot hedge, wall, or fence with a minimum opacity of 80% on all sides that face a residential use or a use within a Residential Zoning District.
- E. Surfacing. All loading berths shall have a paved concrete or bituminous surface, graded with positive drainage to dispose of surface water.

F. Lighting. Any lighting used to illuminate loading berths shall be designed to reflect away from any adjoining residential use or Residential Zoning District and away from any street or highway.

G. The use shall be accessed directly from an arterial or collector street.

Section 909: Off-Street Loading Requirements

- A. In all Zoning Districts, every use which requires the receipt or distribution, by tractor-trailer, of material or merchandise, shall provide off-street loading berths in accordance with the following requirements:
- B. Retail stores, freight terminals, industrial or manufacturing establishments, retail or wholesale stores, personal or business service establishments, storage warehouses, or any similar uses which receive deliveries shall provide the number of off-street berths as required in Table 4.

TABLE 4 : BERTHS REQUIRED (RETAIL, INDUSTRIAL, AND MANUFACTURING)

Gross Floor Area (square feet)	Number of Berths Required
Under 10,000	None
10,000 to 19,999	1
20,000 to 39,999	2
40,000 to 65,000	3
For each additional 20,000	1 additional

- C. Auditoriums, convention or exhibit halls, sports arenas, hotels, office buildings, restaurants, nursing homes, hospitals, schools, apartment buildings, public buildings, and similar uses which receive deliveries by tractor-trailer shall provide the number of off-street berths as required in Table 5.

TABLE 5: BERTHS REQUIRED (AUDITORIUMS, CONVENTION HALLS, AND OFFICE BUILDINGS)

Gross Floor Area (square feet)	Number of Berths Required
Under 40,000	None
40,000 to 59,999	1
60,000 to 99,999	2
100,000 to 160,000	3
Over 160,000	4

- D. Any other business that is expected to have deliveries from large vehicles not specifically identified herein may be required to provide loading berths in compliance with this Section at the discretion of the Township.
- E. In addition to required off-street parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored on or block access to a public ROW.

Section 910: Electric Vehicle Charging Station Requirements

- A. Electric Vehicle Supply Equipment Standards. All electric vehicle supply equipment must meet standards found in the National Electric Code. All electric vehicle supply equipment installations shall adhere to the following design criteria:
 - a. Battery charging station outlets shall be no less than 36 inches and no higher than 48 inches from the surface where mounted.
 - b. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel or create trip hazards within any right-of-way and must comply with the Americans with Disabilities Act (ADA) requirements.
 - c. Cords should be retractable or have a place to hang the connector cord sufficiently above the pedestrian surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk or passenger unloading area.
 - d. All electronic vehicle supply equipment shall be protected by wheel stops or curbing if the battery charging station is setback a minimum of 24 inches from the face of the curb.
- B. Design of electric vehicle charging stations should be able to be readily identified by electric car users but blend into the surrounding landscape/architecture for compatibility with the character and use of the site.
- C. Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements.
- D. Public electric vehicle charging stations must be reserved for parking and charging of electric vehicles only.
- E. A phone number or other contact information shall be provided when the station is not functioning in a manner that allows electric vehicles to be charged.
- F. Electric vehicle charging stations must be able to be served with adequate voltage from the electric utility without degradation to pre-existing electric consumers. The Township may require proof thereof from the electric utility.

Section 911: Mobility Requirements (Buses, Shuttles, and Bicycles)

- A. Buses: Parking lots greater than 100,000 square feet in total gross building area are required to provide a pickup area for public transportation. The pickup area must include a 10-foot x 20-foot waiting area that is additional to the development's sidewalks. The pickup area must include an area where a 40-foot bus can park without blocking any lanes of development's driveways. Where the pickup area is internal to the development, driveways and a parking area must be provided that can handle and is designed for the weight and length of a 40-foot passenger bus.

- B. All permitted nonresidential uses shall provide pedestrian and bicycle access within and onto the site. Access points to and from adjacent lots should be coordinated to provide circulation patterns between sites.
- C. Walkways shall form an on-site circulation system that minimizes the conflict between motorists and pedestrians access to on-site parking and building entrances.
- D. Pedestrian and bicycle access and walkways shall meet the following minimum design standards:
 - a. Access and walkways shall be well lit with pedestrian level lighting and physically separated from driveways and parking spaces by landscaping, grade separation, other protected measures.
 - b. Access and walkways shall be a minimum of five and a half feet.
 - c. A raised crosswalk shall be required when a walkway crosses a driveway.

Article X: Signs

Section 1001: Purpose

- A. The intent of this Article is to strike a reasonable balance between the need or desire to display public information on signs with the need or desire to minimize visual conflicts that can occur when placement of signs is not adequately controlled. Appropriate design, placement and maintenance of signage can complement the visual appeal of the community and facilitate safe and efficient travel within the Township. Absence of appropriate standards can allow development of signage that distracts or competes excessively for visual attention or that detracts from the desirable appearance of the community.

Section 1002: Definitions

- A. In addition to the words and terms included in Article II: Definitions, pictorial descriptions of certain sign types defined in this section.

Section 1003: General Regulations

- A. No sign shall be placed, erected, altered, enlarged or relocated until a permit for doing so has been issued by the Zoning Officer. A construction permit shall also be required unless the sign proposal satisfies exemption criteria listed in the Building Construction and Safety Standards. Applications shall be submitted on forms provided by the Township, shall indicate consent of the owner of the premises upon which the sign is to be located and shall be accompanied by supporting information that is sufficient to determine compliance with this Article and any other relevant ordinances. Examples of supporting data that may be required include a scale drawing with relevant dimensions noted to illustrate the proposed height, area, size and sign copy; a plot plan of the property on which the sign will be located to illustrate the position of proposed signs relative to buildings, structures, lot lines and right-of-way; illumination method and materials; and support systems, structural loads, stresses and anchoring details. Compliance with performance criteria may require certification by a registered design professional.
- B. Signs and sign components may be removed for repair and maintenance, provided that they are restored to the same height, size, area and location authorized by permit. Repair and maintenance activities that do not affect the height, size, area or location of a sign do not require a zoning permit; however, if these activities affect structural or electrical components of the sign, a construction permit may be necessary.
- C. No sign may be erected or maintained that may be confused with any authorized traffic control device.
- D. Animated signs are not permitted in any district.
- E. Changeable message signs are permitted in all zoning districts, subject to limitations contained in herein.

F. Every sign permitted by this article shall be kept in good condition and repair. When the Code Official determines that a sign is unsafe, unsecured, is a menace to the public or has been installed, erected or maintained in violation of any provision of this Article, written notice shall be given to the owner of the sign, in accordance with herein. Said notice shall set forth a reasonable time period in which violation(s) shall be corrected. Immediate action may be required in the case of imminent danger to the public.

G. Any off-premises directional sign associated with a use that is not longer active, and any on-premises sign copy that no longer relates to a use conducted at the property on which it is located, except memorial signs, shall be covered or removed by the sign owner within 30 days after receipt of written notice from the Code Official, in accordance with ### herein. Any obsolete sign structure that is not reused for a new sign within one year of such notice shall be deemed abandoned. Any abandoned sign and structure, and any temporary sign that is displayed beyond the permit time limit, shall be removed by the sign owner or property owner within 30 days of receipt of written notice from the Code Official, in accordance with herein. Upon failure to comply with a notice regarding an obsolete or abandoned sign, or a temporary sign that remains in place after expiration of the display time period, the Code Official is hereby authorized to cause removal or covering of obsolete sign copy, or removal of temporary and abandoned signs. Any expense incidental thereto shall be assessed to the property. When an obsolete or abandoned wall sign is removed, the wall of the building or structure on which it was attached shall be restored to resemble the appearance of the wall surrounding the sign location.

Section 1004: Sign Standards

A. Placement standards

- a. No sign shall be installed in a public right-of-way unless installation is authorized by the authority having jurisdiction. Permitted sign types are limited to traffic control devices, signs displayed on public transportation passenger shelters, temporary street banners advertising special events for civic or charitable nonprofit organizations and building identification signs displayed on mailboxes.
- b. No sign shall be affixed to a natural object such as a tree, shrub or rock, or to a utility structure or utility pole, with the following exceptions: regulatory notice signs, such as those used to regulate hunting and trespassing, may be attached to a tree. A street banner may be attached to a utility structure or utility pole, or a tree provided that permission is granted from the owner of the utility structure, utility pole or tree.
- c. No sign may be mounted on a roof; however, signs may be mounted on roof-like architectural projects of walls, such as eaves and mansards, provided that the sign does not project above the highest part of the wall.
- d. No sign or sign structure shall be erected at any intersection in such a manner as to obstruct free and clear vision, nor at any location where it may interfere with or obstruct any traffic control device.

- e. A vertical clearance height of at least eight feet shall be provided between the surface of a public walkway and any sign that projects over the walkway.
- f. No freestanding sign, together with any supporting framework, shall extend to a height above the maximum building height allowed within the respective district.

B. Safety Standards. No sign may be erected and maintained which:

- a. Is structurally unsafe in accordance with the Pennsylvania Uniform Construction Code, as amended.
- b. Constitutes a hazard to public safety and health by reason of dilapidation, abandonment or inadequate maintenance.
- c. Obstructs free entrance or exit from a required door, window or fire escape.
- d. Obstructs light or air, or interferes with proper functioning of a building.

C. Illumination standards.

- a. Signs may be internally or externally illuminated. Externally illuminated signs shall only be illuminated with steady, stationary, shielded light sources directed solely onto the signs.
- b. Illuminated signs shall not be permitted to produce glare that impacts adjacent property owners or vehicular movements.
- c. Strings of bulbs are not permitted, except as part of a holiday celebration.
- d. All electrical components of any sign shall comply with the electrical code referenced in the Pennsylvania Uniform Construction Code, as amended.

Section 1005: Nonconforming Signs

- A. Any sign lawfully existing at the effective date of this Article that does not conform to the requirements of this Article shall be considered nonconforming, and the nonconforming use, location, area, height and/or size may be continued until such time as replacement or rebuilding becomes necessary. Replacement of copy or panels upon which copy is displayed does not constitute replacement or rebuilding of the sign, provided that the structure supporting the copy or copy panels is not rebuilt or replaced, and the new copy or copy panels are not larger in any dimension than those being replaced.
- B. When a nonconforming sign is replaced or rebuilt, the following limitations shall apply:
 1. A nonconforming sign damaged by fire, explosion, windstorm or other sudden natural or criminal act may be reconstructed or restored, provided that the reconstruction or restoration does not conflict with any regulation of the Commonwealth of Pennsylvania and the degree of nonconformity of the original sign is not increased.

2. When the land upon which a nonconforming sign is located is taken for public purposes through eminent domain proceedings, the nonconforming sign may be relocated or replaced elsewhere on the residual property, provided that the degree of nonconformity of the original is not increased.
3. All other nonconforming signs may only be replaced with or rebuilt as nonconforming signs, in accordance with all applicable provisions of this Article.

Section 1006: Determination of sign area and height

A. The area of a sign shall be the area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or V-shaped sign shall be the area of the largest single face. Any portion of the sign face that displays a street address for the building to which the sign is associated shall not be included in the area calculation.

1. In the case of panel or cabinet-type signs, the sign face shall include the entire area of the sign panel, cabinet, or substrate upon which the sign copy is displayed or illustrated, but not open space between separated panels or cabinets.
2. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except interrupted by a reveal, border or contrasting surface or color.
3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.
4. In the case of sign copy enclosed within a painted or illuminated border or displayed on a background contrasting in color with the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

B. Height.

1. The height of any building sign is limited to the actual height of the building. The height limit for a freestanding sign shall be established in the specific regulations for the district in which it is located, but in no case may it be greater than the maximum permitted building height of the respective district.
2. The height limit of any freestanding sign shall be measured relative to the surface elevation of the road from which the freestanding sign is intended to be viewed. If the center-line elevation of the road cartway has a higher elevation than the ground elevation at the proposed sign location, when measured along a line connecting these two points and running perpendicular to the intersecting lot line, the sign height limit may be increased by the resulting difference in elevation. If this same measurement methodology indicates that the ground at the proposed sign location has a higher elevation than the center-line elevation of the roadway from which the sign is intended to be viewed, then the sign height limit prescribed by the appropriate section within this Article may not be adjusted, and any lot elevation

increase achieved by mounding the proposed sign location shall be subtracted from the maximum allowable height. When a proposed sign will be readable from multiple roads, the greatest sign height resulting from application of this section shall be permitted.

Section 1007: Exceptions to permit requirements

A. The following signs shall be exempt from zoning permit requirements but must conform to all the requirements of this Article. Construction permits may be necessary.

1. Signs erected or posted and maintained for public safety and welfare, pursuant to any governmental function, law or other regulation, and any sign related to an emergency.
2. On-premises directional signs that are placed at driveways solely to indicate the location of ingress and egress at public streets. Such signs may not exceed four square feet per face or extend higher than 3.5 feet above ground level. Such signs shall not contain any advertising, but up to 25% of the sign area may contain the business name and/or logo.
3. Incidental signs, in accordance with this Article.
4. Memorial signs, in accordance with this Article.
5. Real estate signs and on-premises residential sales signs, in accordance with temporary sign provisions of this Article.
6. Regulatory signs, in accordance with this Article.
7. A bulletin board or similar sign not exceeding 40 square feet per sign face, with a limited of two sign faces, in connection with any church, neighborhood or civic association, museum, library, school or similar public or semipublic nature, provided that it complies with all other provisions of this Article.
8. Holiday decorations displayed for recognized holidays, except as they may interfere with traffic safety or in any other way become a safety hazard.
9. Flags of any political or noncommercial entity.
10. Sign, or portions thereof, devoted solely to display of building address numbers.
11. Any on-premises event, identification or marketing sign that is not primarily intended for viewing from a public street, or adjacent property and the copy of which is not readily discernable from an adjacent property or public street that abuts the property on which the sign is located.
12. Off-premises signs located at athletic facilities, typically utilized for fund-raising purposes, that are attached to fences, scoreboards, and other structures, provided that they are primarily oriented for viewing by participants and spectators.
13. Opinion and election campaign signs, in accordance with the general sign regulations of the underlying zoning district.

Section 1008: Regulations by sign type.

A. Freestanding signs. Any freestanding sign, unless permitted in a public street right-of-way, is limited to a height of 3.5 feet when located less than 10 feet from a public right-of-way.

Specific zoning district height limits apply when such signs are placed at least 10 feet from a street right-of-way. No freestanding sign may be located within five feet of a side or rear property line, nor in such a manner that it interferes with a traffic control device or a driver's view of approaching, merging or intersecting traffic.

- B. Memorial signs. Freestanding memorial signs are limited to 10 square feet per face, with a maximum of two faces. When affixed to the surface of a building, they shall either be cut into exterior masonry facing, or constructed of durable noncombustible material and fastened to the exterior surface of the building. Memorial signs affixed to building surfaces are limited to 10 square feet and one such sign per street frontage.
- C. Portable signs are only permitted as temporary signs and shall comply with temporary sign placement provisions contained herein.
- D. Changeable message signs. Nonresidential uses in all residential zoning districts may install changeable message signs in accordance with other provisions of this article, provided that activation of message change is by manual means. Changeable message signs may be either electrically or manually activated in commercial or industrial districts. Electrical activation may include projection or rotation of sign copy, or electronically programmed message changes. Scrolling message changes are permitted, but flashing and animated signs, as defined herein, are prohibited.
- E. Building signs. Such signs may not project horizontally beyond or vertically above the face of the building upon which they are displayed. Panels, cabinets and individual copy elements may not extend perpendicular from the building face more than 15 inches, unless classified as, and subject to limitations, for projecting signs contained in herein.
- F. Projecting signs. Signs attached to buildings and having copy elements displayed perpendicularly to the building face may project more than 15 inches from the building face, provided that:
 1. Vertical clearance of at least eight feet shall be provided below all parts of a projecting sign.
 2. Horizontal projection shall not extend past a vertical plane established by the location of any minimum building setback line, except as specifically allowed in a traditional neighborhood development or neighborhood redevelopment.
 3. Sign area is limited to the maximum area for a freestanding sign in the district in which the project sign is located.
 4. Method of structural attachment is subject to construction code compliance if the sign area exceeds 2.5 square feet.
- G. Outdoor advertising signs. Signs classified as billboards are only permitted in ## districts, subject to the following limitations:
 1. Such signs shall be located at least 500 feet from any residence or residential zoning district; at least 10 feet from any property or street right-of-way line; and at least 1,000 feet from any other billboard.
 2. The number of faces is limited to two faces.
 3. Sign area is limited to 300 square feet per face in all commercial districts and 672 square feet per face in industrial districts. Temporary embellishments may be

added to billboards in the industrial districts, provided that they do not increase sign area beyond 750 square feet per face.

4. The maximum height of an billboard, measured in accordance to this Article herein, shall be 25 feet.
- H. Window signs. Such signs that are designed so they can be legibly viewed from adjacent property or public street right-of-way shall be classified as building signs, and the area of these window signs shall be included in the total window sign area permitted on the property. Incidental and regulatory signs are exempt from the requirement. No more than 30% of the area of a window may be covered with window signs that are classified as building signs.
- I. Development identification signs. Freestanding signs that identify shopping centers or groups of related buildings, such as residential subdivisions, institutional campuses, industrial or business parks and office and apartment complexes, may be installed in addition to any identification signs that may be permitted for individual buildings or uses, provided that the following limitations are met:
 1. The land area of nonresidential developments must be at least 10 acres.
 2. Unless otherwise permitted in a public street right-of-way, all development identification signs shall be located at least 10 feet from said right-of-way.
 3. The height limitations for such signs is six feet when located in a residential district; otherwise, the limitation shall be the maximum height of a freestanding sign in the district in which the sign is located.
 4. External illumination is the only type of illumination permitted in a residential district.
 5. The area of such signs is limited to 40 square feet per face, with a maximum of two faces per sign, in any zoning district.
 6. When primary access to a development is provided by a boulevard, an off-premises development identification sign may be located in the boulevard island, provided that the sign location and construction is approved by the Township Engineer, the island is not maintained by the Township and the entity responsible for island maintenance agrees in writing to maintain, repair and replace the sign and indemnify the Township against any claims or actions resulting from damage caused by or to the sign.
- J. Incidental signs. These signs are limited to two faces per sign. The sign area per face shall be limited to four square feet in residential districts and six square feet in all other districts.
- K. Regulatory signs. These signs are limited to two faces per sign. The sign area per face shall be limited to four square feet in residential districts and six square feet in all other districts, except where a larger size is mandated by regulations promulgated under authority of state or federal statutes or by judicial order.
- L. Off-premises directional signs. These signs must be freestanding signs. They are intended to guide motorists to residential developments and nonresidential development destinations that do not have readily apparent access or visibility from a public street. The following limitations apply to off-premises directional signs:

1. Sign copy is limited to name and/or logo of premises and distances and/or directional information. Copy may not be illuminated in residential districts.
2. The signs must be located on private property, with written consent of the property owner. They must be located at street intersections that are within one mile of the destination. No more than two signs may be erected per use.
3. In all residential districts, these signs are limited to 3.5 feet in height and 6.0 square feet per face, with a limit of two faces per sign, and two signs per property.
4. In all other zoning districts, these signs have the same limits as residential districts if located within 10 feet of the street right-of-way. If located 10 or more feet from the street right-of-way, limits for these signs are a height of eight feet, 10.0 square feet per face with a limit of two faces per sign and four signs per property. These signs must be a minimum of five feet from side and rear property lines.
5. Tourist Oriented Signs and travel logo signs erected in the public right-of-way by the authorities having jurisdiction over them are exempt from these regulations.

Section 1009: Regulations by zoning district

- A. The purpose of these regulations is to allow signs that are customary and reasonable for the variety of dwelling unit types permitted in these districts, and to allow signs for permitted nonresidential uses that sufficiently identify these uses in a manner that is compatible with predominantly residential uses. Signs in all the residential use districts shall be subject to the following limitations:
 1. Identification signs for residential uses are limited to street address, owner/occupant name, customarily incidental welcome messages and lawfully existing home occupations. Freestanding signs may not be located in a public street right-of-way, unless limited to one square foot per face and located on a mailbox that is installed in accordance with United States Postal Service guidelines.
 2. All uses in residential districts may display temporary signs in accordance with herein.
 3. Development identification signs may be installed in accordance with herein.
 4. All uses may display incidental and regulatory signs in accordance with herein.

Section 1010: Temporary sign regulations

- A. Temporary signs provide an alternative or supplement to permanent signs for communicating information to the public. Their messages are generally applicable for a limited time, and the signs are not permanently fastened to the ground or a structure.
 1. General regulations for temporary signs.
 - i. Placement, public rights-of-way. The only temporary signs permitted in a public right-of-way are those classified as traffic control devices or emergency signs. They may only be installed by, or at the direction of, the authority having jurisdiction over the right-of-way.

- ii. Placement, private property. All other temporary signs must be located on private property. In the case of off-premises temporary signs, written permission of the private property owner must be obtained, and the signs must bear the name, address and telephone number of the person responsible for placement of the sign.
 - 1. Temporary signs may be freestanding or attached to permanent buildings or structures.
 - 2. All temporary signs located at least five feet from any adjacent property line.
- iii. Permits. A zoning permit shall be obtained prior to displaying any temporary sign except opinion, election campaign, real estate, and on-premises residential sale signs.
- iv. Illumination. The only temporary signs that may be illuminated are on-premises commercial signs and community event signs that are located on properties used for nonresidential purposes.
- v. Height limits. Attached temporary signs may not exceed the height of the building upon which they are fastened and may not be installed as projecting signs. Freestanding temporary signs are limited to 3.5 feet in height when installed within ten feet of the dedicated right-of-way line. When installed greater than or equal to ten feet from the dedicated right-of-way line, they may be up to six feet in height if located on a property used for residential purposes, and up to ten feet in height located on a property for nonresidential uses.
- vi. Off-premises outdoor advertising. The temporary sign regulations are not intended to preclude or limit the legitimate use of off-premises outdoor advertising signs, commonly referred to as "billboards." Temporary signs displayed on a public transportation shelter located in a public right-of-way shall be regulated in a manner prescribed by the authority having jurisdiction over the right-of-way.

2. Specific regulations for temporary signs.

- i. Residential sales. This type of temporary sign is intended for use with garage sales, yard sales, auctions and similar events. These temporary signs may be displayed not more than ten days before the event and must be removed not more than one day after the event.
- ii. Commercial signs. This type of temporary sign provides an opportunity for businesses to replace or supplement permanent signs on a short-term basis. They also provide an opportunity for businesses to display public information regarding special events, new products and services, changes in ownership or management, employment opportunities and similar messages. Temporary commercial signs shall be on-premises signs and

must be placed and maintained in accordance with the general regulations of temporary signs. Home occupations are excluded from using this type of sign.

Section 1011: Seasonal Decorations

- A. Noncommercial signs, structures, materials (e.g., air-filled figures, strings of holiday or twinkle lights, ornaments, cut-out figures, etc.) that are temporarily displayed. Seasonal decorations shall not be placed in any way that affects traffic safety or visibility. They shall not pose a hazard or threat to public safety, and shall not negatively affect surrounding properties, neighbors, etc. They shall not advertise any type of business sales, marketing, grand opening or other commercial event.
 1. Maximum height: Height of main structure on the property/lot. If located on the roof of a structure in an agricultural or residential zoning district, decorations shall not extend more than eight (8) feet above the top of the roof.
 2. Maximum size/area: no limit.
 3. Allowed in all zoning districts.
 4. Placement/setbacks: Completely on private property (not in public right-of-way); can be erected or affixed to the roof, trees, fences and other fixtures on the property; can be illuminated and/or animated; can be mounted on the roof of a structure only within agricultural and residential zoning districts, only if securely tethered or secured to minimize the movement of decorations, and only if decorations do not exceed eight (8) feet in height.
 5. Maximum number: no limit.
 6. Duration: Can be installed/displayed not more than fifty-nine (59) days.
 7. Permit is not required.

ZONING

Township of Lower Paxton

Table
Dimensional Requirements Table

Zoning District: Type of Use	Minimum Lot Area (square feet) (Note E)	Minimum Lot Width Measured at Minimum Building Setback Line (feet)	Minimum Front Yard Setback (feet)	Minimum Rear Yard Setback (feet)	Minimum Side Yard Setback (each) (feet)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
CO Conservation District: See also open space development option in § 203-311, which may allow smaller lot sizes, smaller lot widths and density bonuses.	87,120 (2 acres), unless a larger lot area is required by § 203-310	250	40 (Note D)	50	30	10%	15%
AR Agricultural Residential District: See the options of requesting overlay zoning for traditional neighborhood development in § 203-314, or for open space development in § 203-311, which may allow smaller minimum lot sizes, smaller lot widths, greater varieties in housing types and density bonuses.	65,340 (1.5 acres)	140	40	50	20, except 35 for a principal nonresidential use	15%	30%

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Zoning District: Type of Use R-1 Low Density Residential District:	Minimum Lot Area (square feet) (Note E)	Minimum Lot Width Measured at Minimum Building Setback Line (feet) (Note E)	Minimum Front Yard Setback (feet) (Note D)	Minimum Rear Yard Setback (feet) (Note D)	Minimum Side Yard Setback (each) (feet)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
(a) Single-family detached dwelling:							
(a1) Without Township-approved central water service and without Township-approved central sewage service	(a1) 43,560 (1 acre)	(a1) 150	(a) through (c) 25	(a) through (c) 30	(a) one side yard shall be a minimum of 10 feet, and the minimum total of 2 side yards combined shall be 25 feet	(a) through (c) 30	(a) through (b) 40 (c) 60
(a2) With Township-approved central water or Township-approved central sewage service	(a2) 39,000	(a2) 150			See provisions for reduced yards in § 203-805.		
(a3) With both Township-approved central water and Township-approved central sewage services	(a3) 20,000	(a3) 90					
(b) Other allowed principal use	(b) 43,560 (1 acre)	(b) 150					
(c) Institutional/semipublic	(c) 43,560 (1 acre)	(c) 150					
<i>See the options of requesting overlay zoning for traditional neighborhood development in § 203-314, or for open space development in § 203-311, which may allow smaller minimum lot sizes, smaller lot widths, greater varieties in housing types and density bonuses.</i>							
<i>See also the age-restricted residential development option in § 203-315</i>							
All dwellings shall have a minimum principal building width and length of 20 feet (not including unenclosed structures).							

ZONING

Zoning District: Type of Use	Minimum Lot Area (square feet) (Note E)	Minimum Lot Width Measured at Minimum Building Setback Line (feet)	Minimum Front Yard Setback (feet)	Minimum Rear Yard Setback (feet)	Minimum Side Yard Setback (each) (feet)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
R-2 Medium Density Residential District:							
(a) Single-family detached dwellings:							
(a1) Without both Township-approved central water service and Township-approved central sewage services	(a1) 43,560	(a1) 150	(a) through (c) 25	(a) through (c) 25	(a1) 15	(a) through (c) 50%	(a) through (c) 60%
(a2) With both Township-approved central water and Township-approved central sewage services	(a2) 10,000	(a2) 80			(a2) One side yard with a minimum width of 5 feet, provided the total of both side yards is a minimum of 15 feet.		
(b) The following housing types, each of which shall require Township-approved central water and Township-approved central sewage services:							
(b1) Twin dwelling unit							
(b2) Townhouse							
See also the minimum tract size requirement in § 203-306 for twins and townhouses.							
(c) Other allowed principal use							
R-3 Medium High Density Residential District:							

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Zoning District: Type of Use	Minimum Lot Area (square feet) (Note E)	Minimum Lot Width Measured at Minimum Building Setback Line (feet) (Note F)	Minimum Front Yard Setback (feet) (Note D)	Minimum Rear Yard Setback (feet) (Note D)	Minimum Side Yard Setback (each) (feet)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
(a) Single-family detached dwellings:							
(a1) Without both Township-approved central water service and Township-approved central sewage services	(a1) 43,560	(a1) 150	(a), (b) and (d) 30 (d) 25	(a), (b) and (d) 30 (d) 25	(a1) 15 (a2) 5	All uses: 60%	All uses: 70%
(a2) With both Township-approved central water and Township-approved central sewage services:	(a2) 7,000	(a2) 50					
(b) The following housing types, each of which shall require Township-approved central water and Township-approved central sewage services:							
(b1), (b2) and (b3)		(b1) 35 per dwelling unit (b2) 20 per interior dwelling unit, and 40 for each end unit (Note B) (b3) 40				(b1) and (b2) 10, except 0 at the shared lot line of lawfully attached dwellings.	
(b1) Twin dwelling unit						(b3) 15	
(b2) Townhouse							
(b3) Duplex or other apartment dwellings, which shall be detached from other buildings.							
(c) Manufactured home parks shall meet the requirements for such use as stated in § 203-402, instead of the requirements of this section.							
(d) Other allowed use							
TND Traditional Neighborhood Development Overlay District:							
The requirements of § 203-314 shall apply							
R-C Residential-Cluster District:							
The requirements of § 203-320 shall apply							
V Village District:							
The requirements of § 203-318 shall apply							

ZONING

Zoning District: Type of Use	Minimum Lot Area (square feet) (Note E)	Minimum Lot Width Measured at Minimum Building Setback Line (feet) (Note D)	Minimum Front Yard Setback (feet)	Minimum Rear Yard Setback (feet) (Note D)	Minimum Side Yard Setback (each) (feet)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
CN Neighborhood Commercial, CG General Commercial and ON Office Neighborhood Districts: Allowed use	30,000	100, except 200 for a new lot approved after the adoption of this chapter that will have its own vehicle access directly onto an arterial street	30, except 50 feet where off-street parking will exist between the principal building and an arterial street	30 (Note A)	15 (Note A)	40%	75%
LI Light Industrial and GI General Industrial Districts: Other allowed use	87,120 (2 acres)	200	30	25 (Note A)	15 (Note A)	40%	75%

LOWER PAXTON CODE

Zoning District; Type of Use IN Institutional District:	Minimum Lot Area (square feet) (Note E)	Minimum Lot Width Measured at Minimum Building Setback Line (feet) (Note F)	Minimum Front Yard Setback (feet) (Note D)	Minimum Rear Yard Setback (feet) (Note D)	Minimum Side Yard Setback (each) (feet) (feet)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
A minimum of 20% of the total lot area of lots in common ownership shall be set aside in land that is either maintained in tree cover or landscaped in trees and shrubs. In no case shall be a building be closer to a lot line or street right-of-way line than the building is tall, unless the abutting lot is in common ownership. An applicant may also utilize the optional residential retirement development provisions under § 203-319 in place of the IN District provisions	15,000	100	30 for buildings possessing less than 10,000 square feet of total floor area, and 40 for buildings possessing 10,000 square feet or more of total floor area	25 each, except 50 for a building of 2 or more stories that has a side yard contiguous to an existing residential lot that is not in common ownership	25 each, except 50 for a building of 2 or more stories that has a side yard contiguous to an existing residential lot that is not in common ownership	60%	75%. An individual lot may have a maximum impervious coverage of 85%, provided that another lot is deed restricted to a lesser impervious coverage to ensure that the 75% maximum coverage is maintained on the average for the total lot area of adjacent lots
BC Business Campus District: See additional requirements for the BC District in § 203-317 In no case shall be a building be closer to a lot line or street right-of-way line than the building is tall, unless the abutting lot is in common	30,000	150	35, except 50 adjacent to an arterial street	20 each, except 50 for a rear yard contiguous to an existing residential	20, except 50 for a side yard contiguous to an existing residential	50	60. See averaging option in § 203-317

ZONING

Zoning District, Type of Use ownership	Minimum Lot Area (square feet) (Note E)	Minimum Lot Width Measured at Minimum Building Setback Line (feet)	Minimum Front Yard Setback (feet) (Note D)	Minimum Rear Yard Setback (feet) (Note D)	Minimum Side Yard Setback (each) (feet)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
	lot	lot	lot	lot	lot	lot	lot

NOTES:

-See § 203-803 regarding permitted reductions in setbacks to reflect average setbacks of adjacent buildings.

(Note A) = Except 40 feet side and 50 feet rear for a principal business use from a directly abutting principal residential lot in a residential district. A side or rear yard shall be increased to 100 feet for any new or expanded portion of an industrial building or tractor-trailer truck loading dock from the lot line of a primarily residential use in a residential district.

(Note B) = Except if two or more side-by-side off-street parking spaces are located in the front yard of a townhouse or if garage door(s) for two or more vehicles face onto the street in the front of the townhouse, then the minimum building width per dwelling along such street shall be a minimum of 24 feet. A maximum of 50% of the land area between the front of each townhouse and the right-of-way line shall be used for vehicle parking and driveways.

(Note C) = These provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominium or fee-simple, and regardless of whether public streets, private streets, or parking courts are used.

-The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land.

-The minimum average lot area per dwelling unit shall be calculated after deleting existing street right-of-way of existing streets and alleys but shall include: right-of-way of proposed streets and alleys and areas of parking courts, common open space, and stormwater detention basins.

-A golf course (not including areas covered by buildings and paving) may count towards the common open space provided that it includes more than 50 acres of lot area and is preserved by a permanent conservation easement at the time of development approval.

-See also the applicable standards in § 203-402, which may require common open space.

(Note D) = Setbacks shall be measured from the future/ultimate right-of-way. An unenclosed front porch or deck may intrude up to 10 feet into the minimum front yard.

(Note E) = This porch or deck may be covered by a roof.

(Note F) = See natural feature regulations, including §§ 203-308 and 203-310. Abbreviations:

sq. ft. = square feet

Minimum = minimum

max. = maximum

ft. = feet

Temporary Sign Table

Zoning Districts	Sign Type	Maximum Area (sq. ft.)	Duration Limits
All	<u>Real Estate</u>		Removed, lease, or rental
	Residential	6 per face	
	Nonresidential, apartment and residential building complex	32 per face	
All	<u>Construction/Development</u>		30 days before start to 10 days after completion
	Residential	12 per face	
	Nonresidential, apartment and residential building complex	32 per face	
	Off-premises ²	4 per face	
	Nonresidential, apartment and residential building complex		
All	<u>Community Event</u>		30 days before start to 3 days after event
	On-premises	32 per face	
	Off-premises ³	16 per face	
	Street banner ⁴	100 per face	
All	<u>Residential Sales</u>		10 days before to one day after event
	On-premises	16 per face	
	Off-premises	4 per face	
All residential districts	Commercial Freestanding ⁵	16 per face	30 days per single event; maximum 60 days in any one calendar year

All non-residential districts	Commercial Freestanding ⁶	32 per face	30 days per single event; maximum 60 days in any one calendar year
All residential districts	Building	32 per face ⁷	30 days per single event; maximum 60 days in any one calendar year
All non-residential districts	Building	⁸	30 days per single event; maximum 60 days in any one calendar year

NOTES:

¹ No limit on number of signs.

² Limit of two off-premises directional signs.

³ Limit of four off-premises signs.

⁴ Limit of two street banner signs.

⁵ Limit of two off-premises directional signs.

⁶ Limit of 1 sign per lot, except:

(a) Shopping centers with three to 20 tenants may have two temporary signs.

(b) Shopping centers with more than 20 tenants may have three temporary signs.

⁷ In lieu of, but not in addition to, freestanding temporary sign.

⁸ Available building sign area minus area used for permanent building signs. If less than 32 square feet available, minimum 32 square feet permitted.

All Temporary Signs:

1. One sign permitted per street frontage.
2. Maximum two faces per sign.
3. Minimum five feet from property line.

Article XI: Nonconforming Uses, Structures, Lots, and Signs

Section 1101: Purpose

A. The purpose of this Article is to regulate nonconforming uses, nonconforming buildings and structures, nonconforming lots, and nonconforming signs. The Zoning Districts established by this Ordinance are designed to guide the future use of the Township's land by encouraging the development of desirable residential, commercial, and other uses with appropriate groupings of compatible and related uses that promote and protect the public health, safety, and general welfare. The regulations of this Article are intended to restrict further investments that would make nonconformities more permanent in their location in inappropriate Districts as well as to afford opportunities for creative use and reuse of those other nonconformities that contribute to a neighborhood.

Section 1102: Nonconforming Uses

A. When Permitted. Subject to the provisions of this Section, a use of building or of land existing at the time of the legal adoption of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance for the District in which it is located.

B. Continuation of Nonconforming Use. Any lawfully existing nonconforming use may be continued so long as it remains otherwise lawful, subject to the regulations contained in this Section. Ordinary repair and maintenance or replacement, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring, or plumbing, may be performed.

C. Change of Nonconforming Use to Conforming.

1. No nonconforming building, structure, or use shall be changed to another nonconforming use.
2. Whenever any nonconforming use shall have been changed or altered so as to conform to the provisions of this Ordinance or its amendments, then such nonconforming use shall no longer be nonconforming to the extent to which it then conforms to this Ordinance or its amendments.
3. The prior nonconforming use shall not be resumed; provided, however, that if a later amendment to this Ordinance should make the use as so changed or altered nonconforming with its provisions then such use as changed or altered shall become a new nonconforming use to the extent of such nonconformance or non-compliance.

D. Expansion or Extension of Nonconforming Use. Extension of a nonconforming use of the land upon the lot which occupied by such use may be extended as a special exception upon approval through application to the ZHB subject to the following:

1. The extension shall not exceed 50% of the total square footage of the use.
2. The extension is for the purpose of the expanding nonconforming use in the existence at the time of the legal acceptance of this Ordinance.
3. Extension of a lawful use to any portion of a nonconforming building or structure which existed prior to the enactment of this Ordinance shall not be deemed the extension of such nonconforming use.
4. No nonconforming use may be extended or expanded in any building or structure, or in or on the lot on which it is located, nor may any nonconforming use be moved to a different position upon the lot on which it is located, so as to alter the use or its location which existed at the time that the use became nonconforming.
5. Whenever a use District shall be hereafter changed by a duly adopted amendment to this Ordinance, then any existing legal, nonconforming use of such changed District may be continued, and such use may be extended throughout the structure.

E. Abandonment. A legal nonconforming use of a building or land which has been abandoned intentionally shall not thereafter be returned to such nonconforming use and shall be considered abandoned under the following circumstances.

1. When a nonconforming use has been discontinued for a period of one (1) year; or
2. When it has been replaced by a conforming use; or
3. When it has been changed to another use authorized by the ZHB.
4. Any subsequent use shall conform to the applicable provisions of this Ordinance or its amendments and the prior nonconforming use shall not be resumed, unless in accordance with the applicable provisions of this Ordinance or its amendments.

F. Nonconforming Accessory Uses and Structures. No use, structure, or sign that is accessory to a principal nonconforming use shall continue after such principal use, structure, or sign has been abandoned or removed, unless it shall thereafter conform to all the regulations of the Zoning District in which it is located.

G. Unsafe Structure. Nothing in this Ordinance shall prevent the strengthening or restoring to safe condition of any portion of a building structure that is declared unsafe by the proper authority.

H. Unlawful Use Not Authorized. Nothing in this Ordinance shall be interpreted as authorization for approval of the continuance of the illegal use of a structure or premises in violation of zoning controls in existence at the time of the effective date of the legal enactment of this Ordinance.

Section 1103: Nonconforming Buildings or Structures

- A. Continuation of Nonconforming Buildings or Structures. Any nonconforming building or structure which is devoted to a use which is permitted in the Zoning District in which it is located may be continued so long as it remains otherwise lawful, subject to the restrictions in this Section.
- B. Structural Alteration of Nonconforming Buildings or Structures. A lawful nonconforming use of a building or structure existing at the time of the adoption of this Ordinance or an amendment hereto may be structurally altered. Such alteration shall not expand its nonconformity in areas not previously occupied by the nonconforming use unless meeting the requirements of expansion and extension of nonconforming uses as required in this Ordinance. No parking, yard, space, or bulk nonconformity may be created or increased.
- C. Changes to Nonconforming Buildings or Structures to Conforming.
 - 1. Whenever any nonconforming building or structure has been changed or altered to conform to the provisions of this Ordinance or its amendments in effect at the time of such change or alteration, or whenever any amendment to this Ordinance shall make such building or structure conforming with the provisions of this Ordinance or its amendments, then such building or structure shall remain in conformance with the applicable provisions of this Ordinance or its amendments.
 - 2. If a later amendment to this Ordinance should make the building or structure as changed or altered nonconforming with its provisions, then the building or structure as changed or altered will become a non-conforming building or structure to the extent of such nonconformance or noncompliance.
- D. Damage or Destruction of Nonconforming Buildings or Structures.
 - 1. A nonconforming building or structure which is destroyed or partially destroyed by fire, explosion or natural cause may be rebuilt and used for the same purpose provided that:
 - a. The reconstruction of the building or structure is commenced within one (1) year from the date of destruction of the building and is completed without undue delay.
 - b. The reconstructed building or structure shall not exceed the height, area, or volume of the damaged or destroyed building or structure and such reconstructed building or structure shall not increase any dimensional nonconformities.
 - 2. In no event shall any damage or destruction to such a structure by any means within the control of the owner be repaired or restored, except in accordance with this Section.
- E. Expansion or Extension of Nonconforming Buildings or Structures.
 - 1. No nonconforming building or structure may be moved to a different position upon the lot on which it is located, except to a position in conformity with the current codes.

2. Legal non-conforming residential structures may be expanded up to 100 sq. ft. to allow for necessary accessibility improvements.
3. Whenever a use District shall be hereafter changed by a duly adopted amendment to this Ordinance, then any existing legal, nonconforming structure of such changed District may be continued, and such use may be extended throughout the structure.
4. Structures that are nonconforming on the effective date of this Ordinance that already encroach on a required set back can extend that encroachment and not be considered an expansion of the nonconforming structure subject to the following:
 - a. The structure is only extended on a parallel plane of the existing nonconforming encroachment and does not extend any closer to a property line.
 - b. The extension is no more than 25% of the length of the side of the existing nonconforming structure on the side of the encroachment.
 - c. A determination is made by the Zoning Officer that there is no impact to immediately adjacent property. If any uncertainty exists regarding impacts to immediately adjacent properties, the Zoning Officer may refer the request to the ZHB for an interpretation.

F. Repairs, Renovations, and Modernization of Nonconforming Buildings or Structures.

1. Repairs, renovations, and modernization of nonconforming buildings or structures, such as renewal or replacement of outer surfaces, windows, addition of soundproofing materials, air conditioning and repair or replacement of structural parts or members of the building or structure shall be permitted notwithstanding other provisions of this Ordinance.
2. Such repairs, renovations, or modernizations are allowed provided that they do not change or alter substantially the physical configuration of the nonconforming building or structure or change its position on the ground.

G. No increase in the size of or area covered by the nonconforming use or area of the use within the building or structure is allowed except as provided for in this Ordinance. The areas of nonconforming use within a building or structure may be rearranged in connection with such repairs, renovation, or modernization, provided that no enlargement or expansion of the nonconforming use occurs.

H. Alterations. A nonconforming building or structure may be altered, improved, or reconstructed provided such work does not exceed the fair market value of the building or structure or provided the building structure is changed to a conforming use.

I. Construction Approved Prior to Legal Enactment of this Ordinance. Nothing herein contained shall require any change in plans, construction, or designated use of a building or structure for which a zoning/building permit has been issued and the construction of which shall have been diligently pursued within two (2) months of the date of such permit, and the ground story framework of which shall be completed within four (4) months of the

date of the permit, and which the entire building shall be completed according to such plans as filed within one (1) year from the date of legal enactment of this Ordinance.

Section 1104: Nonconforming Lots of Record

- A. In any District in which single-family dwellings are a use by right, notwithstanding the regulations imposed by any other provisions of this Ordinance, a single-family detached dwelling which complies with the yard, space, and bulk requirements of the District in which it is located may be erected on a nonconforming lot adjacent to an improved street. Nothing in the requirements of this Ordinance relating to lot area per dwelling unit shall be held to prohibit the erection of a single-dwelling unit upon a lot having less than the required street frontage or the area of which is less than that prescribed as the lot area per dwelling unit, provided that such lot, at the time of the passage of this Ordinance, was held under separate ownership from any adjoining lots or provided that, at the time of the passage of this Ordinance, a recorded plan of lots or subdivision of property shows such lot to be a separate and distinct numbered lot.
- B. A nonconforming lot of record may be used for any "permitted use by right" in the District in which it is located if land development approval can be granted in accordance with the provisions of the SALDO.
- C. District Changes.
 1. Whenever boundaries of a District shall be changed so as to transfer an area from one (1) District to another District a different classification, the foregoing provisions shall apply to any nonconforming uses existing therein.

Section 1105: Nonconforming Signs

- A. Continuation of Nonconforming Signs. Subject to the limitations and termination provisions hereinafter set forth, any lawfully existing nonconforming sign may be continued so long as it otherwise remains lawful after the effective date of this Ordinance:
 1. Alteration or Moving. A nonconforming sign of any type may not be moved to another position or location upon the building, structure, or lot on which it is located, nor may the size or area of such nonconforming sign be changed or its structure or construction changed unless such changes are to change the face of the sign.
 2. Damage, Destruction, or Replacement. Whenever any nonconforming sign has been damaged or destroyed by any means to the extent of 50% of its market value at the time of destruction or damage, such sign shall not be restored or replaced, unless it conforms to all provisions of this Ordinance. Damage only to the face of a sign shall not be construed to constitute 50% of its value, and the sign face may be replaced.
 3. Abandonment. If use of a nonconforming sign is abandoned or interrupted for a continuous period of more than 180 days, then such nonconforming sign together with its panel cabinet, supports, braces, anchors, and electrical equipment shall be removed within fourteen (14) days from the end of the aforesaid period and the

use of such sign shall not be resumed except in accordance with the provisions of this Ordinance.

Section 1106: Registration of Non-Conformity

- A. In the course of administering and enforcing this Ordinance and reviewing applications for zoning certificates, temporary use permits, sign permits, or variances, the Zoning Officer may register nonconforming uses, nonconforming structures, and nonconforming lots as they become known through the application and enforcement process. Registration and proof of nonconforming uses, structures, and lots shall be the burden of the property owner.
- B. All nonconforming uses, buildings, structures, and lots must be on record prior to any expansion or enlargement occurs.
- C. The Zoning Officer shall register all nonconforming uses, buildings, or structures upon receipt of the information. A description of each affected property including its location and ongoing classification; a detailed description of each nonconforming use, building or structure; including why it is nonconforming; the date and detailed description of any alteration, restoration, reconstruction, change, extension, or enlargement; the date of any abandonment or discontinuance; and any other pertinent information.

Article XII: Administration and Enforcement

Section 1201: Administration

- A. The Zoning Officer shall administer and enforce this Ordinance including the receiving of applications, the inspection of premises, and the issuing of zoning, building, occupancy, and any other permits. No zoning, building, or occupancy permit shall be issued by said Zoning Officer except upon compliance with the provisions of this Ordinance. The Zoning Officer shall be appointed by the Board of Supervisors.
- B. Duties. The duties of the Zoning Officer shall be:
 - 1. Receive, examine, and process all applications and permits as provided by the terms of this Ordinance. The Zoning Officer shall also issue zoning permits for conditional uses, or for variances after the same have been approved by the appropriate board, or commission.
 - 2. Record and file all applications for zoning permits or certificates of use and occupancy, and accompanying plans and documents, and keep them for public record.
 - 3. Inspect properties to determine compliance with all provisions of this Ordinance as well as conditions attached to the approval of variances, conditional uses, special exceptions and curative amendments.
 - 4. Upon the request of the Township Supervisors or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions.
 - 5. Be responsible for keeping this Ordinance and the Official Zoning Map up to date, including any amendments thereto.
 - 6. Complete required information which may be requested by any state or federal agency.
 - 7. Render a preliminary opinion regarding a proposed land use in accordance with Section 916.2 of the State Municipalities Planning Code.
 - 8. Revoke a permit or approval issued under the provisions of this Ordinance in case of a false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in this Ordinance, or otherwise permitted by law.

Section 1202: General Requirements for Zoning Permits

- A. A zoning permit shall be required prior to a change in use of the land or structure, or the erection, construction, improvement, or alteration of any structure or portion thereof, or the

alteration or development of any improved or unimproved real estate, including, but not limited to mining, dredging, filling, grading, paving, excavation, or drilling operations or the erection or alteration of any signs specified in Article VIII of this Ordinance.

- B. Zoning permits shall also be required for the construction or installation of animal waste impoundments, lakes, ponds, dams, or other water retention basins.
- C. No zoning permit shall be required for the repairs or maintenance of any structure or land provided that such repairs do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this Ordinance.
- D. Application for zoning permits shall be made in writing to the Zoning Officer.
- E. Such zoning permits shall be granted or refused within 60 days from the date of the application.
- F. No zoning permit shall be issued except in conformity with:
 - 1. All applicable regulations of this Ordinance.
 - 2. Any conditions imposed upon the applicant by the Zoning Hearing Board or the Board of Supervisors.
 - 3. Any recorded subdivision or land development plan.
 - 4. All State and Federal regulations.
- G. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all of the above-described requirements, it will be incumbent upon the applicant to furnish sufficient evidence in support of an application. If such evidence is not presented, the zoning permit will be denied.
- H. Application for a permit shall be made by the Owner or Lessee of any building or structure, or the agent of either, provided, however, that if the application is made by a person other than the Owner, it shall be accompanied by a written authorization of the Owner or the qualified person making an application, that the proposed work is authorized by the Owner. The full names and addresses of the Owner, Lessee, Applicant, and of the responsible officers, if the Owner or Lessee is a corporate body, shall be stated in the application.
- I. The Zoning Officer may engage other Township Staff and Township appointed consultants to participate in the review of applications and other submitted materials.
- J. The Zoning Officer may revoke a permit or approval issued under the provisions of this ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based, or for any other cause set forth in this Ordinance.

- K. Where a permit is required by this Ordinance, but the work is commenced or the use is commenced or changed prior to obtaining such permit, the fees set by ordinance or resolution of the Board of Supervisors for such permit shall be doubled. The doubling of the permit fee shall be required to reflect the additional expense incurred by the Township resulting from the need to inspect the property, respond to complaints, issue any enforcement notices, or process the application as is soon as it is received. The payment of such increased permit fees shall not relieve any person from complying with all requirements of this Ordinance or any other applicable Township ordinances or from any penalties or enforcement actions authorized by this Ordinance.
- L. Issuance of Permits. The zoning officer shall review all zoning permit applications within a reasonable time. If the application or plans do not conform with the provisions of all pertinent local laws, the zoning officer shall reject such application in writing, stating the reasons, therefore. The zoning officer shall inform the applicant of the right to appeal to the Zoning Hearing Board in the event such application is rejected. If the application conforms to applicable provisions of this Ordinance and the certificate of use as required herein has been applied for, the zoning officer shall issue a permit within a reasonable time from the receipt of the application.
- M. Resubmission of Application. An applicant whose request for a permit has been denied by the Zoning Officer may make a later application for a permit provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall withhold a permit until all deficiencies and conditions have been met.
- N. Expiration of Permit. The permit shall expire one (1) year from the date of issuance; provided, however, that the same may be extended for one (1) additional year not to exceed two (2) years, upon written request by the applicant which demonstrated good cause to the Zoning Officer.
- O. Compliance with Permit and Plot Plan. All work shall conform to the approved application and plans for which the permit has been issued as well as the approved plot plan.

Section 1203: Certificate of Occupancy

- A. It shall be unlawful to use and / or occupy any new principal building or establish any new or replacement principal non-residential use until a Certificate of Occupancy for such building or use has been issued by the Township Staff. (Note – a Certificate of Occupancy may also be required in additional situations under the Construction Codes).
- B. The Zoning Officer may require that the issuance of the Certificate of Occupancy be delayed if the Zoning Officer believes that the activity, structure or use is not in compliance with this Ordinance and associated zoning approvals, until such time as compliance is achieved.
- C. The applicant shall keep a copy of the Certificate of Occupancy available for inspection.
- D. Upon the request of an applicant, the Zoning Officer may in writing allow a temporary occupancy or activity to occur before all zoning requirements have been met where the following conditions are met:

1. The applicant shall prove to the Township that the activity or occupancy can occur safely without endangering public health or safety.
2. The temporary approval shall establish in writing a maximum time period under which is valid. A six (6) month maximum time period shall apply if not otherwise specified.
3. Failure to receive a permanent Certificate of Occupancy within such time period shall be a violation of this Ordinance.
4. The temporary approval may be conditioned upon compliance with certain specific requirements within certain time periods.

Section 1204: Fees

- A. A Township fee schedule for permits and applications may be established and amended by written resolution for the Board of Supervisors.
- B. No application shall be considered filed until all fees are paid.

Section 1205: Enforcement, Violations and Penalties

- A. All of the enforcement, violations and penalty provisions of the State Municipalities Planning Code, as amended, are hereby incorporated into this Ordinance by reference.
- B. Violations. Any persons who shall commit or who shall permit any of the following actions violates this Ordinance.
 1. Failure to secure a zoning permit prior to any of the following:
 - i. A change in use of land or structure,
 - ii. The erection, construction or alteration of any structure or portion thereof,
 - iii. The placement of a sign
 - iv. Change in the area of use or land coverage or setback of the use
 - v. The excavation or grading of land to prepare for the erection, construction or alteration of any structure or portion thereof.
 2. Placement of false statements on or omitting relevant information from an application for a zoning permit,
 3. Undertaking any action in a manner which does not comply with a zoning permit,
 4. Violation of any condition imposed by a decision of the Zoning Hearing Board in granting a variance or special exception or other approval,

5. Violation of any condition imposed by a decision of the Board of Supervisors in granting a conditional use or other approval, or
6. Violation of any condition imposed by a decision of a court of competent jurisdiction, where such court has granted zoning approval with conditions.

C. Enforcement Notice. If the Township has reason to believe that a violation of a provision of the Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in Section 616.1 of the State Municipalities Planning Code. Prior to sending an official enforcement notice, the Zoning Officer may at their option informally request compliance.

D. Time Limits. An official enforcement notice shall state the deadline to complete bringing the property into compliance with this Ordinance and shall state the applicant has 30 days from the receipt of the notice to appeal to the Zoning Hearing Board.

E. Enforcement, Penalties and Remedies. The Causes of Action and Enforcement Remedies provisions of the State Municipalities Planning Code, as amended, are hereby incorporated by reference.

1. Violations and Penalties. Any person, partnership, corporation or other entity who has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars plus all court costs, including the reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a District Justice determining that there has been a violation further determines that there was a good faith basis for the person violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to the Township for the general use of the Township. Imprisonment is not authorized under this Ordinance.
2. Remedies. In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted, maintained or used or any land is used or activity conducted in violation of this Ordinance or any of the permits issued under this Ordinance or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a conditional use, then, in addition to any other remedies provided by law, the Board of Supervisors may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping, use or

activity or to prevent, in and about such premises, any act, conduct, business or use constituting a violation.

F. Enforcement Evidence. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.

Section 1206: Amendments to this Ordinance

A. Within the requirements of the State Municipalities Planning Code, the Board of Supervisors may amend, or repeal any or all portions of this Ordinance on its own motion, or after agreeing to hear a written request from any person, entity landowner, or the Planning Commission.

Section 1207: Curative Amendments

A. The applicable provisions of the State Municipalities Planning Code shall apply.

Article XIII: Zoning Hearing Board

Section 1301: Operation of the Board

- A. There is hereby created for the Township a Zoning Hearing Board (ZHB) in accordance with the provisions of Article IX of the MPC, Act 247, as amended.
- B. The membership of the ZHB shall consist of three (3) residents of the Township appointed by resolution by the Township Supervisors. The terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The ZHB shall promptly notify the Township Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the ZHB shall hold no other office in the Township. Members of the ZHB shall hold no other elected or appointed office in the Township, nor shall any member be an employee of the Township.
- C. The Township Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the ZHB. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of §906 of the MPC, Act 247, as amended, an alternate shall be entitled to participate in all proceedings and discussions of the ZHB to the same and full extent as provided by law for ZHB members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in the MPC and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the ZHB but shall not be entitled to vote as a member of the ZHB nor be compensated pursuant to §907 of the MPC unless designated as a voting alternate member pursuant to §906 of the MPC.
- D. Any ZHB member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Township Supervisors taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
- E. The ZHB shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the ZHB, but the ZHB may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the ZHB as provided in this Ordinance.
- F. The ZHB may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth of Pennsylvania. The ZHB shall keep full public records of its business, which records shall be the property of the Township and shall submit a report of its activities to the Township Supervisors as requested by the Township Supervisors.

G. Within the limits of funds appropriated by the Township Supervisors, the ZHB may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the ZHB may receive compensation for the performance of their duties, as may be fixed by the Township Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Township Supervisors.

Section 1302: Expenditures; Fees

- A. Expenditures. Within the limits of funds appropriated by the Supervisors, the ZHB may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.
- B. Fees. An applicant before the ZHB shall deposit with the Zoning Officer the appropriate filing fee. Fees shall be established by resolution of Township Supervisors.

Section 1303: Hearing Procedures

- A. The ZHB shall conduct hearings and make decisions in accordance with the following requirements.
- B. Filing Appeals and Requests to the ZHB. Requests for hearings before the ZHB shall be made as follows:
 1. An appeal to the ZHB may be filed by the landowner affected, any officer or agency of the Township, or any person aggrieved. Such appeal shall be taken within the time as stipulated by the MPC and the rules of the ZHB, by filing with the Zoning Officer a notice of appeal specifying the grounds thereof. The appropriate fee, established by resolution of the Township, shall be paid in advance for each appeal or application. Requests for a variance may be filed with the ZHB by any landowner or any tenant with the permission of such landowner.
 2. Notice. Public notice shall be given pursuant to this Ordinance and written notice shall be given to the applicant, Zoning Officer, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
 3. Timing. A hearing shall be held within 60 days from the official application date requesting a hearing unless the applicant has agreed to an extension of time. The hearings shall be conducted by the ZHB or the ZHB may appoint any member or an independent attorney as a hearing officer. The decision, or, when no decision is called for, the findings shall be made by the ZHB; however, the appellant or the applicant, as the case may be, in addition to the Township, may prior to the decision of the hearing, waive decision or findings by the ZHB and accept the decision or findings of the hearing officer as final.
 4. Parties to the Hearing. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the ZHB, and any other person including civic or community organizations permitted to appear by the ZHB. The ZHB shall have power to require that all

persons who wish to be considered parties enter appearances in writing on forms provided by the ZHB for that purpose.

5. Powers of the Chairman. The Chairman, Acting Chairman, or Hearing Officer, presiding, shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
6. Rights of the Parties. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond, to present evidence, and to argue and cross-examine adverse witnesses on all relevant issues.
7. Exclusion of Evidence. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded by the ZHB.
8. Record of the Proceedings. A stenographic record of the proceedings shall be made by a court reporter. The appearance fee for the court reporter shall be shared equally by the applicant and the ZHB. Any party requesting the original transcript, or a copy of the transcript shall bear the cost of the same. Copies of graphic or written material received in evidence shall be made available to any party at cost.
9. Communications. Once a formal application has been duly filed, the ZHB shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate. Further, the ZHB shall not take notice of any communication unless the parties are afforded an opportunity to contest the material and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.

Section 1304: Jurisdiction

- A. The ZHB shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 1. Substantive challenges to the validity of any Land Use Ordinance, except those brought before the Township Supervisors pursuant to §609.1 and §916.1(a)(2) of the MPC, Act 247, as amended.
 2. Challenges to the validity of a Land Use Ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said Ordinance.
 3. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure, or lot.
 4. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any Floodplain or Flood Hazard Ordinance or such provisions within a Land Use Ordinance.

5. Applications for variances from the terms of this Ordinance and Flood Hazard Ordinance, or such provisions within a Land Use Ordinance, pursuant to §910.2 of the MPC, Act 247, as amended.
6. Applications for special exceptions under this Ordinance or Floodplain or Flood Hazard Ordinance, or such provisions within a Land Use Ordinance, pursuant to §912.1 of the MPC, Act 247, as amended.
7. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Ordinance.
8. Appeals from the Zoning Officer's determination under §916.2 of the MPC, Act 247, as amended.
9. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any Land Use Ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same related to development not involving applications under Article V or VII or the MPC, Act 247, as amended.

B. The Township Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1. All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of §702 of the MPC, Act 247, as amended.
2. All applications pursuant to §508 of the MPC, Act 247, as amended, for approval of subdivisions or land developments under Article V of the MPC, Act 247, as amended.
3. Applications for conditional use under the express provisions of this Ordinance.
4. Applications for curative amendment to this Ordinance or pursuant to §609.1 and §916.1(a) of the MPC, Act 247, as amended.
5. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, Act 247, as amended.
6. Appeals from the determination of the Zoning Officer or the Township Engineer in the administration of any Land Use Ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to applications for land development under Article V and VII of the MPC, Act 247, as amended. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Township Engineer shall be to the ZHB pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this Section shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

Section 1305: Variances

A. The ZHB shall hear requests for variances where it is alleged that the provisions of this Article inflict unnecessary hardship upon the applicant. The ZHB may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The ZHB may grant a variance, provided that all of the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographic or other physical conditions peculiar property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or District in which the property is located.
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the applicant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or District in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the MPC, Act 247, as amended.

Section 1306: Information Required on Applications to ZHB

A. All applications to the ZHB shall be in writing on forms prescribed by the ZHB and provided by the Township. Every application shall include the following:

1. The name and address of the applicant or the appellant;
2. The name and address of the owner of the lot to be affected by such proposed change or appeal;
3. A brief description and location of the lot to be affected by such proposed change or appeal;
4. A statement of the Section under which the application is made, and reasons why it should be granted, or a statement of the Section governing the situation in which the alleged erroneous ruling is being appealed, and the reasons for this appeal; and

5. A reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, materials, and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.

Section 1307: Application Procedures for Uses by Special Exception

- A. Approval of Uses by Special Exception. The Township Zoning Hearing Board shall hear and decide requests for uses by special exception. The Township Zoning Hearing Board shall not evaluate an application for a use by special exception unless and until the following conditions have been met:
 1. A written application for approval of a use by special exception is submitted to the Township Zoning Officer. The application shall indicate the Section of this Ordinance under which approval of the use by special exception is sought and shall state the grounds upon which it is requested. The application shall include the following:
 - a. A development plan, as defined herein.
 - b. A written statement showing compliance with the applicable express standards and criteria of this Section for the proposed use
 - c. A map showing and identifying all lots within 200 feet of the property for which use by special exception approval is requested and a list of the names and addresses of the owners of these lots from the most recent records of the Allegheny County Department of Property Assessment.
 - d. A traffic impact analysis, if required by the Township SALDO.
 - e. The application fee as required by the Township's adopted fee schedule.
 2. A public hearing pursuant to public notice is held by the Township Zoning Hearing Board within 60 days of the date of submission of a complete and properly filed application. Said hearing shall be conducted in accordance with the procedures specified by Section 1203 of this Article.
 3. In considering an application for approval of a use by special exception, the Township Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Ordinance. A violation of such conditions and safeguards, when made part of the terms and conditions under which approval of a use by special exception is granted, shall be deemed a violation of this Ordinance.
- B. Expiration of Approval of Use by Special Exception. Approval of a use by special exception shall expire automatically without written notice to the applicant if no application for a grading permit, building permit, or zoning certificate to undertake the construction to authorize the occupancy described in the application for approval of the use by special exception is submitted within 12 months of said approval, unless the Zoning Hearing

Board, in their sole discretion, extends approval of the use by special exception upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be between one (1) month to twelve (12) months extension.

C. Expiration of Approval of Use by Special Exception Granted Prior to the Effective Date of this Chapter. Approval of use by special exception granted prior to the effective date of this Chapter shall expire automatically without written notice to the applicant if no application for a grading permit, building permit or zoning certificate to undertake the construction or authorize the occupancy described in the application for approval of the use by special exception is submitted within 12 months of the effective date of this Chapter or as specified in the approval, unless the Zoning Hearing Board, in their sole discretion, extends approval of the use by special exception upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be between one (1) month to twelve (12) months extension.

Section 1308: Stay of Proceedings

A. Upon filing of any appeal proceeding before the ZHB and during its pendency before the ZHB, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the ZHB facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the ZHB or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the ZHB by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the ZHB.

B. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

C. The question whether or not such petition should be granted, and the amount of the bond, shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

D. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

Section 1309: Parties Appellant Before the Board

- A. Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Township Supervisors pursuant to the MPC); procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure, or lot; from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any Floodplain or Flood Hazard Ordinance or such provisions within a land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development or PRD may be filed with the ZHB in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance may be filed with the ZHB by any landowner or any tenant with the permission of such landowner.

Section 1310: Expiration of Appeal Decision

- A. Unless otherwise specified by the ZHB, a decision on any appeal or request for a variance shall expire if the applicant fails to obtain any necessary zoning/building permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.

Section 1311: Appeal from Decision of ZHB

- A. Shall be in accordance with Article X of the MPC, Act 247, as amended.

Section 1312: Zoning Appeals

- A. No person shall be allowed to file any proceeding with the ZHB later than 30 days after an application for development, preliminary or final, has been approved by the Township if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- B. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

Section 1313: Zoning Appeals to Court

- A. Appeals to Court.
 1. The Courts may act upon appeals from the decisions of the ZHB and findings and conclusions of the ZHB in proceedings to challenge the validity of the Ordinance or other development regulations of the Township.
 2. The court having jurisdiction shall be the Dauphin County Court of Common Pleas.

3. Zoning appeals may be taken to court by any party before the ZHB or any officer or agency of the Township.
4. All zoning appeals shall be filed not later than 30 days after issuance of notice of the decision or report of the ZHB.
5. A developer having received approval from the Township for his development and faced with an appeal brought by others before the ZHB may petition the Court to order those bringing the appeal to post a bond in an amount established by the Court as a condition of the appeal's continuation before the ZHB. The Court shall hear the petition, determine whether the appeal is frivolous or is designed to delay, and if so, may require the posting of the bond.

B. If any application for a variance, or appeal from the Zoning Officer is denied by the ZHB, another application for the same request shall not be filed within a period of one (1) year from the date of denial except upon order of the Court or if the application is substantially changed.

C. Optional validity challenges as provided for in Article I §108 of the MPC, as amended, for procedural or substantive defects or decisions shall be filed consistent with procedures outlined in said §108 of the MPC.

Section 1314: Mediation Option

- A. Parties to proceedings authorized in this Article may utilize mediation as an aid in completing such proceedings. In proceedings before the ZHB, in no case shall the ZHB initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

	Conservation	Ag. Res.	Low Den.	Med Den.	Med/High	Institution	Village	Neighbourhood	Commercial	Commercial	Light / Gen Industrial	Business Campus	Neighborhood Design District	Town Center
Adult-Oriented Businesses	N	N	N	N	N	N	N	N	N	C	N	N	C	N
Agricultural Operations	SE	P	N	N	N	N	N	N	N	SE	SE	SE	SE	SE
Airport														
Ambulance Station		C	C	C	C			N	C	P	P	P	P	P
Amphitheater									P	P	N	N	N	N
Amusement Arcade								N	P	P	N	N	N	N
Amusement Park		C	C						P	P	P	P	P	P
Animal Day Care								P	P	P	P	P	P	P
Animal Grooming Facility		C	C					P	P	P	P	P	P	P
Animal Hospitals and Veterinarian														
Services														
Aquarium/Zoo		C	C					P	P	P	P	P	P	P
Art Gallery		C	C					P	P	P	P	P	P	P
Arts and Craft Studio								N	N	N	SE	N	N	N
Asphalt/Concrete Plant								N	C	P	P	N	P	P
Auditorium								P	P	P	P	P	P	P
Bank/Financial Institution		N	P	N	N	N	N	P	P	P	P	P	P	P
Bed and Breakfast Inn								P	P	P	P	P	N	N
Beverage Distributor								P	P	P	P	P	P	P
Billboards								N	N	N	SE	N	N	N
Boarding House								P	P	P	P	P	P	P
Brewery								N	N	P	P	P	P	N
Bus or Truck Maintenance Facility		P	P	N	N	N	N	N	SE	P	P	P	P	N
Campground								N	SE	P	N	N	N	N
Car Wash														
Care Facilities and Senior Housing		N	N	N	N	P	P	P	P	P	N	P	P	P
Assisted Living Facility						C	P	P	P	P	N	P	P	P
Independent Living Facility		N	N	N	N	P	P	P	P	P	P	P	P	P
Life Care Community		N	N	N	N	P	P	P	P	P	P	P	P	P
Nursing Home						C								
Retirement Housing Facility								P	P	P	P	P	P	P
Catering (Kitchen/Food Preparation Only)		P	P	P	P	P	P	N	N	P	P	P	P	P
Catering/Event Venue								P	P	P	P	P	P	N
Cemetery & Mausoleums								P	P	P	P	P	P	P
Clubs/Lodges (not including Commercial Recreation Uses)								SE	P	P	P	P	P	P
College/University		N	N	N	N	P	P	P	P	P	P	P	P	P
Commercial Motor Vehicle Repair		N	SE	P	P	P	P	P	P	P	P	P	P	P
Community Center		N	N	N	N	SE	P	P	P	P	P	P	P	P
Conference Center								SE	P	P	P	SE		
Construction-related Business								N	N	N	SE	N	N	N
Convenience Store								P	P	P	P	P	P	P
Correctional Facility		P	P	P	P	SE	P	P	P	P	P	P	P	P
Crop Farming		N	N	N	N	SE	P	P	P	P	P	P	P	P
Day Care, Adult		N	N	N	N	SE	P	P	P	P	P	P	P	P
Day Care, Child		N	N	N	N	SE	P	P	P	C	C	C	C	C
Distillery														

TABLE OF AUTHORIZED PRINCIPAL USES

	Conservation	Ag. Res.	Low Den.	Med Den.	Med/High	Institution	Village	Neighborhood	Commercial	Commercial	Light / Gen Industrial	Business Campus	Neighborhood Design District	Town Center
Distribution Center								N	N	N	P	N		
Dormitories								N	N	SE	N	N		
Drive-Through Facilities								SE		P				
<u>Dwelling Types</u>														
Carrige Houses														
Conversion Dwellings														
Duplex														
Apartment, Garden														
Apartment, High-Rise														
Flex Flats														
Manufactured Home Park														
Multifamily Dwellings														
Quadruplex														
Single Family Dwellings														
Tiny House														
Townhomes														
Educational Institution	N	P	P	P	P	P	P	N	N	N	N	N	P	C
Emergency Operation Center	N	N	N	SE	SE	SE	P	P	P	P	P	P	P	P
Emergency Services Facility	N	N	N	SE	SE	SE	P	P	P	P	SE	SE	SE	SE
Emergency Shelter	N	N	N	SE	SE	SE	P	P	P	P	SE	SE	SE	SE
Farmers Market	P	P	P	P	P	P	P	P	P	P	SE	SE	SE	SE
Fire Station											P	P	P	P
Fitness Center											C	C	C	C
Flea Market											P	P	P	P
Flex Space											P	P	P	N
Food and Grocery Store	P	P	P	P	P	P	P	C	C	C	C	C	C	C
Forestry														
Freight and Truck Terminal											P	P	P	P
Funeral Home/Crematorium											SE	P	P	C
Garden Center											P	P	P	N
Gas/Fuel Station											N	SE	P	P
Golf Course	C	P	P	P	P	P	P	P	P	P	P	P	P	P
Golf Driving Range														
Grain Silos	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Greenhouse/Nursery	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Ground Mounted Solar														
System											P	P	P	P
Group Care Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Group Home														
Hazardous Waste Recycling Facility														
Heavy Equipment Repair														
Hobby Farm	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Home-Based Business, (No Impact)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Home Occupation	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Hospital	N	N	N	N	N	N	N	N	N	N	P	P	P	P
Hotel											P	P	P	P
Hunting and Fishing Club	P	P	P	P	P	P	P	P	P	P	N	P	P	P
Ker											N	N	SE	SE

	Conservation	Ag. Res.	Low Den.	Med Den.	Med/High	Institution	Village	Neighborhood	Commercial	Commercial	Light / Gen Industrial	Business Campus	Neighborhood Design District	Town Center
Laboratory								N	N	N	P	P	P	P
Landscaping Service Center (Retail)											SE	P		
(Wholesale)											P	P		P
Laundromat	N	SE	P	P	P	P	P	P	P	P	P	P		
Library			P	P	P	P	P	N	N	N	P	N	N	
Live-work Units								N	N	N	P	N	N	
Magistrate Office and Court								N	N	N	P	N	N	
Manufactured Home Sales								N	N	N	P	N		
Manufacturing Facility, Light								N	N	N	SE	N		
Manufacturing Facility, Heavy								N	N	N	P	P		
Massage Therapy Establishment								P	P	P	P	P	P	
Medical Clinic										C			P	
Medical Marijuana Dispensary											P	P	P	
Medical Marijuana Grower/Processor											P	P	P	
Medical Offices (low intensity)	N	N	N	N	N	N	P	P	P	P	P	P	P	
Medical Offices (high intensity)								P	P	P	P	P	P	
Membership Club								P	P	P	P	P	P	
Micro-brewery								P	P	P	P	P	P	
Micro-distillery	C							N	P	P	P	P	P	
Mineral Development			P	P	P	P	P	P	P	P	P	P	P	
Motel			SE	N	N	N	P	P	P	P	P	P	P	P
Municipal Building	N		P	P	P	P	P	N	C	C	C	N		
Museum / Cultural Center			P	P	P	P	P	P	P	P	P	P	P	
Nature Preserve			P	P	P	P	P	P	P	P	P	P	P	
Night Club			P	P	P	P	P	P	P	P	P	P	P	
Nursery														
Offices, Business Professional														
Park and Ride Facility	N	N	N	N	N	P	P	C	C	C	C	C	C	P
Parking Lot, Commercial								N	N	P	N	N		
Parking Structure, Commercial								P	P	P	P	P	P	
Pawn Shop								P	P	P	P	P	P	
Personal Services			P					P	P	P	P	P	P	
Pet Boarding														
Pharmacy														
Pilot Manufacturing	N	SE	SE	SE	SE	P	P	P	P	P	P	P	P	P
Place of Worship								P	P	P	P	P	P	
Police Station	N	N	N	N	N	N	P	P	P	P	P	P	P	
Post Office			SE	SE	SE	SE	SE			C	C			
Public Utility Building and Public Utility														
Railroad Facility														
Railroad Freight Transloading and														
Distribution Terminal	N	SE	P	P	P	P	P							
Recreation Facility	N	SE	P	P	P	P	P							
Recreation - Indoor	SE	P	P	P	P	P	P							
Recreation - Outdoor														
Recycling Business														
Repossession Business														

TABLE OF AUTHORIZED PRINCIPAL USES

