

ORDINANCE NO. 802-2018

AN ORDINANCE OF THE TOWNSHIP OF EAST PENNSBORO, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING AND REVISING ORDINANCE NO. 737-2007, CHAPTER 27, THE ZONING ORDINANCE OF EAST PENNSBORO TOWNSHIP BY AMENDING CHAPTER 27, ZONING, PART 2, ADDING DEFINITIONS TO INCLUDE BUT NOT LIMITED TO TRADITIONAL NEIGHBORHOOD DEVELOPMENT (“TND”) AND AMENDING AND REVISING PART 17, SECTIONS 27-1701 to 27-1708, COMMERCIAL PARK LIMITED ZONING DISTRICT (“CPL”) BY AMENDING AND REVISING THE STATED PURPOSE AND OBJECTIVES OF THE CPL ZONING DISTRICT AND PROVIDING FOR DEVELOPMENT APPLICATION REQUIREMENTS, SPECIFIC AND GENERAL PERFORMANCE STANDARDS FOR DEVELOPMENT WITHIN THE CPL ZONING DISTRICT, IDENTIFYING PERMITTED AND CONDITIONAL USES, AND DEVELOPMENT APPLICATION PROCESSES AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH.

NOW, THEREFORE, be it ORDAINED by the Board of Commissioners of the Township of East Pennsboro, Cumberland County, Pennsylvania, the following:

**SECTION 1.** Section 27-202 [Definitions] of Part 2 of Chapter 27 [Zoning] of the Code of Ordinances of the Township of East Pennsboro is hereby amended to add and to include and incorporate the following additional Definitions, in alphabetical order, as follows:

**§27-202. Definitions.**

**Active Recreation** – Publicly accessible outdoor recreational activities, such as trails, areas for organized or unorganized sports, playground activities, and that generally require extensive facilities or development.

**Beverage Production Related Definitions:**

- a) **Beverage Production Use** – See Brewery, Brewery Pub/Tap Room, Storage facility, Limited distillery, Limited winery, brewed beverage manufacturer.
- b) **Brewery** – A facility which holds a license to manufacture, store and distribute brewed or malt beverages and which may include a brewery pub or tap room, as regulated by Chapter 47, the Pennsylvania Liquor Code, as amended.
  - i. **Micro Brewery** – A brewery of twenty-five thousand (25,000) barrels (US barrels) or less per year.
  - ii. **Large Brewery** – A brewery of greater than twenty-five thousand (25,000) barrels (US barrels) per year.
- c) **Brewery Pub/Tap Room** – A portion of an establishment which holds a brewery license as regulated by the Pennsylvania Liquor Control Board, which is open to the public for the sale of brewed and malt beverages for on-site and/or off-site consumption and which

also offers food to patrons, as regulated by Chapter 47, the Pennsylvania Liquor Code, as amended.

- d) Storage Facility – A portion of a warehouse or a separate structure, owned and maintained by a person or entity which holds a license that permits the temporary storage of brewed or malt beverages and which may also include a brewery pub or tap room, as regulated by Chapter 47, the Pennsylvania Liquor Code, as amended.
- e) Limited Distillery – An establishment licensed by the Pennsylvania Liquor Control Board to operate a distillery that shall not exceed production of one hundred thousand (100,000) gallons of distilled liquor per year, or as otherwise defined by Chapter 47, the Pennsylvania Liquor Code, as amended.
- f) Limited Winery – An establishment licensed by the Pennsylvania Liquor Control Board to operate a winery that shall not exceed production of two hundred thousand (200,000) gallons per year, or as otherwise defined by Chapter 47, the Pennsylvania Liquor Code, as amended.
- g) Brewed Beverage Manufacturer – An establishment which produces brewed and/or malt beverages for on-site or off-site sale and distribution, and which may include a brewery pub or tap room on the premise, or as otherwise defined as “Manufacturer” by Chapter 47, the Pennsylvania Liquor Code, as amended. See Brewery.
- h) Distributor – As defined by Chapter 47, §102 of the Pennsylvania Liquor Code, as amended.
- i) Importing Distributor – As defined by Chapter 47, §102 of the Pennsylvania Liquor Code, as amended.

Bufferyard - An area of land which may include natural or artificial land forms, shrubs, bushes, trees, grass or other landscaping material in order to provide a compact, year-round visual screen and protection for adjacent properties.

Distribution Center, type 1 - An enclosed facility used for the storage of merchandise or commodities for a short period of time, with additional operations such as cross-docking, order fulfillment, returned goods processing, packaging, and labeling.

Distribution Center, type 2 - An enclosed facility used for the storage of merchandise or commodities for a short period of time, with additional operations such as order fulfillment, returned goods processing, packaging, and labeling, but which does not include cross-docking or “just-in-time” operations.

Easement - A right-of-way or restriction granted for limited use of private land within which the owner of the property may be restricted from erecting permanent structures but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

CPL Open Space - An area within a development or community designed and intended to provide for passive and active recreation or natural features protection and green space preservation.

CPL Performance Standards - A set of criteria relating to development elements which a particular land use or process shall not exceed.

Park and Ride Facility - A parking lot or series of parking lots with public transport connections that allow daily commuters and other people heading to other locations to leave their vehicles and transfer to a bus, rail system (rapid transit, light rail, or commuter rail), or carpool for the remainder of the journey.

Passive Recreation - Generally undeveloped outdoor space or environmentally sensitive areas that may or may not be publicly accessible and that requires minimal development

Permitted Use - An authorized use herein which, upon application to the Zoning Officer, may be granted in accordance with the literal provisions of this Chapter and the PA Municipalities Planning Code.

Primary Pedestrian/Bicycle Circulation Route – A connected pedestrian path of no less than 8' width, connecting all lots of the development, and all points of ingress/egress.

Primary Vehicular Collector Street - A vehicular roadway connecting lots of the development with two points of ingress/egress.

Principal Use - The main or primary use of a lot.

Setback - The area of land in which building activity is restricted in accordance with the bulk regulations of this chapter located within a specified yard, as regulated in the bulk regulations of this chapter and expressed in number of feet from a specified lot line.

Traditional Neighborhood Development (“TND”) - An area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

Traditional Neighborhood Development Plan - A comprehensive, long-range plan or series of plans and supporting data, used to guide, promote, and encourage the growth and development of a community or region by incorporating the layout and design of coordinated projects. A Traditional Neighborhood Development Plan may include analysis, recommendations, and proposals for the community's population economy, housing, transportation, community facilities, and land use.

Truck Terminal - A commercial facility which provides refueling, rest area, day or overnight truck parking, food, truck maintenance services and other services for the commercial freight and truck industry and associated drivers.

Warehouse - An enclosed structure used for the storage of merchandise or commodities for an extended period of time, typically over a thirty (30) day period and which does not include cross-docking operations or retail sales.

**SECTION 2.** Section 27-1701 to 27-1708 of Part 17 [Commercial Park Limited] of Chapter 27 [Zoning] of the Code of Ordinances of the Township of East Pennsboro is hereby repealed, revised and amended to read in its entirety as follows:

**§1701. Purpose Statement.**

The purpose of the Commercial Park Limited (CPL) Zoning District is to establish a coordinated approach for development and reinvestment within East Pennsboro Township's northeastern gateway and in accordance with the East Pennsboro Township Comprehensive Plan. Through unified mixed-use development, the CPL Zoning District will serve to balance the non-residential and residential needs and interests of the overall Township community as well as the existing Summerdale neighborhood.

**§1702. District Objectives.**

1. The CPL District is established to:
  - A. Promote and encourage creativity and innovation in the layout and design of coordinated mixed use projects to effectively leverage the of the area while respecting the scale of the adjacent neighborhoods and road corridors.
  - B. Improve and enhance sensitive natural resources, open spaces, existing infrastructure, and connectivity.
  - C. Ensure transitions between existing traditional neighborhood development and future development.
  - D. Provide a clear and predictable path and purpose for coordinated development.
  - E. Safeguard public safety through innovative street design that slows traffic speeds, increases non-vehicular pedestrian comfort, and provides safe pedestrian and bicycle traffic within the development and with connection to surrounding established neighborhoods and development.
  - F. Promote the implementation of, and be consistent with, the Township and County Comprehensive Plans and innovative land use techniques.
  - G. Incorporate the opportunities for creative design as promoted in Part VII-A of the Pennsylvania Municipalities Planning Code, Act 247, as amended.



**§1703. Authorization**

Consistent with the provisions of the PA Municipalities Planning Code's Traditional Neighborhood Development, Part VII-A, the CPL Zoning District provides for development presented as part of the Township's Traditional Neighborhood Development Plan application process and addresses all applicable provisions of Part VII-A. Applicants are encouraged to enhance vehicular and pedestrian connectivity, reduce traffic congestion, and provide community services that are complementary to the surrounding neighborhoods.

**§1704. Development Principles**

1. For development within the CPL Zoning District to uphold the Township Comprehensive Plan and to complement the established Township standards of health, safety and welfare, the following principles apply to the CPL Zoning District:
  - A. Mixture of uses. As a community gateway, development applications within the CPL Zoning District are encouraged incorporate a variety of non-residential and residential uses.
  - B. Roadway capacities and mitigating development impacts. Development shall within the laws of the Commonwealth take into consideration and provide improvements to ensure sufficient road capacities are maintained and mitigate applicable impacts.
  - C. Neighborhood compatibility. To complement established development patterns, development within the CPL zoning district shall include a diversity of block sizes, street types, and open spaces in a compact layout which encourages walkability and community identity.
  - D. Coordinated sewer capacity. Development demand shall utilize efficient use of public infrastructure within existing system capacities.
  - E. Innovative stormwater and open space solutions. Best management practices and innovative applications of open space design are encouraged so that spaces can be effectively managed and serve as amenities.

**§1705. Permitted Uses**

1. Land Uses.
  - A. In order for a zoning application to be submitted and categorized as "Permitted Use by Right," all of the following criteria must be met:
    - (1) In Areas 1 and 2 as illustrated on Graphic 1 of §1707, the development proposal must exceed thirty (30) acres.

- (2) In Areas 1 and 2 as illustrated on Graphic 1 of §1707, the application must propose three (3) or more uses as authorized *as the following principal Permitted Uses by Right*. Any other area of the CPL shall have a minimum of one (1) use.
- (a) Automobile service stations
  - (b) Banks, credit unions, brokerages and other financial service offices
  - (c) Beverage Production (Microbrewery and/or Brewery Pub/Tap Room only)
  - (d) Business, government or professional offices and office complexes
  - (e) Child day care center
  - (f) Churches, places of worship
  - (g) Commercial health club
  - (h) Commercial recreation areas and indoor recreation facilities
  - (i) Convenience stores
  - (j) Group child day care home
  - (k) Health services, including medical and dental clinics and laboratories; offices of licensed practitioners of the healing arts
  - (l) Hotels and motels
  - (m) Libraries
  - (n) Municipal buildings
  - (o) Municipal recreation areas and facilities
  - (p) Offices for nonprofit, social, fraternal, religious, political or civic organizations
  - (q) Park and Ride Facility
  - (r) Personal services including, but not limited to, barber shops, beauty shops, tailor shops, dry cleaning and laundry establishments, car washes, minor equipment repair or service shops which are not primarily manufacturing in nature
  - (s) Public utility facilities
  - (t) Restaurants
  - (u) Retail establishments including, but not limited to, those selling pharmaceuticals, clothing, dry goods, furniture, groceries and baked goods provided that any goods made on the premises must be sold only on the premises
  - (v) Schools, public and private; colleges and universities
  - (w) Self-storage facility, not to exceed 20% of gross development area
  - (x) Shopping center and shopping malls

(y) Residential uses, any combination thereof, not to include boarding houses and group homes and not to exceed 40% of gross development area

- 1) Single-family detached
- 2) Single-family semi-detached
- 3) Single-family attached
- 4) Two-family
- 5) Multi-family dwellings
- 6) Apartments

(z) Telecommunication antennae

(aa) Theaters and assembly halls

(bb) Timber harvesting

(cc) Wind turbines

- (3) As the CPL Zoning District is considered a mixed-use district, any of the above uses may be combined together and said uses as a whole/an aggregate will be considered as the principal uses of the lot.
- (4) If all of the aforementioned criteria are met, then the application is categorized as *Permitted Use by Right*. The Applicant may proceed with Traditional Neighborhood Development Plan approval process as stipulated in §1708.

B. Conditional Use.

- (1) If the Application contains one or more of the following *Conditional Uses* and/or does not meet the requirements stipulated in §1705.1, then the application shall be categorized as *Conditional Use*. Only land uses identified in 1705.1.A.(2) shall be eligible for such application.
  - (a) Heliport subject to § 27-2304, Subsection 1.I
  - (b) Helistop subject to § 27-2304, Subsection 1.I
  - (c) Telecommunication towers subject to § 27-1902, Subsection 22; § 27-2304, Subsection 1.U
- (2) For Areas 1 and 2, the Application must fulfill all CPL Performance Standards enumerated in §1707 and complete the process of acquiring approval for Conditional Use in conformance with the Township's Zoning Ordinance and the applicable provisions of the PA Municipalities Planning Code.

C. Accessory uses on the same lot with and customarily incidental to any of the abovepermitted uses, home occupations, no impact home-based businesses and family daycare shall be permissible but shall not be calculated in the minimum number of permitted uses submitted as part of any application for development.

**§1706. Application Requirements**

1. The specific application requirements associated with development in the CPL Zoning District Areas 1 and 2 include submission of each of the following in hard copy and digital format. The Application requirements apply to all uses permitted by right or by conditional use.

- A. A completed Zoning Application on forms provided by East Pennsboro Township.
- B. A Submission Package including the following. All maps shall be a minimum of 24" x 36" and bound as a fold-out in the project manual
  - (1) Property map
    - (a) Names
    - (b) Deed references
    - (c) Tax map parcels of adjacent properties
  - (2) Zoning map with parcel zoning designations and designations of surrounding parcels
  - (3) Utility plan with the TND Plan superimposed to illustrate connections to buildings and adjoining existing systems
  - (4) A TND plan
    - (a) Proposed street patterns
    - (b) Right-of-way widths
    - (c) Easements
    - (d) Streets and roads
    - (e) Layout of lots and/or parcels, structures/buildings/building units, including dimensions, lot areas, lot numbers, and yard areas
    - (f) Location, predicted use, height, bulk, and square footage for proposed structures including driveways and access aisles
    - (g) Location and number of all off-street parking spaces
    - (h) Widths of sidewalks trails, crosswalks, and bike paths
    - (i) Location, size, kind, and ownership/maintenance arrangements of improvements proposed for all common CPL open space
  - (5) Bufferyard and CPL open space plan
  - (6) Wayfinding/signage
    - (a) Plan showing location of signs
- C. A Project Manual identifying, in written and graphic form, the manner in which the proposed development will fulfill all required CPL performance standards specified for the following components.
  - (1) Stream/Floodplain Management
    - (a) Topographical map
    - (b) Sensitive environmental features, steep slopes, disturbed wooded areas
    - (c) Preliminary geotechnical reports, as required by the Township Engineer
    - (d) Manner in which the criteria of §1707 are addressed
  - (2) Streets and Driveways
    - (a) Traffic analysis as required by the Township Engineer
    - (b) Manner in which the criteria of §1707 are addressed
  - (3) CPL Open Space
    - (a) Manner in which the criteria of §1707 are addressed
  - (4) Stormwater Management
    - (a) Manner in which the criteria of §1707 are addressed

- (5) Bufferyards
  - (a) Bufferyard and CPL Open Space Plan per 1706.B.(5)
  - (b) Manner in which the criteria of §1707 are addressed
- (6) Buildings and All Structures
  - (a) Building elevations and cross-sections to illustrate general massing and orientation
  - (b) Manner in which the criteria of §1707 are addressed
- (7) Parking
  - (a) Parking and Loading Plan
  - (b) Manner in which the criteria of §1707 are addressed
- (8) Sidewalks
  - (a) Sidewalks Plan
  - (b) Manner in which the criteria of §1707 are addressed
- (9) Tentative development schedule for phased developments
- (10) Estimates of taxes to be paid to all local government units, municipal and school district costs
- (11) Anticipated covenants, grants, easements, restrictions, and other conditions

**§1707. CPL Performance Standards**

- 1. Intent.
  - A. These standards will serve to promote and encourage ingenuity in the layout and design of coordinated mixed use projects in Areas 1 and 2 to effectively leverage visibility as well as scale with respect of the adjacent neighborhoods and road corridors, improve and enhance sensitive natural resources, open spaces, existing infrastructure, and connectivity, ensure transitions between existing development and future traditional neighborhood development, and provide a clear and predictable path and purpose for coordinated development.
  - B. The applicant must demonstrate compliance with the provisions of this Ordinance.
  - C. Consistency between what is illustrated on the TND Plan and the Project Manual.
  - D. Applicant shall show, either through illustration, text narrative, or a combination thereof, proposed solutions which comply with the aforementioned standards
  - E. The CPL District shall be divided into two (2) planning areas identified as Area 1 and Area 2, as illustrated in Graphic 1. To create an appropriate transition between existing and potential development, the two (2) Planning Areas are may have varying standards for certain planning standards.

**Graphic 1: CPL Area 1 and 2 Designations**



F. GENERAL STANDARDS. The following provisions shall apply to both Areas 1 and 2 only and to no other portions of CPL Zoning District as designated on the Township Zoning Map.

(1) Stream/floodplain management.

- (a) Planning associated with streams and or floodplains on the site shall be in accordance with Township, County, State and Federal Standards.
- (b) For every 600' (or portion thereof beyond 600') of an existing defined riparian corridor or natural drainage channel, a development shall be limited to having up to 100' of covered crossing or culverted crossing. If the Applicant is able to produce a hydraulic and hydrologic study determining alternative proposals will produce a lower detrimental impact on the velocity, volume, and quality of stormwater runoff contacting the site, the alternative proposal could be considered and accepted by the Township as a means of satisfying this specific CPL performance standard.
- (c) No grading shall be conducted within thirty (30) feet of the top of any stream bank.

(2) Streets and Driveways.

- (a) There shall be a minimum of three (3) but no more than four (4) points of vehicle ingress/egress serving a development within the CPL Zoning District.
  - 1) Of the total number of points, a minimum of two (2) points shall each serve for both ingress and egress. For safety and effective connectivity, these two points shall occur at the intersections of 1<sup>st</sup>/Wayne St. and 1<sup>st</sup>/High St as existing as the effective date of this Ordinance.
  - 2) The remaining points could be any combination of ingress and/or egress as determined necessary by the completed Conceptual Traffic Study Report . The Conceptual Traffic Study Report shall be completed the following:

- a) Data Collection – Manual turning movement counts shall be conducted at key intersections adjacent to the project development during the weekday AM (6:00am - 9:00am), weekday PM (3:00pm - 6:00pm) and Saturday (11:00am - 2:00pm) peak traffic periods. The key intersections will be determined based on discussions with the Township Engineer.
  - b) Trip Generation – Analyses shall be conducted using the most recent edition of the ITE Trip Generation Manual to estimate the number of trips anticipated to be generated by the full buildout of a future development site. Trip generation estimates shall be calculated for the average weekday vehicle trip ends, and the weekday AM, weekday PM peak and Saturday peak hour trips.
  - c) Trip Distribution – Generated trips shall be distributed from the site access locations onto the surrounding roadway network based on the directional distribution of existing traffic, area traffic generators, and roads available for travel.
  - d) Traffic Projections – Future traffic volumes shall be estimated for a five-year horizon year using an appropriate traffic growth rate for the area to estimate the projected volumes.
  - e) Traffic Analyses – Traffic analyses shall be conducted at the key intersections for the horizon year with and without the future development traffic. The analyses shall include highway capacity, queue, and traffic signal warrant analyses.
  - f) Conceptual Traffic Study Report – A concise letter report shall be prepared to present the results of the conceptual traffic study. An executive summary shall document the future need for intersection and/or roadway improvements.
  - g) If a Preliminary Land Development Plan is submitted concurrently with a TND Plan, then a separate Conceptual Traffic Study Report is not required. In a concurrent submittal, the requirements for a traffic impact study shall apply.
- (b) An intersection shall be no less than 250' from any other existing or proposed intersection.
  - (c) Unless otherwise necessary based upon the findings of the traffic analysis as required by the Township Engineer, the paved widths of streets without on-street parking shall be a maximum of 22 feet. Streets with on-street parking shall be a maximum of 36 feet in width.
  - (d) A Primary Vehicular Collector Street shall be constructed to serve the site. This may or may not be dedicated to the Township as a Township road. A Primary Vehicular Collector Street must be designed to provide a regulation right-of-way width if the Township considers accepting the improvement. All parking that is immediately adjacent to the Primary Vehicular Collector Street cartway shall be parallel.



(3) CPL Open Space

- (a) A minimum of 25% of the gross development area shall be CPL open space.
- (b) Up to 60% of the CPL open space shall be used for natural features protection and green space preservation which may include stormwater features, bufferyards and stream corridors.
- (c) A minimum of 40% of the CPL open space shall be used for active/passive recreation as a space in the interior of the site and be
  - 1) Immediately adjacent to existing community parks or
  - 2) Immediately adjacent to the 1st St. right-of-way in Area 1 or
  - 3) Within the interior of the development, situated so that no portion of the CPL open space is more than 700' away from the 1st St. right-of-way, and having direct pedestrian access to the 1st St. right-of-way
- (d) If an Applicant can demonstrate that a different total CPL open space area and/or allocation of active and passive recreation is necessary in order for development within the CPL District to occur, the Applicant shall complete and submit a CPL open space alternative plan illustrating the locations and types of CPL open space proposed for the development. The Board of Commissioners shall make a decision of the CPL open space plan based upon review of analysis findings.

(4) Minimum Setbacks.

- (a) Front: 50 feet.
- (b) Side: the side setbacks for any building not exceeding 40 feet in height shall be not less than 15 feet each. These required minimums shall be increased by one foot for each side yard for every 10 feet or portion thereof by which a building exceeds 40 feet in height.
- (c) Rear: 30 feet.

G. SPECIFIC STANDARDS. The following provisions shall apply to Areas 1 and 2 as identified by the following.

(1) Building Scale – The following table specifies the min/max standards associated with the CPL district

(a) Within acreage designated for residential use:

- 1) The minimum residential density shall be four (4) dwelling units/gross acre.
- 2) The maximum residential density shall be twenty-two (22) units/gross acre.

(b) The following criteria shall also apply:

CRITERIA	Area 1	Area 2
Max. Building Length (each individual building)	125' if parallel to 1 <sup>st</sup> St.; 250' if not parallel to 1 <sup>st</sup> St.	NA
Max. Building Footprint (each individual building)	15,000 SF	NA
Max. Building Height	35'	60'
Max. Lot Coverage	50%	70%

(2) Stormwater. An Applicant shall utilize best management practices to handle stormwater including:

(a) Permeable paving is encouraged and can be used as a means of reducing the Lot Coverage calculation of the proposed development. For the purposes of this Ordinance, permeable paving shall be considered a 50% reduction of the equivalent square feet of conventional impervious surfaces.

(b) Naturalized detention areas. There shall be no side slopes greater than 6:1. The Board of Commissioners shall make a determination of detention area slopes based upon review of analysis findings.

(c) The following criteria shall also apply:

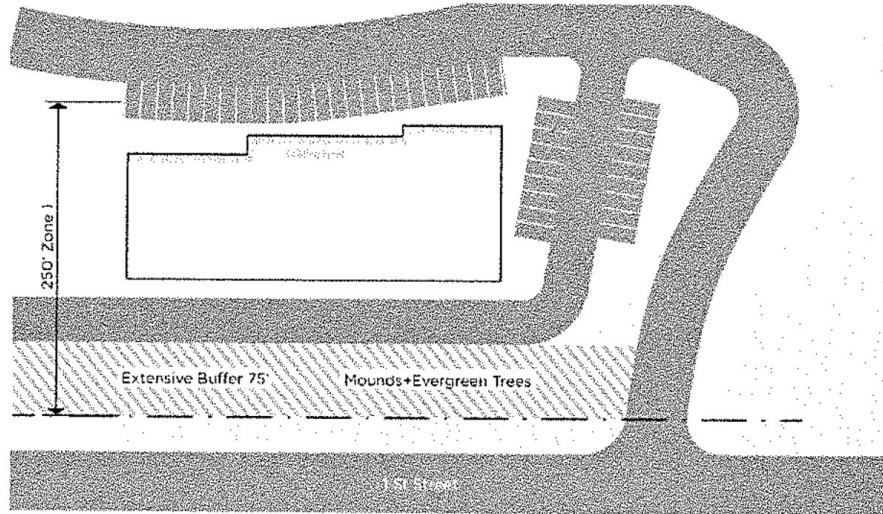
CRITERIA	Area 1	Area 2
Max. % Coverage for Stormwater	Maximum 25% of gross area	None

(d) Coverage for Stormwater shall include surface facilities but shall not include mechanisms or areas associated with stormwater collection, conveyance, underground facilities and easements.

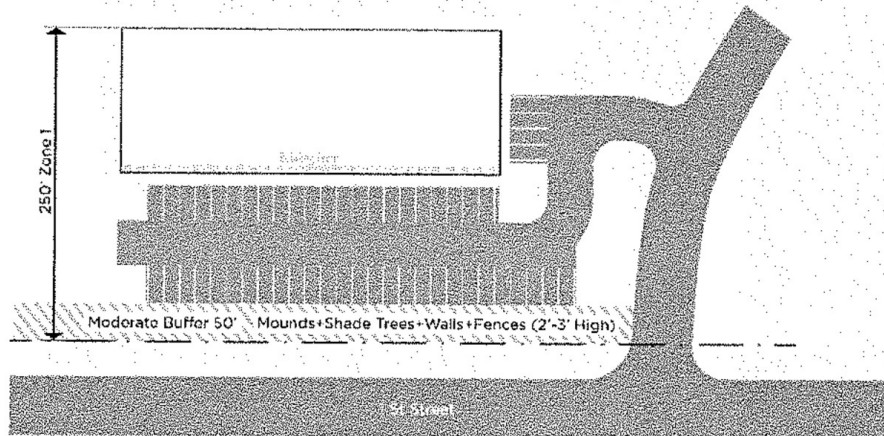
(3) Bufferyards

(a) Bufferyards in Area 1 shall be in accordance with the following:

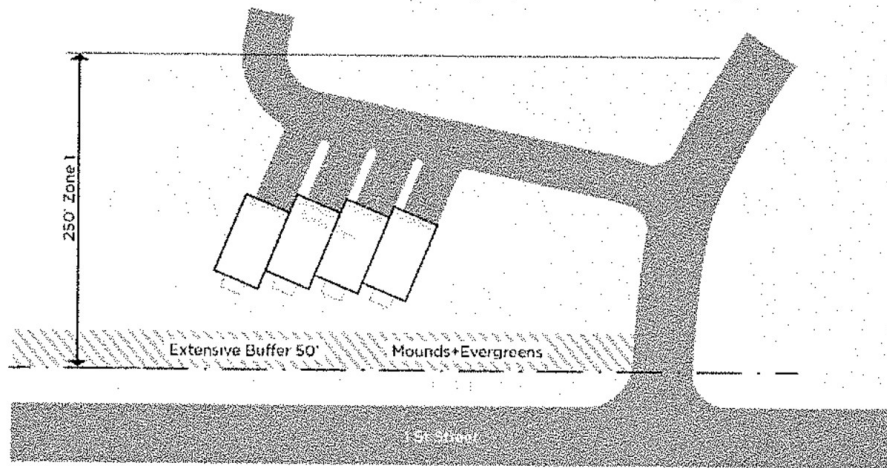
1) Non-residential Scenario 1



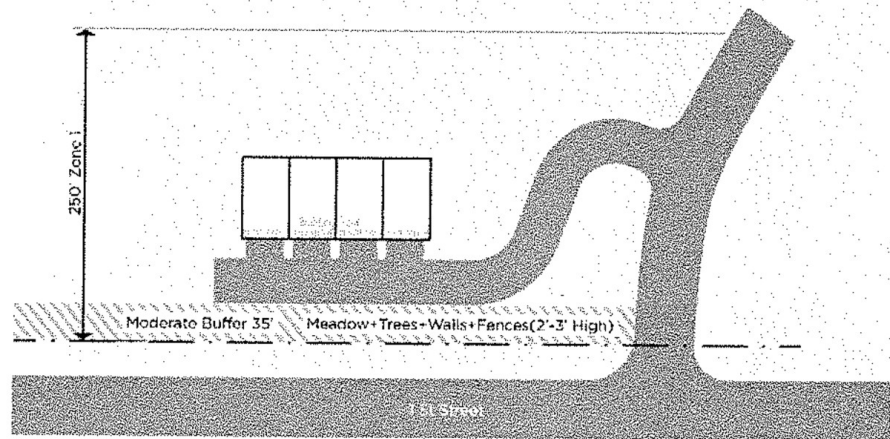
2) Non-residential Scenario 2



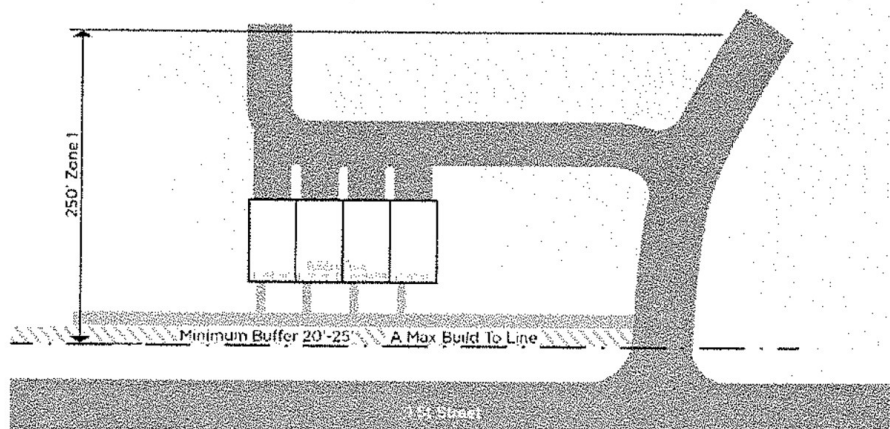
3) Residential Scenario 1



4) Residential Scenario 2



5) Residential Scenario 3



- (b) Other buffers/screening throughout any development within the CPL zoning district shall comply with §27-1901.2.
- (4) Parking
  - (a) There shall be no more than 27 parking spaces per gross acre of a proposed development within the CPL District. Any required universally accessible parking spaces shall not be included within said calculation.
  - (b) In the locations within a development that an Applicant constructs decked parking, the parking space maximum shall be permitted to increase to 50 parking spaces per acre whereas such ratio is only applicable to the development served by said decked parking.

If an Applicant can demonstrate that a different parking quantity (greater than the maximum permissible number parking spaces) is necessary in order for development within the CPL District to occur, the Applicant shall complete and submit a shared parking/structure parking analysis in accordance with the most recently published Urban Land Institute criteria. The Board of Commissioners shall make a decision of the total parking spaces based upon review of analysis findings.

CRITERIA		Area 1	Area 2
Parking Permitted	Spaces	250	450 per Parking Area
Space individual Areas	Between Parking	50'	25'
Buffer		See §1707.1.G(3)	See §1901.2

- (5) Sidewalks
  - (a) A Primary Pedestrian/Bicycle Circulation Route shall be constructed to serve the site.
  - (b) The Primary Pedestrian/Bicycle Circulation Route shall physically connect to at least two (2) points of ingress/egress.
  - (c) All developed lots must have direct pedestrian access to the Primary Pedestrian/Bicycle Circulation Route.
  - (d) All buildings must have pedestrian access to the Primary Pedestrian/Bicycle Circulation Route.
  - (e) A minimum ten (10) foot wide pedestrian access easement shall cover the Primary Pedestrian and Bicycle Route and provide for public use of the route.

**§1708. Review and Decision**

- 1. TND Plan and Concurrent Preliminary Land Development Plan
  - A. A Preliminary Land Development Plan may be submitted in conjunction a TND Plan. Review of the Preliminary Land Development Plan shall be in accordance with the provisions of the Township Subdivision and Land Development Ordinance.
  - B. TND Plan Review
    - 1. A TND Plan shall be submitted in accordance with this Article relevant to a permitted use by right or conditional use. The procedures for review shall be in accordance with those of the Township including Planning Commission review and Board of Commissioners' determination as permissible by the PA Municipalities Planning Code.

2. If TND Plan submission and preliminary land development plan review do not occur concurrently and any submitted land development plan deviates from an approved TND Plan, the TND Plan shall be revised and obtain Township approval. A revision to an approved TND Plan may be submitted concurrently with a land development application.

**SECTION 3.** If any section or provision of this Ordinance is declared by any Court of competent jurisdiction to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the constitutionality, legality or validity of this Ordinance as a whole, nor the constitutionality, legality or validity of any other section or provision of this Ordinance other than the one so declared to be unconstitutional, illegal or invalid.

**SECTION 4.** All ordinances or parts of ordinances or tables inconsistent herewith are hereby repealed.

**SECTION 5.** In all other respects, Chapter 27 [Zoning] of the Code of Ordinances of the Township of East Pennsboro shall remain as heretofore enacted, ordained and amended, which said Chapter, as amended, is hereby re-enacted in its entirety herein.

**SECTION 6.** This Ordinance shall take effect immediately upon its enactment.

ENACTED AND ORDAINED this 20<sup>th</sup> day of December, 2018

**BOARD OF COMMISSIONERS  
EAST PENNSBORO TOWNSHIP**

Attest:



\_\_\_\_\_  
A. John Pietropaoli, Secretary



By: \_\_\_\_\_  
John W. Kuntzelman, President