

ORDINANCE NO. 851-2023

AN ORDINANCE OF THE TOWNSHIP OF EAST PENNSBORO, CUMBERLAND COUNTY, PENNSYLVANIA AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF EAST PENNSBORO, CUMBERLAND COUNTY, PENNSYLVANIA, SPECIFICALLY CHAPTER 27 (ZONING), BY RESCINDING, REPEALING, AND REPLACING THE ENTIRE ZONING ORDINANCE CHAPTER 27, AND FURTHER RESCINDING, REPEALING, AND REPLACING ALL PARTS AND SECTIONS FROM PART 1 [GENERAL PROVISIONS] THROUGH AND INCLUDING PART 9 [ENFORCEMENT, ADMINISTRATION, ZONING HEARING BOARD AND AMENDMENTS] AND COMPREHENSIVELY AMENDING THE TOWNSHIP ZONING MAP AND ROAD CLASSIFICATION MAP AND REPEALING ALL INCONSISTENT ORDINANCES.

WHEREAS, Zoning Ordinances are enacted to promote, protect and facilitate the public health, safety, and general welfare of the community; and

WHEREAS, pursuant to the Pennsylvania Municipalities Planning Code, East Pennsboro Township desires to adopt a new Zoning Ordinance; and

WHEREAS, the changes to the Zoning Ordinance include, but are not limited to, a revised and comprehensive updated Zoning Map and Road Classification Map;

NOW THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Board of Township

Commissioners in and for the Township of East Pennsboro, Cumberland County, Pennsylvania, as follows:

SECTION 1: The Code of Ordinances is hereby amended by rescinding and repealing the existing Chapter 27, Zoning, and substituting, amending, and adopting in its entirety the attached Exhibit "A" entitled The East Pennsboro Township Zoning Ordinance concerning Chapter 27, Zoning, including parts and sections beginning with PART 1 [GENERAL PROVISIONS]

Through And Including PART 9 [Enforcement, Administration, Zoning Hearing Board And Amendments] and comprehensively amending the Township Zoning Map And Road Classification Map and Attachments thereto within Exhibit "A" which are incorporated herein;

SECTION 2. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3: SEVERABILITY. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this ordinance.

SECTION 4: This Ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED AND ORDAINED by the Board of Commissioners of East Pennsboro Township, Cumberland County, Pennsylvania, in lawful session, duly assembled, this 20th day of December, 2023.

ATTEST:



A. John Pietropaoli, Sec.

TOWNSHIP OF EAST PENNSBORO



George A. Tyson, President
Board of Commissioners

**EAST PENNSBORO
TOWNSHIP**

ZONING ORDINANCE

12/1/2023

Exhibit "A"

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Attachments:

- Zoning Map
- Quickviews
- Proto-typical Setback Figures
- Road Classification Map

Chapter 27 Zoning

Part 1

GENERAL PROVISIONS

§ 27-101 Purpose.

The fundamental purpose of this chapter is to promote the public safety, health, morals, convenience and general welfare; to encourage the most appropriate use of land throughout the Township; to conserve and stabilize the value of property, to prevent overcrowding of land and buildings; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate open spaces for light and air; to facilitate adequate provision of streets and highways, water, treatment of sewerage, drainage and other public facilities; to conserve life, property and natural resources; and to conserve the expenditure of funds earmarked for public improvement.

§ 27-102 Community Development Objectives.

This chapter is designed to provide a legal basis and framework for implementing development goals and objectives for East Pennsboro Township established by the Township Commissioners. The Township's overall goal is to ensure consistent and coordinated management of growth and existing development in order to accomplish the following community wide objectives which will: (A) create an environmentally healthy community by protecting, conserving and preserving sensitive natural resources; (B) preserve community cultural features and resources; (C) focus various forms of residential and nonresidential growth and development in the most appropriate areas in order to minimize land use conflicts and protect property values and investments; (D) accommodate housing needs for all segments of the population; (E) promote the efficient provision of public facilities and services; (F) provide for a safe and convenient transportation system; (G) encourage commercial development to help maintain the vitality of the local economy; (H) provide for recreational opportunities; and (I) conserve energy.

§ 27-103 Grant of Power.

Section 601 of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended), 53 P.S. § 10601, authorizes the East Pennsboro Township Commissioners to implement comprehensive plans or accomplish any of the purposes of Act 247 by enacting a Zoning Ordinance.

§ 27-104 Applicability.

This chapter provides that, within East Pennsboro Township, in the County of Cumberland, of the Commonwealth of Pennsylvania, no land, body of water, or structure shall hereafter be used or occupied and no structure or part thereof shall hereafter be erected, constructed,

reconstructed, moved or structurally altered except in conformity with all the regulations and procedures herein specified areas of Township in which such land, body of water or structure is located. All associated regulations within other portions of the Township Code shall also apply.

§ 27-105 County Authority.

The Cumberland County Planning Commission is empowered by the Pennsylvania Municipalities Planning Code, Act 247, 53 P.S. § 10101 et seq., as amended, to submit its recommendations on the proposed adoption, amendment or repeal of any municipal zoning ordinance or part thereof. Proposed ordinances shall be submitted to the Cumberland County Planning Commission at least 45 days prior to submission to the Township Commissioners.

§ 27-106 Codification Statement.

It is the intention of the Township Board of Commissioners and it is ordained that the provisions of this chapter shall become and be made a part of the Code of Ordinances of East Pennsboro Township, Cumberland County, Pennsylvania, and the sections of this chapter may be renumbered to accomplish that intention.

§ 27-107 Interpretation.

The provisions of this chapter shall be deemed to be minimum requirements to meet the purposes stated herein. Where the provisions of this chapter impose greater restrictions than those of any federal or state statute, rule, regulation or other ordinance, the provisions of this chapter shall prevail. Where the provisions of any federal or state statute, rule, regulation or other ordinance impose greater restrictions than those of this chapter, the provisions of such federal or state statute, rule, regulation or ordinance shall prevail.

Part 2

DEFINITIONS

§ 27-201 Inclusions.

As used in these regulations, words expressed in their singular include their plural meanings, and words expressed in their plural include their singular meanings. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The words "building" and "street" are used generally and shall be construed as if followed by the phrase "or part thereof." The word "may" is permissive; the words "shall" and "will" are mandatory. Words when used in the present tense include the future tense. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied." Any word or term not defined herein shall be deemed used under a common definition or meaning.

§ 27-202 Definitions.

ACCESS DRIVE

A paved surface, other than a street, which provides vehicular access from a street or private road to a lot.

ACCESSORY USE

A use on the same lot with and customarily incidental to any permitted principal use within a particular zoning district.

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.

AGENT

Any person, other than the property owner, who, acting for the property owner, submits plans to the Building or Zoning Official, the Planning Commission or the Township Commissioners, for the purpose of obtaining approval thereof of a permit of any kind.

AGRICULTURE

The use of land which shall include, but not be limited to, the tilling of the soil, the raising of crops, horticulture, apiculture, floriculture, viticulture and gardening. The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products: livestock, including beef cattle, sheep, swine, horses ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals: bees and apiary products; fur animals; trees and forest products: fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental

and greenhouse products; or lands devoted to a soil conservation or forestry management program. This use includes the practices of animal husbandry.

AGRICULTURE, INTENSIVE

Any Concentrated Animal Operation (CAO) or Concentrated Animal Feeding Operation (CAFO). A Commercial Animal Operation is defined as an agricultural use involving the keeping and handling of livestock and/or poultry quantities more than 8 total animal equivalent units (AEUs) and exceeds 2,000 pounds of live animal weight per acre suitable for manure application. A Commercial Animal Feeding Operation is defined as an agricultural operation with more than 1,000 AEUs or a CAO with more than 300 AEUs.

AGRICULTURAL PRODUCTS

Agricultural, horticultural, viticultural, and dairy products, livestock and the products thereof, poultry and bee raising, the edible products of forestry, and any and all products raised or produced on farms and processed or manufactured products thereof.

AGRICULTURE SERVICES

Primarily engaged in performing soil preparation services, crop services, grain elevators, grain bins and feed mills.

AGRITOURISM:

An agricultural land use enterprise conducted to promote agriculture and agricultural products, for the enjoyment of visitors that generates income, to include, but not limited to:

- A. Wineries, wine tours and tastings.
- B. Corn mazes and similar identificatory.
- C. Agriculturally related education and learning experiences serving more than 50 people visiting within a 24-hour period.
- D. Agricultural commodities sales (Roadside Farm Stand is considered a separate accessory use)

AGRITOURISM, SMALL LOT

An agricultural land use enterprise conducted to promote agriculture and agricultural products on lots less than 5 acres.

AGRITOURISM, LARGE LOT

An agricultural land use enterprise conducted to promote agriculture and agricultural products on lots greater than or equal to 5 acres.

AIRPORT-ZONING-RELATED TERMS

The following terms are defined solely for the purposes of East Pennsboro Township Zoning Ordinance § 27-404, Airport Overlay Zone:

- A. **AIRPORT ELEVATION** The highest point of an airport's usable landing area, measured in feet from sea level. The airport elevation of the Harrisburg International Airport is 310 feet.
- B. **AIRPORT HAZARD** Any structure or object, natural or man-made, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport.
- C. **AIRPORT HAZARD AREA** Any area of land or water upon which an airport hazard might be established if not prevented as provided for in § 27-404 of this chapter.
- D. **APPROACH SURFACE** An imaginary surface longitudinally centered on the extended runway center line and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The Approach Surface Zone, as shown on the Airport Surface Areas Map, is derived from the approach surface. The Approach Zone height limitations are set forth in § 27-404 of this chapter.
- E. **CONICAL SURFACE** An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet horizontally to one foot vertically for a horizontal distance of 4,000 feet. The Conical Surface Zone, as shown on the Airport Surface Areas Map, is based on the conical surface.
- F. **DEPARTMENT** The Pennsylvania Department of Transportation.
- G. **FAA** The Federal Aviation Administration of the United States Department of Transportation.
- H. **HEIGHT** For the purpose of determining height limits in all zones set forth in § 27-404 and shown on the Airport Surface Areas Map, the datum shall be mean sea level elevation unless otherwise specified.
- I. **HORIZONTAL SURFACE** 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. The Horizontal Surface Zone, as shown on the Airport Surface Area Map, is derived from the horizontal surface.
- J. **LARGER-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.

- K. **NONCONFORMING USE** For airport zoning, includes any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.
- L. **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.
- M. **OBSTRUCTION** Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in § **27-404** of this chapter.
- N. **PERSON** An individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- O. **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.
- P. **PRIMARY SURFACE (ZONE)** An imaginary surface longitudinally centered on a 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 center line. The Primary Surface Zone, as shown on the Airport Surface Area Map, is derived from the primary surface.
- Q. **RUNWAY** A defined area of an airport prepared for landing and takeoff of aircraft along its length.
- R. **STRUCTURE** For airport zoning purposes, an object, including a mobile object, constructed or installed, including, but not limited to, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.
- S. **TRANSITIONAL SURFACES (ZONE)** An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at the slope of seven feet horizontally to one foot vertically (7:1). The Transitional Surface Zone, as shown on the Airport Surface Area Map, is derived from the transitional surface.
- T. **TREE** As used in the administration of § **27-404** of this chapter, a tree shall be defined as

any object of natural growth.

- U. **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.
- V. **VISUAL RUNWAY** A runway intended solely for the operation of aircraft using visual approach procedures.

ALL OTHER NON-RESIDENTIAL USES

Non-residential uses not defined or assigned to a zoning district specified within this Ordinance.

ALL OTHER RESIDENTIAL USES

Residential uses not defined or assigned to a zoning district specified within this Ordinance.

ALLEY

A minor way, whether or not legally dedicated, intended and used primarily for vehicular service access to the rear of properties which abut on a street, and not intended for the purpose of through vehicular traffic.

ALTERATIONS, MINOR

- A. All incidental changes or replacement in the nonstructural parts of a building or other structure.
- B. Minor changes or replacement in the structural parts of a building or other structure, limited to the following examples and others of similar extent:
 - (1) Alteration of interior partitions to improve liability in nonconforming residential buildings, provided no additional dwelling units are created.
 - (2) Alteration of interior partitions in all other types of buildings or other structures.
 - (3) Making or enlarging windows or doors in exterior walls.
 - (4) Strengthening the load bearing capacity in not more than 10 percent of the total floor area to permit the accommodation of a specialized unit of machinery or equipment.

ALTERATIONS, STRUCTURAL

Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, other than those defined as minor alterations.

AMBULANCE SERVICE

The provision of transport via ambulance, the provision of out- of-hospital emergency medical care to a patient from or in an ambulance, the trip to the site of a patient for the purpose of providing medical transport or out-of-hospital emergency medical care, the trip to or from any point in response to a medical emergency dispatch from a 911 call center or upon other request. The term “ambulance service” shall encompass emergency ambulance service and routine medical transport.

AMBULANCE SERVICE FACILITY

A public or privately-owned facility for the dispatch, storage, and maintenance of ambulance service vehicles and related equipment. Includes offices, training facilities and bunking facilities for ambulance service personnel.

AMUSEMENT ARCADE

An establishment which has as its principal business offering to patrons mechanical or electrical amusement devices or games such pinball machines, ping-pong, darts, shooting galleries or similar devices and games.

ANIMAL, DOMESTIC

An animal that is tame or domesticated and not normally found in the wild state. Hybrids of animals normally found in the wild state are not included within the meaning of domestic animal.

ANIMAL, FARM

Animals other than domestic animals that are commonly raised or kept in an agricultural environment including, but not limited to pigs, sheep, goats, horses, cattle, llamas, donkeys, mules, and other similar animals.

ANIMAL HUSBANDRY

The care, raising, and keeping of farm animals with the intent of producing capital gain or profit or the intent of selling any livestock or poultry products, provided that the keeping of livestock or poultry as farm pets or for domestic purposes shall not be construed as animal husbandry.

APARTMENT

A dwelling unit within a multi-family building, but not including a conversion apartment.

APARTMENT BUILDING

A multi-family building containing three or more dwelling units and having a common entrance.

APARTMENT, CONVERSION

Dwelling unit(s) formed by the conversion of an existing single-family detached or semi-detached dwelling.

APPLICANT

Any legal or equitable landowner, lessee, optionee or his authorized agent who submits plans, data or applications to the Zoning Officer or other designated Township official for the purpose of obtaining any approval or permit.

AREA, BUILDING

The total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

AREA, FLOOR

The sum of the areas of all floors of a building or structure, measured from the exterior faces of the walls, but not including cellars, unenclosed porches, attics, floor space in an accessory building, and floor space in the main building to the extent intended or designed for the parking of motor vehicles to meet the off-street parking requirements of this chapter, or for accessory heating and ventilating equipment.

AREA, SITE

The total area of a proposed development, regardless of the interior lot lines or proposed lots, streets or easements.

ASSITED LIVING

A residential use for elderly or disabled persons whose health or well-being requires a higher level of support which may include services such as nursing care, housekeeping, or prepared meals.

AUTOMOBILE

A motor vehicle, except a motorcycle, designed for carrying 10 passengers or less, and primarily used for the transportation of persons.

AUTOMOBILE BODY SHOP

A building used primarily for the repair or painting of bodies, chassis, wheels, fenders, bumpers or accessories of automobiles.

AUTOMOBILE OR MOBILE HOME SALES GARAGE

A building designed and used primarily for the display or sale of new or used motor vehicles or mobile homes.

AUTOMOBILE OR TRAILER SALES LOT

An open lot used primarily for the outdoor display or sale of new or used motor vehicles or mobile homes.

AUTOMOBILE REPAIR GARAGE

A building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of motor vehicles, or parts thereof, is conducted or rendered.

AUTOMOBILE SELF-SERVICE STATION

An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

AUTOMOBILE SERVICE STATION

Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile painting, heavy repairs, and/or body work are conducted. Buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories.

AUTOMOBILE WASHING (CAR WASH)

A building designed or used primarily for the washing, waxing, and drying of automobiles. This use may include the use of automatic, hand washing, and/or manual automobile washing modules.

AUTOMOBILE WASHING MODULE, AUTOMATIC

A fully automated vehicle washing, waxing, and drying facility.

AUTOMOBILE WASHING MODULE, HAND WASHING

A manual vehicle washing facility at which washing, waxing, drying services are provided and performed by facility employees.

AUTOMOBILE WASHING MODULE, MANUAL.

A manual vehicle washing facility at which washing, waxing, drying space and equipment are provided by the facility and the work is performed by other than facility employees.

AUTOMOBILE WRECKING

The dismantling or wrecking of motor vehicles, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles or their parts.

AVERAGE SLOPE

The average slope shall mean the slope of a designated area of land determined by dividing horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value. Such method shall include sufficient cross sections to demonstrate a true representation of average slope to the satisfaction of the Township Engineer.

BANK OR FINANCIAL INSTITUTION

An establishment for the custody, loan, exchange or issue of money, for the extension of credit, and for facilitating the transmission of funds.

BAR/TAVERN

Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.

BASEMENT

A story, partly underground but having 1/2 or more of its height (measured from floor to ceiling) above the average elevation of the ground along the perimeter of the building.

BED AND BREAKFAST

An establishment incorporated within the lot of a single-family dwelling unit that provides overnight accommodations and meals for compensation and shall be restricted to transient visitors.

BEVERAGE PRODUCTION RELATED DEFINITIONS:

- A. **BEVERAGE PRODUCTION USE** - See Brewery, Brewery Pub/Tap Room, Self-Service Storage Facility, Limited Distillery, Limited Winery, Brewed Beverage Manufacturer, Microbrewery.
- 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.
- C. **MICRO-BREWERY** - A brewery of twenty-five thousand (25,000) barrels (US barrels) or less per year.

- D. **LARGE BREWERY** - A brewery of greater than twenty-five thousand (25,000) barrels (US barrels) per year.
- E. **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.
- F. **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.
- J **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.

BILLBOARD

A sign over 12 square feet in area, which directs attention to a business, event, profession conducted, or to a commodity, entertainment or service sold, offered or manufactured off the premises.

BOARDING HOUSE

A single family dwelling unit in which more than two, but fewer than 15 rooms are provided for lodging for definite periods of times in exchange for compensation. Meals may or may not be provided, but guests are generally served by one common kitchen facility. Individual rooms are accessed through common internal hallways and shall not have direct separate means of entrance/exit to the exterior. The term "rooming house" and "furnished rooming house" may be used interchangeably with the term "boarding house" and shall have the meaning set forth in this section.

BUFFERYARD

An area of land inclusive of landforms, shrubs, bushes, trees, grass and/or other landscaping material and screening in order to provide a compact, year-round visual screen and protection for adjacent properties.

BUILDABLE AREA

That portion of the lot exclusive of the required front, rear, side yard setbacks, wetlands, floodplains, easements, slopes in excess of 15 percent, and open space areas, as established by this chapter and all required or designated exclusion areas.

BUILDABLE SITE AREA

A site contained wholly within the buildable area.

BUILDING

Any structure utilized or intended for supporting or sheltering any use or occupancy.

BUILDING, ACCESSORY

A building detached from, subordinate to, and on the same lot as the principal building, and used for purposes customarily incidental thereto.

BUILDING, ATTACHED

A building which has two or more party walls.

BUILDING, DETACHED

A building which has no party wall and which is surrounded on all sides by areas open to the sky.

BUILDING, HEIGHT

The vertical distance between the average elevation of the proposed finished grade along the entire front of the building, and the highest point of the roof for flat roofs, the deck lines for mansard roofs, and the mean height between eaves and ridges for gable, hip and gambrel roofs, but not including chimneys, towers, spires, elevator penthouses, tanks, railings and similar projections. For townhouses, the building shall be considered as each individual unit.

BUILDING, PRINCIPAL

A building in which is conducted the principal use of the lot on which the building is located. A structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which such structure is located.

BUILDING, SEMI-DETACHED

A building which has only one party wall and which is not attached to more than one building.

BUILDING LINE

A line parallel to and a sufficient distance from the front, side or rear lot line so as to provide the required yard. (Also known as the setback line.)

CARPORT

An open space for the parking or storage of only those automobiles owned or leased by the occupants of the main building to which the carport is an extension or is accessory whether or not covered by a roof supported by columns or posts, and whether or not is has as a wall or walls, a wall or walls of the main building.

CARTWAY

The portion of a street or alley improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder.

CELLAR

That portion of a building between floor and ceiling where $\frac{1}{2}$ or more of the story height is below the average elevation of the ground along the perimeter.

CEMETERY

A burial place of ground; a graveyard, including mausoleums, crematories and columbariums.

CHILD DAY CARE HOME, GROUP

A child day care facility in which seven through 12 children of various ages or in which seven through 15 children from 4th grade through 15 years of age who are not related to the operator receive child care. A group day care home must have a certificate of compliance ("license") from the Department of Public Welfare in order to legally operate.

CHILD DAY CARE HOME, FAMILY

A child day care facility located in a residential family dwelling in which four, five or six children who are not related to the caregiver receive child care. A family day care home must have a certificate of compliance ("license") from the Department of Public Welfare in order to legally operate.

CIVIC/FRATERNAL ORGANIZATION

A group of people formally organized for a common interest, usually cultural, religious, philanthropic, or entertainment with regular meetings, rituals, or formal written membership requirements. This term may also be referred to as a club or lodge.

CLEAR CUTTING

The large-scale, indiscriminate removal of all trees, shrubs, and undergrowth with the intention of (A) collecting wood products in conjunction with a timber harvesting operation; or (B) preparing real property for nonagricultural development purposes.

CREMATORIUM

A facility accessory to a funeral home or mortuary containing properly installed, certified equipment intended for reducing deceased humans or animals to ashes by burning (cremation).

COLLEGE

See SCHOOL, POST-SECONDARY

COLLEGE DWELLINGS

Apartments, dormitories and other multi-resident dwellings reserved for occupancy exclusively by students, employees, faculty and staff of the college, and their immediate family, as well as College Special Event, College Conference Center and academic or athletic program or camp attendees, upon the campus where such dwellings are located.

COLLEGE BOOKSTORE

A store without fuel sales that is operated by or with the supervision of a college that sells consumer products geared primarily towards students, alumnae, faculty and employees of the college.

COLLEGE SPECIAL EVENTS

Events sponsored by the college and held on the college campus for any purpose reasonably related to the educational, social, spiritual, athletic or other needs of the students, faculty or staff of the college.

COLLEGE CONFERENCE CENTERS

Uses of college buildings and spaces for events including seminars, meetings, luncheons, banquets, conventions and similar gatherings of on-campus or off-campus groups.

COLLEGE FOOD SERVICE FACILITIES

Cafeterias, food courts, coffee shops, restaurants, concession stands, and similar food service operations operated by or with the supervision of a college geared primarily towards students, alumnae, faculty and employees of the college.

COLLOCATION OR COLLOCATE

To install, mount, maintain, modify or replace Small Wireless Facilities on an existing utility pole or other wireless support structure.

COMMUNICATIONS FACILITY

A set of equipment and network components, including wires and cables and associated facilities, used by a communications service provider to provide a communications service.

COMMUNICATIONS SERVICE PROVIDER

Any of the following:

- A. A cable operator as defined in section 602(4) of the Cable Communications Policy Act of 1984 (Public Law 98-549, 47 U.S.C. § 522(5)).
- B. A provider of information service as defined in section 3(20) of the Communications Act of 1934 (48 Stat. 1064, 47 U.S.C. § 153(24)).
- C. A telecommunications carrier as defined in section 3(44) of the Communications Act of 1934 (47 U.S.C. § 153(51)).
- D. A wireless provider.

COMPOST

Relatively stable decomposed organic material.

COMPOSTING

Processing organic waste material in a controlled environment to produce a stable product by microbiologically degrading organic matter under aerobic conditions.

COMPREHENSIVE PLAN

An official document adopted by the East Pennsboro Board of Commissioners in accordance with the MPC, Act 247, 53 P.S. § 10101 et seq., setting forth its policies regarding the long-term development of the Township; the preparation of which is based on careful studies of existing conditions and prospects for future growth of the Township. The plan shall include, but need not be limited to, plans for the use of land, transportation of goods and people, community facilities and services, and a map and statement indicating the relationship of the Township and its proposed development with adjacent municipalities.

CONDITIONAL USE

A use which is permitted in one or more zoning districts pursuant to applicable conditions,

standards and criteria expressed in this chapter, upon the recommendation of the Planning Commission and the approval of the Township Commissioners.

CONGREGATE CARE RESIDENCE

A living arrangement that may or may not be restricted by identified age(s) of residents who are primarily non-family members, whereas said arrangement, as licensed in accordance with the Commonwealth of Pennsylvania Department of Health, provides dwelling units for residents of varying abilities of mobility and/or disability and provides on-site supervision and assistance available to said residents on an occasional, as-needed basis and that may include certain design features and/or therapy-centered programming associated with resident needs that are not customary in the construction of conventional dwelling units, such as but not limited to emergency call systems, common dining facilities, common laundry facilities, minimal housekeeping services, cognitive support services and/or memory care, common leisure and recreational facilities, transportation services and similar supporting services for residents.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC)

An age-restricted residential development that provides a continuum of accommodations and care for its residents, from independent living in single-family units to assisted and/or congregate living and culminating in a full health and continuing-care nursing home facility, where any portion of the facility may include common dining and recreation areas and which provides supportive services, not primarily medical in nature, to facility residents for activities of daily living.

CONTRACTOR SERVICES

The offices of a business that provides landscaping, construction, remodeling, home improvement, land development and related services on a contractual basis and which may include the storage, either outdoor or indoor, of materials, equipment, and vehicles.

CONVENIENCE STORE

A one-story retail store that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items. It may also include on-site food preparation and the sale and dispensing of motor fuels, but shall not include the repair or service of vehicles.

COURT

An unoccupied open space, other than a yard, on the same lot with a building, and bounded on two or more sides by the walls of such building.

COURT, INNER

A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

COURT, OUTER

A court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

COVERAGE, LOT

The portion of a lot, usually expressed as a percentage, which is covered by buildings, structures, porches, driveways, parking areas, and any impervious surfaces.

COVERAGE, VEGETATIVE

The portion of a lot, usually expressed as a percentage, which is covered by lawn, vegetation and other similar permeable materials and surfaces, excluding pavement or hardscaping. Parking areas shall not be permitted within vegetative cover.

CPL (Commercial Park Limited) PERFORMANCE STANDARDS

A set of minimum and/or maximum criteria relating to development elements which a particular land use or process shall not exceed.

DAY CARE CENTER, ADULT

A use providing supervised care and assistance to persons who are not in good physical health or suffering from Alzheimer disease or are developmentally handicapped and/or are physically handicapped and who need such daily assistance because of such condition. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

DAY CARE FACILITIES, CHILD

A child day care facility in which seven or more children who are not related to the operator receive childcare for time periods of less than 24 hours. A child day care center must have a certificate of compliance ("license") from the Department of Public Welfare in order to legally operate.

DECISION

Final adjudication of any board or other body granted jurisdiction under any land use ordinance or the Municipalities Planning Code, Act 247, 53 P.S. § 10101 et seq., 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 the county and judicial district wherein the Township lies.

DETERMINATION

Final action by an officer, body, or agency charged with the administration of any land use ordinance or applications thereunder except the following:

- A. The governing body.
- B. The zoning hearing board.
- C. The planning agency only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DEVELOPMENT

Any man-made change to improved or unimproved real estate including, but not limited to, the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving, utilities; filling, grading and excavating; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

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, just-in-time operations associated with inventory management processes, 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 associated with inventory management processes.

DISTRICT

All buildings, lots and surface areas within the boundaries designated on the Zoning Map. The terms "district," "zone," "zoning district," and "zoning classification" may be used interchangeably and shall have the meaning set forth in this section.

DOG KENNEL

The keeping of more than four dogs for breeding, hunting, boarding, or sale, provided that the keeping of litters of puppies not exceeding six months in age shall not constitute a dog kennel.

DOMICILIARY CARE HOME, ADULT

The use of a dwelling unit for the care of older adults or adults with disabilities assigned by the Cumberland County Office of Aging or other similar agency, for the purpose of providing a supervised living arrangement in a homelike setting for a period exceeding 24 consecutive

hours. The home must be the primary residence of the care provider and the maximum number of all persons residing in the home, including clients and providers, shall not exceed eight (8) persons.

DRIP LINE

The outermost edge of a roof including eaves, overhangs and gutters.

DRIVE-THRU

An accessory use in which any part of a building or structure that, by design of physical facilities or by services or pods provided, encourages or permits customers to transact business, receive a service or obtain a product while in a motor vehicle on the premises.

DRIVEWAY

A private vehicular passageway providing access between a street and a private parking area or private garage.

DRY CLEANING ESTABLISHMENT

An establishment which launders or dry cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere.

DWELLING

A building or structure designed for living quarters for one or more families, including manufactured homes which are supported either by a foundation or are otherwise permanently attached to the land, but not including hotels, boarding/rooming houses or other accommodations used for transient occupancy.

DWELLING GROUP

A group of two or more single-family, two-family, or multi-family dwellings occupying a lot in one ownership.

DWELLING UNIT

Living quarters consisting of one or more rooms arranged for the use of one or more individuals living as an independent housekeeping unit, with cooking, living, sleeping and sanitary facilities.

DWELLING, ACCESSORY

A dwelling unit within the same lot as an owner-occupied single-family detached principal dwelling which is contained within the principal dwelling building or occupies a portion of one of its accessory buildings. All accessory dwellings shall have direct means of entrance/exit, independent from the principal dwelling.

DWELLING, MANUFACTURED

A transportable, single-family detached dwelling intended for permanent occupancy contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Also, a structure, transportable in one or more sections, which is eight body feet or more in width and is 32 body feet in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and including the plumbing, heating, air conditioning and electrical system combined therein manufactured in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401 — 5426).

DWELLING, MOBILE HOME

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

DWELLING, MULTI-FAMILY

A building containing any arrangement of three or more dwelling units, including apartments within an apartment building.

DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOUSE)

See “Townhouse”

DWELLING, SINGLE-FAMILY DETACHED

A building constructed with a permanent foundation containing one dwelling unit used by one family and having no party wall in common with an adjacent building and having two side yards.

DWELLING, SINGLE-FAMILY SEMI-DETACHED

A building containing one dwelling unit used by one (1) family, having one (1) side yard, and one (1) party wall in common with another building.

DWELLING, TWO-FAMILY DETACHED

A building containing two dwelling units used by two (2) families, with units arranged side-by-side or with one dwelling unit arranged over the other and having two (2) side yards.

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.

ELECTRIC SUBSTATION

An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public.

EXTERNALLY SOURCED PRODUCTS (as related to agritourism):

Any products purchased for resale in the Agricultural District

FAMILY

An individual, or two (2) or more persons related by blood, marriage, adoption or foster childcare, including domestic servants or gratuitous guests thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit, or not more than twelve (12) persons living together in a group living arrangement with supervision, provided that the group living arrangement meets all of the following criteria:

- A. It provides non-routine support services, including supervision, personal care, social or counseling services, and transportation, to persons who need such assistance in order to use and enjoy a dwelling or to avoid being placed within an institution, because of physical disability, old age, mental retardation, or other handicap or disability, as defined by the Fair Housing Amendments Act or the Americans with Disabilities Act.
- B. It provides for the joint occupancy of a dwelling unit where the residents maintain a common household and practice, on a permanent or long-term basis, a joint economic, social and cultural life.
- C. It does not involve the housing of persons on a transient basis.
- D. It does not involve the housing or treatment of persons accepted for residence in the group living arrangement on the basis of their status as criminal offenders, juvenile offenders or delinquents, or who would otherwise qualify for residence by virtue of having been found by any governmental tribunal, court or agency to be a danger to society or are on release or under the jurisdiction of the criminal justice system, a government bureau of corrections or similar institution.
- E. Family shall not include persons living together in a group-care facility, personal-care boarding home, or nursing home, as defined herein, or any other supervised group living arrangement for persons not protected by the Fair Housing Act or for any persons who constitute a direct threat to others or their physical property.

FARM

Any parcel of land which is gainfully used in the raising of agricultural products, livestock, poultry and dairy products, including necessary farm structures and equipment but excluding land used in the raising of fur-bearing animals or for riding academies, livery or boarding stables, or dog kennels.

FARM STAND

See ROADSIDE FARM STAND

FENCE

Any structure constructed of wood, metal, wire, mesh, masonry or any combination thereof, including a free-standing masonry wall, erected for the purpose of screening one property from one another, either to assure privacy or to protect the property screened.

FIRE STATION

A building which houses fire apparatus, personnel/staff living quarters, office space, ancillary rooms and other equipment for direct fire/rescue service operations of a fire company.

FIRE COMPANY

An organization of persons under agreement with East Pennsboro Township which provides direct fire/rescue services to the Township and is a component of the East Pennsboro Fire Department.

FIRE COMPANY EVENTS

Events held by and for the direct fundraising to support fire company operations such as; Barbeque, Bingos, in facility Meals (breakfasts/dinners), or other such events as determined by the Fire Company.

FIRE COMPANY SOCIAL HALL

A building used for a banquet/meeting hall on the same lot or an immediately adjacent lot, owned and maintained by the Fire Company for Fire Company income.

FLOOD

A temporary inundation of normally dry land areas.

FLOODPLAIN

Low land area adjacent to any watercourse and subject to flooding as defined in further detail by the Township's Floodplain Ordinance.

FORESTRY

The management of forest and timberlands when practiced in accordance with sound forest management practices which may involve developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any existing, proposed, or future land development.

FRONTAGE, LOT

That portion of a lot's horizontal or curvilinear distance measured along the street right-of-way line upon which a lot abuts.

FRONTAGE, BLOCK

The number of lineal feet of land abutting upon a street, measured between two intersecting streets.

FUNERAL HOME

A building or part thereof used for human funeral services. Such building may contain space and facilities for: (1) embalming and the performance of other services used in preparation of the dead for burial; (2) the performance of autopsies and other related surgical procedures; (4) the storage of caskets, funeral urns, and other related funeral supplies; and (4) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral parlor is permitted, a funeral chapel shall also be permitted.

GARAGE, PRIVATE

A detached accessory building or portion of a principal building used or occupied for the parking or temporary storage of household goods, automobiles, travel trailers or boats of the occupants of the premises.

GARAGE, PUBLIC

A building or portion thereof, other than a private garage, designed for storing motor vehicles.

GARBAGE (see also "SOLID WASTE")

Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.

GLARE

The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GRADE, FINISHED

The completed surfaces of lawns, walks or streets brought to the grades shown on official plans, drawings or designs relating thereto.

GRADING PLAN

A plan for development, clearly depicting in detail all proposed grading including the location, extent, and treatment of all exposed slopes.

GROUND FLOOR

The floor of a building closest to the average elevation of the finished grade along the entire front of the building.

GROUP HOME

The use of any lawful dwelling unit which meets all of the following criteria:

- A. A maximum number of eight (8) persons shall reside in a group home, including the maximum number of employees/ supervisors and/or care providers routinely in the group home at any point in time.
- B. Involves persons functioning as a common household.
- C. Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental retardation, or other "handicap"* as defined by applicable Federal law.
- D. Does not meet the definition of a "Treatment Center."
- E. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

GUEST

A person occupying a room or group of rooms forming a single habitable unit and paying compensation for such occupancy either without prearrangement or for less than a week at a time.

HABITABLE

All areas within a building used for living, sleeping, eating, or cooking, but not including cellars, attics, utility service rooms, or unheated areas such as enclosed porches.

HAZARDOUS WASTE

Any garbage, refuse, sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plant, or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of these factors, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- A. Cause or significantly contribute to an increase in mortality or morbidity in either an

individual or the total population.

- B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

The term "hazardous waste" shall not include coal refuse as defined in the Coal Refuse Disposal Control Act, 52 U.S.C. §§ 30.51 — 30.62. The term "hazardous waste" shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued under the Clean Streams Law, 35 P.S. §§ 691.1 — 691.1001. The term "hazardous waste" shall not include solid or dissolved material in domestic sewage, or solid dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under § 402 of the Federal Water Pollution Control Act, 33 U.S.C. § 1342 or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, 42 U.S.C. §§ 2011 — 2394

HEALTH CLUB, COMMERCIAL

A commercial establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, massage rooms, and lockers. Health clubs often include instructional programs, weight control programs, aerobic classes and other activities similar activities.

HEALTH SERVICES

Establishments primarily engaged in furnishing medical, surgical, or other services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services. Health services include alternative, holistic, or natural health services such as nutritional counseling, therapeutic massage, reflexology and other services related to wellness.

HELIPORT

An area to accommodate all phases of operation of rotor wing aircraft (helicopters) with suitable space to allow development of service facilities required.

HELISTOP

An area on the ground, roof, or similar structure to accommodate touch down and lift off of rotor wing aircraft (helicopters) for the purpose of picking up/discharging passengers, with no service facilities.

HISTORIC DISTRICT, BUILDING, OR STRUCTURE

A building that is or a group of buildings, properties or sites that are:

- A. Listed in the National Register of Historic Places,
- B. Determined to be eligible for listing by the Keeper of the National Register of Historic Places who has been delegated the authority by a Federal agency to list properties and determine their eligibility for the National Register of Historic Places in accordance with section VI.D.1.a.i-v of the Nationwide Programmatic Agreement for Review Regarding the Section 106 National Historic Preservation Act Review Process as specified under 47 CFR Pt. 1, App. C (relating to Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process).
- C. Marked as a historical site by the Pennsylvania Historical and Museum Commission pursuant to 37 Pa.C.S. (relating to historical and museums).
- D. Within a historic district created pursuant to the act of June 13, 1961 (P.L.282, No.167), entitled "An act authorizing counties, cities, boroughs, incorporated towns and townships to create historic districts within their geographic boundaries; providing for the appointment of Boards of Historical Architectural Review; empowering governing bodies of political subdivisions to protect the distinctive historical character of these districts and to regulate the erection, reconstruction, alteration, restoration, demolition or razing of buildings within the historic districts.

HOME OCCUPATION

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling but does not align with the definitions and use-specific requirements of Home-Based Business, No Impact or Home-Based Business, Minimal Impact.

HOME-BASED BUSINESS, NO IMPACT

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 use-specific requirements as outlined within Section 602.

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

- D. There shall be no outside appearance of a business use including, but not limited to, parking, signs, or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area.
- H. The business may not involve any illegal activity.

HOME-BASED BUSINESS, MINIMAL IMPACT

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 minimal 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 use-specific requirements as outlined within Section 602.

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. No more than one person, other than the occupants of the dwelling unit, shall be employed and work at the Minimal-Impact Home-Based Businesses.
- C. There shall be no outside appearance of a business use including, but not limited to, parking, lights, and exterior storage of materials. Signage shall be provided in accordance with the provisions of Township's Design and Natural Resources Ordinance.
- D. The production and sale of retail goods shall be limited to value-added products derived from farm products and other natural/organic resources, such as wood or stone.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

- G. A maximum of 25 percent of the floor area of the dwelling unit may be devoted to a Minimal-Impact Home-Based Business.
- H. A Minimal-Impact Home-Based Business shall be carried on completely within the dwelling unit, or a completely enclosed permitted accessory structure, such as a shed or detached garage.
- I. The business may not involve any illegal activity.

HORTICULTURAL USES:

A use related to the science and art of producing, improving, marketing, and using fruits, vegetables, flowers, and ornamental plants.

HOSPITAL

Sanitarium, preventorium, clinic or any other place having as its primary purpose the diagnosis, treatment or other care of human ailments, and having facilities to carry out such treatment or care on a full-time basis.

HOTEL

A building designed or occupied primarily as the temporary place of abode of individuals who are, for compensation, lodged (with or without meals), in which provisions for cooking are generally not made in individual rooms or suites, and in which there are at least 15 rooms rented or available for rent.

HUB HEIGHT

The distance measured from the surface of the tower foundation at finished grade to the height of the wind turbine hub, to which the blade is attached.

HVAC

Equipment used to heat, cool or ventilate a structure.

IMPERVIOUS SURFACE

A surface that prevents the infiltration of water into the ground. Impervious surfaces (or areas) shall include, but not be limited to, roofs used to cover indoor living spaces, patios, garages, storage sheds and similar structures, and any new streets or sidewalks. Unless otherwise defined by the Township Subdivision and Land Development Ordinance and/or Stormwater Management Ordinance, decks, parking areas, and driveway areas are not counted as impervious areas if they allow for infiltration. Determination of whether a surface material is considered impervious or not shall be made in consultation with the Township Engineer.

IMPROVED SURFACE

Areas of concrete, asphalt or paver blocks designed for motor vehicular traffic.

INDUSTRIAL SERVICES

Establishments providing industrial services to individuals or businesses. This classification includes dry cleaning plants; metal, machine, and welding shops; cabinetry and woodworking shops; furniture upholstery shops; and similar business engagements in custom fabrication and repair.

JUNK

Any discarded materials, machinery, scrap metals, appliances, articles or objects possessing value in part, gross, or aggregate, and including, but not limited to, scrapped motor vehicles and parts thereof, including motors, bodies of motor vehicles, and vehicles which are inoperable and do not have a current and valid inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania, but not including garbage or other organic waste, or farm machinery, provided said farm machinery is used in connection with a bona-fide farming/agricultural operation.

JUNKYARD

Any lot, land, structure or part thereof which is used primarily for the collection, storage or sale of waste paper, rags, scrap metal or discarded material, or for the collection, dismantling, storage, salvaging or sale of machinery, vehicles or parts thereof not in running condition.

KENNEL (ALSO DOG KENNEL)

Any structure or premises in which dogs and domesticated animals are kept, boarded, bred, groomed, sold, or trained for commercial gain.

KILOWATT (kW)

A unit of electrical power equal to 1,000 Watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used. 1,000 kW is equal to 1 megawatt (MW).

LAND DEVELOPMENT

A. Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) A group of two 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.
 - (b) The division or allocation of land or space, whether initially or cumulatively,

between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

B. The exclusion of certain land development from this definition of land development is permitted only when such land development involves:

(1) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.

(2) The addition of an accessory building on a single-family residential lot or farm.

LAND USE

A description or classification of how land is currently or intended to be utilized or occupied.

LANDOWNER

The legal, equitable or beneficial owner or owners of land, including the holder of an option or contract to purchase for a lump sum or over installments (whether or not such option or contract is subject to any condition), a lessee having a remaining term of not less than 40 years, or any other person having a proprietary interest in land.

LANDSCAPING SERVICES

A retail business which includes the growing and/or selling of flowers, plants, trees, shrubs and other natural flora and the products which aid their growth and care and which may include one (1) or more of the following activities as accessory uses only: storage of small amounts of decorative landscaping materials such as landscaping ties, decorative rocks, marble chips, sandstone or limestone chips; and/or the storage of small amounts of red dog, slag, sand or gravel to be used in landscaping or preparation of driveways; and/or shredding or screening of topsoil; however in no case shall any amount of asphalt or cold patch be permitted to be stored or prepared on the site.

LAUNDROMAT

A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

LIBRARY

A public, nonprofit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility but are not normally offered for sale. A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

LIGHTING, DIFFUSED

An illumination technique where the light produced from the source passes through a translucent cover or shade.

LIGHTING, DIRECT OR FLOOD

An illumination technique where the light source is concentrated and directed toward the place or object to be illuminated.

LIGHTING, INDIRECT

In illumination technique where the light source is entirely hidden and the light produced is projected to a suitable reflector from which it is redistributed and directed to the place or object to be illuminated.

LOADING BERTH/SPACE

An off-street parking area on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicles for unloading or loading merchandise or materials.

LOT

A parcel of land which has the yards, open space, width and areas required by this chapter, which abuts upon a street, and which is either shown on a subdivision plan recorded in the office of the Recorder of Deeds of Cumberland County, Pennsylvania, or considered as a unit of property and described by metes and bounds in a deed so recorded.

LOT AREA

The area contained within the property lines of individual parcels of land, excluding any area within an alley or street rights-of-way but including the area of any easement or future rights-of-way.

LOT DEPTH

The average distance between the street line and the rear lot line.

LOT LINE

A boundary line of a lot.

LOT LINE, REAR

A lot line which is parallel to or within 45° of being parallel to a street line. In the case of a lot of an odd shape, not including a corner lot, the lot line furthest in average distance from any street.

LOT LINE, SIDE

Any lot line which is neither a street line nor a rear lot line.

LOT WIDTH

Unless otherwise provided, the distance measured at the minimum building set back line.

LOT, CORNER

A lot, abutting upon two or more streets at their intersection. (See Figure 27-2.)

LOT, DOUBLE FRONTAGE (also "THROUGH LOT")

An interior lot which abuts two streets.

LOT, INTERIOR

A lot, the side lot lines of which do not abut on a street.

LOWEST FLOOR

The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this chapter.

LUMBERYARD

An area used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products, but not including manufacture or fabrication of lumber, lumber products or firewood.

MAJOR ACCESS ROUTE

A street or highway which constitutes an existing or planned major thoroughfare.

MAJOR THOROUGHFARE, RESTRICTED OR LIMITED ACCESS

A major thoroughfare or part thereof with respect to which the location and manner of access from abutting property and other streets is limited by the Township or the Pennsylvania Department of Transportation.

MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities.

The term includes park trailers, travel trailers, recreational and other similar vehicles that are placed on a site for more than 180 consecutive days.

MOBILEHOME LOT

A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the placement thereon of a single mobile home.

MOBILEHOME PARK

A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MANUFACTURING

The processing and/or converting of raw unfinished materials or finished materials or products, or any of them, into an article or substance of different character, or for use for a different purpose - industries furnishing labor in manufacturing or in the refinishing of manufactured articles. Manufacturing shall also include uses such as Foundries, Steel Mills, Lime Kilns, Grain Mills, and other similar uses.

MASSAGE

Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body, excluding the genitals and mucous membranes, with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment, or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefore.

MASSAGE ESTABLISHMENTS

Any establishment having its source of income or compensation derived primarily from the practice of massage and which has a fixed place of business where any person, firm, association or corporation engages in or carries on the licensed practice of massage.

MASSAGE TECHNICIAN

Any licensed masseur (male) or masseuse (female) who engages in the licensed practice of massage.

MEDICAL CENTER

Establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists and other health care practitioners, medical and dental laboratories, outpatient care facilities, blood banks and oxygen and miscellaneous types of medical supplies and services.

MIXED-USE BUILDING

A building that contains a two or more complementary uses that are permitted uses within the applicable base or overlay zoning district in which the building is located and arranged in a compact urban form. Typically, mixed-use buildings include a combination of residential and commercial uses arranged vertically in multiple stories of a single building with commercial uses located on the ground floor and residential uses located on upper floors.

MIXED OCCUPANCY

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

MODULAR HOUSING

A dwelling unit assembled or partially assembled away from the site on which it will be located, and produced as a standardized unit but does not include a Mobile Home/Manufactured Dwelling.

MOTEL

A building or group of buildings, whether detached or in connected units, containing individual sleeping or dwelling units designed and used primarily for transient automobile travelers, together with accessory off-street parking facilities. The terms "automobile court," "tourist court," "motor lodge," and "motor hotel," shall be used interchangeably with the term "motel," and shall have the meaning set forth in this section.

MOTOR VEHICLE

A device which is self-propelled, except one which is propelled solely by human power, in, upon or by which any person or property is or may be transported or drawn upon a street or highway.

MUSEUM

A building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public.

NIGHT CLUB

An individual establishment that provides meals, dispenses liquor, and in which music, dancing, or entertainment is conducted. Nightclubs also may provide entertainment as part of a hotel or resort.

NONCONFORMING LOT

A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is

located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE

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

NONCONFORMING USE

A use, whether of land or of a building or structure, which does not comply with the applicable use provisions of this chapter, where such use was lawfully in existence prior to the enactment of this chapter.

NON-EMERGENCY MEDICAL TRANSPORT FACILITY

A public or privately-owned facility for the dispatch, storage, and maintenance of vehicles and related equipment for non-emergency, routine medical transport of patients between hospitals, extended care facilities or residences, to other locations including, hospitals, extended care facilities, health service facilities, medical centers, or residences.

NURSING HOME

A business or an institution, licensed by the Commonwealth of Pennsylvania, for the care of three or more patients, who are not related by blood or marriage to the operator, requiring skilled or intermediate nursing care but not including care for the acutely ill, or involving surgical or obstetrical services. This definition shall not be construed with a Treatment Center or Medical Center.

OCCUPANCY PERMIT

A permit stating that all work indicated on a building permit has been satisfactorily completed, or in cases not involving construction, that a proposed new use is in conformity with this chapter, and that the building or lot may be occupied for that use.

OFFICE BUILDING

A building designed or used primarily for office purposes, no part of which is used for manufacturing or for dwelling purposes, other than by a watchman or janitor.

OFFICE, GENERAL

A use that involves administrative, clerical, financial, governmental or professional operations and operation of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical or dental offices, clinics or laboratories, photographic studios and/or television.

OFFICE, PROFESSIONAL

A building, room, or set of rooms which houses the business office of a person or persons who supply a professional service.

OPEN SPACE

An area intended to provide light, air, environmental protection, scenic and/or recreational functions. Open space often includes, but is not limited to, lawns, decorative plantings, walkways, natural resource protection areas, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, bodies of water and watercourses. Open space generally does not include the minimum required lot area, driveways, parking areas, or other areas and surfaces designed and intended for vehicular travel, buffers, existing and future road rights-of-way.

OPEN SPACE, COMMON

An area within a residential, commercial, or mixed-use development designed and intended to provide for passive and active recreation, which is exclusively for the use of residents, occupants or users of the development.

OUTDOOR STORAGE

The keeping, in an unenclosed area, of any goods, material, merchandise, or vehicles, not including junk, in the same place for more than twenty-four hours.

OVERLAY ZONE

A zoning district that encompasses one or more underlying zoning districts and that imposes additional requirements above those required by the underlying zone.

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.

PARKING AREA

Any public or private land area designed and used for the purpose of temporarily or long-term parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

PARKING GARAGE

A building or similar structure designed for and consisting of more than one level and used to store motor vehicles.

PARKING AREA, OFF-STREET

Any area, accessory to a permitted principal use, not within a building where motor vehicles

may be stored temporary, daily, or overnight.

PARKING, SHARED

A process by which adjacent property owners utilize parking facilities in common and reduce the number of parking spaces that each use is required to provide on their individual properties.

PARKING LOT, MUNICIPAL

A parking lot owned and/or operated by a local government entity or is assigned at which parking spaces are provided for use whether gratis, by permit, and/or for a fee.

PARKING LOT

A tract of land used for temporary motor vehicle parking, not including a municipal parking lot, when such use is not accessory to any other use. Any privately owned lot used for off-street parking or for the transient storage of motor vehicles, whether or not such parking is provided as a free service or for a fee.

PARKING SPACE

An area on a lot, street and/or within a parking lot or building at a size established by this chapter for temporary storage of a personal vehicle.

PARKING SPACE, OFF-STREET

A temporary storage area for a motor vehicle, trailer, or vessel that is directly accessible to a driveway or access drive, and which is not located within a street right-of-way.

PASSIVE RECREATION

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

PERFORMANCE STANDARDS

A set of criteria or limits relating to nuisance elements which a particular land use or process shall not exceed.

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.

PERSONAL CARE HOME

A premise in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living. This term shall not meet the definition of Treatment Center.

PERSONAL EVENTS, FOR PROFIT

Events held by a 3rd party for profit of that individual or organization.

PERSONAL EVENTS, CHARITABLE

Events held by non-profit foundations or organizations that are for the direct benefit of the community and society at large such as youth organizations or other recognized Pennsylvania State Charitable organizations.

PERSONAL EVENTS

Private Rental Events for which the facility is leased from the Fire Company to private individuals for the purpose of holding gatherings such as weddings, parties, trainings, and meetings of other community organizations where a rental payment is made.

PERSONAL SERVICES

Businesses primarily engaged in providing services generally to individuals, by persons who may or may not be licensed by the Commonwealth of Pennsylvania to practice healing arts, barbers, beauticians, and manicurists, massage therapy, physical therapy, personal training.

PLAN, SITE IMPROVEMENT

A component of a land development plan or zoning permit which graphically depicts the proposed development of a lot, parcel or tract of land describing all covenants assigned, as well as accurately depicting the use, location, and bulk of all buildings and structures, intensity of use or density of development, streets, driveways, rights-of-way, easements, parking facilities, open space, public facilities and utilities, setbacks, height of buildings and structures and other such data necessary for municipal officials to determine compliance with the Land Development Ordinance [Chapter 22], this chapter or appropriate provisions of other such ordinances, as they may apply.

PLANNING COMMISSION

Unless clearly indicated otherwise, the Planning Commission of East Pennsboro Township, or its successor.

PLAT

A map, plan or layout of a land development indicating the locations and boundaries of individual properties.

PORCH

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

PREMISES

A lot, parcel or tract of land and any and all buildings situate thereon.

PRIMARY PEDESTRIAN/BICYCLE CIRCULATION ROUTE

A connected pedestrian path of no less than eight (8) foot 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.

PRINT SHOP

An establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving.

PRIVATE DRIVE

An easement or right-of-way, other than a street or alley, which provides vehicular access to a lot.

PROFESSIONAL SERVICES

The practice of a profession by any individual or individuals including, but not limited to, attorney, physician, surgeon, osteopath, chiropractor, dentist, optician, optometrist, chiropodist, engineer, surveyor, architect, landscape architect, planner, veterinarian, real estate, appraisal, finance accounting or similar type, entitled to practice under the laws of the Commonwealth of Pennsylvania.

PUBLIC HEARING

A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Municipalities Planning Code, Act 247, as amended.

PUBLIC MEETING

A forum held pursuant to notice under the Sunshine Act, 65 Pa.C.S.A. § 701 et seq.

PUBLIC NOTICE

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

PUBLIC UTILITY

A private enterprise with a franchise for providing a public service as defined in Title 66. Pa.C.S.A. Public Utilities Section 102.

PUBLIC UTILITY FACILITIES

Telephone, electric, and cable television lines, poles, equipment, and structures; water or gas pipes, mains, valves or structures; sewer pipes, pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or a public utility.

PA UCC

Pennsylvania Uniform Construction Code.

QUARRY, SAND PIT, GRAVEL PIT, BORROW PIT

Land or part thereof from which stone, sand, clay, gravel or topsoil is or are extracted primarily for sale, but not including a lot which is graded in preparation for the construction of a building for which application for a building permit has been made.

RECREATION AREA

An area of land, and buildings or structures thereon, used for any legal form of play, amusement or relaxation.

RECREATION, AMUSEMENT

Commercial recreation or leisure facilities that include miniature golf, bowling, arcade, driving ranges, laser tag, and/or paintball, or any similar uses.

RECREATION, PRIVATE

A leisure, social, or recreational facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principle use and their guests.

RECREATION, PUBLIC

Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by the Township, County, school district, state, or federal government.

RECREATIONAL VEHICLE

A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which has its own motor power or is mounted on or drawn by another vehicle; having a body width of no more than eight feet and a body length of no more than 35 feet when factory equipped for the road, and licensed as such by the commonwealth to include, but not limited to, travel trailers, truck campers, camping trailers, self-propelled motor homes, and water craft.

RECYCLABLE MATERIAL

Includes, but is not limited to, metals, glass, plastic and paper products, which are intended for reuse, re-manufacture or reconstitution. Recyclable material does not include refuse, used clothing, furniture, appliances, vehicle parts, garbage, biodegradable wastes or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with applicable health and safety regulations.

RECYCLING CENTER

An establishment which provides the means for the collection, separation, recovery, and sale or reuse of metals, glass, paper, leaf waste, plastics and other recyclable materials which would otherwise be disposed of and processed as municipal waste; a recycling center does not include storage or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property or non-residential use.

RECYCLING COLLECTION FACILITY

A center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public. Such a facility does not typically use power-driven processing equipment. Collection facilities may include mobile or stationary recycling containers and kiosk-type recycling containers.

RECYCLING CONTAINERS

Mobile or stationary bins, boxes, or containers transported by trucks, vans, or trailers and used for the collection of recyclable material.

REFUSE

(See “Solid Waste”)

REGULATORY FLOOD

The flood that has one chance in one hundred (or a 1 percent chance) of being equaled or exceeded in any year. For the purposes of this chapter, the one-hundred-year flood (base flood) as defined by the Federal Insurance Administration, U.S. Department of Housing and Urban Development in Flood Insurance Study, East Pennsboro Township, Cumberland County, Pennsylvania.

REGULATORY FLOOD ELEVATION

The elevation of the regulatory flood at a point.

RELIGIOUS INSTITUTION

A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain

religious ceremonies and purposes.

REPAIR SERVICES

Any building, premises, and land in which or upon which a business or industry involving the maintenance, servicing, or repair to products is conducted or rendered.

REPORT

Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer, or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie there from. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

REQUIRED EXCLUSION AREA

The unbuildable portion of a parcel based upon critical area factors including, but not limited to, building setbacks, open space, wetlands, watercourses, buffers, screening, easements, rights-of-way, floodplain, and other protected resources or habitats.

RESEARCH, TESTING LABORATORY

An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

RESTAURANT

A public eating place primarily offering sit-down counter or table service and custom-prepared foods for on-premises consumption, with or without call-ahead service, which may or may not provide carry-out and/or take-out.

RETAIL ESTABLISHMENT

An establishment in which commonly used goods and merchandise are displayed for sale or rental with incidental service to the general public for personal or household use but excludes products or services specifically associated with another defined use. Retail establishments may include the sale of pharmaceuticals, clothing, dry goods, furniture, groceries, baked goods, and other similar products.

RETAIL, RECREATIONAL SERVICES

A business whose primary activities involve the display and retail sales and/or rental of goods and products related solely to outdoor recreational activities. Additionally, services may extend

to include the repair of non-motorized recreational activity equipment, such as bike repair.

RIGHT-OF-WAY

The dedicated area on, below or above a public roadway, highway, street, sidewalk, alley, utility easement or similar property.

RIGHT-OF-WAY, EXISTING

The legal right-of-way established by the state or other appropriate governing body, and currently in existence.

RIGHT-OF-WAY, FUTURE

The right-of-way deemed necessary or appropriate by the Township Comprehensive Plan or the Tri-County Comprehensive Plan, to provide adequate future street improvement.

ROADSIDE FARM STAND

A temporary structure, not to exceed a gross floor area of 500 square feet, from which agricultural products primarily produced on the premises are sold.

ROOMER, BOARDER or LODGER

A person occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for such occupancy by prearrangement for a week or more at a time to an owner or operator.

SCHOOL, PRIMARY AND SECONDARY

A public or private academic institution offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required by the Pennsylvania Department of Education.

SCHOOL, SECONDARY TRADE

An institution licensed and/or accredited by the Pennsylvania Department of Education including professional schools, dance schools, and trade schools that offer alternative programs in conjunction with a traditional secondary education curriculum offered by a nearby secondary school as defined in this Chapter.

SCHOOL, POST-SECONDARY

An accredited or licensed educational institution recognized by the Pennsylvania Department of Education, having regular sessions with employed instructors, and providing general education above the level of the secondary school.

SCHOOL, PRE-KINDERGARTEN

A building designed and operated to provide regular instruction and daytime care for two or more children under primary grades.

SCREEN PLANTING

Unless otherwise indicated, a vegetative material of sufficient height and density to conceal from the view of property owners in adjoining districts, the structures and uses on the premises on which the screen planting is located.

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.

SETBACK LINE

The line within a property defining the required minimum distance (setback) between any building and the street line, side or rear property line. (Also known as the “building line”).

SEWER, PRIVATE

An on-lot septic tank, cesspool, or other disposal system generally providing for disposal of effluent from only one building or a group of buildings on a single lot.

SEWER, PUBLIC

Any municipally or privately owned sewer system in which sewage is collected from buildings and piped to an approved sewage disposal plant or central septic tank disposal system. “Public sewer” may also be referred to as off-site sewer and shall include capped sewers installed in accordance with Township specifications.

SEXUALLY ORIENTED BUSINESS

See “East Pennsboro Township Sexually Oriented Businesses Ordinance,” as amended.

SHARED FIRE STATION FACILITY

A building in which the fire company and municipal government enter into a Master Plan Agreement for the construction of a common facility with each portion of a building to house fire apparatus and direct supporting operations. Each portion of the building and land shall be owned and deeded to the corresponding parties. This Master Plan may entail abutted or attached buildings as allowed by the PA UCC, the IBC and as stated in the Zoning Code.

SHOPPING CENTER

A group of retail and other commercial establishments that is planned, owned, and managed as a single property. On-site parking is provided. The center’s size and orientation are generally determined by the market characteristics of the trade area served by the center. The two main

configurations of shopping centers are malls and open-air strip centers.

SIGHT DISTANCE, CLEAR

The maximum length of roadway along which a driver at a driveway location can continuously see another vehicle approaching on the roadway.

SIGHT TRIANGLE, CLEAR

A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight of motorists entering or leaving the intersection.

SIGN

Any object, device, display or structure, or part thereof, visible from a public way, which is used to advertise, identify, display, direct or attract attention to a person, organization, institution, business, product, service, event or location. A sign includes writing, representation or any other figure of similar character within a building when located in a window.

SLOPE

The face of an embankment or cut section; any ground whose surface makes an angle with the plain of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet over 100 feet of horizontal distance.

SLOPE CLASSIFICATION MAP

A map prepared by a registered professional engineer or surveyor, on a contour map, showing at a minimum, those areas with a slope of 12 percent to 15 percent, areas of slope with 15 percent to 20 percent, areas with a slope of 20 percent to 25 percent, and areas with a slope greater than 25 percent as a calculation between every contour interval on said map.

SOLAR ARRAY

Any number of electrically connected photovoltaic (photovoltaic) modules providing a single electrical output.

SOLAR-BASED ARCHITECTURAL ELEMENT

Structural/architectural element that provides protection from weather that includes awnings, canopies, porches or sunshades and that is constructed with the primary covering consisting of solar photovoltaic modules and may or may not include additional solar photovoltaic related equipment.

SOLAR BUILDING - Integrated System

A solar photovoltaic system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings, and roofing. Such a system is used in

lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls, window openings and roofing. A building-integrated system may occur within vertical facades, replacing view glass, spandrel glass or other facade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems.

SOLAR BUILDING - Mounted System

A solar photovoltaic system attached to any part or type of roof on a building or structure that has an occupancy permit on file with the East Pennsboro Township and that is either the principal structure or an accessory structure on a recorded parcel. This system also includes any solar-based architectural elements.

SOLAR CELL

The smallest basic solar electric device generates electricity when exposed to light.

SOLAR GROUND - Mounted 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.

SOLAR INTERCONNECTION

The technical and practical link between the solar generator and the grid providing electricity to the greater community.

SOLAR MODULE

A module is the smallest protected assembly of interconnected photovoltaic cells.

SOLAR PHOTOVOLTAIC (PV):

A semiconductor-based device that converts light directly into electricity.

SOLAR PHOTOVOLTAIC (PV) RELATED EQUIPMENT

Items including a solar photovoltaic cell, panel or array, lines, mounting brackets, framing and foundations used for or intended to be used for collection of solar energy.

SOLAR PHOTOVOLTAIC (PV) SYSTEM, PRINCIPAL/UTILITY-SCALE

A solar collection system consisting of one or more building- and/or ground-mounted systems, solar photovoltaic cells, panels or arrays and solar related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation. Principal/Utility-Scale shall refer to a Solar Photovoltaic (PV) System which is the principal use of a lot and is intended for electricity generation primarily for off-site use.

SOLAR PHOTOVOLTAIC (PV) SYSTEM, ACCESSORY

A solar collection system consisting of one or more building- and/or ground-mounted systems, solar photovoltaic cells, panels or arrays and solar related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation. Such a Solar Photovoltaic (PV) System shall be accessory and clearly incidental to a permissible principal use and intended for electricity generation primarily for on-site use. In addition, all ground-mounted systems shall produce an output not greater than 10 kilowatts.

SOLAR TRACKING SYSTEM

A number of photovoltaic modules mounted such that they track the movement of the sun across the sky to maximize energy production, either with a single-axis or dual-axis mechanism.

SOLID WASTE

Unwanted or discarded material, including waste material with insufficient liquid content to be free flowing.

SPECIAL EXCEPTION

Permission or approval of a use granted by the Zoning Hearing Board pursuant to applicable provisions of this chapter.

STORAGE, BULK

The holding or stockpiling on land of material or products where such storage constitutes 40 percent of the developed site area and the storage area is at least one acre, and where at least three of the following criteria are met by the storage activity: (1) in a bulk form or in bulk containers; (2) under protective cover to the essential exclusion of other uses of the same space due to special fixtures or exposed to the elements; (3) in sufficient numbers, quantities, or spatial allocation of the site to determine and rank such uses as the principal use of the site; (4) the major function is the collection and/ or distribution of the material and/or products rather than processing; and (5) the presence of fixed bulk containers or visible stockpiles for a substantial portion of a year.

STORAGE FACILITY, SELF-SERVICE

A building or group of buildings consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractor supplies. A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.

STORED

Parked, left, located, kept, maintained, deposited, remaining, or being physically present on

private property.

STORY

The portion of any building located between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, the space between such floor and the ceiling next above it.

STORY, HALF

A story next under a gabled, hipped or gambrel roof, the wall plates of which on at least two opposite exterior walls are not over two feet above the finished floor of such story.

STREET

A thoroughfare positioned within a right-of-way, whether public or private, which provides for the passage of vehicles and/or pedestrians and offers access to abutting properties and which conforms with the design standards of the East Pennsboro Township Code. Streets may also be referred to by the following names, including but not limited to avenue, boulevard, road, roadway, drive, highway, freeway, parkway, lane, or alley, but shall not be considered a driveway, access drive or walking trail. See also East Pennsboro Township Road Classification Map.

STREET GRADE

The officially established grade of the street upon which a lot fronts or in its absence, the established grade of other streets upon which the lot abuts, at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street, measured at the midpoint of the portion of the lot abutting thereon, shall be taken as the street grade.

STREET LINE

The dividing line between the street and the lot or land abutting the street, also known as the right-of-way line.

STREET WIDTH

The shortest distance between street lines at a given point.

STRUCTURE

Anything constructed or erected that is safe and stable and requires location on the ground or attached to something having location on the ground, including but not limited to, buildings, garages, sheds, towers, flagpoles, platforms, storage bins, fences exceeding six feet in height, signs, sign posts, and lights, but excluding uncovered patios, driveways, walks, and parking areas at yard grade.

STUDIO

An establishment used as a workspace by one or more artist, martial artist, photographer, musician, artisan craftsperson or other similar professionals, which may include space for the instruction of the public, as well as space for exhibits and sales incidental to the primary use of a studio.

SUBDIVISION

The division or redivision of a lot, tract, or parcel of land by any means into two 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 of agricultural purposes into parcels of more than ten acres, not involving any new street or easement or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL DAMAGE

Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50 percent or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however include either: (A) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or; (B) any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

TELECOMMUNICATIONS SITE

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

TELECOMMUNICATIONS ANTENNA

Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless telecommunications services. This land use shall be considered an antenna which is attached to an existing structure, including, but is not limited to smokestacks, water towers, buildings, or other telecommunications, fire, and police towers. Height shall be considered the vertical distance measured from the base of the antenna at the

elevation of attachment to a structure to the highest point of the antenna.

TELECOMMUNICATIONS TOWER

A structure that is intended to support equipment used for the purposes of transmitting or receiving cellular, radio, telephone, television, and other similar types of communications. Tower structures may include monopoles and lattice type construction steel structures. Height shall be considered the vertical distance measured from the base of the tower to its highest point. If the tower or the antenna is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the height.

TERRACE

A natural or artificial embankment between a building and its lot lines, the height of which shall be the difference in elevation between the curb and the highest point of the embankment.

THEATERS AND ASSEMBLY HALLS

A building or part of a building devoted to the showing of motion pictures or theatrical performing arts productions as a principal use, but not including an outdoor drive-in theater or adult theater.

TIMBER HARVESTING

The process of cutting down and removing trees for the primary purpose of sale or processing into commercial wood products. See Forestry.

TOURIST CABINS

A group of buildings which contain either separate cabins or a row of cabins, living and sleeping accommodations for transient occupancy, and individual entrances.

TOURIST HOME

A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

TOWER HEIGHT, WIND GENERATOR

The height above grade of the fixed portion of a wind generator tower, excluding the wind turbine and blades.

TOWNHOUSE

Single-family attached dwelling units situated that there are three or more units contiguous to one another with some common walls.

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.

TRAILS

A way designed for and used by equestrians, pedestrians, and cyclists using non-motorized bicycles, unless electric powered and limited to a speed of less than 20 miles per hour.

TRANSFORMER SUBSTATION

An electric substation containing an assemblage of equipment for purposes other than generation or utilization of electricity through which electric energy in bulk is passed for the purpose of switching and modifying its characteristics to meet the needs of the general public.

TRAVEL TRAILER

A vehicular portable structure built on a chassis and designed as a temporary dwelling for travel, recreational and vacation uses.

TREATMENT CENTER

A use (other than a prison or a use associated with a medical center/health services) providing housing facilities for persons who need specialized housing, treatment and/or counseling for stays in most cases of less than one (1) year and who need such facilities because of:

- A. Criminal rehabilitation, such as a criminal half-way house/criminal transitional

living facility or a treatment/housing center for persons convicted of driving under the influence of alcohol;

B. Chronic abuse of or addiction to alcohol and/or a controlled substance; or

C. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others.

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.

TURBINE HEIGHT

The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

UNREGULATED YARD AREA

Area not within a building and not in a defined setback or yard area.

USE

Any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure, or on a lot or tract of land.

USE, PRINCIPAL

The main or primary use of a lot.

UTILITY POLE

A pole or similar structure that is or may be used, in whole or in part, by or for telecommunications, electric distribution, lighting, traffic control, signage or a similar function or for collocation. The term includes the vertical support structure for traffic lights but does not include wireless support structures or horizontal structures to which signal lights or other traffic control devices are attached.

UTILITY POLE, MUNICIPAL

A utility pole owned, managed or operated by or on behalf of a Township.

UTILITY POLE, DECORATIVE

A municipal utility pole that is specially designed and placed for aesthetic purposes.

UTILITY TRAILER

A vehicle without motive power designed for carrying property and being drawn by a motor

vehicle.

VARIANCE

A modification of or adjustment to a regulation of this chapter granted by the Zoning Hearing Board pursuant to applicable provisions of this chapter and the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. § 10101 et seq.

VEGETATION, NATURAL

Plant life indigenous to and existing in a particular location or on a particular lot by involuntary or natural growth.

VEGETATIVE MATERIAL

Unless otherwise specified, plant life of a type consistent with or commonly associated with the principal use of the lot, established by voluntary act in the manner required in this chapter.

VETERINARY HOSPITAL

A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to hospital use.

VETERINARY SERVICES

Veterinary facilities as well as establishments providing support to the veterinary profession and animal care, such as veterinary laboratories, and miscellaneous types of veterinary supplies and services.

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.

WATER, PRIVATE

An on-lot water generation system which serves only the lot upon which it is located.

WATER, PUBLIC

Any municipally or privately owned water generation, collection and distribution system or facility which serves more than one building or lot.

WATERCOURSE

Natural or once naturally flowing (perennially or intermittently) water including rivers, streams, and creeks. Includes natural waterways that have been channelized, but does not include man-made channels, ditches, and underground drainage and sewage systems.

WATERCRAFT

Any craft or vehicle specifically designed for use on water such as a boat, canoe, personal water craft, pontoon, hovercraft or similar type vehicle.

WHOLESALE BUSINESS

A place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

WILDLIFE HABITAT

An area characterized by wildlife that forage, nest, spawn, or migrate through in search of food or shelter.

WILDLIFE PRESERVE

Areas intended to remain in a predominately natural or undeveloped state to provide resource protection and possible opportunities for passive recreation and environmental education.

WINDOW

An opening to the outside of a building or structure, other than a door, which provides all or part of the natural light and/or natural ventilation to an interior space. The glassed portion of a door in an exterior wall shall be considered a window.

WIND ROTOR

The blades, plus the hub to which the blades are attached, that are used to capture wind for the purpose of energy conversion. The wind rotor is mounted on a pole or tower or other suitable structure along with other generating and electrical equipment to form a wind turbine.

WIND TURBINE

A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes, but is not limited to, a nacelle, wind rotor, tower, vertical axis and pad transformer.

WIRELESS FACILITY

As follows:

- A. Equipment at a fixed location that enables wireless service between user equipment and a communications network, including any of the following:
 - (1) Equipment associated with wireless services.
 - (2) Radio transceivers, antennas, coaxial or fiber optic cables, regular and backup power supplies or comparable equipment, regardless of technological configuration.
- B. The term includes a Small Wireless Facility.

C. The term does not include any of the following:

(1) The structure or improvements on, under or within which the equipment is collocated.

(2) The coaxial or fiber optic cables that are not immediately adjacent to or directly associated with a particular antenna.

WIRELESS FACILITY, MICRO

A Small Wireless Facility that:

A. Does not exceed two cubic feet in volume; and

B. Has an exterior antenna no longer than eleven (11) inches.

WIRELESS FACILITY, SMALL

The equipment and network components, including antennas, transmitters and receivers, used by a wireless provider that meet the following qualifications:

A. Each antenna associated with the deployment is no more than three cubic feet in volume.

B. The volume of all other equipment associated with the wireless facility, whether ground-mounted or pole-mounted, is cumulatively no more than twenty (28) cubic feet. Any equipment used solely for the concealment of the Small Wireless Facility shall not be included in the calculation of equipment volume under this paragraph.

WIRELESS INFRASTRUCTURE PROVIDER

A person authorized by the Pennsylvania Public Utility Commission to provide telecommunications service in this Commonwealth that builds or installs wireless communication transmission equipment, wireless facilities or wireless support structures but is not a wireless services provider.

WIRELESS PROVIDER

A wireless infrastructure provider or a wireless services provider.

WIRELESS SERVICES

Services, whether at a fixed location or mobile, using a licensed or unlicensed spectrum, provided to the public using wireless facilities.

WIRELESS SERVICES PROVIDER

A person who provides wireless services.

WIRELESS SUPPORT STRUCTURE

The term shall have the same meaning given to it in the act of October 24, 2012 (P.L.1501,

No.191), known as the Wireless Broadband Collocation Act.

YARD

A space open to the sky and unoccupied by any building, structure, or merchandise for display, sale, or storage, located on the same lot with a building or structure.

- A. **YARD, EXTERIOR-** An open, unoccupied space between the buildings of a dwelling group or its accessory buildings and the project boundary or street line.
- B. **YARD, FRONT-** A yard on the same lot with a main building extending the full width of the lot and situated between the street line and the minimum required front setback line projected to the side lines of the lot. On a corner lot, there are two front yards. (Figures 27-1 and 27-2.)
- C. **YARD, INTERIOR-** An open, unoccupied space between the buildings of a dwelling group or its accessory buildings; not a front, side or rear yard.
- D. **YARD, REAR-** A yard on the same lot with a main building extending the full width of the lot and situated between the rear line of the lot and the minimum required rear setback line projected to the side lines of the lot. (Figure 27-1)
- E. **YARD, SIDE-** A yard on the same lot with a main building situated between the required side line of the lot and the minimum required side setback line. Any lot line not a rear line or a front line shall be deemed a side line. On a corner lot, there are two side yards. (Figures 27-1 and 27-2.)

ZERO LOT LINE

An interior lot line between and upon which contiguous but independent structures are erected without building setback required from shared (common) lot line- including semi-detached buildings and attached buildings.

ZONING MAP

The map establishing the boundaries of the zoning districts of the Township, which map shall be and is a part of this chapter.

ZONING OFFICER

The municipal official or representative duly appointed by the Township Commissioners as the administering and enforcing officer for this chapter.

ZONING PERMIT

A building permit, occupancy permit, or other permit required by this chapter in a specific circumstance.

Part 3

DESIGNATION OF DISTRICTS

§ 27-301 Districts and Classifications.

For the purposes of this chapter, East Pennsboro Township is hereby divided into districts which shall be designated, as follows:

Agricultural Districts

A-1 Agriculture District

Residential Districts

R-C Residential Conservation District

R-1 Single-family Residential District

R-2 Two-family Residential District

R-3 Multi-family Residential District

Mixed-Use Districts

O/MU Office/Mixed-Use District

CPL Commercial Park Limited District

Office Districts

PRO Professional Office District

Commercial Districts

C-L Commercial Limited District

C-G Commercial General District

Industrial Districts

IP Industrial Park District

Overlay Districts

CO College Overlay

WP Wetland Protection Overlay District

HA-O Highway Access Management Overlay District

A-O Airport Overlay District

Non-residential zoning districts shall refer to all zoning districts not classified as residential.

§ 27-302 Zoning Map.

The boundaries of said districts shall be shown upon the map attached to and made a part of this chapter, which map is dated and designated “Zoning Map of East Pennsboro Township.” The said map and all the notations, references and other data shown thereon are hereby incorporated by reference into this chapter as if all were fully described herein.

§ 27-303 District Boundaries.

1. Where uncertainty exists as to boundaries of any district as shown on said map, the following rules shall apply:
 - A. District boundary lines are intended to follow or be parallel to the center line of streets, streams, railroads, and lot or property lines as they exist on plans of record at the time of the adoption of this chapter, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.
 - B. Where a district boundary is not fixed by dimensions, where it approximately follows a lot line, and where it does not scale more than 10 feet therefrom, such lot line shall be construed to be such boundary unless specifically shown otherwise.
 - C. Zoning for the majority of a lot of less than one acre shall determine the zoning for the entire lot.

§ 27-304 Interpretation of Boundaries.

In case of any uncertainty, the Zoning Officer shall interpret the intent of the map as to the location of the district boundaries.

§ 27-305 Use Adjustment on District Boundaries.

1. In unsubdivided land where a district boundary divides a lot held in single and separate ownership, the following rules shall apply:
 - A. The use in a less restricted district may extend over the portion of the lot in the more restricted district, a distance of not more than 50 feet beyond the district boundary line, providing such extension does not increase the frontage of the less restricted district along a street.
 - B. The frontage of the less restricted district may extend over the portion of the lot in the more restricted district, a distance of not more than 50 feet beyond the district line, providing a special exception is granted by the Zoning Hearing Board.

§ 27-306 Application of District Regulations.

1. Reduction of Standards Forbidden.
 - A. No construction of buildings or division of land shall reduce the width, area or yards of

any lot in a residential zone below the standards of this chapter. No portion of any lot area, yard area or street frontage that is required for a building or use under this chapter may be used by another building or use to satisfy lot area, yard area or street frontage requirements for another building or use.

- B. Notwithstanding the above, the owner of any existing home in a residential district may, upon building permit application, increase the impervious coverage of that existing residential lot to no more than a cumulative total of five (5) percent above the maximum impervious coverage allowed in the district.

Part 4

OVERLAY DISTRICTS

§ 27-401 College Overlay.

1. Purpose. The College Overlay is established to recognize the areas as well as other uses that support or coexist with a Post-Secondary School use, now or in the future. This Overlay will provide areas in which educational, residential, and commercial uses may be commingled in a mutually supportive manner, designed in such a way so as to promote a connected, walkable and bikeable community.
2. Applicability. This Section shall apply to the following locations:
 - A. Any area associated with a previously approved Master Plan or any future expansion to an approved Master Plan for a Post-Secondary School.
 - B. Where there happens to be a conflict between the provisions or requirements of this overlay district and those of any underlying district, the provisions of this district shall apply.
 - C. Where there happens to be a conflict between the provisions or requirements of this overlay district and any other overlay district, the more restrictive provisions shall apply.
3. Permitted Uses. In the College Overlay, a building may be erected or used, and a lot may be used or occupied for any of the following uses, subject to the conditions set forth in Subsection 4 below:
 - A. Single-family detached dwellings.
 - B. Single-family semi-detached dwellings.
 - C. Single-family attached dwellings.
 - D. College Dwellings.
 - E. College Bookstores.
 - F. College Food Service Facilities.
 - G. College Special Events.
 - H. Offices for educators and college staff.
 - I. College conference centers.
 - J. Libraries and museums.
 - K. Infirmaries, health suites and counseling centers.

- L. Banks, credit unions, brokerages, financial services offices and electronic banking kiosks (as an accessory use).
 - M. Instructional facilities.
 - N. Parks, quads, open spaces, and passive recreation areas.
 - O. Athletic fields and courts (without event lighting).
 - P. Theaters and assembly halls seating no more than 750 attendees.
 - Q. Pedestrian walkways, overpasses, and underpasses.
 - R. Day-care centers operated as part of an educational program of studies.
 - S. Religious Institutions.
 - T. Government Uses.
 - U. Public utility facilities
 - V. Public and private off-street parking lots and garages.
 - W. Accessory college uses, buildings and improvements customarily incidental to the above uses.
4. Conditions. Permitted uses in the College Overlay District are subject to the following conditions:
- A. All uses must be on land owned fee simple by the college.
 - B. All non-residential uses must primarily be designed to serve the students, alumni, faculty and employees of the college.
 - C. Athletic and recreational facilities may be open to and used by the public, so long as such use is subordinate to the use of the same by the college.
 - D. College Dwellings:
 - (1) Must be occupied only by students, faculty or employees of the College, or by College Special Event, College Conference Center or academic or athletic program or camp attendees.
 - (2) May be occupied by immediate family members of permitted occupants.
 - (3) May not be occupied as fraternity or sorority houses.
 - (4) Must be supervised by on-campus residential advisors who reside on campus.
 - (5) Must have a minimum of eighty (80) square feet of habitable area for each occupant and a total minimum total 700 square feet per dwelling.
 - (6) College Dwellings may be occupied by students of other schools if such occupancy

is contracted for by and between the College and such other school or schools.

- E. No use shall, by design, physical layout, service, or packaging procedures, encourage or permit the receiving of goods or services by individuals while remaining in their motor vehicles.
5. Conditional Uses. The following conditional uses and no other may be allowed by the Township Board of Commissioners after recommendation by the Planning Commission, pursuant to Part 8 of this Chapter:
- A. Field houses.
 - B. Athletic fields and courts with event lighting.
 - C. Theaters and assembly halls with a capacity in excess of 750 attendees.
6. Building Height. No building shall be erected to a height in excess of four stories or 60 feet; provided, however, that this height may be increased 1 foot for each additional foot that each and every setback exceeds the minimum requirement, up to a maximum height of 75 feet.
7. Minimum Setbacks.
- A. Front - 10 feet.
 - B. Side - 8 feet.
 - C. Rear - 25 feet.
8. Lot Area and Width Requirements. The minimum lot area permitted shall not be less than one acre, and the minimum lot width shall not be less than 100 feet measured at the building setback line.
9. Lot Coverage. No more than 75% of the lot shall be covered with buildings, structures, and other impervious surfaces.
10. Off-Street Parking. Off-street parking shall be in accordance with the Design and Natural Resources Ordinance in addition to the following requirements:
- A. Parking may be located off-site so long as the parking is located on land owned or leased by the college.
 - B. Parking lots and spaces for uses in the College Overlay Zone shall be readily accessible to the buildings or uses served.
 - C. Required parking lots and spaces that are located in excess of 300 feet of the building or use that they serve shall comply with the following conditions:
 - (1) Pedestrian pathways shall be established with appropriate directional signage that directs pedestrians to and from parking areas and the buildings or uses that they serve.

- (2) Pedestrian pathways and parking areas shall not be arranged in such a manner as to unreasonably impact neighboring residential uses outside the College Overlay Zone.
- (3) Safety lighting shall be provided along pedestrian pathways and upon parking areas as appropriate.

11. Supplemental Regulations.

- A. All uses shall be connected to public sewer and public water.
- B. Residences may be located in the same building as other uses.
- C. All screening and buffering shall comply with §27-603 of this Chapter.
- D. Sign regulations shall conform to the Design and Natural Resources Ordinance.
- E. Outdoor Storage and Dumpsters shall comply with § 27-607, of this Chapter.
- F. More than one principal use shall be permitted on a lot.

§ 27-402 Wetland Protection Overlay District (WP).

1. Purpose.

- A. Township planning policies identify and recognize hydric soils and wetlands and the natural features surrounding these areas as important hydrological and environmental assets. Wetlands provide important functions, such as:
 - (1) Habitat for fish, wildlife and vegetation;
 - (2) Water quality maintenance and natural pollution filter;
 - (3) Natural flood control;
 - (4) Erosion control; and,
 - (5) Educational and recreational opportunities.
- B. Damaging or destroying wetlands from the negative impacts of development threatens the public safety and general welfare in the Township. It is the purpose of this section to provide appropriate standards for delineating and preserving wetland areas. The WP Overlay is provided to:
 - (1) Require planning to avoid and minimize damage to wetlands whenever prudent or feasible;

- (2) Require that land uses and developments which are not dependent on wetlands to be located in upland sites; and
 - (3) Allow wetland losses through proper mitigation only where practical or legal measures have been applied to reduce these losses that are unavoidable and in the public interest.
- C. A WP Overlay District is hereby established as a district which overlays the other districts of this chapter as shown on the Township Zoning Map. The WP Overlay established in this Part and its provisions shall apply to all lands within the jurisdiction of The Township.
 - D. Where there happens to be conflict between the provisions or requirements of this overlay district and those of any underlying district, the more restrictive provisions shall apply.
 - E. Where there happens to be conflict between the provisions or requirements of this overlay district and those of any other overlay district determined in accordance with the Part, the provisions of this overlay district shall apply.
 - F. This section provides appropriate standards and regulations to minimize the negative impacts from development on the Township's steep hillside and slope areas.
2. Establishment of WP Overlay District Boundaries.
- A. The WP Overlay District shall be established by the applicant at the time of land development or during the application for a zoning permit if no land development is proposed.
 - B. The WP Overlay District boundary shall be established as an area within 15 feet of any delineated non-tidal wetland. The WP Overlay District shall be based on a wetland investigation conducted by a qualified professional. Comprehensive Plan maps related to floodplains and other general soils and hydric soils information may be used as a reference for determining the general location of major critical wetland areas. Final wetland delineations to define the WP Overlay District shall be performed in accordance with the procedures of the Pennsylvania Department of Environmental Protection as specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands and any subsequent amendments thereto. Wetland mitigation shall be permitted. Wetland mitigation shall be approved by the Pennsylvania Department of Environmental Protection. Wetlands proposed and acceptable for mitigation shall not be considered part of the WPOD.

3. Verification of Wetland Delineation. Where the applicant has provided a determination of the critical wetland area and the WP Overlay District, the Township Engineer or qualified hydrologist shall verify the accuracy of the wetland delineation and boundary. The Zoning Officer, upon recommendation of the Township Engineer or hydrologist, may render adjustments to the boundary delineation in order to comply with this chapter. In the event that the adjusted boundary delineation is contested by the applicant, the applicant may appeal to the Zoning Hearing Board.
4. Permitted Uses. The following uses shall be permitted uses in the WP Overlay District provided that (A) the use is in compliance with the provisions of the underlying district; (B) the use is not prohibited by another ordinance; and (C) the use does not require building(s), fill, or storage of materials and equipment:
 - A. Agriculture uses.
 - B. Common open space.
 - C. Educational uses.
 - D. Passive recreation.
 - E. Trails and trail access.
 - F. Wildlife preserve.
 - G. Wildlife habitats.
 - H. Any use determined by the Zoning Officer to be of the same general character as the above permitted uses.
5. Standards.
 - A. See The Township Design and Natural Resources Ordinance.

§ 27-403 Highway Access Management Overlay.

1. Purpose.
 - A. The purpose of this section is to provide vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system. Access management encompasses the careful planning of the location, design and operation of driveways, median openings, interchanges and street connections. If access systems are not properly designed, the primary transportation network, including arterials and

highways, will be unable to accommodate the access needs of development and retain their primary transportation function.

- B. This section is intended to promote safe and efficient travel by limiting the number of conflict points, providing safe spacing standards between driveways, encouraging shared access between abutting properties, and ensuring safe access by emergency vehicles in the overlay area.

2. Applicability.

- A. This section shall apply to all Arterial roads within the Township as identified by the Township of East Pennsboro's Road Classification Map and to all properties which abut these roadways. Any development, use or change of use within this overlay district shall conform to the specific requirements of Part 5 of the Township's Land Development Ordinance [Chapter 22].

§ 27-404 Airport Overlay Zone.

- 1. Purpose. The airport regulations found in this section are intended to benefit the public health, safety and welfare by regulating and restricting the height of man-made and natural objects in the vicinity of the Harrisburg International Airport.

- A. Where there happens to be conflict between the provisions or requirements of this overlay district and those of any underlying district, the more restrictive provisions shall apply.

2. Declaration of Policy.

- A. It is hereby found that an obstruction has the potential for endangering lives and property of users of the Harrisburg International Airport and property and occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Harrisburg International Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the Harrisburg International Airport and the public investment therein. Accordingly, it is declared that:

- (1) The creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Harrisburg International Airport;
- (2) It is necessary in the interest of public health, safety, morals, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and

- (3) The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of police power without compensation.
 - B. It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.
3. Airport Surface Zones.
 - A. In order to carry out the provisions of this section, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Harrisburg International Airport. Such zones are shown on the East Pennsboro Township Airport Hazard Map and are incorporated into this chapter and made a part hereof.
 - B. For the purpose of this section, the airport surface zones shall be overlays to the existing underlying zoning districts as shown on the Township's Official Zoning Map. As such, the provisions of these zones shall serve as a supplement to the underlying district provisions. Where there happens to be any conflict between the provisions or requirements of the airport zones and those of any underlying district, the more-restrictive provisions shall apply.
 - C. An area located in more than one of the following zones is considered to be only in the zone with the more-restrictive height limitation.
 - D. The various zones are hereby established and defined as follows:
 - (1) Precision Instrument Runway Approach Surface Zone. This zone is established beneath the precision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 1,000 feet wide. The zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.
 - (2) Transitional Surface Zones. The Transitional Surface Zones are the areas beneath the transitional surfaces adjacent to each runway and approach surface.
 - (3) Horizontal Surface Zone. The Horizontal Surface Zone is established beneath the horizontal surface, 150 feet above the established airport elevation, the perimeter

of which is constructed by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The Horizontal Surface Zone does not include the Approach Surface and Transitional Surface Zones.

- (4) Conical Surface Zone. The Conical Surface Zone is established beneath the conical surface and commences at the periphery of the Horizontal Surface Zone and extends outward a horizontal distance of 4,000 feet.
4. Airport Surface Zone Height Limitations. Except as otherwise provided in this section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow, in any zone created by this section to a height in excess of the applicable height limit herein established for such zone.
 - A. Such applicable height limitations are hereby established for each of the zones in question as follows:
 - (1) Precision Instrument Runway Approach Surface Zone. Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway center line.
 - (2) Transitional Surface Zone. Slopes seven feet outward for each foot upward beginning at the side of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation, which is 310 feet above mean sea level.
 - (3) Horizontal Surface Zone. Established at 150 feet above the airport elevation or at a height of 460 feet above mean sea level.
 - (4) Conical Surface Zone. Slopes 20 feet outward for each foot upward beginning at the periphery of the Horizontal Zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation, or at a height of 500 feet above mean sea level.
 - B. Exceptions. Nothing in this section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree, to a height up to 200 feet above the surface of the land.
5. Zoning Requirements.

- A. Reasonableness. All airport zoning regulations adopted under this section shall be reasonable; none shall impose any requirements or restriction unless it is reasonably necessary to effectuate the purpose of the section. In determining what regulations to adopt, East Pennsboro Township shall consider, among other factors, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area, the character of the neighborhood and the uses to which the property to be zoned is put and adaptable.
 - B. Use Restrictions. Notwithstanding any other provisions of this section, no use may be made on land or water within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
 - C. Nonconforming Uses.
 - (1) Regulations Not Retroactive. The regulations prescribed by this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this section or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this section, and which is diligently executed.
 - (2) Marking and Lighting. Notwithstanding the preceding provisions of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Federal Aviation Administration (FAA) and/or Harrisburg International Airport to indicate, to the operators of aircraft, the obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Harrisburg International Airport.
6. Permits and Variances.
- A. Notification. As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a), as amended, any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object, natural or man-made, in the airport hazard zone shall first notify the PennDOT Bureau of Aviation (BOA) by

submitting PennDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to commencement thereof. The BOA's response must be included with the permit application for it to be considered complete. If the BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this section of the overlay. If the BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in Subsection 6E below.

B. Future Uses.

- (1) Except as specifically provided in Subsection **6B(1)(a), (b)** and **(c)** hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particularity to allow it to be determined whether the resulting use, structure, or tree would conform to the regulations prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this section shall be granted unless a variance has been approved in accordance with this section.
 - (a) In the area lying within the limits of the Horizontal Zone and Conical Zone, no permit shall be required for any tree or structure less than 200 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 - (b) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 200 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
 - (c) In the areas lying within the limits of the transition zones beyond the perimeter of the Horizontal Zone, no permit shall be required for any tree or structure less than 200 feet of vertical height above the ground, except where such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.
- (2) Nothing in the exceptions above shall be construed as permitting, or intending to permit, any construction or alteration of any structure or growth of any tree in excess of any of the height limits established by this section, except that no permit is required to make maintenance repairs to or to replace parts of existing structures

which do not enlarge or increase the height of any existing structure.

- C. Existing Uses. Before any nonconforming structures may be replaced, substantially altered or rebuilt or any tree may be allowed to grow higher or be replanted, a permit must be secured from East Pennsboro Township authorizing the replacement or change. No permit shall be granted that would allow the establishment or creation of any obstruction, or permit a nonconforming use or structure or a tree to become a greater hazard to air navigation, than it was on the effective date of this section or any amendments thereto or than it is when the application for a permit was made. Except as indicated, all applications for such a permit shall be granted.
- D. Nonconforming Uses Abandoned or Destroyed. Whenever the Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- E. Variances.
 - (1) Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property in violation of the regulations of this section may apply to the Zoning Hearing Board for a variance for such regulation. Such variance shall be allowed where it is duly found that a literal application or enforcement of the regulation will result in unnecessary hardship and relief granted will not be contrary to the public interest.
 - (2) The application for variance shall be accompanied by a determination from the FAA and BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:
 - (a) No Objection. The subject construction is determined not to exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination, a variance shall be granted.
 - (b) Conditional Determination. The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Subsection 6 below.

- (c) Objectionable. The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied, and the reasons for this determination shall be outlined to the applicant.
 - (3) Additionally, no variance to the requirements of this section may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the Airport Manager (or other person of equivalent description) for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application within 15 days after receipt, the Zoning Hearing Board may act without such input to grant or deny said application.
 - (4) Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation and will be in accordance with the intent of this section.
 - F. Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this section and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Zoning Hearing Board, this condition may be modified to require the owner to permit the airport owner, at its own expense, to install, operate and maintain the necessary markings and lights as may be required by guidelines or regulations adopted by the FAA.
7. Acquisition of Air Rights. In any case in which it is desired to remove, lower or otherwise terminate a nonconforming structure or use, or the approach protection necessary cannot, because of Constitutional limitations, be provided by airport zoning regulations, or it appears advisable that the necessary approach protection be provided by acquisition of property rights, rather than by airport zoning regulations, East Pennsboro Township or the Harrisburg International Airport may acquire, by purchase, grant or condemnation, in the manner provided by the law under which municipalities are authorized to acquire real property for public purposes, such air rights, aviation easement or other estate or interest in the property or nonconforming structure or use in question as may be necessary to effectuate the purpose of this section. In the case of purchase of any property or any easement or estate, or interest therein, or the acquisition thereof by the power of eminent domain, the municipality making the purchase or exercising the power shall, in addition to the damages for the taking, injury or destruction of property, also pay the cost of the removal and relocation of any structure or any public utility which is required to be moved to a new location.

8. Enforcement.

A. Local Enforcement. The Zoning Officer shall administer and enforce the regulations contained herein. Applications for permits and variances shall be made to the Zoning Officer on the appropriate form. Applications required by this section shall be considered in a timely manner and be approved or denied. Appeals shall be to the Zoning Hearing Board, in compliance with the procedures set forth in Part 9 of this chapter.

B. Notice to PennDOT. Notwithstanding any other provision of law, where the East Pennsboro Township Zoning Officer or the Township Zoning Hearing Board decides to grant a permit or variance under the terms of this section, they shall notify the Pennsylvania Department of Transportation, Bureau of Aviation, of their decision. This notice shall be sent to the Department no less than 10 days before the date that the decision is to be issued.

9. Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations in this section and any other regulation applicable to the same area, whether the conflict is with respect to the height of a structure or tree, the use of the land, or any other matter, the more-stringent limitation or requirement shall govern and prevail.

§ 27-405 Reserved.

§ 27-406 Reserved.

§ 27-407 Reserved.

Part 5
LAND USE, DIMENSIONAL STANDARDS, AND
DISTRICT-SPECIFIC REGULATIONS

§ 27-501 Zoning District Quick Views.

1. The following items related to each zoning district are included within each of the following Quick Views:
 - A. Principal uses permitted by right, by condition, or by special exception.
 - B. Accessory uses permitted by right, by condition, or by special exception.
 - C. Area and bulk regulations.
 - D. See other sections.

See Section 602 for Use-Specific Regulations related to land uses identified herein.

§ 27-502 Land Use Table.

For a table layout of all uses permitted within each zoning district, see the attached Table 1 (Land Use Permissions). In the case that a discrepancy exists between information within an attached land use table and a District Quick View including within this Chapter, the information within the District Quick View shall supersede the land use table.

§ 27-503 Additional regulations for all uses and districts.

All uses within all zoning districts shall comply with all applicable requirements within the Township’s Design and Natural Resources Ordinance.

§ 27-504 Specific regulations for the R-C Residential Conservation District.

1. Land Conservation Requirements. In order to promote the highest environmental quality possible, the extent to which an applicant for a permit under this chapter has preserved the existing salient natural features and land forms intrinsic to the site shall be assessed. Terms of the granting of a zoning permit may be subject to the manner in which the layout or design of the plan has preserved existing natural features such as, but not limited to, trees, wooded areas, wetlands, and water courses.
 - A. A grading plan, showing the buildable area; the exclusion area, whether required or developer designed; and the buildable site area, shall be submitted with any preliminary or final land development plan to the Township Board of Commissioners for their eventual approval or denial. A grading plan for a single-family dwelling which is not land development must be submitted to the Township Board of Commissioners for approval prior to any additional permits being granted. The grading plan will define excavation, earthmoving procedures and other changes to the landscape.
 - B. Exclusion areas may be owned as a separate lot by a homeowners association as common open space or may be apportioned among adjoining lots. Each lot within a subdivision shall be required to have a buildable area equal to at least 20 percent of the required minimum lot size.
 - C. All site plans shall be subject to Township Staff, Planning Commission and Board of Commissioner review before issuance of any permits. The purpose of plan review shall be to ensure that the environmental integrity of the site and area is maintained, and that stormwater is properly and adequately collected, managed and controlled. Plans shall be approved and permits issued only if the proposed development shall not have detrimental environmental impact upon the site and adjoining properties, or upon the existing stormwater collection system, and only if stormwater and environmental impact conform to generally acceptable engineering and other standards pertaining to improvement and development under like circumstances.

- D. Trees, natural vegetation and vegetative covering shall be removed only to the extent absolutely necessary to allow for the proposed improvements. All trees six inches or more in caliper at breast height shall not be removed unless within the slope limits of the proposed right-of-way line of a street or drive, within the slope limits of proposed building lines or within proposed utility location or mandatory access for equipment. Relocation of noteworthy plant material shall be encouraged where retention is impractical. Land with a slope of 33 percent or greater shall not be graded and shall remain in its natural state except that natural vegetation may only be supplemented by other plant material indigenous to the area. The removal of dead or hazardous vegetative material for use on the premises or disposal shall not be prohibited in light of these requirements.
- E. Development within this zoning district shall be subject to a maximum percentage of grading based upon individual lot size. The total area of all grading and clearing on a lot for buildings, driveways, parking areas, yards, walls, and accessory structures shall conform with the following requirements:
- (1) On lots less than three acres: Graded area (acres) = (lot area (acres))/30 + 0.30 acres.
 - (2) On lots of three to 10 acres: Graded area (acres) = (lot area (acres))/30 + 0.50 acres.
 - (3) On lots greater than 10 acres: Graded area (acres) = (lot area (acres))/30 + 0.67 acres.
 - (4) The above calculations shall not apply to areas of land graded in accordance with Ord. 737-2007, 7/5/2007, prior to the establishment of these provisions.
- F. No topsoil shall be removed from the site or used as spoil. Topsoil must be removed from the areas of construction and stored separately. Upon completion of construction and/or site improvements, the topsoil must be redistributed over the disturbed area uniformly. All disturbed areas of the site shall be stabilized by seeding or planting.
- G. A soil erosion and sedimentation control plan must be prepared and submitted for the improvement of any lot involving the disturbance of land area greater than 5,000 square feet. The plan shall be reviewed and approved by the Cumberland County Conservation District.
- H. The following environmental reports shall be required as supporting documentation for all subdivision plans that propose more than three lots within this district.
- (1) Soils and Geologic Report. Prepared by a soil engineer and a professional geologist. The report shall contain a geologic map of the project area. Mapping shall reflect careful attention to the rock composition, structural elements, surface and subsurface

distribution of the earth materials exposed or inferred within both bedrock and surface deposits. A clear distinction shall be made between observed and inferred features and/or relationships. The report shall contain the information required by the Township's current Land Development Ordinance [Chapter 22].

(2) Grading and Drainage Plan. Prepared by a professional engineer or surveyor registered in the Commonwealth of Pennsylvania. The plan must be sufficient to determine the erosion control measures necessary to prevent soil loss during construction and after project completion. The plan shall include the requirements of the Township's Stormwater Management Ordinance [Chapter 22, Part 7] and the Township's Land Development Ordinance [Chapter 22].

(3) Landscape Plan. Prepared by a landscape architect, arborist, or other professional qualified by training and experience to have expert knowledge of the subject and shall contain the information required by the Township's current Land Development Ordinance [Chapter 22].

I. Any area which is determined by the Township Board of Commissioners to contain natural hazards, geologic hazards, or hydrologic hazards, shall not be approved for development unless the applicant fully demonstrates through the above outlined environmental reports that such identified hazards or limitations can be overcome in such a manner as to minimize hazard to life or property; adverse effects on the safety, use, or stability of any public improvements; and other adverse impacts on the natural environment.

J. In the event that a property has no means of access to the buildable area other than via a 33 percent or greater slope, the required prohibition of grading within such slopes as detailed in this chapter may be modified upon application to the Zoning Officer. The applicant shall be required to adequately demonstrate to the Zoning Officer's satisfaction that no other alternative is available for access to the area. Said applications shall be reviewed by the Zoning Officer, the Township Engineer. The Township Planning Commission shall consider all comments prior to making a recommendation to the Township Board of Commissioners.

K. All other permits or approvals required by federal, state or local statute, rule or ordinance shall be obtained before any Township permits shall be issued.

2. No more than one principal use shall be permitted on a lot.

§ 27-505 Specific regulations for the A-1 Agricultural District.

1. Two accessory buildings shall be permitted for any residential use.

2. Special Setback Requirements. No structure and/or building used for the keeping of livestock

or animals other than domestic animals shall be located closer than 200 feet to any lot line or principal building.

3. No more than one principal use shall be permitted on a lot.

§ 27-506 Specific regulations for the R-1 Single-Family Residential District

1. Two accessory buildings shall be permitted for any residential use.
2. No more than one principal use shall be permitted on a lot.

§ 27-507 Specific regulations for the R-2 Two-Family Residential District

1. Accessory buildings shall be permitted to extend into side yards but shall not be closer than five feet to the side property line. Attached dwelling units (townhouses/duplexes) may have an accessory building setback of zero feet on interior lot lines.
2. Density. Dwelling unit density shall be not more than 11 units per acre.
3. No more than one principal use shall be permitted on a lot.

§ 27-508 Specific regulations for the R-3 Multi-Family Residential District

1. Accessory buildings shall be permitted to extend into side yards but shall not be closer than five feet to the side property line. Attached dwelling units (townhouses/duplexes) may have an accessory building setback of zero feet on interior lot lines.
2. Dwelling unit density shall be not more than 22 units per acre.
3. For mixed-use buildings permitted within the zoning district, the following provisions apply, in addition to those requirements of Section 602:
 - A. All Mixed-Use Buildings shall contain residential dwelling units as a use.
 - B. Permissible non-residential uses shall include only the following uses:
 - (1) Convenience Store, not including the sale and dispensing of motor fuels.
 - (2) Laundromat.

- (3) Professional Services.
- (4) Personal Services.
- (5) Studio.

C. Mixed-use buildings shall be screened from all adjacent residential lots within the R-3 zoning district.

- 4. Funeral Homes permitted within the R-3 zoning district shall comply with Part 4, Established Character, of the Design & Natural Resources Ordinance or shall provide Buffer Yard A along all lot lines which directly border a lot containing a residential use, including residential lots across a street right-of-way.

§ 27-509 Specific regulations for the PRO Professional Office District

All buildings and structures with provisions for restroom facilities or other facilities requiring sewerage disposal shall be connected to the public sewer and shall not be served by private sewerage.

§ 27-510 Specific regulations for the O/MU Office/Mixed-Use District

- 1. In the case of a series of adjoining buildings or structures abutting and paralleling a public right-of-way, an open and unobstructed stabilized passage of at least 20 feet in width shall be provided at grade level at intervals of not more than 400 feet. Common walls shall not be permitted between properties of separate ownership.

§ 27-511 Specific regulations for the C-L Commercial Limited District

- 1. For any portion of a lot that adjoins the Enola Drive right-of-way, the following standards shall apply and supersede any corresponding standards otherwise specified within this Chapter:

A. Dimensional Standards.

(1) Lot Width.

- a. Minimum: 50 feet
- b. Maximum: 150 feet

(2) Minimum Building line Setback.

- (a) Front: 10 feet when the front lot line adjoins the Enola Drive right-of-way.

(3) Maximum Building Line Setback.

- (b) Front: 30 feet when the front lot line adjoins the Enola Drive right-of-way.

- (4) Lot Frontage. In the case of double frontage lots, the front lot line shall be considered the lot line adjoining the Enola Drive right-of-way.

B. Off-street parking areas.

- (1) The number of required off-street parking spaces, as outlined in the Township's Design and Natural Resources Ordinance, may be reduced by 20 percent for all permitted non-residential uses.
- (2) Required off-street parking spaces may be accommodated on a non-contiguous off-site lot within 500 feet of the principal building or use, provided that such a lot is a permitted principal Parking Lot. The applicant shall enter into a legal agreement with the owner of the principal Parking Lot, in accordance with Township's Design and Natural Resources Ordinance.
- (3) Required off-street parking areas shall not be located between the front lot line and front façade of the principal building.
- (4) For parking areas located within 50 feet of the front lot line, the width of such parking areas shall not exceed 40 percent of the lot's total width.
- (5) Parking areas visible from the street shall be screened according to the Township's Bufferyards and Screening Ordinance.

C. Sidewalks shall be constructed and/or maintained, in accordance with Chapter 21 Streets and Sidewalks, along the entire width of the property in alignment with the lot line adjoining Enola Drive.

2. Adjoining Buildings. In the case of a series of adjoining buildings or structures abutting and paralleling a public right-of-way, an open and unobstructed stabilized passage of at least 20 feet in width shall be provided at grade level at intervals of not more than 400 feet. Common walls shall not be permitted between properties of separate ownership.
3. Within the C-L District, multifamily dwellings shall be permissible when located a story above on which a nonresidential land use is located the highest street level.

§ 27-512 Specific regulations for the C-G Commercial General District

1. In the case of a series of adjoining buildings or structures abutting and paralleling a public right-of-way, an open and unobstructed stabilized passage of at least 20 feet in width shall be provided at grade level at intervals of not more than 400 feet. Common walls shall not be permitted between properties of separate ownership.

§ 27-513 Specific regulations for the CPL Commercial Park Limited District

1. District Objectives. 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.
2. 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.
3. Development Principles. 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 to 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.
4. Permitted Uses. In order for a zoning application to be submitted and categorized as "Permitted Use by Right," all of the following criteria must be met:
- A. In Areas 1 and 2 as illustrated on Graphic 1 in §513.7, the development proposal must exceed thirty (30) acres.
 - B. In Areas 1 and 2 as illustrated on Graphic I of §513.7, 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.
 - C. As the CPL zoning district is considered a mixed-use district, any of the uses listed in the Quickviews may be combined together and said uses as a whole/an aggregate will be considered as the principal uses of the lot.
 - D. 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 §513.8.
5. Conditional Use. If the Application contains one or more of the Conditional Uses listed in the Quickviews and/or does not meet the requirements stipulated in §513.4, then the application shall be categorized as Conditional Use. Only land uses identified as a conditional use shall be eligible for such application.
- A. For Areas 1 and 2, the Application must fulfill all CPL Performance Standards enumerated in §513.7 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.
 - B. Accessory uses on the same lot with and customarily incidental to any of the above permitted 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.

6. Application Requirements. The specific application requirements associated with land 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 Traditional Neighborhood Development (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 open space.
 - (5) Bufferyard and Common 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 §513.7 are addressed.
 - (2) Streets and Driveways.
 - (a) Traffic analysis as required by the Township Engineer.
 - (b) Manner in which the criteria of §513.7 are addressed.
 - (3) Common Open Space.
 - (a) Manner in which the criteria of §513.7 are addressed.
 - (4) Stormwater Management.
 - (a) Manner in which the criteria of §513.7 are addressed.
 - (5) Bufferyards.
 - (a) Bufferyard and Common Open Space Plan per §513.6(B)(5).
 - (b) Manner in which the criteria of §513.7 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 §513.7 are addressed.
 - (7) Parking.
 - (a) Parking and Loading Plan.
 - (b) Manner in which the criteria of §513.7 are addressed.
 - (8) Sidewalks.
 - (a) Sidewalks Plan.
 - (b) Manner in which the criteria of §513.7 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.

7. CPL Performance Standards.

- 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 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 1st/Wayne St. and 1st/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 including 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 50 feet 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) Common Open Space.
- (a) A minimum of 25 percent of the gross development area shall be common open space.
 - (b) Up to 60 percent of the common 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 percent of the common 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 common 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 common open space area and/or allocation of active and passive recreation is necessary for development within the CPL District to occur, the Applicant shall complete and submit a Common Open Space Alternative Plan illustrating the locations and types of common open space proposed for the development. The Board of Commissioners shall decide on the Common 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 feet if parallel to 1st St.; 250 feet if not parallel to 1st St.	NA
Max. Building Footprint (each individual building)	15,000 SF	NA
Max. Building Height	35 feet	60 feet
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 percent 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

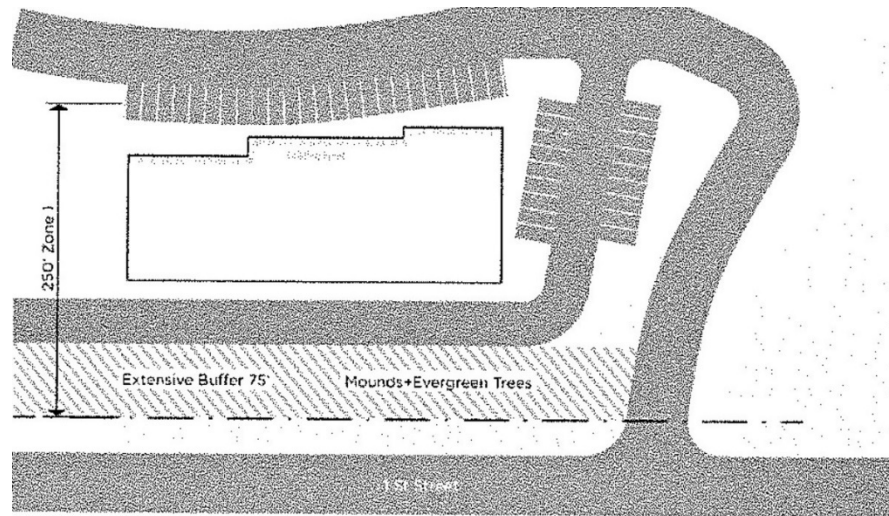
(d) Coverage for Stormwater shall include surface facilities but shall not include

mechanisms or areas associated with stormwater collection, conveyance, underground facilities and easements.

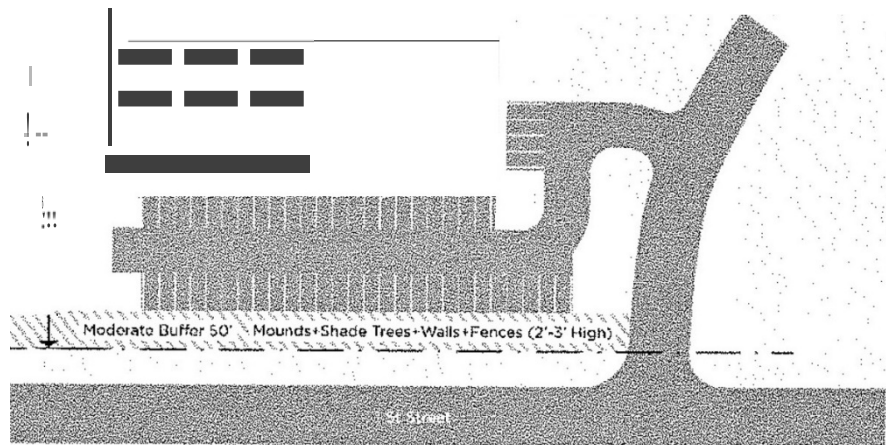
(3) Bufferyards

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

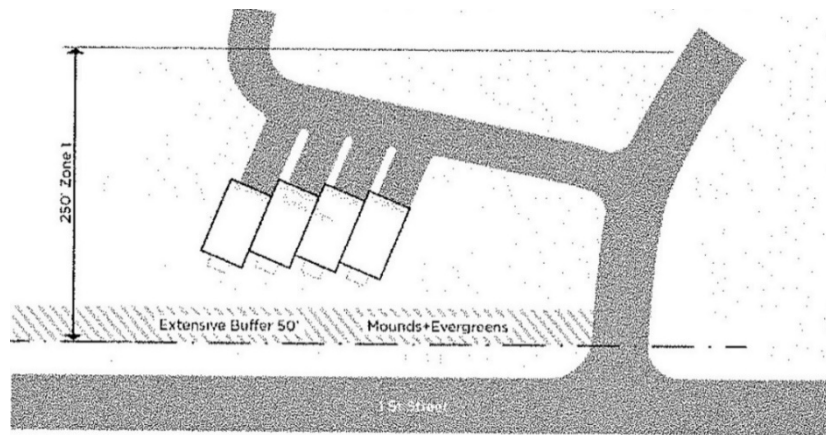
1) Non-residential Scenario I



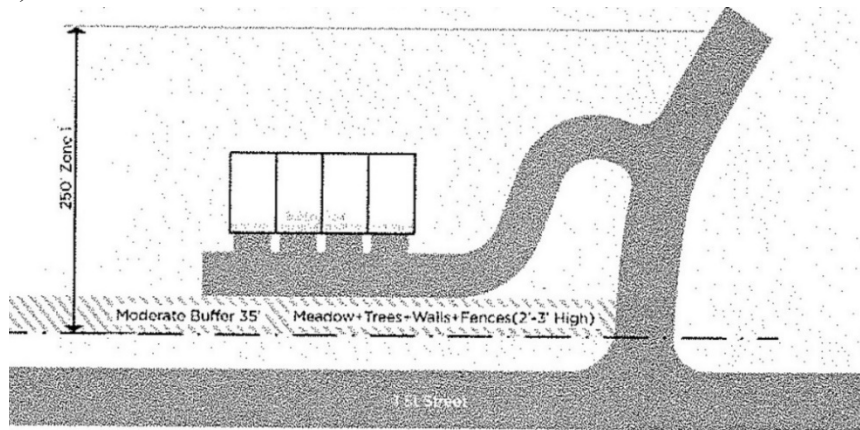
2) Non-residential Scenario 2



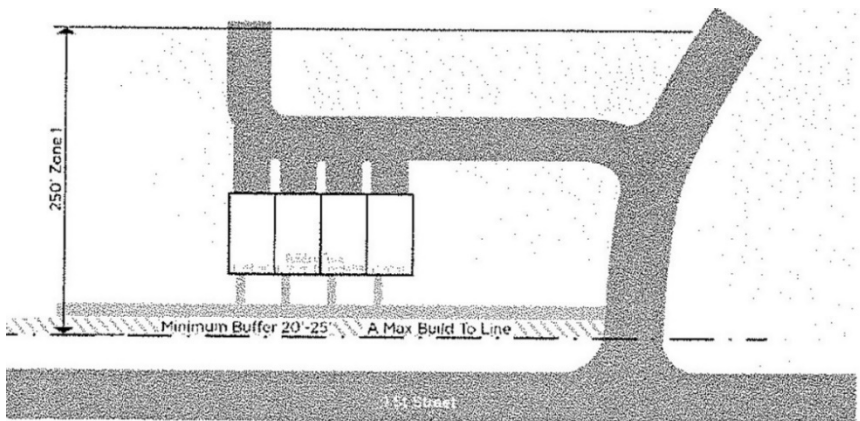
3) Residential Scenario 1



4) Residential Scenario 2



5) Residential Scenario 3



- (b) Other buffers/screening throughout any development within the CPL zoning district shall comply with the Township’s Design and Natural Resources Ordinance.

(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 Spaces Permitted	250	450 per Parking Area
Parking Between individual Parking Areas	50 feet	25 feet
Buffer	See §513.7.G(3)	See §603 and Chapter 23.

(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 casement shall cover the Primary Pedestrian and Bicycle Route and provide for public use of the route.

8. Review and Decision. TND Plan and Concurrent Preliminary Land Development Plan.

A. A Preliminary Land Development Plan may be submitted in conjunction with 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.

Part 6

GENERAL AND SPECIAL REGULATIONS

The following regulations shall qualify or supplement the district regulations appearing elsewhere in this chapter. For a land use which is permitted by right, refer to the use-specific regulations outlined in § 1902 For a land use permitted by conditional use, refer to specific criteria in § 2304, Conditional Uses, Specific Criteria.

§ 27-601 Accessory Structures.

1. Accessory structures shall comply with the following requirements unless otherwise modified by the individual district section:
 - A. Accessory structures shall not be permitted in the front yard areas. For permitted encroachments in the rear and/or side yard, see Section 610.
 - B. One accessory building shall be permitted for any principal residential dwelling. This does not apply to agricultural uses, which may have multiple accessory buildings.
 - C. For nonresidential uses, the building area of an accessory use shall be equal to or less than 50 percent of the building area of the principal building.
 - D. For residential uses, the total building area of an accessory building shall be equal to or less than the building area of the principal building.

§ 27-602 Use-Specific Regulations.

1. Accessory Dwelling. An accessory dwelling shall be permitted by right within all residential and agricultural zoning districts on a lot greater than one (1) acre in size; or permitted as a conditional use when located on a lot equal to or less than one (1) acre in size, in conformance with the following regulations:
 - A. Only one (1) accessory dwelling unit shall be permitted as an accessory use to a principal owner-occupied single-family detached dwelling.
 - B. An accessory dwelling shall be contained within the principal building or within a portion of an accessory structure.
 - C. Regardless of the location of the accessory dwelling, no accessory dwelling shall comprise more than forty percent (40%) of the habitable floor space contained within the principal dwelling.

- D. The applicant shall demonstrate that an approved means of sewage disposal and reliable water supply shall be used.
 - E. An accessory dwelling unit contained on floors above or below grade shall have a direct means of escape to ground level.
 - F. Any modifications to the external appearance of the building (except fire escapes) shall complement its residential character.
 - G. One (1) off-street parking space shall be provided in addition to those required by other uses on the property.
 - H. An accessory dwelling unit shall be occupied by not more than two persons.
 - I. An accessory dwelling unit shall comply with all applicable building codes and any other applicable regulations.
 - J. One off-street parking space shall be provided on the premises for each accessory dwelling unit in addition to the two off-street parking spaces required for the dwelling unit to which the accessory dwelling unit is subordinate.
 - K. Applicants shall execute a recordable agreement between the property owner and the Township, assignable to the property owner's heirs and successors, which shall be drafted, executed and recorded in the Cumberland County Courthouse. Said agreement shall clarify that the future use of the accessory dwelling unit shall not be for any nonconforming use, residential or otherwise, if the use specifically authorized by the Township Zoning Hearing Board ceases to exist, and that the property owner and Township agree that no variance will be granted by the Township Zoning Hearing Board to allow the use of the accessory dwelling unit for other nonconforming purposes in the future.
 - L. The Township shall notify the Township Municipal Authority of the proposed establishment of an accessory dwelling unit when located in an area served by on-site water supply systems and which is located in an area which is served by public sanitary sewers, so that the Township Municipal Authority may adjust sewage charges, if deemed necessary, to reflect additional sewage flows anticipated to emanate from the accessory dwelling unit(s).
 - M. Accessory dwelling units shall not be considered to be a separate dwelling unit for purposes of determining residential density.
2. Adult Day Care Center. Where permitted by right, Adult Day Care Center may be established subject to the following requirements:

- A. Passenger "drop-off" and "pick-up" areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.
 - B. All day-care facilities shall obtain and maintain proper license and credentials from the Commonwealth of Pennsylvania.
 - C. Common open space shall be provided. The minimum area for outdoor space shall equal 100 square feet for each individual at maximum enrollment.
 - D. Off-street parking areas will not constitute nor be used for outdoor activity area.
 - E. Common open space shall not be located in any front yard.
 - F. Common open space shall be enclosed by a fence that is four feet in height constructed in accordance with this chapter and screened in accordance with the Township's Design and Natural Resources Ordinance.
 - G. All Common open space shall be accommodated with shade trees or pavilions to provide shade.
3. Agriculture. In districts where permitted, agricultural shall be subject to the following safeguards and regulations:
- A. Enclosed structures in which livestock or poultry are kept, including the storage of manure, shall not be erected within 200 feet of any lot line.
 - B. Heated greenhouses, whether heated by coal or wood, shall not be operated within 100 feet of any residential district boundary and greenhouses heated by natural gas or oil shall not be operated within 50 feet of any residential district boundary.
 - C. The selling of products raised, bred or grown on the premises shall be permitted provided that all temporary stands or shelters shall be constructed in accordance with applicable building and fire codes.
4. Agritourism, Large Lot. Agritourism is permitted by right within applicable zoning districts subject to the following requirements:
- A. Location. The agritourism uses are to be contained within a structure. All agritourism uses outside of structures are special events and are subject to special event conditions.
 - B. Site sourced. A minimum of five percent (5%) of the aggregate total of the products offered for sale in conjunction with an agritourism use must be grown/raised on the same property.

C. Externally sourced products.

- (1) Locally sourced. A minimum of fifty percent (50%) of the aggregate total of the externally sourced products offered for sale, shall be grown/raised with in Cumberland, Adams, Dauphin, Franklin, Perry and/or York Counties.
- (2) Regionally sourced. A maximum of fifty percent (50 percent) of the aggregate total of the products offered for sale may be grown/raised outside of Cumberland, Adams, Dauphin, Franklin, Perry & York Counties, but must be grown/raised within the Commonwealth of Pennsylvania or a one hundred fifty (150) mile radius of the property on which the agritourism use occurs excepting that externally sourced products which are not in season locally or regionally, which are offered for sale annually between the dates of April 1 and June 15, may be grown/raised within the United States.
- (3) Recordkeeping. Records of the externally sourced products must be maintained and provided to the Township upon request.

D. Applicants must submit a site development plan identifying the location of the agritourism use, all farm buildings, dwellings, structures, existing and proposed driveways, access drives, parking areas, vehicle turn around areas, and location of sanitary facilities (if required).

- (1) Applicants must comply with the Regulations set forth in Chapter 22, the East Pennsboro Township Land Development Ordinance.
- (2) Applicants must comply with all other applicable federal, state, county and/or local laws.

E. Parking design and individual parking space sizes.

1. Number of Parking Spaces. The required number of parking spaces shall be determined in accordance with the requirements of the Township's Design and Natural Resources Ordinance .
2. Special Event Parking. The required number of parking spaces shall be determined per the Event Action Plan and all special event conditions.

F. Driveway access and minimum parking space dimensions shall be per Township regulation.

G. Sanitary facilities shall be provided in accordance with all PA DEP and State regulations.

- H. If open to the public, all facilities (i.e. parking, paths, and restrooms) shall meet the requirements of the UCC, as revised/amended from time to time.
- I. All prepared food available for sale must be prepared in accordance with applicable federal, state, and local regulations.
- J. A maximum of two (2) signs identifying the agritourism use may be a maximum height of five (5') feet from ground level to the top of the sign. All signs must be out of the public right-of-way and may not be illuminated. A permit is required prior to sign placement on the same lot and shall be included on the site plan.
- K. No commercial vendors shall be permitted to conduct business with the public on properties providing an agritourism use except those related to the agritourism use including food and/or catering, disc jockeys, bands, musicians, photographers and/or similar services.
- L. All agritourism uses shall be required to obtain and maintain annual business permits issued by East Pennsboro Township.
- M. The applicant shall submit evidence that all appropriate state and federal requirements have been met prior to the issuance of a final occupancy permit including, but not limited to:
- Pennsylvania Department of Agriculture & Township Restaurant License (Food Handling/Food Service);
 - Pennsylvania Department of Environmental Protection (Sanitary Facilities);
 - Pennsylvania Liquor Control Board (Wineries);
 - Bureau of Alcohol, Tobacco, and Firearms (Wineries);
 - Pennsylvania Fish and Boat Commission (Regulated Fishing Lakes);
 - Pennsylvania Game Commission (Regulated Hunting Land);
 - Pennsylvania Department of Agriculture (Nursery License); and
 - Pennsylvania Department of Agriculture (Petting Zoo License. Bufferyards and Screen Plantings as per §27-603.
- N. Applicants must obtain all required building permits for any part of the agritourism use.
- O. Applicants must obtain all required fire operational permits for any part of the agritourism use.
5. Ambulance Service Facility. Where permitted by right within the R-1 Residential zoning

district, all applicants shall provide evidence that the Ambulance Service Facility will comply with the following requirements:

- A. The application shall include an emergency services impact study which details the projected number of emergency response calls at various timeframes (i.e. hourly, daily, seasonally), the average response time and/or distance of emergency calls, the number of emergency vehicles kept on site and any other applicable data or assessments related to emergency response impacts to surrounding property.
 - B. A buffer of 25 feet, with screening provided within the buffer, shall be required along all property lines adjoining a residential use in accordance with the buffer regulations of the Township Design and Natural Resources Ordinance.
 - C. The organization must be designated by the Board of Commissioners as an emergency medical service provider for the Township.
 - D. The subject property must have a minimum lot width along an arterial road right-of-way line of at least 200 feet.
 - E. Public water and public sewer shall be provided to serve the site.
 - F. Vehicular access to and from the subject property must be provided along an arterial roadway or a collector roadway. Access cannot be provided onto a local roadway.
 - G. Hours of operation are permitted to be 24 hours/day and seven (7) days/week.
6. Automobile Service Stations and Repair Garages. In districts where permitted, automobile service stations and repair garages shall be subject to the following requirements:
- A. Minimum frontage on an interior lot shall be not less than 125 feet. On a corner lot, the minimum frontage on the secondary street shall be not less than 100 feet and on the primary street not less than 125 feet.
 - B. Fuel dispensing devices shall conform to district set back requirements and shall be set not less than 25 feet from any street line.
 - C. Any buildings, fuel dispensing devices, or outdoor appurtenances related to the use shall be set back at least 200 feet from any residential zone, or lot line of a school facility, religious institution or playground.
 - D. The outdoor storage of motor vehicles, whether movable or not, shall be permitted for no greater than one month. Vehicles may be stored for longer than one month provided that the area is completely screened.

- E. The outdoor storage of junk, including auto parts, is prohibited.
 - F. All ventilation equipment associated with fuel storage tanks shall be set back 100 feet, and oriented away from residentially zoned areas.
 - G. For stations fronting on one road, the following standards for access shall apply:
 - (1) Access drives shall have a minimum length from the road of 25 feet.
 - (2) The maximum width of access driveways shall be 35 feet.
 - (3) Access drives shall have a minimum separation of 75 feet.
 - H. The separation distance will be measured from inside edge to inside edge.
 - I. All driveways and service areas shall be paved with a surfacing material approved by the township and, if necessary, distinguished from sidewalk areas by painted lines.
 - J. Motor vehicles shall not be permitted to be parked or to stand on sidewalk areas.
7. Boarding House. Where permitted, boarding houses shall comply with the following requirements:
- A. All applicants shall provide evidence that the boarding house will be conducted in a manner that will not be detrimental to neighboring property owners.
 - B. A boarding house may be established in a new building or existing residential dwelling.
 - C. See also Section 804.1.D.
8. Child Day Care Center. In districts where permitted, nonhome commercial child day care facilities may be established subject to the following requirements:
- A. Passenger "drop-off" and "pick-up" areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.
 - B. Outdoor and indoor play areas for children shall be provided. The minimum area for outdoor recreation space shall equal 65 square feet for each individual at maximum enrollment. The minimum indoor area is 65 square feet for each individual at maximum enrollment.
 - C. Off-street parking areas will not constitute nor be used for outdoor activity area.
 - D. Outdoor play areas shall be setback at least 10 feet from any street right-of-way.

- E. Outdoor play areas shall be enclosed by a fence that is four feet in height constructed in accordance with this chapter and screened in accordance with the Township's Design and Natural Resources Ordinance.
9. Civic/Fraternal Organizations. Where permitted by right, Civic/Fraternal Organizations may be established subject to the following requirements:
- (1) No permanent sign advertising the sale of food or beverages will be permitted.
 - (2) Buildings or structures hereafter converted or erected for such use are subject to all applicable regulations for the district in which the facility is to be located.
10. Dwelling, Single-Family Detached. Where permitted by right, for a structure to be considered a permissible Single-Family Detached Dwelling and not a mobile home, the following provisions shall be required:
- A. Permanent masonry foundation must be installed to the undercarriage of the unit and must extend around the perimeter of the structure. If a pier type foundation is provided, permanent masonry skirting shall also be provided around the entire perimeter of the structure.
 - B. The structure shall be securely anchored to the foundation in accordance with accepted engineering practice.
 - C. Permanent steps accessing the unit shall be provided.
 - D. Any trailer hitches shall be removed.
 - E. Any trailer shall have its wheels and axle assembly removed.
 - F. The location and placement of any systems and storage associated with heating fuel shall be in accordance with the Township Fire Code.
11. Family Child Day Care Home. When listed in a district as a permitted use by right, the standards for conditional uses outlined in § 27-804 shall apply.
12. Fire Stations, Fire Company Social Hall, or Fire Company When listed in a district as a permitted use, Fire Stations, Fire Company Social Hall, or Fire Company shall comply with the following:
- A. A minimum buffer of 15 feet shall be required between a Fire Station and/or Fire Company Social Hall and a Residential use or district.
 - (1) Height restrictions shall meet the current zoning district requirements.

- (2) A maximum of 75 percent of the area of the lot shall be covered by buildings, structures, and impervious surfaces.
- (3) Fire Stations and Fire Companies hours of operation are permitted to be 24 hours/day and seven (7) days/week.
- (4) Fire Station, and Fire Company Social Hall may operate any additional uses permitted by the underlying district for the direct profit of the Fire Company.
- (5) Does not include other properties owned, operated, under the control of or leased by the Fire Company.

B. Non-conforming uses on the site may continue until the non-conforming uses cease pursuant to provisions and requirements of Part 7 of the Zoning Ordinance (Non-Conforming Buildings and Uses):

- (1) Cell Tower (Northeast Fire & Rescue Facility at 202 Third Street Only).
- (2) Post Office (Northeast Fire & Rescue Facility at 202 Third Street Only).
- (3) A single Third Party leased kitchen rental for food preparations:
 - (a) No food sales on the premise.
 - (b) Maximum of three (3) employees.
 - (c) Maximum of one (1) percent of the provided off-street parking shall be used for storage of vehicles for any offsite business.

C. Fire Company Social Hall may operate Personal Events.

Exception: *"For Profit Events"* shall not be permitted in the following zoning districts: R-1A, R-1, R-2, and R-3.

D. Fire Company Social Hall may operate Fire Company Events.

- (1) Limited to a maximum of 65 events per year.

E. Fire Company Social Hall may operate Meetings for Municipal and Fire Company Use.

F. Fire Company Social Hall may operate an Election Polling Place.

G. All events within residential zoning districts may only be conducted between the hours of

7:00 AM and 10:00 PM Monday through Friday, Saturday 7:00 AM and 11:00 PM, and Sunday 10:00 AM through 8:00 PM.

13. Forestry. In all zoning districts, forestry may be conducted subject to the following regulations:

- A. An erosion and sedimentation control plan shall be prepared, and a National Pollution Discharge Elimination System (NPDES) program permit shall also be obtained, as applicable. The applicant shall provide documentation that the erosion and sedimentation control plan and NPDES permit have been reviewed and approved by the Cumberland County Conservation District.
- B. Any forestry operations shall comply with all applicable provisions of Chapter 9 Filling, Grading and Excavating.
- C. A forest management plan shall be prepared by a professional forester and submitted to the Township.
- D. Permanent Cleanup. Litter including, but not limited to, shields, chains, oil and fuel cans, milk bottles, etc., resulting from any logging operation shall be cleaned up and removed from the site before it is vacated by the operator. Any grading to facilitate roads necessary for the logging operation shall be completely re-graded and reseeded to restore the property to a condition acceptable to the landowner while maintaining compliance with the erosion and sedimentation control procedures.
- E. Bonding. The applicant shall provide proof of insurance or bonding for public road damages. Road bonding for forestry shall be in compliance with the PennDOT regulations Chapter 189, found in Publication 22, "Posting and Bonding of Municipal Roads."

14. Government Uses. In any district, a building, facility, or use of land may be developed which is arranged, intended, or designed for government and municipal uses. Government and related municipal uses shall be in compliance with the applicable provisions of this chapter.

15. Health Services. In districts where permitted, a building for use as a medical center may be established subject to the following requirements:

- A. The building shall be occupied and used only by persons licensed to practice the healing arts in the Commonwealth of Pennsylvania, and their staff.
- B. The lot area shall be determined on the basis of building size, yard requirements, parking and access requirements and other applicable standards, but in no case shall be less than the minimum lot area permitted in the district in which it is located.
- C. Lot width shall be determined by the size of the building and setbacks.

D. Screening in accordance with the Township's Design and Natural Resources Ordinance, shall be provided and maintained along all property lines abutting a residential use.

16. Home-Based Business, No Impact. In zoning districts where permitted, No Impact Home-Based Businesses may be established as an accessory use in compliance with the following requirements:

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

17. Home-Based Business, Minimal Impact. In zoning districts where permitted, Minimal Impact Home-Based Businesses may be established as an accessory use in compliance with the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. No more than one person, other than the occupants of the dwelling unit, shall be employed and work at the Minimal-Impact Home-Based Businesses.
- C. There shall be no outside appearance of a business use including, but not limited to, parking, lights, and exterior storage of materials.

- D. Signage shall be provided in accordance with the provisions of the Township's Design and Natural Resources Ordinance.
 - E. The production and sale of retail goods shall be limited to value-added products derived from farm products and other natural/organic resources, such as wood or stone.
 - F. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - G. 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.
 - H. A maximum of 25 percent of the floor area of the dwelling unit may be devoted to a Minimal-Impact Home-Based Business.
 - I. A Minimal-Impact Home-Based Business shall be carried on completely within the dwelling unit, or a completely enclosed permitted accessory structure, such as a shed or detached garage.
 - J. The business may not involve any illegal activity.
18. Kennels/Veterinary Hospitals. When listed in a district as a permitted use by right, the standards for conditional uses outlined in § 27-804 shall apply.
19. Mixed-Use Building. Where permitted by right, Mixed-Use Buildings may be established subject to the following requirements:
- A. Residential units shall not exceed 75 percent of the total floor area of a mixed-use building.
 - B. Residential units shall not be located on the ground floor.
 - C. The maximum density of residential units within a lot shall not exceed 20 units per acre.
 - D. For mixed-use buildings permitted within the R-3 zoning district, see § 27-508.
20. Nursing Homes. When listed in a district as a permitted use, Nursing Homes shall be subject to the following regulations:
- A. The lot area shall be not less than five acres.
 - B. No building or structure shall be located within 100 feet of a property line or street.
 - C. Screening shall be provided when the development abuts either of the following:

- (1) A residential zoning district.
 - (2) An existing residential use which is permitted by right in its zoning district.
21. Recreation, Amusement. In districts where permitted, all forms of amusement recreation are subject to the following standards:
 - A. All activities of an amusement arcade shall take place within a completely enclosed building.
 - B. Restroom facilities shall be provided in accordance with the International Plumbing Code.
22. Recreation, Private. Where permitted, private recreation areas shall comply with the following requirements:
 - A. A plan showing the location of all structures and improvements, tract location, metes and bounds, parking areas and sanitary facilities shall be submitted.
 - B. Recreation areas and structures shall be operated only by nonprofit organizations for the benefit of their members and not for gain or profit. The residential character of the neighborhood shall be preserved to give no impression of a commercial use.
 - C. The applicant shall preserve existing natural vegetation to the greatest extent feasible.
 - D. Swimming pools shall comply with the currently adopted International Building Code.
 - E. In no case shall the edge or wall of a swimming pool be located any closer than 5 feet from the side or rear property line. Swimming pools shall not be permitted in front yards.
 - F. Off-street parking shall be provided in accordance with the requirements of the Township's Design and Natural Resources Ordinance.
23. Recycling Center. Where permitted, recycling centers for recycling paper, plastic, glass and metal products may be permitted subject to the following requirements:
 - A. All operations shall be conducted:
 - (1) Within a completely enclosed building or group of buildings, or
 - (2) Isolated from public view and screened.
24. Self-Service Storage Facilities. In districts where permitted, self-service storage facilities may be established, subject to the following regulations.

- A. Parking on the property shall be located in driving/parking lanes located adjacent to the storage buildings. These multi-use lanes shall be at least 26 feet wide where storage cubicles open onto one side of the lane only, and at least 30 feet wide when cubicles open onto both sides of the lane.
- B. Required parking spaces are intended for renter use and shall not be rented as or used for vehicle storage.
- C. An additional external storage area may be provided for the storage of privately owned licensed and registered motor vehicles, travel trailers and/or boats. These storage areas shall not be located in the front yard and shall be screened along adjoining residentially zoned land and public streets.
- D. External storage areas shall not be used for vehicles that are partially dismantled, wrecked, or inoperative.
- E. All storage above shall be kept within an enclosed building.
- F. Doors for any self-service storage facility shall be oriented to face away from any existing residential uses and residentially zoned property.
- G. Self-service storage facilities are to be used for the "static" storage of property. The following uses are prohibited at a self-service storage facility site:
 - (1) Auctions.
 - (2) Commercial wholesale sales.
 - (3) Commercial retail sales.
 - (4) Garage sales.
 - (5) Servicing and repair of motor vehicles, trailers, boats, lawn mowers, appliances or other similar equipment.
 - (6) Operation of power tools, spray painting equipment, table saws, lathes, compressors, kilns, compressors, and similar equipment.
- H. All self-service storage facilities shall be surrounded by a fence at least six feet in height and screened in accordance with the Township's Design and Natural Resources Ordinance.
- I. All outdoor lighting shall be sufficient to discourage vandalism and theft. Direction, intensity and glare of lights shall comply with Section 609 Performance Standards.

25. Telecommunication Antennas. When listed in a district as a permitted use, the standards outlined in § 27-804.1.S shall apply.
26. Townhouses. In districts where permitted, townhouses shall comply with the following:
- A. There shall be not more than six attached units in a row.
 - B. Individual units may be subdivided and contained on individual lots only when served by community sewage and water facilities.
27. Personal Care Home. Where permitted by right, Personal Care Home may be established subject to the following requirements:
- A. No modifications to the external appearance of existing residential buildings (except fire escapes) which would alter its residential character shall be permitted.
 - B. All floors above and/or below grade shall have a permanently affixed direct means of escape to ground level.
 - C. Fire and safety provisions shall be approved by the Pennsylvania Department of Labor and Industry.
 - D. Rooms for lodging shall have a minimum gross floor area of 150 square feet.
 - E. The personal care home shall be occupied by the supervisory personnel at all times.
 - F. The minimum lot area per establishment shall be one acre if adequate sewage and space for available parking is available. The minimum lot area shall be increased as necessary to accommodate off-street parking.
 - G. To ensure proper access and adequate water and sewer facilities, the application to establish a personal care home shall be processed as a land development plan.
 - H. The establishment must be served by an adequate sewage system and water supply. The Township Sewage Enforcement Officer shall determine whether or not the system has adequate treatment capacity.
28. Hotels and Motels. Where permitted by right, Hotels/Motels may be established as a principal use subject to the following requirements:
- A. Public water and public sewer shall be provided to serve the site.
 - B. A site development plan shall be submitted in which existing natural vegetation is preserved to the greatest extent feasible.

29. Photovoltaic Solar System, Accessory. Where permitted by right, Photovoltaic Solar Systems may be established as an accessory use subject to the following requirements:
- A. The use shall comply with all applicable standards related to Photovoltaic Solar Systems as outlined in § 27-612.
30. Photovoltaic Solar System, Principal/Utility-Scale. Where permitted by right, Photovoltaic Solar Systems may be established as a principal use subject to the following requirements:
- A. The use shall comply with all applicable standards related to ground mounted Photovoltaic Solar Systems as outlined in § 27-612.
 - B. Photovoltaic solar systems and all associated structures shall be setback 75 feet from any adjoining Residential zoning district. Such setback area shall be designated as a bufferyard and be screened in accordance with the Design and Natural Resources Ordinance.
31. School, Post-Secondary and Secondary Trade. In districts where permitted, post-secondary and secondary trade schools shall comply with the following:
- A. Lot area shall not be less than five acres.
 - B. Any school buildings shall be setback a minimum of 100 feet from any existing single-family dwelling that is not owned by the institution.
 - C. When a school use adjoins a lot containing an existing single-family dwelling that is not owned by the institution, a buffer of 25 feet with screening shall be provided.
 - D. All facilities must be connected to public sewer.
 - E. The Board of Commissioners reserves the right to approve and impose reasonable conditions on any outdoor accessory use.
32. Schools, Primary and Secondary and Pre-Kindergarten. Where permitted by right, schools may be established subject to the following requirements:
- A. The lot area shall be not less than five acres.
 - B. No building or structure shall be located within 100 feet of a property line or street.
 - C. When the development abuts an existing residential use or zoning district, Level 2 screening shall be provided in accordance with the Township's Design and Natural Resources Ordinance.
 - D. The development shall be connected to the municipal sewage system or shall provide a

disposal facility approved by the Pennsylvania Department of Environmental Protection.

- E. A safe potable water supply shall be provided. When public water service is not available, the source and system shall be approved by the Pennsylvania Department of Environmental Protection.
- F. "Play areas" shall not be located in the front yard.
- G. "Drop off" and "pick up" areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the school site.
- H. A land development plan for the entire development shall be submitted for review by the Board of Commissioners. This plan shall show the location of all buildings and use areas, lawn areas, parking and any screen planting. General plans for stormwater collection, water distribution and sewage treatment shall also be provided. All plans are to be submitted through the Department of Housing and Community Development and the Planning Commission.

33. Wind Turbines. Where permitted by right or permitted by special exception as authorized by the Zoning Hearing Board (See § 27-906), wind turbines may be established subject to the following requirements:

- (a) The wind turbine shall be independent of any other structure and shall be located a minimum distance of one and one-half times the turbine height from any structure and property line, except for roof-mounted wind turbines.
- (b) No part of the wind turbine shall be located within or above any required front, side or rear setback.
- (c) The minimum height of the lowest position of the wind rotor shall be 15 feet above the ground. Maximum tower height shall not exceed maximum building height for the zoning district in which the wind turbine is placed. Roof-mounted wind turbine hub height shall not exceed three feet above the peak of the roof to which it is mounted.
- (d) Wind turbines shall not be climbable up to 12 feet above the ground surface.
- (e) Wind turbines shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip and other similar-systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

- (f) All electrical components of the wind turbine shall conform to the relevant and applicable local, state and national codes and relevant and applicable international standards.
- (g) Wind turbines shall be a nonobtrusive color, such as white, off-white or gray.
- (h) Wind turbines shall not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- (i) Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, which sign shall have an area of less than 200 square inches.
- (j) On-site transmission and power lines shall, to the maximum extent practicable, be placed underground.
- (k) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- (l) Visible, reflective, colored objects, such as flags, reflectors, or tape, shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.
- (m) The applicant shall avoid any disruption or loss of radio, telephone, television or similar signals and shall mitigate any harm caused by the wind turbine.
- (n) The applicant shall be responsible for obtaining all state and federal permits if required.
- (o) When a building is necessary for storage cells or related mechanical equipment, the building must not exceed 199 square feet in area, 100 feet in height, and must not be located within any required front, side or rear setbacks.
- (p) The wind turbine shall comply with all other applicable regulations and requirements as set forth in this chapter. However, land development approval shall not be required under the East Pennsboro Township Land Development Ordinance [Chapter 22] for a single wind turbine. A zoning permit shall be required from East Pennsboro Township prior to the erection of a wind turbine.
- (q) The landowner shall, at his/her expense, complete decommissioning of the wind turbine within 12 months after the end of the useful life of the wind turbine. It shall be presumed that the wind turbine is at the end of its useful life if no electricity is generated for a continuous period of 12 months.

- (r) Decommissioning of the wind turbine shall include removal of the wind turbine and related appurtenances. The owner shall submit a plan and schedule for removal to the Zoning Officer, and the turbine shall be removed within one year after the end of its useful life.
- (s) The wind turbine shall be subordinate to and located on the same lot occupied by the principal use to which it relates.
- (t) No more than one wind turbine shall be located on any one lot.
- (u) Audible sound from a wind energy facility shall not exceed 55 DBA, as measured at the exterior of any occupied building on a nonparticipating landowner's property. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for provision described in American Wind Energy Association (AWEA) Standard 2.1-1989, titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume 1. First Tier," or any successor provision or publication.
- (v) The system owner/operator shall make all reasonable efforts to minimize and/or eliminate shadow flicker to occupied buildings on immediately adjacent properties. The applicant is responsible for identifying problem areas where shadow flicker will interfere with existing or future residences and describe proposed mitigation measures including, but not limited to, a change in siting of the wind energy conversion system, a change in the operation of the wind energy conversion system, or grading or landscaping mitigation measures.

34. Photovoltaic Solar Systems. See §612

35. Small Wireless Facilities. See §613.

§ 27-603 Bufferyards and Screening.

A. Purpose and Objectives. Bufferyards and screening shall satisfy the following objectives:

- (1) To provide spatial buffers and visual screening between uses of different character and intensity.
- (2) To minimize or eliminate potential nuisances such as dirt, litter, noise, and glare emanating from certain property elements, such as signs, buildings, storage, and parking areas.
- (3) To provide spacing between uses and structures to reduce the adverse impacts of

noise, light, odor or danger from fire and explosions.

- (4) To aid and stabilize the ecological balance of the environment in the Township.
- (5) To protect natural areas by preserving established trees and natural vegetation.
- (6) To provide an effective visual barrier at the street level between different land uses.

B. General Bufferyard and Screening Requirements.

- (1) Unless otherwise specifically outlined within this Ordinance, all required buffers shall require the presence of screening and shall conform to the applicable standards outlined in the Township's Design and Natural Resources Ordinance.
- (2) A buffer, when and if required by this chapter, shall be provided along the perimeter of a lot for any given use and shall not be located in any portion of a public right-of-way or proposed right-of-way.
- (3) Buildings shall not be permitted in a bufferyard.
- (4) Parking areas and parking spaces shall not be permitted in a bufferyard.
- (5) Storage of any kind shall not be permitted in a required bufferyard.
- (6) Stormwater management facilities, public utility facilities, picnic areas, or pedestrian walkways and sidewalks shall be permitted in a bufferyard.
- (7) A buffer may be part of a front, rear or side yard.

C. Zoning District and Land Use Classifications.

The following buffer types shall apply to the zoning district and land uses identified below. Dimensional requirements related to each buffer type shall conform to the standards outlined in the Township's Design and Natural Resources Ordinance:

- (1) Buffer Type A. Buffer Type A shall be required when the following applies:
 - a. A commercial or mixed-use District adjoins a residential zoning district.
 - b. A non-residential use adjoins a residential use within a residential zoning district.
 - c. A multi-family residential use adjoins a single-family/two-family residential use and/or a R-1 and R-2 Districts.

- d. Any industrial use or IP zoning district adjoins a non-residential use or commercial or mixed-use District.
- (2) Buffer Type B. Buffer Type B shall be required when the following applies:
- a. Any industrial use or industrial zoning district adjoins a residential use or residential District.

§ 27-604 Lots with Multiple Buildings.

The site layout of buildings shall be designed in a manner that ensures the safe, unobstructed, and convenient passage and movement of public safety and emergency vehicles, including but not limited to firefighting equipment, to adequately service all portions of a building(s) on a lot, or as otherwise regulated by the International Fire Code as adopted by the Township of East Pennsboro. Site layout may be reviewed by the Fire Marshall and Township Engineer to determine compliance with this provision.

§ 27-605 Fences.

- A. Fences in Residential Zones. Fences may be constructed in required yards in accordance with the following requirements:
- (1) Fences shall be constructed at current grade level and without altering or impeding the existing or approved flow of stormwater.
 - (2) The applicant shall provide evidence that the vision of motor vehicle operators is not impeded at intersecting streets, alleys, private drives and/or access drives. See Exhibit 22-5-1 within the Land Development Ordinance as a guide for measuring clear sight triangles.
 - (3) Front Yard Fences. Property line fences may be installed along the front lot line and along the side lot lines between the front lot line and the front building setback line to a height not exceeding four (4) feet.
 - (4) Rear and Side Yard Fences. Property line fences may be installed along the rear lot line and along the side lot lines between the rear lot line and the front building setback line to a height not exceeding six (6) feet.
 - (5) Corner Lots. For corner lots, which have two front yards abutting the street and two side yards (Figure 27-2), fences installed along the lot line parallel to the architectural front facade of the principal building shall be considered front yard fences. Where the architectural front facade is not clearly defined, fences installed

along the lot line having the most frontage on a street shall be considered front yard fences.

B. Fences in Commercial and Industrial Zones. Fences may be constructed in required yards at current grade level and without altering or impeding the existing or approved flow of stormwater, following the limitations below; and provided that the vision of motor vehicles operators is not impeded at intersecting streets, alleys, private drives and/or access drives streets.

(1) Front Yard Fences. Front yard fences greater than four feet in height must be placed on or behind the building setback line.

(2) Side and Rear Yard Fences. Fences of wood, metal, or masonry may be erected to a height not exceeding eight feet, except that where such lot abuts upon property zoned residential, the fences may not exceed six feet in height along lot lines where so abutting.

(3) Corner lots. The height of a fence along any side lot line may not exceed four feet for that portion of the fence that is within 30 feet of the front lot line.

C. Finished Side of Fence. Where a fence has a finished and unfinished side, the finished side of a fence must face out from the property.

D. Prohibited Materials. It shall be unlawful to erect or maintain any electric fence or to attach to any fence any glass, nails, metal objects or other materials in such a manner that is likely to injure any person who comes in contact with such object. Fences containing barbed wire or razor wire shall comply with the following provisions:

(1) No more than three strands of barbed wire or one coil of razor wire not less than six feet and two inches above the ground are permitted at the top of a lawful fence enclosing a non-residential use.

(2) Barbed wire or razor wire shall not extend beyond the premises being enclosed.

(3) Barbed wire fencing is not prohibited on premises larger than one acre used for agricultural, livestock or commercial and industrial purposes.

§ 27-606 Height Regulations.

A. Building height regulations, as prescribed by this Ordinance, shall not apply to any of the following provided they are not used for human occupancy or storage and do not exceed the maximum building height by more than 20 feet:

- (1) Decorative or ornamental architectural features such as spires, belfries, cupolas, penthouses, or domes.
 - (2) Appurtenances necessary to the function of the building including chimneys, ventilators, water tanks, air handlers, electric service masts, elevator mechanical rooms or required standby generators.
- B. The following freestanding structures are permitted to exceed the maximum height regulations specified within this Ordinance:
- (1) Utility poles, masts, towers, associated with a public utility under the jurisdiction of the Pennsylvania Public Utility Commission, including telecommunication towers not located in A-1 District (see Section 27-804.1.S), as well as agricultural related structures, when found by the Zoning Hearing Board to not adversely affect public health, safety, and welfare or the use and value of adjacent lots and when the applicant can demonstrate a public need for such structures that cannot be accommodated if the structures were not constructed to exceed the maximum height limitations of the underlying zoning district.
 - (2) Within the A-1 Agricultural District, accessory structures customarily incidental to standard agricultural practices, such as a barn or silo.

§ 27-607 Outdoor Storage.

- A. Outdoor Storage of Materials or Equipment.
- (1) There shall be no open storage of materials or equipment in a required front or side yard.
 - (2) The outdoor storage of any materials or equipment shall be completely screened in accordance with the Township's Design and Natural Resource Ordinance.
 - (3) In all districts, no use of land shall cause or allow stored materials or waste to be deposited on the lot in any manner as to be transferred off the lot by natural causes or forces; to contaminate in any way any wells, watercourses, ground water or any other body of water; to cause a discernible fire hazard; or to attract rodents or insects.
 - (4) Firewood. The outdoor storage of stacked firewood as an accessory residential use is permitted in any district subject to following requirements:
 - a. For safety reasons, stacked firewood for residential uses shall not be stacked in

excess of five feet in height.

- b. Firewood shall be stored no closer than five feet from any property line.
- c. In any residential district, firewood shall not be stored in a front yard.
- d. Stacked wood shall not be stored in the street right-of-way or in any location that will diminish vehicle sight distances.

(5) Junk. The storage of junk, as defined in this chapter, is prohibited in association with all land uses, except for within a permitted Junkyard, as defined and regulated by the Chapter.

B. Outdoor Storage of Recreational Vehicles. Within any residential zone, or upon any property where the principal use is a residential dwelling, outdoor storage of recreational vehicles, boats, travel trailers and utility trailers used for transport shall be permitted, subject to the following regulations:

- (1) Stored recreational vehicles shall not be connected to utilities, including water and sewer.
- (2) No recreational vehicle shall be stored in front of the building setback line. On vacant lots, the vehicle must be stored behind the required front yard setback line for principal uses of the district.
- (3) All areas used for storing recreational vehicles shall be maintained free of debris, litter and vegetation shall be trimmed.
- (4) It shall be unlawful to store any recreational vehicle, watercraft, utility trailer, or any non-vehicle mounted camper shell or truck camper or any commercial vehicle on private property, unless such storage is on an improved parking surface or legal driveway comprised of concrete, asphalt, "chip seal" crushed stone, rock or other aggregate that is a minimum of three inches thick. All crushed rock or aggregate must be contained by a permanent border. Such storage does not extend into the legal right-of-way or obstruct sight distance so as to pose a hazard at driveways and intersections, and such storage remains a minimum of three feet from the edge of the roadway. Such storage is permitted in side and rear yards so long as the storage is upon an improved parking surface, trailer or legal driveway and is set back a minimum of three feet from the property line. All watercraft must be stored upon a trailer capable of safely holding and transporting the weight of said watercraft in accordance with Pennsylvania Department of Transportation standards.

- (5) In any residential zoning district, it shall be unlawful for any person to park or store, on any private or public property, any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding 4,000 pounds (two (2) tons) or having dual rear wheels exceeding 17 inches in diameter, except when such parking is necessarily required while actually carrying out a lawful commercial purpose or local delivery.

§ 27-608 Refuse Containers and Waste Storage Facilities.

All nonresidential uses and multifamily residential uses shall include adequate refuse containers and waste storage facilities on site for the proper storage of solid wastes in accordance with all waste collection regulations.

- A. Location on Property. No refuse container enclosures shall be permitted within an area between the principal building front facade and the front lot line.
- B. Enclosure and Screening. All refuse containers shall be enclosed and screened in a manner approved by the Zoning Officer, but not less than:
 - (1) A privacy fence the greater of six feet or one foot above the top of the refuse container.
 - (2) A locking privacy vehicle gate of equal height to the rest of the enclosure.
- C. Vehicle Gates or Doors. All refuse container enclosures shall be provided with vehicle gates or doors providing a minimum clear opening width of eight feet for refuse collection vehicle access, but not less than the clear opening width required for the refuse collection vehicle.
- D. Person Gates or Doors. All refuse container enclosures shall be provided with an accessible person gate or door.
- E. Accessible Route. An accessible route shall be provided to the refuse container.
- F. Supporting Surfaces. All refuse container enclosure areas shall have hardened, stabilized container and truck supporting surfaces constructed to prevent water accumulation.
- G. Access for Refuse Collection Vehicles. All refuse container enclosure areas shall be located such that collection vehicles will not obstruct the public street, require a collection vehicle to drive in reverse onto a public street, and/or otherwise violate Township regulations while engaged in the collection of refuse process and shall be provided with access ways facilitating ready collection of refuse.
- H. Enclosure Size. All refuse container enclosure areas shall not be less than 32 square feet in

area and shall be of sufficient size to:

- (1) Accommodate the container capacity required to store the refuse accumulation between collections.
- (2) Provide an accessible route to the refuse container from the required person gate or door.
- (3) Facilitate the collection process without removing the container from the enclosure. This shall not apply to collection methods which involve the complete exchange of containers or the elevation and tipping of the container into the Refuse Collection Vehicle.

I. Compactors. Where the refuse container enclosure and refuse container capacity are designed contingent upon the use of compactors, the following shall apply:

- (1) The property owner/operator shall provide the Township with an agreement to address the possibility of the compactor being out of service.
- (2) The agreement shall include the following elements:
 - a. Within 48 hours of the compactor being out of service the property owner/operator shall notify both the Zoning Officer and the Waste Collection Service of the compactor being out of service.
 - b. Within 96 hours of the compactor being out of service the property owner/operator shall:
 - 1) have the compactor repaired and operational or,
 - 2) have the compactor replaced, or
 - 3) have the rate of collection by the Waste Collection Service increased to not less than three times the rate of collection with the compactor in service.
- (3) Should the property owner/operator fail to comply with the agreement, the Township shall have the authority to cause compliance at the property owner/operator's expense.
- (4) The agreement shall be reviewed and found acceptable by both the Zoning Officer and the Township Solicitor.
- (5) The agreement shall be recorded as an encumbrance on the property.

J. Composting. Composting activities shall be permitted as an accessory use and shall comply with the following criteria:

- (1) Compost structures shall be set back at least five (5) feet from all property lines.
- (2) Organic materials must be located in a defined area (such as a composting pad) or bin through the use of brick or cement block; wood and/or wire mesh; or bins or drums made of plastic or metal.
- (3) Standard composting practices, as outlined in the Department of Environmental Protection's Permit #WMGM017 are required, including, but not limited to, providing adequate air circulation and moisture to prevent combustion and objectionable odors to adjacent properties.
- (4) Drainage. The compost site shall be operated in a manner which prevents the drainage of water or leachate onto any neighboring property and protects against the attraction of rodents or other pests.
- (5) Prohibited materials. Composting activities may not include meat, bones, fat, oil, whole eggs, dairy products, plastics, synthetic fibers, diseased plants, or human, cat, or dog wastes or other such materials determined by the Township.

§ 27-609 Performance Standards.

This section shall apply to the issuance of all Zoning Permits and Land Development Approvals.

- A. Enforcement. All currently existing and active nuisances, including those subsequent to the completion of work under an approved Zoning Permit or Land Development, which are detailed in this part are enforced as provided elsewhere in the Code of Ordinances of East Pennsboro Township.
- B. Testing and Certification. The Zoning Officer may require testing and certification by a qualified and licensed design and/or engineering professional.
- C. Noise Limits. In all zoning districts, the sound pressure level for all land uses shall not exceed the decibels limits in the octave bands designated in the following Table 27-19-3 and shall comply with the following standards:

**Table 27-19-3 Maximum Permitted Sound Level in Decibels Along the Property Line
Nonresidential Zoning District**

Octave Band Cycles per second	Residential Zoning Districts (Decibels)	(Decibels)
0 to 75	67	73
75 to 159	62	68
150 to 300	58	64
300 to 600	54	60
600 to 1,200	49	55
1,200 to 2,400	45	51
2,400 to 4,800	41	47
Over 4,800	37	43

(1) Exemptions from Noise Regulations. The following activities or sources of noise are exempt from the noise standards of this section:

- a. Temporary activities relating to the construction and maintenance of buildings and facilities (including site preparation) between 7:00 a.m. and 8:00 p.m. Monday through Saturday.
- b. Church bells or chimes.
- c. The emission of sound for the purpose of alerting persons of an emergency, or the emission of sounds in the performance of emergency work.
- d. Occasionally used safety signals, warning devices and emergency pressure-relief valves.

(2) Generators. Generators are not exempt from noise regulations, however installation of a generator which does not comply with the noise regulations may be permitted if one of the following conditions apply.

- a. Legally required standby generators which cannot reasonably be placed in another location due to fuel source, fueling access, or electric service location.
- b. Generators necessary due to medical condition, or lifesaving equipment.
- c. Generators serving a single or two family (attached, detached, or semi-detached) complying with all of the following:

[1] Generators may not run in non-emergency situations during hours of 9:00

PM – 7:00 AM including scheduled test cycle.

- [2] The owner shall provide the Township with an agreement which requires the installation of screening sufficient to bring the noise level into compliance or relocate the generator if noise complaints are received by the Township which are not related to an emergency and not within the exempt hours. The agreement shall be recorded as an encumbrance on the property.

D. Light. To eliminate the negative effects of excessive and intrusive light onto an adjoining lot containing a residential use, not otherwise separated by a public right-of-way, the following standards are required:

- (1) Photometric plan. All Zoning Permit and Land Development Applications which include a lighting component shall include a photometric plan indicating the maximum footcandles at the property line.
- (2) Measurement. Lighting levels shall be measured in footcandles at the lot line and measured on a vertical plane from ground level to six (6) feet above the ground.
- (3) Maximum illumination. Any lighting that produces glare shall not cause illumination in excess of 5/10 footcandle measured at the property line.
- (4) Exterior lighting, except for overhead public street lights, warning lights, emergency lights or traffic signals, shall be installed and be placed in such a manner to sufficiently obscure and prevent glare from extending onto neighboring residential areas.
- (5) Misleading or confusing lighting. The installation of any lighting which may be confused with warning signals, emergency signals, traffic signals or emergency vehicles is prohibited.
- (6) Light emitted on a lot may radiate into a public right-of-way, however, such light shall not increase the measurement of ambient light existing within the public right-of-way.

E. Heat. Any operation producing intense heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such heat completely imperceptible from any point along the property line.

F. Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the lot on which the use is located. Vibration from temporary construction is excluded.

G. Electromagnetic Interference. In all districts, no use, activity, or process shall be conducted which produces electric and/or magnetic fields which adversely interfere with normal radio, telephone, or television reception off the premises where the activity is conducted.

§ 27-610 Yard Encroachments

1. The following encroachments are permitted in required yard areas, provided that they do not cause the maximum lot coverage to be exceeded beyond what is permitted for a lot in the underlying zoning district, unless otherwise regulated by the Township's Design and Natural Resources Ordinance or Subdivision and Land Development Ordinance, in which case the more restrictive standard shall apply.

- A. Cornices, eaves, gutters, bay windows, awnings and chimneys of a principal building may encroach into the front, side, or rear yards of a lot, not more than 24 inches.
- B. The following elements attached to a principal building may encroach into the front, side, or rear yards of a lot, not more than five (5) feet, provided that they do not include habitable space: porches, decks, patios, carports, garages, three-season rooms, stoops/stairs, projections covering an entrance, and other similar elements customarily attached to a principal building.
- C. Accessory structures detached from a principal building may encroach into side yards but shall not be closer than three (3) feet to the side property line.
- D. Accessory structures detached from a principal building may encroach into rear yards but shall not be closer than five (5) feet to the rear property line.
- E. Driveways, walkways, hardscaping, and other ground-level impervious surfaces may encroach into front, side, or rear yards of a lot.
- F. Projections covering the outdoor entrance, waiting, or seating areas of any non-residential use, mixed-use building, or apartment building may be permitted according to the following standards:
 - (1) The encroachment into the front, side or rear yards shall not exceed 10 feet.
 - (2) The encroachment into the front, side or rear yards shall not be within 6 feet of the edge of the Right-of-Way or lot line.
 - (3) The encroachment area shall not be enclosed.
 - (4) Covered areas shall be considered impervious.

§ 27-611 Landscaping.

- A. Vegetation. Whenever any construction or development activity is undertaken or any other use is made of land in any district, natural vegetation of the land or site shall be disturbed, removed, or otherwise affected only to the extent necessary to permit the activity or use.
- B. Yard Planting. Yards, as set forth by provisions in this chapter, shall be planted with grass seed, sod, ground cover or other vegetative cover, except in cases where walks, access drives, off-street parking areas, patios or other types of surfaces are permitted in yards. Landscaped areas shall be kept free of debris, rubbish and noxious weeds.
- C. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and drive aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of debris, rubbish and noxious weeds.
- D. Selected plantings shall not include invasive plants as determined by the Pennsylvania Department of Conservation and Natural Resources (DCNR).

§ 27-612 Photovoltaic Solar Systems.

- 1. Purpose. It is the purpose of this regulation to promote the safe, effective and efficient use of installed solar energy systems that reduce on-site consumption of utility-supplied energy while protecting the health, safety and welfare of adjacent and surrounding land uses and properties. This Ordinance seeks to:
 - A. Provide property owners and business owners/operators with flexibility in satisfying their on-site energy needs.
 - B. Reduce overall energy demands within the East Pennsboro Township and to promote energy efficiency.
 - C. Integrate alternative energy systems seamlessly into the East Pennsboro Township's neighborhoods and landscapes without diminishing quality of life in the neighborhoods.
- 2. Applicability.
 - A. This Ordinance applies to building-mounted and ground-mounted systems installed and constructed after the effective date of the Ordinance.
 - B. Solar photovoltaic systems constructed prior to the effective date of this Ordinance are not required to meet the requirements of this Ordinance.

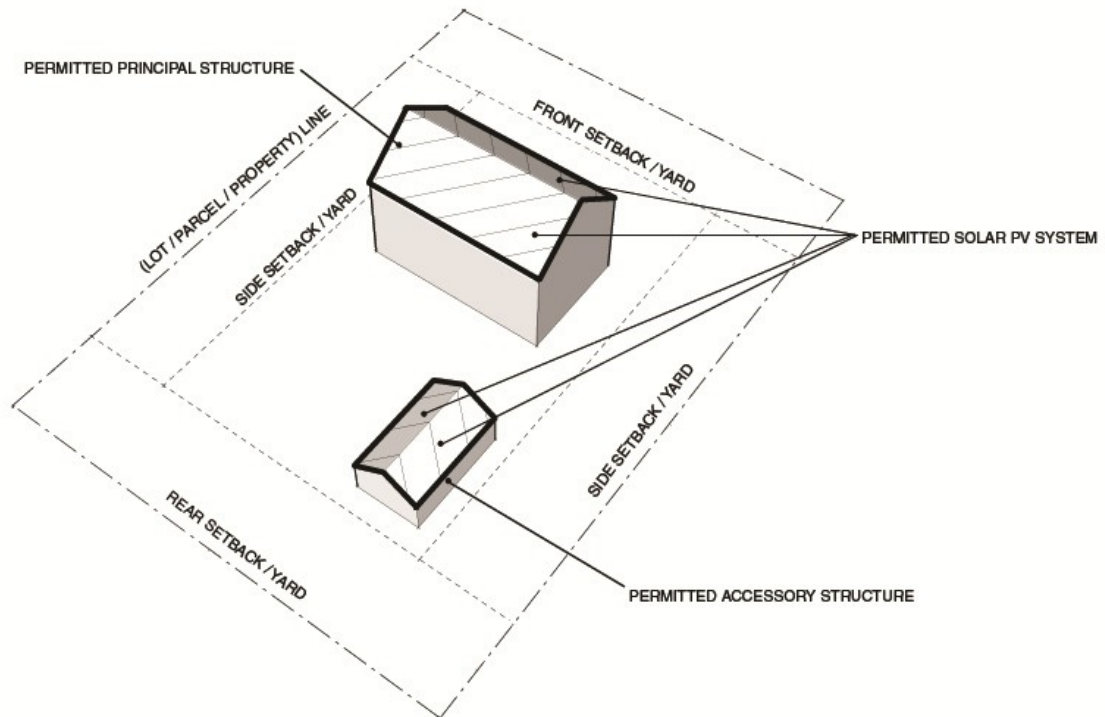
3. Permitted Zoning Districts.

- A. Building-mounted and ground-mounted systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use on the same lot upon issuance of the proper permit pursuant to §27-902 and upon compliance with all requirements of this section and as elsewhere specified in this Ordinance.
- B. Building-integrated systems, as defined by this Ordinance, are not considered an accessory use and are not subject to the requirements of this Ordinance.

4. Location within a Lot.

- A. Building-mounted systems are permitted to face any rear, side and front yard or any unregulated yard area as defined in §27-902 of this Ordinance. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.
- B. Ground-mounted systems are permitted based on the requirements for accessory uses or structures in the property's zoning district.

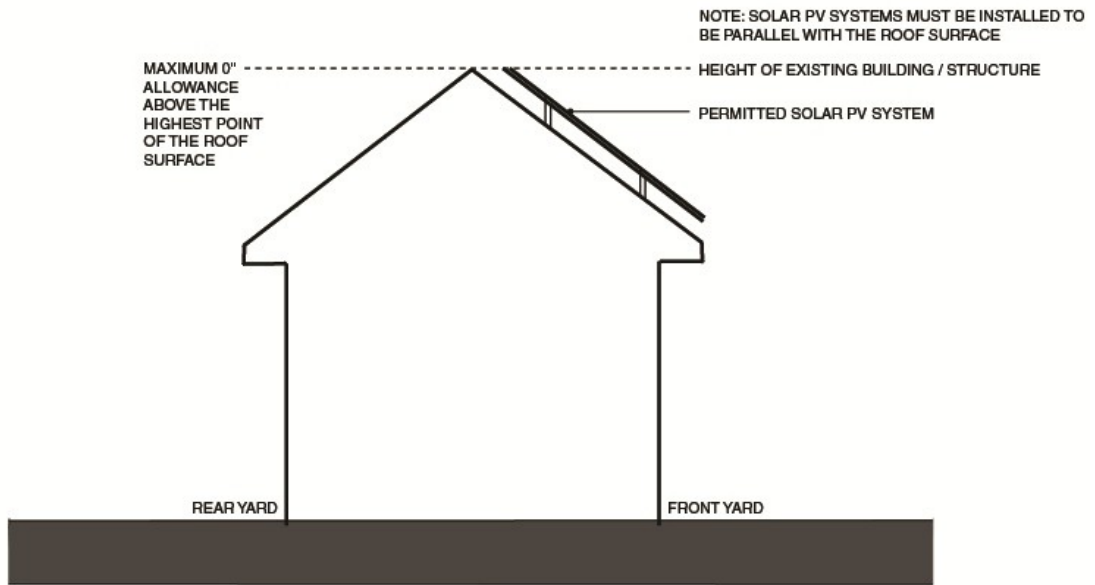
**PERMITTED LOCATION: BUILDING-MOUNTED SOLAR PV SYSTEM
ISOMETRIC**



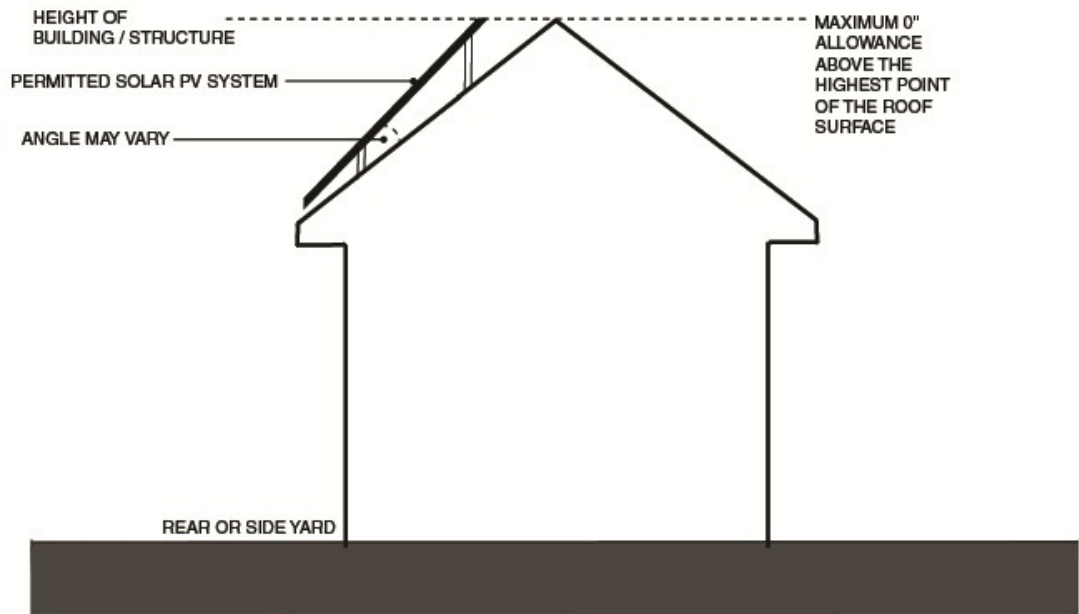
5. Design and Installation Requirements.

- A. The solar photovoltaic system shall be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended and adopted by East Pennsboro Township, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC.
6. Setback Requirements specific to this use.
- A. Ground-mounted systems accessory to a principal residential use are subject to the accessory use or structure setback requirements in the zoning district in which the system is to be constructed.
 - (1) Exception: Ground mounted systems shall not be permitted between the architectural front of the principal structure and the right-of-way.
 - B. Ground mounted systems as a principal use are subject to the principal use or structure setback requirements in the zoning district in which the system is to be constructed.
 - C. The required setbacks are measured from the lot line to the nearest part of the system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar photovoltaic related equipment or parts.
7. Height Restrictions.
- A. Notwithstanding the height limitations of the zoning district:
 - (1) For a building-mounted system installed on a sloped roof that faces the front yard of a lot, 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 thirty-six (36) inches between the roof and highest edge or surface of the system.
 - (2) For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.

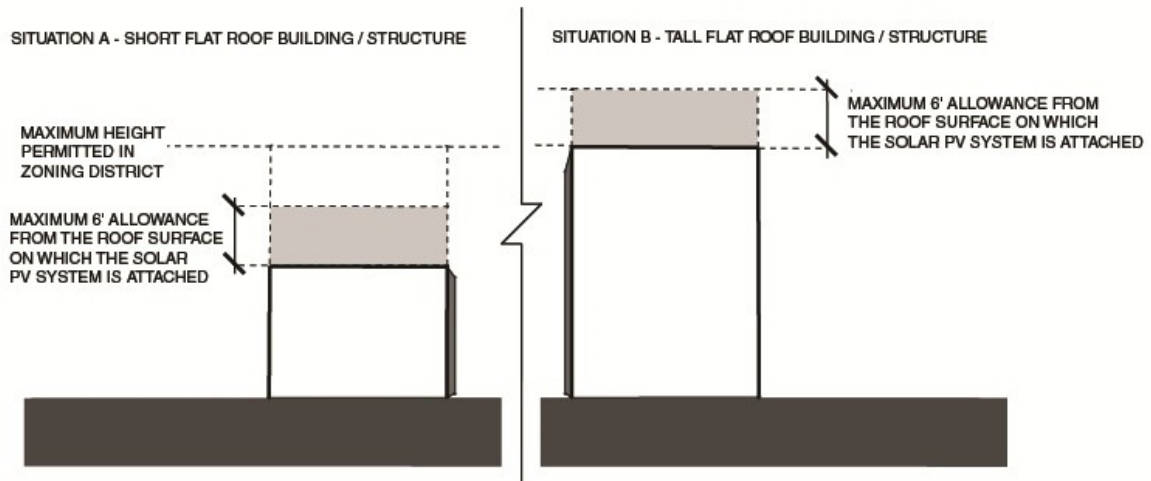
HEIGHT RESTRICTION, SLOPED ROOF FACING FRONT YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION



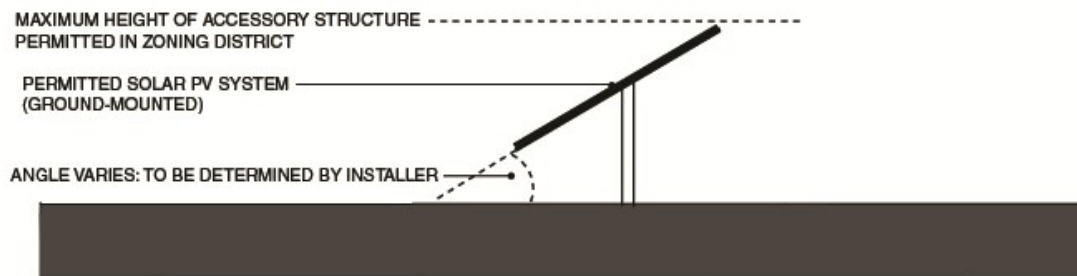
HEIGHT RESTRICTION, SLOPED ROOF FACING REAR OR SIDE YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION



**HEIGHT RESTRICTION, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM
ISOMETRIC**



**HEIGHT RESTRICTION: GROUND-MOUNTED SOLAR PV SYSTEM
ELEVATION**



B. Notwithstanding the height limitations of the zoning district:

- (1) For a building-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.
- (2) Ground-mounted systems may not exceed 15 feet in height.

8. Screening and Visibility.

A. Ground-mounted Systems shall be screened from adjoining residential uses or zones according to the standards found in the Township Design and Natural Resources

Ordinance.

B. Building-mounted systems on a sloped roof shall not be required to be screened.

9. Impervious Lot Coverage.

A. Except as provided in §27-612.9(B) and §27-612.9(C) the surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered impervious surface and shall be calculated as part of the property lot coverage limitations for the zoning district. If the ground-mounted system is mounted above existing impervious surface, it shall not be calculated as part of the property lot coverage limitations for the zoning district.

B. Ground mounted systems complying with all of the following conditions shall not be considered impervious lot coverage.

(1) Projects where earth disturbance and grading activities are minimized and where natural vegetative cover is preserved and/or restored. The utilization of low impact construction techniques must be used. Refer to BMP 5.6.1: Minimize Total Disturbed Area – Grading, BMP 5.6.2: Minimize Soil Compaction in Disturbed Areas, and BMP 5.6.3: Re-Vegetate and Re-forest Disturbed Areas, Using Native Species from the PA Stormwater Best Management Practices Manual, Department of Environmental Protection, No. 363-0300-002, (December 30, 2006).

(2) The vegetative cover must have a minimum uniform 90 percent perennial vegetative cover with a density capable of resisting accelerated erosion and sedimentation. The 90 percent standard exceeds the 70 percent standard as in 25 Pa. Code § 102.22(a)(i), as the vegetation may be typically the primary and only BMP used for solar panel farms.

(a) A meadow condition is preferable especially for projects located on slopes between 5-10 percent.

(b) If areas under the solar panels must be mowed, then the vegetative cover should not be cut to less than four (4) inches in height.

(c) Vegetated areas will not be subject to chemical fertilization or herbicide/pesticides application, except for those applications necessary to establish the vegetative cover and in accordance with an approved erosion and sedimentation (E&S) Plan.

(3) The individual photovoltaic panels within an “array” are arranged in a fashion that:

(a) Allows the passage of runoff between each module, thereby minimizing the creation of concentrated runoff.

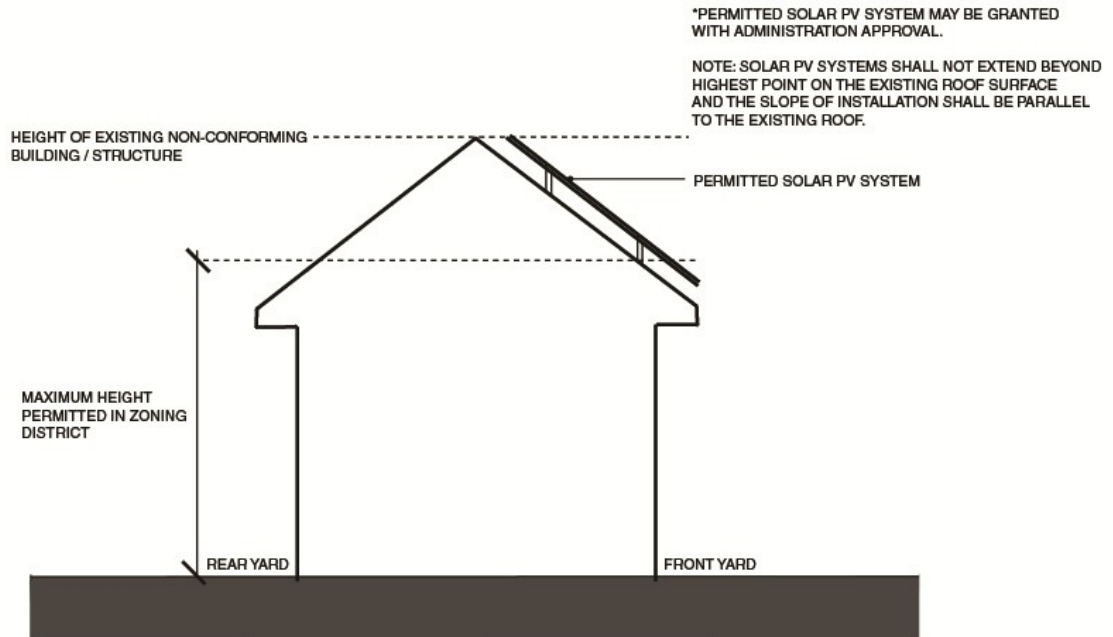
- (b) Allows for the growth of vegetation beneath the panel and between “arrays.”
 - (4) Ground mounted solar panels that are supported with structures/foundations require little earth disturbance for their installation/construction. Unless evidence is provided to the contrary, it will be assumed that for these ground mounted solar panels themselves (not including access drive, etc.) will disturb five (5) percent of the total project area.
 - (5) Solar panels must be situated on slopes of 10 percent or less.
 - (6) The lowest vertical clearance of the solar “array” should be 10 feet or less from the surface of the ground but must be of adequate height to promote vegetative growth below the “array”. Limiting the height of the solar “array” will minimize the potential for accelerate erosion to occur along the drip line of the solar “array”.
- C. Alternate designs may be proposed for review and consideration to the Zoning Officer in consultation with the Township Engineer. If found by the Zoning Officer and Township Engineer to be a demonstrably acceptable alternative, then the proposal shall be forwarded to the Board of Commissioners.
- (1) The Board of Commissioners may, at their sole discretion, approve the alternative design.

10. Non-conformance.

A. Building-mounted systems:

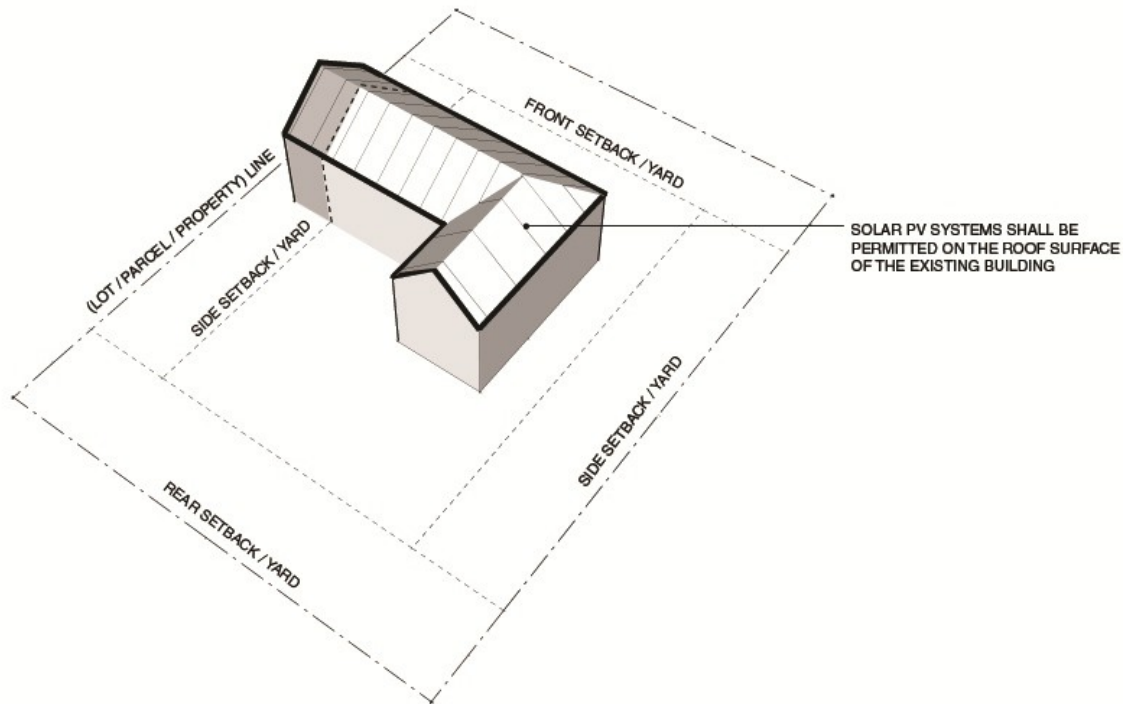
- (1) If a building-mounted system is to be installed on any building or structure that is non-conforming because its height violates the height restrictions of the zoning district in which it is located, the building-mounted system shall be permitted so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted and provided it complies with the other provisions of this Ordinance.

NON-CONFORMING BUILDING, SLOPED ROOF FACING FRONT YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION



- (2) If a building-mounted system is to be installed on a building or structure on a non-conforming lot that does not meet the minimum setbacks required and/or exceeds the lot coverage limits for the zoning district in which it is located, a building-mounted system shall be permitted so long as there is no expansion of any setback or lot coverage non-conformity and so long as it complies with the other provisions of this Ordinance.

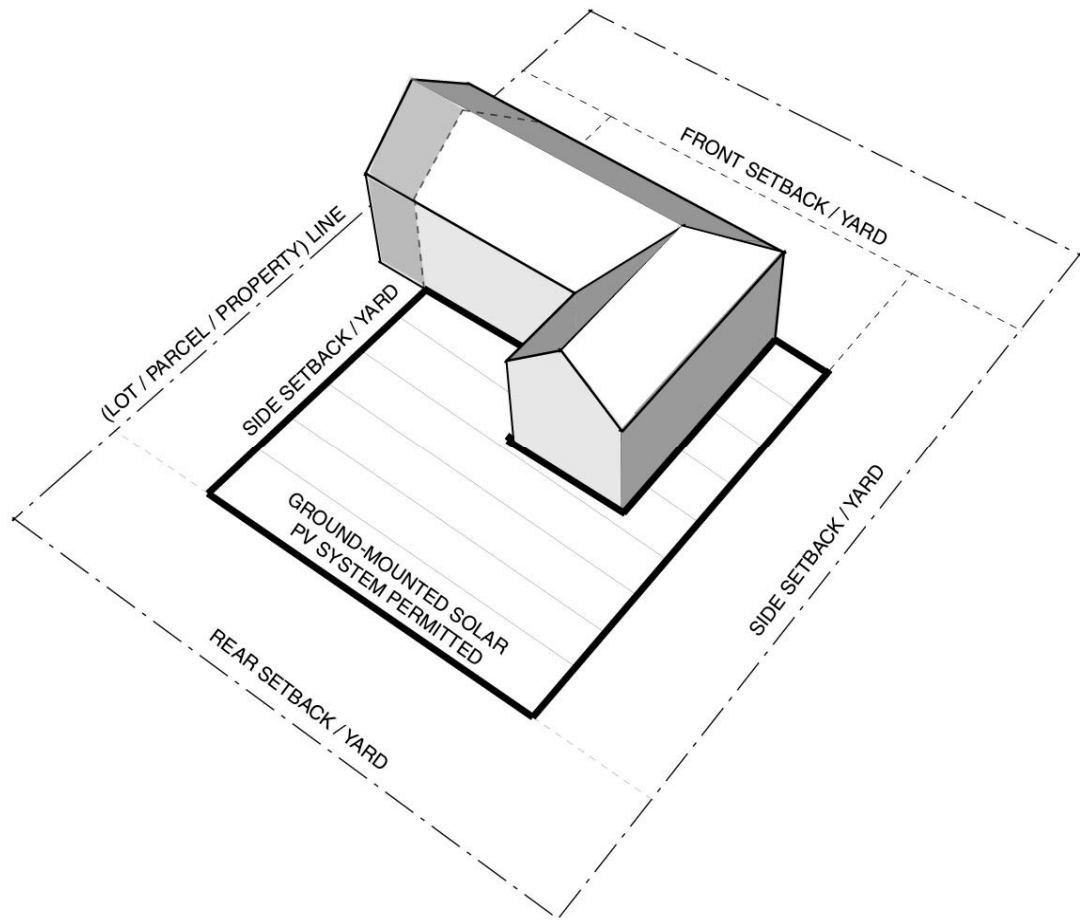
**NON-CONFORMING LOT, SETBACKS, AND / OR LOT COVERAGE LIMITS: BUILDING-MOUNTED SOLAR PV SYSTEM
ISOMETRIC**



B. Ground-mounted systems:

- (1) If a ground-mounted system is to be installed on a lot containing a structure that is non-conforming because the required minimum setbacks are exceeded, the proposed system shall be permitted so long as the system does not encroach into the established setback for the lot. If a ground-mounted system is to be installed on a lot that is non-conforming because it violates zoning district requirements other than setbacks, then a variance must be obtained for the proposed installation.

**NON-CONFORMING LOT, SETBACKS: GROUND-MOUNTED SOLAR PV SYSTEM
ISOMETRIC**



11. Signage.

- A. No signage or graphic content may be displayed on the solar photovoltaic system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than thirty-six (36) square inches in size.

12. Performance Requirements.

- A. All solar photovoltaic systems are subject to compliance with applicable performance standards detailed elsewhere in the Zoning Ordinance.

13. Inspection, Safety and Removal.

- A. The Township reserves the right to inspect a solar photovoltaic system for building or fire code compliance and safety.

- B. If upon inspection the Township determines that a fire code or building code violation exists, or that the system otherwise poses a safety hazard to persons or property, the Township may order the property owner to repair or remove the system within a reasonable time. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found and shall notify the property owner of his or her right to appeal such determination.
- C. If a property owner fails to repair or remove a solar photovoltaic system as ordered, and any appeal rights have been exhausted, the Township may enter the property, remove the system and charge the property owner for all costs and expenses of removal, including reasonable attorney's fees or pursue other legal action to have the system removed at the property owner's expense.
- D. In addition to any other available remedies, any unpaid costs resulting from the Township's removal of a vacated abandoned or de-commissioned solar photovoltaic system shall constitute a lien upon the property against which the costs were charged. Legal counsel of the Township shall institute appropriate action for the recovery of such cost, plus attorney's fees, including, but not limited to filing of municipal claims pursuant to 53 P.S. § 7107, et seq., for the cost of such work, six (6) percent interest per annum, plus a penalty of five (5) percent of the amount due plus attorney's fees and costs incurred by the Township in connection with the removal work and the filing of the Township's claim.

14. Permit Requirements.

- A. Before any construction or installation on any solar photovoltaic system shall commence, a permit issued by East Pennsboro Township shall be obtained to document compliance with this Ordinance.

§ 27-613 Small Wireless Facilities.

- 1. Purpose. The purpose of this Section is to establish policies and procedures for the placement of Small Wireless Facilities and associated utility poles in rights-of-way within the Township of East Pennsboro, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the Township's rights-of-way and the Township as a whole.
- 2. Intent. In enacting this Chapter, the Township is establishing uniform standards to address issues presented by Small Wireless Facilities, including, without limitation, to:
 - A. Limit interference with the use of streets, sidewalks, alleys, parkways, public utilities, public views, certain Township corridors, and other public ways and places;

- B. Limit the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- C. Limit interference with the facilities and operations of facilities lawfully located in rights-of-way or public property;
- D. Limit environmental damage, including damage to trees;
- E. Respect the character of the neighborhoods and other areas in which facilities are installed; and
- F. Facilitate rapid deployment of Small Wireless Facilities to provide the benefits of advanced wireless services to the Township and its residents.

3. Right-of-way Fees.

- A. Wireless providers shall be required to pay an annual fee for the use of the right-of-way. The annual right-of-way fee shall initially be two hundred seventy dollars (\$270) per Small Wireless Facility or be two hundred seventy dollars (\$270) per new utility pole with a Small Wireless Facility.
- B. Township may amend the fee from time to time by resolution of the Township Commissioners to a rate not to exceed the maximum rate which is found to be permitted by the Federal Communications Commission and/or Small Wireless Facilities Deployment Act.

4. Permitting Process.

- A. Permits required. An application is required to be submitted to obtain a permit to perform any of the following work within the right-of-way. For the purpose of this section, the term “right-of-way” does not include a Federal interstate highway.
 - (1) Collocate, maintain and modify Small Wireless Facilities.
 - (2) Replace existing utility poles for collocation.
 - (3) Install new utility poles with attached Small Wireless Facilities.
- B. Permits not required. An application is not required for the following:
 - (1) Routine maintenance.
 - (2) The replacement of a Small Wireless Facility that is substantially similar or smaller in

size, weight, and height.

(3) For the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between existing utility poles, in compliance with the National Electrical Safety Code.

(4) Except that a permit may be required to perform work within the right-of-way that involves excavation, closure of a sidewalk or closure of a vehicular lane.

C. Application Requirements. An application shall be made by the wireless provider or its duly authorized representative, on a form, paper or electronic, provided by the Township and shall contain the following:

(1) The wireless provider's name, address, telephone number, and e-mail address.

(2) The applicant's name, address, telephone number, and e-mail address, if different than the wireless provider, and its interest in the work.

(3) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application.

(4) A general description of the proposed work and the purposes and intent of the Small Wireless Facility. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed.

(5) A site plan, with sufficient detail to show the proposed location of items the applicant seeks to install in the right-of-way, including any manholes or poles, the size, type, and depth of any conduit or enclosure.

(6) An attestation that the Small Wireless Facilities will be operational for use by a wireless services provider within one year after the permit issuance date, unless the Township and the applicant agree to extend this period.

(7) An attestation that, to the best of the applicant's knowledge, the information contained in the application is true.

(8) Whether each Small Wireless Facility is proposed to be installed on an existing pole or structure or a new pole or structure.

(9) The name of the owner of the pole or structure on which the Small Wireless Facility is proposed to be installed and the address, phone number, email address of the owner's contact person.

(10) If a Small Wireless Facility is proposed to be installed on a pole or structure owned by a party other than the applicant, the application shall be accompanied by a written confirmation of the owner's agreement to allow the applicant to locate each Small Wireless Facility on such owner's pole or structure.

(11) Documentation of both narrative and drawings indicating the size of each proposed Small Wireless Facility, the height of the pole or structure on which each is proposed to be installed, and the cubic volume of each Small Wireless Facility.

D. Application Fees. All applications for permits shall be accompanied by a fee of five hundred dollars (\$500.00) for a single application that includes up to five Small Wireless Facilities, with an additional one hundred dollars (\$100) for each Small Wireless Facility beyond five; and one thousand dollars (\$1,000) for each new associated utility pole.

E. Consolidated Applications. An applicant may submit a consolidated application for up to twenty (20) Small Wireless Facilities.

(1) An applicant shall not exceed one (1) application for twenty (20) Small Wireless Facilities in a thirty (30) day period.

(2) The denial of one or more Small Wireless Facilities in a consolidated application shall not delay processing of any other Small Wireless Facilities in the same consolidated application.

(3) If the Township receives more than one (1) consolidated application or twenty (20) single applications within a forty-five (45) day period, the processing deadline shall be extended fifteen (15) days in addition to the ten (10) day processing and initial review.

5. Action on Permit Applications.

A. Application review for completeness. Within ten (10) business days of receiving an application, the Township shall determine and notify the applicant in writing whether the application is incomplete. If an application is incomplete, the notice must specifically identify the missing information. The processing deadline shall restart at zero on the date the applicant provides the missing information. The processing deadline may be tolled by agreement of the applicant and the Township.

B. Deadlines. An application shall be processed on a nondiscriminatory basis and deemed approved if Township fails to approve or deny the application within sixty (60) days of receipt of a complete application to collocate and within ninety (90) days of receipt of a complete application to replace an existing utility pole or install a new utility pole with small wireless facilities attached. A permit associated with an application deemed approved under this subsection shall be deemed approved if the Township fails to approve or deny the permit within

seven business days after the date of filing the permit application with the Township unless there is a public safety reason for the delay.

C. Denial.

(1) A Township may deny an application under this section only if any of the following apply:

- (a) The small wireless facility materially interferes with the safe operation of traffic control equipment, sight lines or clear zones for transportation or pedestrians or compliance with the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327) or similar Federal or State standards regarding pedestrian access or movement.
- (b) The small wireless facility fails to comply with applicable codes.
- (c) The small wireless facility fails to comply with the requirements specified under the Small Wireless Facilities Deployment Act.
- (d) The applicant fails to submit a report by a qualified engineering expert which shows that the small wireless facility will comply with applicable FCC regulations.

(2) Within the timeframe established under subsection B, the Township shall document the basis for a denial, including the specific provisions of applicable codes on which the denial was based, and send the documentation to the applicant within five (5) business days of the denial.

(3) The applicant may cure the deficiencies identified by the Township and resubmit the application within thirty (30) days of receiving the written basis for the denial without being required to pay an additional application fee. The Township shall approve or deny the revised application within thirty (30) days of the application being resubmitted for review or the resubmitted application shall be deemed approved thirty (30) days after resubmission. Any subsequent review shall be limited to the deficiencies cited in the denial. If the resubmitted application addresses or changes other sections of the application that were not previously denied, the Township shall be given an additional fifteen (15) days to review the resubmitted application and may charge an additional fee for the review.

D. Utility Poles. When applying to install a new utility pole under this act, the Township may require the wireless provider to demonstrate that it cannot meet the service reliability and functional objectives of the application by collocating on an existing utility pole or municipal pole instead of installing a new utility pole. The Township may require the wireless provider to self-certify that the wireless provider has made this determination in good faith and to

provide a documented summary of the basis for the determination. The wireless provider's determination shall be based on whether the wireless provider can meet the service objectives of the application by collocating on an existing utility pole or municipal pole on which:

- (1) The wireless provider has the right to collocation.
- (2) The collocation is technically feasible and would not impose substantial additional cost.
- (3) The collocation would not obstruct or hinder travel or have a negative impact on public safety.

E. Approval. Approval of an application authorizes the applicant to:

- (1) Collocate on an existing utility pole, modify or replace a utility pole or install a new utility pole with small wireless facilities attached as identified in the initial application.
- (2) Subject to the permit requirements and the applicant's right to terminate at any time, operate and maintain small wireless facilities and any associated equipment on a utility pole covered by the permit for a period of not less than five (5) years, which shall be renewed for two (2) additional five (5) year periods if the applicant is in compliance with the criteria set forth in this act or applicable codes consistent with the Small Wireless Facilities Deployment Act and the applicant has obtained all necessary consent from the utility pole owner.
- (3) Authority Granted; No Property Right or Other Interest Created. A permit from the Township authorizes an applicant to undertake only certain activities in accordance with this Ordinance and does not create a property right or grant authority to the applicant to impinge upon the rights of others who may already have an interest in the right-of-way.

6. Design Criteria.

A. Permitted Locations.

- (1) New utility poles and relocated utility poles shall only be placed:
 - (a) At lot lines.
 - (b) At existing utility easements other than parallel to the right-of-way.
 - (c) At roadway intersections.

- (d) Within lot lines of lots exceeding four hundred (400) linear feet of frontage, but not in front of any occupiable structure.
- (e) Outside of any required clear sight distance restrictions.

B. Restricted Locations.

- (1) Wireless facilities may not be located within any established visual or sightline easement.
- (2) Wireless facilities may not be located in underground districts.
 - (a) Any area, development, neighborhood, street, etc. without above ground utilities other than Township poles and attachments shall be considered an underground district.

Except the Township Engineer and Zoning Officer may authorize the replacement of Township poles in the designated area upon good cause shown, as determined by the Township Engineer and Zoning Officer.

- (3) Wireless facilities in any area, development, neighborhood, street, etc. with only Township approved streetlights or Township poles and attachments as above ground utilities, may only be installed on a new or replacement pole with approval of the Zoning Officer and Township Engineer.

C. Size Limits.

- (1) Each new or modified Small Wireless Facility installed in the right-of-way shall be installed on an existing utility pole or a new utility pole subject to the following:
 - (a) The installation of a Small Wireless Facility on an existing utility pole shall not extend more than five (5) feet above the existing utility pole.
 - (b) If collocation on an existing utility pole cannot be achieved under section 4(i) of the Small Wireless Facilities Deployment Act, a Small Wireless Facility may be installed on a new or replacement utility pole. The maximum permitted height of the facility, which shall include the utility pole and Small Wireless Facility, shall not be taller than fifty (50) feet above ground level.
- (2) Subject to the provisions of this act, a wireless provider may collocate or install a new utility pole with Small Wireless Facilities attached that exceeds these height limits by including a height limit waiver request or variances in the application. Height limit waivers or variances shall be processed subject to applicable codes.
- (3) Small Wireless Facility installations shall be limited as follows:

- (a) The total volume of antennas shall not exceed nine (9) cubic feet per utility pole;
and
 - (b) The total volume of the antenna and associated equipment shall not exceed twenty-eight (28) cubic feet per utility pole.
- (4) No wireless equipment shall be installed less than:
- (a) Eighteen (18) feet above a vehicular way; or
 - (b) Ten (10) feet above pedestrian way.

Except where projection beyond the utility pole is less than four (4) inches.

7. General Design Requirements.

- (1) The Township may adopt by resolution Small Wireless Facility Design Guidelines with objective, technically feasible criteria applied in a non-discriminatory manner that reasonably matches the aesthetics and character of the immediate area. Technically feasible shall be interpreted as by virtue of engineering or spectrum usage, the proposed placement for a Small Wireless Facility or its design or site location can be implemented without a material reduction in the functionality of the Small Wireless Facility.
- (2) The Small Wireless Facility Design Guidelines may include Small Wireless Facility preferences including visual depictions.
- (3) The provisions in this Ordinance shall not limit or prohibit the Township's discretion to promulgate and make publicly available other information, materials or requirements in addition to, and separate from, Small Wireless Facility Design Guidelines so long as the information, materials, or requirements do not conflict with state or federal law.
- (4) All Small Wireless Facilities and associated equipment located within the public right-of-way shall be located such that it meets all accessibility & ADA requirements, does not hinder, obstruct, or impede usual pedestrian and vehicular traffic.
- (5) The Township shall have the authority to update or supplement the Small Wireless Facility Design Guidelines to address relevant changes in law, technology, or administrative process.
- (6) Wireless Support Structure and Utility Pole Design Standards.
 - (a) General Guidance.

- (i) Small Wireless Facility equipment must be indistinguishable from the support pole or structure to the greatest degree possible using matching colors, textures, and materials. The antennas and related equipment shall be in a color that will provide the most camouflage.
- (ii) All wires, antennas, and other Small Wireless Facility equipment shall be enclosed and not visible.
- (iii) Screening and equipment enclosures shall blend with or enhance the surrounding context in terms of scale, form, texture, materials, and color. Equipment shall be concealed as much as possible by blending into the natural and/or physical environment.
- (iv) Casing to enclose all wires, antennas, and other Small Wireless Facility may be mounted on top of existing and new poles in a cylinder shape to look like a natural extension of the pole. Such mounting shall be in accordance with size limits.
- (v) Utility pole installations, replacements, and modifications relating to Small Wireless Facility collocations shall be fabricated from material having a degree of strength capable of supporting the Small Wireless Facility and shall be capable of withstanding wind forces and ice loads in accordance with applicable Township and State codes.
- (vi) Wires and cables connecting the antenna and appurtenances serving the Small Wireless Facility shall be installed in accordance with the version of the National Electrical Code and National Electrical Safety Code adopted by the Township and in force at the time of installation. In no event shall wiring and cabling serving the small wireless facility interfere with any wiring or cabling installed by a cable television or video service operator, electric utility, or telephone utility.
- (vii) Guy wires and similar support structures may not be used as part of the installation of any small wireless facility, unless the small wireless facility is proposed to be attached to an existing utility pole that incorporated guy wires prior to the date of the small wireless application.
- (viii) Brand logos and other signage are prohibited on all Small Wireless Facilities except contact information to be used by workers on or near the Small Wireless Facilities and as otherwise required by state or federal law. Signage will be no larger than required to be legible from street level.

- (ix) New Small Wireless Facilities, new wireless support structures, or new utility poles in a Historic District shall comply, to the greatest extent possible, with the design and aesthetic standards of the Historic District, or historic preservation standards in place to minimize the negative impact on the aesthetics in these districts.

A. Waivers.

- (1) A Wireless Provider may seek a waiver of the requirements in Section 6, which may be granted by the Township Engineer and Zoning Officer or their designee, upon good cause shown, as determined by the Township Engineer and Zoning Officer. Such waivers shall be granted in a nondiscriminatory manner.

8. Time Limit for Work.

- A. The proposed collocation, the modification or replacement of a utility pole or the installation of a new utility pole with small wireless facilities attached for which a permit is granted under this Ordinance shall be completed within one year of the permit issuance date unless the Township and the applicant agree in writing to extend the period.

9. Removal of Equipment.

- A. Within sixty (60) days of suspension or revocation of a permit due to noncompliance with this act or applicable codes consistent with the Small Wireless Facilities Deployment Act, the applicant shall remove the small wireless facility and any associated equipment, including the utility pole and any support structures if the applicant's wireless facilities and associated equipment are the only facilities on the utility pole, after receiving adequate notice and an opportunity to cure any noncompliance.
- B. Within ninety (90) days of the end of a permit term or an extension of the permit term, the applicant shall remove the small wireless facility and any associated equipment, including the utility pole and any support structures if the applicant's wireless facilities and associated equipment are the only facilities on the utility pole.
- C. The Township retains the right to cut or move any Small Wireless Facilities or utility poles located within the right-of-way, as the Township may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. If circumstances permit, the Township shall notify the wireless provider and provide it an opportunity to move its Small Wireless Facilities or utility poles prior to cutting or removing them, and in all circumstances shall promptly notify the wireless provider after cutting or removing a small wireless facility or utility pole.
- D. The Township may require a wireless provider to remove an abandoned small wireless facility or utility pole permitted hereunder within 180 days of abandonment. Should the

Wireless Provider fail to timely remove the abandoned small wireless facility or utility pole, the Township, upon providing sixty (60) days prior written notice to Provider, may remove the small wireless facility or utility pole to be removed and may recover the actual cost of such removal from the Wireless Provider. A small wireless facility or utility pole shall be deemed abandoned at the earlier of the date that the wireless provider indicates in any way that it is abandoning the small wireless facility or utility pole, or the date that is 180 days after the date that the small wireless facility or utility pole ceases to be used, unless the wireless provider gives the Township reasonable evidence that it is diligently working to place the Small Wireless Facility or utility pole back in service.

10. Restoration of Right-of-way.

- A. A wireless provider shall repair all damage to the right-of-way or any other land so disturbed, directly caused by the activities of the wireless provider or the wireless provider's contractors and return the right-of-way in as good of condition as it existed prior to any work being done in the right-of-way by the wireless provider. If the wireless provider fails to make the repairs required by the Township within thirty (30) days after written notice, the Township may perform those repairs and charge the wireless provider the reasonable, documented cost of the repairs plus a penalty not to exceed five hundred dollars (\$500). The Township may suspend the ability of an applicant to receive a new permit from the Township until the applicant has paid the amount assessed for the repair costs and the assessed penalty.

§ 27-614 Outdoor Seating.

- 1. Accessory outdoor seating. Outdoor seating may be provided as an accessory use to the following principal uses, in districts where said principal uses are permitted:
 - A. Bar/Taverns.
 - B. Bed and Breakfast.
 - C. Cemetery.
 - D. Child Day Care Facilities.
 - E. Religious Institution.
 - F. Civic/Fraternal Organization.
 - G. Post-Secondary School.
 - H. Commercial Health Club.

- I. Recreation, Amusement.
- J. Recreation, Private.
- K. Recreation, Public.
- L. Congregate Care Residence.
- M. Continuing Care Retirement Community (CCRC).
- N. Convenience Store.
- O. Funeral Home.
- P. Crematorium.
- Q. Restaurants.
- R. School, Primary and Secondary.
- S. Shopping Center.
- T. Studio.
- U. Theaters & Assembly Halls.
- V. Veterinary Hospital.
- W. Veterinary Services.

2. Location. Outdoor seating shall be permitted to be located on site as follows:

- A. Right-of-Way. Outdoor seating areas shall be setback at least six (6) feet from the edge of right-of-way outdoor seating may be permitted to be directly adjacent to the public right-of-way line.
- B. Lot lines. Outdoor seating areas shall be setback at least ten (10) feet from a rear or side lot line.
- C. Parking spaces. Outdoor seating may not obstruct or occupy any required parking area.

3. Time. Outdoor seating shall be permitted at times as follows:

- A. During the permitted hours of operation of associated principal uses, as prescribed by Chapter 10 Health and Safety, Part 2 Control and Regulation of Excessive Sound of the Township's Code.
4. Protection. Outdoor seating shall be protected from vehicles by either of the following methods:
- A. Physical Barrier. The outdoor seating shall be protected by one of the following physical barriers:
 - (1) Posts. Guard posts shall comply with all of the following requirements:
 - (a) Constructed of steel not less than four (4) inches (102 mm) in diameter and concrete filled.
 - (b) Spaced not more than four (4) feet (1219 mm) between posts on center.
 - (c) Set not less than three (3) feet (914 mm) deep in a concrete footing of not less than a 15-inch (381 mm) diameter.
 - (d) Set with the top of the posts not less than three (3) feet (914 mm) above ground.
 - (e) Located not less than three (3) feet (914 mm) from the protected object.
 - (2) Other barriers. Barriers, other than posts, which are designed to resist, deflect or visually deter vehicular impact commensurate with an anticipated impact scenario shall be permitted where approved by the East Pennsboro Township Fire Chief.

§ 27-616 Drive-Thru.

- 1. A drive-thru as an accessory use shall be permitted by right in the C-L, C-G, CPL, PRO and O-MU districts:
 - A. C-L Commercial Limited District. To maintain capacity for sufficient numbers of vehicles and ensuring that traffic conflicts and hazards are avoided within the site and along the streets and highways adjoining the principal use, any drive-thru as an accessory use within the C-L District shall be located no more than 2,000 feet from the intersection of Wertzville Road and East Penn Drive.
 - B. Site layout and vehicle circulation shall be designed to accommodate the on-site stacking of vehicles and shall not cause back-ups or other traffic conflicts with any public right-of-way. The applicant shall provide evidence for Township review that the proposed capacity of on-site vehicle stacking is capable of accommodating the projected traffic generated by the use.
 - C. The subject property shall have a minimum lot width at the right-of-way line of 150 feet.

- A. Any drive-thru facilities shall be set back at least 200 feet from any residential uses.
- B. All drive-thru window-lanes shall be separated by curb from the parking area's interior driveways and aisles.
- C. Any exterior speaker/microphone system shall be directed, arranged and/or screened to prevent objectionable noise impact on adjoining properties.
- D. For restaurants with an accessory drive-thru, all exterior seating/play areas shall be completely enclosed by a fence with a minimum height of four feet.

Part 7

NONCONFORMING BUILDINGS AND USES

§ 27-701 In General.

All lawful uses of land or of a building, or other structure existing on the effective date of this chapter may be continued, altered, restored, reconstructed, sold, or maintained even though such use may not conform to the use, height, area, yard, and other regulations of the district in which it is located, providing such nonconforming uses shall comply with the provisions of this Part.

§ 27-702 Continuation.

1. The property owner shall secure a certificate of nonconformance under Section § 27-708, for the purpose of ensuring to the owner the right to continue such nonconforming building or use.
2. Continuation of a lawful nonconforming use shall comply with the municipal building code, (see Chapter 5 Code Enforcement). Township fire code officials, including the Building Code Official, the Fire Marshall and their assistants, shall determine if such a use or building poses a significant public safety hazard. Nonconforming uses or building(s) that present such a public safety hazard shall not be granted lawful continuation.

§ 27-703 Existing Nonconforming Lots of Record.

In any district in which single-family detached dwellings are permitted and notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customarily accessory buildings may be erected on any single lot of record which was present at the effective date of adoption chapter June 5th, 2007. This provision shall not apply if such a lot has continuous road frontage with other lots of the same ownership, in which case a consolidation is feasible to remedy the dimensional non-conformity. This provision shall apply even if the lot fails to meet the requirements for lot area or lot width or both, for the district in which the lot is presently located, provided that the yard dimensions, coverage and other requirements of this chapter not involving lot area or lot width shall conform to the regulations for the district in which it is located.

§ 27-704 Alterations and Reconstruction.

1. Repairs and structural alterations not constituting extensions, expansions or enlargements may be made to a nonconforming building or to a building occupied by a nonconforming use.
2. A nonconforming building which is damaged by fire, explosion or an act of God, may be rebuilt and used for the same purposes, provided that:
 - A. The reconstruction of the building is commenced within one year from the date of the destroying of the building and is carried to completion without undue delay.

- B. The reconstructed building does not exceed in height, building area, and volume of the building destroyed.
 - C. The reconstructed building shall comply with the yard regulations of the district in which it is located. The foregoing notwithstanding, any nonconformities of the building or lot that existed prior to damage may be continued to the same degree upon reconstruction of the building.
3. When a total reconstruction of a structure is deemed necessary or in the best interest of public health, safety and welfare, the new structure shall meet all requirements of the district for which it is located.
- A. The setbacks for the new structure shall be permitted to remain consistent with the existing nonconforming structure if the existing setbacks match the character of the surrounding community and streetscape.

§ 27-705 Extensions, Expansions and Enlargements.

1. Land, building or structures occupied or used for residential or nonresidential purposes which are nonconforming and otherwise not permitted in the zoning district in which they are located shall be allowed to expand, extend or enlarge. All extensions, expansions and enlargements of lawful nonconforming uses and buildings shall be reviewed by the Zoning Officer in accordance with the following standards:
- A. Any extension, expansion or enlargement of a nonconforming building or use shall be permitted only once.
 - B. Any extension, expansion or enlargement shall conform to the building height, lot area, yard and coverage regulations of the district in which it is located.
 - C. In cases in which a building is nonconforming with applicable minimum yard setback requirements, the portion of the structure located within the required yard setback may be expanded or enlarged by not greater than 25 percent of its gross floor area. The expansion or enlargement shall not result in the building extending further into the yard setback than what exists currently.
 - D. In cases in which lot coverage is nonconforming with applicable maximum lot coverage requirements, the number of square feet exceeding the maximum lot coverage may be expanded or enlarged by no greater than 25 percent. The adequacy of stormwater management to accommodate the increased lot coverage shall be evaluated and deemed acceptable by the Township Engineer.
 - E. All required parking spaces for any expansion or enlargement shall comply with the requirements of the Township's Design and Natural Resources Ordinance

- F. Any extension, expansion or enlargement of a nonconforming building or use shall not be permitted to extend into vacant lot or lots adjacent to the parcel containing the nonconforming building or use.

§ 27-706 Change of Use.

Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use. A nonconforming use may be changed to another nonconforming use of less intensity as adjudged by the Zoning Officer. Whenever a nonconforming use has been changed to a less intense or to a conforming use, such use shall not hereafter be changed to a more intense use.

§ 27-707 Abandonment and Discontinuance.

1. If a nonconforming use of a building or land is abandoned for any period of time due to the decision of the owner, the nonconforming status thereof shall be lost, and the subsequent use of such building or land shall be in conformity with all the provisions of this chapter.
2. The removal of a nonconforming mobile home from the site it occupied shall constitute abandonment of the site so occupied and subsequent use of said site shall conform with the provisions of this chapter.
3. The removal of a second residential building from a residential lot already occupied by a residential building shall constitute abandonment of the nonconforming use and such use shall not thereafter be permitted, except as otherwise permitted within this Ordinance.
4. Mobile Home Parks, Trailer Camps or Trailer Parks which are nonconforming under the terms of this chapter shall be operated in accordance with Public Health Regulations, Commonwealth of Pennsylvania, Department of Environmental Protection, under the provisions of the Act 175 of April 9, 1929, P.L. 177, as amended, the Administrative Code of 1929, 71 P.S. § 51 et seq., and all other applicable laws.

§ 27-708 Registration and Certificate of Nonconformance.

It shall be the responsibility of a property owner asserting a nonconformity to provide the evidence that it is lawful, including documentation of the property's historically established use. The property owner may request a certificate of nonconformance from the Zoning Officer after providing sufficient evidence. The Zoning Officer shall maintain records of nonconforming uses or structures which shall contain the names and addresses of all persons having an ownership or possessory interest in the property, a description of the property, its location, its zoning classification, a detailed description of each nonconforming use and structure, the manner in which it is nonconforming, the date and a detailed description of each alteration, restoration, reconstruction, change, extension, and enlargement, the date of any abandonment or discontinuance, the date of issuance of each certificate of nonconformance, and any other pertinent

information.

Part 8

CONDITIONAL USES

§ 27-801 General.

In addition to the procedures and requirements of this chapter, the Township Board of Commissioners may grant and deny conditional uses in accordance with § 913.2 of the Pennsylvania Municipalities Planning Code, Act 247, 53 P.S. § 10913.2. The following procedures and standards must be satisfied prior to approval of any application for a conditional use. The applicant shall be required to demonstrate compliance with these standards and furnish any evidence necessary to demonstrate such compliance. All uses must comply with the standards expressed within each underlying zone unless those standards expressed for each conditional use specify different standards; in such cases, the conditional use standards shall apply.

§ 27-802 Filing of a Conditional Use.

1. For any use permitted by conditional use, a conditional use permit must be obtained from the Board of Commissioners. Applications for any conditional use specified in this chapter shall be made to the Zoning Officer, who, at least 30 days before the next regularly scheduled meeting of the Planning Commission, shall refer such application to the Planning Commission, and give written notice of the hearing date to all property owners within 500 feet of the property for which application has been made. The Planning Commission shall review the application pursuant to the conditions, standards and criteria set forth in § 27-803 and 27-804, and shall submit its recommendations to the Board of Commissioners for approval or denial. In addition to the information required on the zoning permit application, the conditional use application must show:
 - A. Names and addresses of adjoining property owners including properties directly across a public right-of-way.
 - B. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this chapter.
 - C. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this chapter.
 - D. Home Occupations. Applications for a conditional use permit for a home occupation shall be submitted on a home occupation permit application, a separate form provided by the Township.

§ 27-803 General Criteria.

1. The following general criteria shall be used as guidelines by the Planning Commission and Board of Commissioners in acting upon conditional use applications. Each applicant must demonstrate with appropriate evidence of compliance with the following:
 - A. The proposed use shall be consistent with the purpose and intent of this chapter and be listed as a conditional use in the zone in which it is proposed.
 - B. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - C. The conditional use will not be injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted.
 - D. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - E. The proposed use aligns with the established character of the surrounding neighborhood.
 - F. Adequate utility services and facilities such as sanitary and storm sewers, water, trash and garbage collection and disposal, access roads and other necessary facilities have been or are being provided.
 - G. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and to facilitate the circulation and movement of pedestrian and vehicular traffic.
 - H. For development within the floodplain areas, that the application complies with those requirements listed in Township's Design and Natural Resources Ordinance.
 - I. The intended purpose of the proposed use is not inconsistent with the planning policies of the Township, as reflected in the Community Development Objectives or Comprehensive Plan and in this chapter.
 - J. The proposed use shall comply if applicable with those criteria specifically listed in § 27-804 of this chapter. In addition, the proposed use must comply with all other applicable regulations of this chapter.

§ 27-804 Specific Criteria.

1. In addition to the general criteria listed in § 27-803 and any additional requirements of the Board of Commissioners under § 27-805, the following sets forth specific standards that shall be applied to each individual conditional use. These standards must be satisfied prior to

approval of a conditional use by the East Pennsboro Township Board of Commissioners.

A. Agriculture, Intensive.

- (1) The minimum lot area shall be ten (10) acres.
- (2) All enclosed structures used for the housing of livestock shall consist of a solid concrete slab or slotted floor.
- (3) All enclosed structures associated with the operation shall be set back 200 feet from any lot line and 500 feet from any lot line which adjoins a residential zone.
- (4) All areas for the keeping of animals shall be completely enclosed by a fence of sufficient strength and size to prevent the escape of animals, which shall be set back a minimum of fifteen (15) feet from any adjoining property line or right-of-way unless a maintenance access agreement associated with the adjoining property line or right-of-way is provided and notarized.
- (5) The applicant shall furnish qualified evidence that the proposed use has an approved nutrient management plan that complies with the applicable PADEP guidelines. All subsequent operations on the site shall be required to strictly adhere to this approved nutrient management plan.
- (6) The applicant shall furnish evidence from the Cumberland Conservation District that the proposed use has an approved conservation plan.

B. Congregate Care Residences and Continuing Care Retirement Community.

- (1) The use shall meet any applicable Commonwealth of Pennsylvania and federal codes, including but not limited to 6 Pa. Code, Chapter 21.
- (2) The applicant shall complete a Master Plan, in accordance with the Subdivision and Land Development Ordinance, as part of the application which shall designate the location and types of dwelling units, internal vehicular and pedestrian traffic circulation, site ingress and egress, open space, and stormwater management and/or public infrastructure facilities.
- (3) Common open space. A minimum of 100 square feet of usable outdoor common space shall be provided for each resident present at the facility.

C. Bed and Breakfasts.

- (1) The owner, or owner's agent, of the bed and breakfast establishment must reside within the premises of the lot.

- (2) The establishment must be served by an adequate sewage system and water supply. The Township Sewage Enforcement Officer shall determine whether or not the system has adequate treatment capacity.
- (3) Bedrooms shall not be used for cooking of any kind, and all meals shall be served within a common dining area.
- (4) No public restaurant service shall be conducted.
- (5) Bedrooms shall contain a minimum of 90 square feet of habitable floor area for one person and a minimum of 120 square feet of habitable floor area for two or three persons. The number of bedrooms for such purposes shall not exceed the number existing in the dwelling at the time the conditional use application is submitted to the Township.
- (6) The application to establish a bed-and-breakfast establishment shall be processed as a land development plan in accordance with the Township Land Development Ordinance [Chapter 22].

D. Boarding House.

- (1) No modifications to the external appearance of existing residential buildings (except fire escapes) which would alter its residential character shall be permitted.
- (2) All floors above and/or below grade shall have a permanently affixed direct means of escape to ground level.
- (3) Rooms for lodging shall have a minimum gross floor area of 150 square feet.
- (4) The boarding house shall be occupied by the owner(s) at all times.
- (5) The minimum lot area per establishment shall be one acre if adequate sewage and space for available parking is available.
- (6) The application to establish a boarding house shall be processed as a land development plan.
- (7) The establishment must be served by an adequate sewage system and water supply. The Township Sewage Enforcement Officer shall determine whether or not the system has adequate treatment capacity.
- (8) Fire and safety provisions shall be approved by the Pennsylvania Department of Labor and Industry.

E. Cemeteries.

- (1) A cemetery shall not be located within 500 feet of a residential use; provided, however, that this restriction shall not be applicable to a caretaker's residence.
- (2) The application to establish a cemetery shall be processed as a land development plan.
- (3) All permits, licenses and approvals required by any state or local agencies shall be obtained before issuance of a conditional use permit.

F. Reserved.

G. Conversion Apartments.

- (1) Plans for alterations shall be in accordance with PA UCC Act 45, 35 P.S. § 7210.101 et seq.
- (2) Any alterations to the building exterior shall complement the established residential character of other dwellings within the surrounding neighborhood.
- (3) The lot area shall be not less than the following size for each additional dwelling unit added to the existing single-family dwelling:

One added dwelling unit (2 total units)	6,000 square feet
Two added dwelling units (3 total units)	7,500 square feet
Three added dwelling units (4 total units)	9,000 square feet
Four added dwelling units (5 total units)	10,500 square feet
For each additional dwelling unit	1,000 square feet
- (4) An application to establish conversion apartments with a total of four or more dwelling units shall be processed as a land development plan.
- (5) The establishment must be served by an adequate sewage system and water supply. The Township Sewage Enforcement Officer shall determine whether or not the system has adequate treatment capacity.
- (6) If more than 45% of the property owners within 500 feet of the proposed use protest the zoning permit application in writing, the application shall be denied. However, if more than 45% of the said property owners support the zoning permit application, granting of the permit is not mandatory if other conditions are not satisfied.
- (7) Off-street parking spaces shall be accommodated in accordance with the provisions contained in the Design and Natural Resources Ordinance.

- (8) The Zoning Officer may establish performance requirements, including time limitations on completion of the alterations, and may provide for the voiding of the zoning permit if the property is sold prior to the completion of the alterations.

H. Family Child Day Care Home.

- (1) A minimum of 100 square feet of usable outdoor play space and 40 square feet of usable indoor space must be provided for each child present at the facility, including resident children.
- (2) Operators shall supply evidence of any applicable licensing/registration requirements associated with the Pennsylvania Department of Public Welfare and/or any other applicable local, state or federal regulations.
- (3) Outdoor play areas shall be enclosed by a fence that is four feet in height and screened in accordance with § 27-603, Subsection B and the Township's Design and Natural Resources Ordinance.

I. Group Child Day Care Homes and Child Day Care Facilities.

- (1) Passenger "drop-off" and "pick-up" areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.
- (2) Outdoor and indoor common areas for play areas for children shall be provided. The minimum area for outdoor recreation space shall equal 65 square feet for each individual at maximum enrollment. The minimum indoor area is 65 square feet for each individual at maximum enrollment.
- (3) Off-street parking areas will not constitute nor be used for outdoor activity area.
- (4) Outdoor play areas shall be setback at least 10 feet from any street right-of-way.
- (5) Outdoor play areas shall be enclosed by a fence that is four feet in height and screened, except that up to two sides of the play area may be enclosed by the walls of the day care facility.
- (6) All Common open space or play areas shall be accommodated with shade trees or pavilions to provide shade.

J. Helistop and Heliports.

- (1) The following standards shall apply to helistops and heliports:
 - (a) The applicant shall submit evidence confirming that the helistop will be constructed, operated, and maintained in accordance with applicable rules and

regulations of the Federal Aviation Administration and the Pennsylvania Department of Transportation, Bureau of Aviation, related to the use of helistops or heliports.

- (b) The landing pad shall be at least 80 feet square or a circle with an eighty-foot diameter. This pad shall be paved, level and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.
 - (c) At least two approach lanes to each landing pad shall be provided and maintained free of obstructions and shall be located not less than 90° apart. Each approach lane shall be located within 45° left or right of the prevailing winds and shall fan out at an angle of 10° from the width of the landing pad to a width of 1,000 feet; and shall have a glide angle slope of eight to one measured from the outer edge of the pad.
 - (d) An application for a helistop or heliport on a roof or similar above ground structure shall be accompanied by a certification by a registered engineer that the loads imposed by a helicopter will be supported by the structure.
 - (e) The helistop and heliports shall be used only for personal or executive use by a firm or individual.
 - (f) No helicopter over 6,000 pounds gross weight shall use any helistop.
 - (g) The application shall include, at a minimum, the following:
 - [1] A copy of the Federal Aviation Administration Form 7480-1, " Notice for Construction, Alteration and Deactivation of Airports" (latest revision)".
 - [2] A copy of a letter of "no objections" from the Federal Aviation Administration.
 - [3] A copy of Commonwealth of Pennsylvania Application for New Airport/Heliport, AV-4 (latest revision) and necessary supplemental information or equivalent and the letter of site approval from the Pennsylvania Department of Transportation, Bureau of Aviation.
 - [4] An aerial photograph or drawing, either of which shall be at a scale no less than one inch equals 200 feet, indicating the approach and departure routes, the location of all residences, schools, religious institutions, hospitals, and areas used for the open assembly of people, as well as otherwise sensitive areas within a radius of one-half (1/2) mile of the proposed helistop or heliport sites.
- (2) In addition to the requirements in Subsection J(1), heliports shall meet the following requirements:

- (a) Heliports shall be located a minimum of 1,000 feet from any dwelling unit.
 - (b) The applicant shall submit a land development plan review and approval by the Township.
 - (c) Heliports shall meet all requirements of this chapter for the district of its proposed location.
 - (d) The proposed site shall have a perimeter fence with a minimum height of four feet with at least two openings, except those located on rooftops. The fence shall be located so as not to obstruct the glide ratio of the helicopter using the heliport.
 - (e) The applicant shall also make full compliance with those guidelines and regulations for helistops and heliports or similar facilities as outlined in the Commonwealth of Pennsylvania, Department of Transportation, Bureau of Aviation, Title 67, regulations relating to air transportation, as amended.
- (3) It shall be unlawful for any person to land, discharge, load or take off in a helicopter any place within the East Pennsboro Township other than at an approved helistop or heliport, except:
- (a) In conjunction with a special event such as an athletic contest, a holiday celebration, parade or similar activity, after seven days' advance notice has been given to the Code and Zoning Officer and a special permit has been issued by the Code and Zoning Officer or his/her designee.
 - (b) When necessary for enforcement purposes and for emergencies.
 - (c) For the purpose of delivery or transfer of patients from any hospital and its emergency trauma centers.

K. Home Occupations.

- (1) All applicants shall provide evidence that the home occupation will be conducted in a manner that will not be detrimental to neighboring property owners and overall community goals. The following criteria have been adopted to: (a) maintain residential family living characteristics in residential areas; (b) protect the quality of life promoted in residential districts; (c) preserve the residential neighborhoods from the infiltration of commercial uses; and (d) provide opportunities for residents to supplement family income through small home-based businesses. All home occupations shall comply with the following provisions.
- (2) Home Occupation Standards.
- (a) Home occupations shall be clearly incidental and secondary to the use of the

dwelling for dwelling purposes.

- (b) If approved by the Board of Commissioners, a home occupation permit shall be issued by the Zoning Officer for a one-year period and renewed annually on January 31 of each year thereafter from when the conditional use application was approved by the Board of Commissioners.
 - (c) No more than three persons, other than the occupants of the dwelling unit, shall be employed and work at the home occupation.
 - (d) A maximum of 40 percent of the floor area of the dwelling unit may be devoted to the home occupation.
 - (e) The home occupation shall be carried on completely within the dwelling unit, or a completely enclosed permitted accessory structure, such as a shed or detached garage.
 - (f) There shall be no outside storage of materials nor shall they be visible from the street right-of-way.
 - (g) The appearance of the dwelling unit structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or the emission of sounds or vibrations that carry beyond the premises.
 - (h) Articles sold or offered for sale shall be limited to those produced on the premises or to articles which are clearly incidental to the home occupation and directly related thereto, such as hair care products by a barber or beautician.
 - (i) All home occupations shall comply with the performance standards as outlined within Part 6 of this Chapter.
 - (j) Off-street parking shall be provided in accordance with the provisions of Township's Design and Natural Resources Ordinance.
 - (k) Signage shall be provided in accordance with the provisions of the Township's Design and Natural Resources Ordinance.
- (3) Upon approval of the conditional use application for a home occupation by the Board of Commissioners, the home occupation permit shall be issued. A fee may be charged associated with a home occupation permit as determined by the Board of Commissioners.

L. Reserved.

M. Kennels/Veterinary Hospitals.

- (1) Structures used for kennels and veterinary hospitals, including exercise yards, shall not be erected within any yard setback area or within 200 feet from any lot containing a residential use permitted by right.
- (2) The applicant shall provide evidence that all kennels will be maintained in a sanitary and humane condition and in accordance with all applicable State regulations regarding kennels.

N. Manufactured/Mobile Home Parks.

- (1) It shall be unlawful for any person to operate or maintain any premises, area, tract or piece of land for the use as a manufactured/mobile home park, without first obtaining a permit from the Board of Commissioners and paying therefore the fee prescribed in accordance with Part nine of the East Pennsboro Township Land Development Ordinance [Chapter 22].
- (2) No permit shall be issued by the Board of Commissioners until and unless the applicant therefore has complied with the applicable terms and conditions of this chapter, and has presented a current certificate of registration issued by the Pennsylvania Department of Environmental Protection.
- (3) A manufactured/mobile home park shall be processed as a land development plan in accordance with the Township Land Development Ordinance [Chapter 22].
- (4) Uses within the manufactured/mobile home park shall conform to the zoning district in which it is located.
- (5) Two off-street parking spaces shall be provided for each manufactured/mobile home lot in the park.
- (6) The Board of Commissioners shall cause all premises for which permits of any kind under this Section have been issued to be inspected at reasonable times and at such intervals as may be required for the proper enforcement of this chapter and the safeguarding of the health and safety of the public. Interference with the duties of the duly authorized persons making such inspections shall constitute a violation of this chapter.

O. Roadside Farm Stands.

- (1) A highway occupancy permit shall be obtained for any access or pull-off areas from all

the appropriate municipal or state authorities.

- (2) The roadside stand shall conform to the safety requirements of the adopted International Building Code and to all applicable requirements of this chapter.
- (3) If the roadside stand is intended to be erected as a permanent structure, it shall comply with all applicable Building Code and Zoning Ordinance requirements.

P. Public Utility Facility (Transformer Substation).

- (1) The side, front, and rear yard requirements for the zone in which the transformer substation is to be located shall be observed. The minimum lot area for a residential use need not be observed.
- (2) The equipment shall be surrounded by an anchor-type wire fence eight feet in height and topped by barbed wire, or a masonry wall eight feet in height.
- (3) The required fence or wall shall be surrounded by permanent evergreen shrubbery or tree planting of a type that will grow to not less than the height of the fence or wall.
- (4) The required side, front, and rear yards shall be landscaped with any combination of lawn, trees or shrubs and maintained in a neat and orderly manner.
- (5) Necessary access walks for personnel and vehicular service driveways may be installed.
- (6) Where a vehicular service driveway serves the facility from the front and thus precludes the planting of evergreen shrubbery in front of the entrance gate, the gate shall be constructed of solid materials, either wood or metal, and shall not contain less than 50 percent solid material in ratio to open space.
- (7) In a residential district, the facility shall not contain or include rotating power equipment, storage of materials, trucks, repair facilities or housing for repair crews.
- (8) The plans accompanying an application for a building permit shall clearly indicate the manner in which the requirements set forth herein will be satisfied.

Q. Retail Establishments and Personal Services (Incidental to Office).

- (1) Retail Establishments and personal services may be established only as a use incidental to a permitted office use.

(2) A maximum of 20 percent of the total net rentable floor area of the building may be used as retail establishments and personal service shops.

(3) Off-street parking shall be provided in accordance with the requirements of The Township's Design and Natural Resources Ordinance.

R. Sexually Oriented Business. Sexually Oriented Businesses may be established upon approval by the Board of Commissioners in strict accord with the Township's Sexually Oriented Business Ordinance.

S. Telecommunication Towers.

(1) The following regulations are provided to accommodate the need for cellular communication, radio, telephone, television, and other similar types of communication structures in East Pennsboro Township. These standards and criteria are determined to be the minimum necessary to protect the general health, safety and welfare of residents and property owners of the Township by: (a) minimizing the adverse visual effects of communication structures through proper design, siting, vegetative screening, co-usage, and use of existing structures; (b) avoiding the potential danger and adverse effects to adjacent properties from structural failure and falling ice and debris; (c) conserving property values.

(2) General Standards and Criteria.

(a) The lot area for telecommunications signal facilities shall be established during the actual tower placement on the lot and shall be sufficient to conform to the minimum required yards for the district in which the facilities are located and the setbacks requirements of Subsection (9) below.

(b) All other uses ancillary to the tower and associated equipment, including a business office, maintenance depot, vehicle storage, etc., are prohibited from the telecommunications site unless otherwise permitted in the zoning district in which the telecommunications site is proposed.

(c) The applicant and/or owner shall accept full responsibility for any legal action, defined as, but not limited to that arising from damage to private and/or public property during construction, use and maintenance of the telecommunications site.

(d) The height of telecommunication towers, as measured from the ground surface to the top of the entire structure, may exceed the maximum building height of zoning districts, per Section 606.

(e) The height of telecommunications towers located within the Agricultural District (A-1) shall not exceed 120 ft.

(3) Standards of Approval.

- (a) The conditional use permit application shall include a notarized statement containing language approved by the Township Solicitor, which shall indemnify and save harmless the Township of East Pennsboro from any and all litigation which may arise from the construction, operation, maintenance and demolition of the telecommunications site, signed by the owner of the telecommunications company and the owner of the property upon which the telecommunications facility is sited, if the property is owned by an entity other than the telecommunications company.
 - (b) A telecommunications company licensed by the Federal Communications Commission.
 - (c) The telecommunications applicant is required to demonstrate, by providing technological evidence, that the tower must be placed at the proposed location in order to satisfy its function in the company's grid system and to provide the quality of service required by law.
 - (d) If the telecommunications applicant proposes to build a tower (rather than mounting an antenna on an existing structure), the applicant must provide an affidavit listing the name, address, telephone number and date when the applicant contacted the owners of existing towers within a one-half (1/2) mile radius of the proposed tower site asking permission to attach antennae to their towers. The affidavit shall include copies of the requests and the responses. "Tall structures" includes, but is not limited to smokestacks, water towers, buildings over 35 feet, support structures of other telecommunications companies, and other communications towers (fire, police, etc.).
- (4) New Tower at a New Location. The Township shall consider approving a new telecommunications tower only when the applicant demonstrates that shared use of an existing tower is impractical. The applicant shall be required to submit a report demonstrating efforts to secure shared use as well as documentation of reasons why shared use is not practical. Written requests and responses for shared use shall be provided. Information regarding the required need for the new telecommunications tower shall be in the form of empirical data illustrating said need. The Township may request a review of the application by a qualified engineer for evaluation of need for and design of any new tower. The cost for such review shall be borne by the applicant.
- (5) Shared Use of Existing Towers. Shared use of existing towers shall be preferred to the construction of new towers. An applicant shall present a report inventorying existing towers within East Pennsboro Township outlining opportunities for shared use of existing facilities as an alternative to a proposed new tower.

- (6) Future Shared Use of New Towers. The applicant must examine the feasibility of designing a proposed telecommunications tower to accommodate future demand for reception and transmitting facilities. The scope of this analysis shall be determined by the Township. This requirement may be waived, provided that the applicant demonstrates that the provisions of future shared usage of the facility is not feasible and an unnecessary burden, based upon:
- (a) The number of Federal Communications Commission (FCC) licenses foreseeable for the area.
 - (b) The type of tower site and structure proposed.
 - (c) The number of existing and potential licenses without tower spaces.
 - (d) Available spaces on existing and approved towers.
 - (e) Potential adverse visual impact by a tower designed for shared use.
- (7) Visual Impact Assessment. The applicant shall undertake a visual impact assessment of any proposed new towers or any proposed modifications to existing towers. The assessment shall include:
- (a) A demonstration that the antenna or tower is the minimum height required to function satisfactorily.
 - (b) A "zone of visibility map" to determine locations where the tower or antenna may be seen.
 - (c) Pictorial representations of "before and after" views from key viewpoints within the Township limits.
 - (d) Assessment of the visual impact of the tower base, accessory buildings, and overhead utility lines from abutting properties and streets.
 - (e) Assessment of alternative tower or antenna designs and color schemes.
- (8) New Tower Design. Alternate designs shall be considered for new towers, including lattice and monopole structures. The design of a proposed new tower shall comply with the following:
- (a) Any applicable state or federal regulations.
 - (b) Unless specifically required by state or federal regulations, all towers shall have a finish that shall minimize, to the greatest extent possible, the degree of visual impact.

- (c) Unless specifically required by state or federal regulations there shall be no artificial lighting on the tower.
 - (d) Accessory buildings shall maximize the use of building materials, colors and textures in order to blend with the natural surroundings.
 - (e) No portion of any tower or related structure shall be used for a sign or other advertising purpose including, but not limited to, company name, phone numbers, banners, streamers, etc.
 - (f) All plans, specifications and reports for the design of new towers must be signed and sealed by a professional engineer, registered in the Commonwealth of Pennsylvania, having expertise in the design of telecommunications sites and facilities.
 - (g) Maintenance and/or Performance Bond. The Township at its sole discretion may require the applicant and/or owner to establish, prior to approval of any application, a maintenance and/or performance bond in an amount sufficient to cover the maintenance and inspection of said tower during its lifetime. The amount required shall be determined at the sole discretion of the Township, based upon the unique characteristics of the tower and site. The applicant and/or owner shall cooperate with the Township in supplying all necessary construction and maintenance data to the Township prior to approval of any application. Cost estimates shall be reviewed by the Township Engineer.
- (9) Setbacks for Base of Tower and Anchors. If a new tower is constructed (rather than mounting the antenna on an existing tower), the minimum distances between the base of the support structure and any property line, right-of-way line of any public or private street or any residential zone district boundary shall be the largest of the following:
- (a) One hundred ten percent of tower height.
 - (b) The minimum front yard setback in the underlying zoning district.
 - (c) Fifty feet.
 - (d) Setbacks for any guy-wire anchors shall be the same as the required front, side and rear yards of the underlying zoning district for the telecommunications site.
- (10) Tower Safety. All towers and support structures shall be fitted with anti-climbing devices, as approved by the Township Engineer and the manufacturer. The applicant shall demonstrate through actual or prototype engineering studies that the proposed tower is safe and that:
- (a) The surrounding areas will not be negatively affected by tower failure, falling ice

or other debris, or lightning strikes.

- (b) The towers and antennas shall be designed to withstand the effects of the wind according to the standards designated by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association ® Telecommunications Industry Association (ANSI/EIA/TIA-222-E Code, as amended).
 - (c) The design specifications of the tower foundation and guy wire anchors, if any, comply with the applicable soil standards designated by the American National Standards Institute.
 - (d) The electromagnetic fields and radio frequency emissions comply with the Federal Communications Commission regulations concerning such emissions.
- (11) Lighting. Any telecommunications site shall have adequate security lighting of the site and shall conform with the general regulations of lighting in the zoning area where the site is located.
- (12) Fencing. A fence shall be required around the tower, accessory buildings, and other equipment. The fence shall be a minimum of six feet in height and a maximum of eight feet in height; shall completely enclose the tower, support structure, and related facilities; shall not contain openings greater than nine square inches; and shall contain entrance gates which shall be locked except during such times as the site is manned by authorized operations or maintenance personnel. No fencing shall be required for an antenna mounted on a pre-existing structure.
- (13) Landscaping. Landscaping shall be required to screen as much of the tower as possible, the fence surrounding the tower, and any other ground-level features (such as a building and parking area) and to reduce the visual impact of the appearance of the telecommunications site. The Township may permit any combination of existing vegetation, topography, walls, decorative fences, or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. The landscaping design shall be subject to approval by the Township, which approval shall not be unreasonably withheld. Recommended screening:
- (a) An evergreen screen surrounding the site is recommended. The screen can be either a hedge (planted three feet on center maximum) or a row of evergreen trees (planted 10 feet on center maximum). The evergreen screen shall be a minimum height of six feet at planting and shall grow to a minimum of 15 feet at maturity.
 - (b) Existing vegetation on and around the site shall be preserved to the greatest extent possible. There shall be no cutting of trees exceeding four inches in diameter

(measured at a height of four feet above the ground) without prior approval by the Township.

- (14) Provide a minimum of two off-street parking spaces for maintenance workers.
- (15) A land development plan shall be required for all telecommunications sites showing the tower, building, fencing, buffering, screening, access, parking area and all other requirements of the East Pennsboro Township Land Development Ordinance [Chapter 22]. The land development plan shall be submitted to the Board of Commissioners of East Pennsboro Township through the Department of Housing and Community Development and the Planning Commission.
- (16) Abandonment. Any tower antenna support structure that is no longer in use for its original communications purpose shall be removed at the owner's expense. The owner shall provide the Township with a copy of the notice to the FCC of intent to cease operations and shall be given 90 days from the date of ceasing operations to remove the obsolete tower antenna support structure and accessory structures. In the case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations. The equipment on the ground is not to be removed; however, until the tower antenna support structure has first been dismantled and removed.

T. Reserved.

U. Personal Care Home.

- (1) No modifications to the external appearance of existing residential buildings (except fire escapes) which would alter its residential character shall be permitted.
- (2) All floors above and/or below grade shall have a permanently affixed direct means of escape to ground level.
- (3) Fire and safety provisions shall be approved by the Pennsylvania Department of Labor and Industry.
- (4) Rooms for lodging shall have a minimum gross floor area of 150 square feet.
- (5) The personal care home shall be occupied by the supervisory personnel at all times.
- (6) The minimum lot area per establishment shall be one acre if adequate sewage and space for available parking is available. The minimum lot area shall be increased as necessary to accommodate off-street parking.
- (7) To ensure proper access and adequate water and sewer facilities, the application to establish a personal care home shall be processed as a land development plan.

- (8) The establishment must be served by an adequate sewage system and water supply. The Township Sewage Enforcement Officer shall determine whether or not the system has adequate treatment capacity.

V. Adult Day Care Center.

- (1) Passenger "drop-off" and "pick-up" areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.
- (2) All day-care facilities shall obtain and maintain proper license and credentials from the Commonwealth of Pennsylvania.
- (3) Common open space shall be provided. The minimum area for outdoor space shall equal 100 square feet for each individual at maximum enrollment.
- (4) Off-street parking areas will not constitute nor be used for outdoor activity area.
- (5) Common open space shall not be located in any front yard.
- (6) Common open space shall be enclosed by a fence that is four feet in height constructed in accordance with this chapter and screened in accordance with the Township's Design and Natural Resources Ordinance.
- (7) All Common open space shall be accommodated with shade trees or pavilions to provide shade.

W. Treatment Center.

- (1) The applicant shall provide evidence that the use will involve adequate on-site supervision and security measures to protect public safety.
- (2) Any such use shall not be located or operated within 500 feet of an existing school, public playground, public park, residential housing district, child-care facility, or place of worship established prior to the proposed treatment center.
- (3) The applicant shall provide evidence of any applicable licensing from the appropriate local, County, State and/or Federal agencies.

X. Parking Lot.

- (1) All applicable provisions of Township's Design and Natural Resources Ordinance shall be satisfied.
- (2) All parking spaces shall be set back at least eight (8) feet from all property lines and rights of way and such area shall be used for vegetative cover. Screening, in accordance with the Design and Natural Resources Ordinance, shall be provided within this setback

along the entire perimeter of the parking lot, except at designated vehicular and pedestrian entrances and exits.

(3) Pedestrian walkways shall accommodate the safe circulation of pedestrians throughout the parking area. At least two designated pedestrian entrances/exits shall be provided from the adjacent right-of-way to the parking area at convenient points which encourage walking to and from the surrounding area. Such pedestrian entrances/exits shall connect with any existing sidewalks.

(1) Agritourism, Small Lot. Agritourism on lots between two and one half (2.5) and five (5) acres may be established upon approval by the Board of Commissioners. All applicants shall provide evidence that the use will comply with all requirements for agritourism, large lot as outlined in Section 602.

Y. Accessory Dwelling. Accessory dwellings shall be permitted as a conditional use when located on a lot equal to or less than 1 acre in size in conformance use-specific criteria as outlined in Section 602.1.

§ 27-805 Additional Conditions and Safeguards.

The Board of Commissioners, in granting a conditional use application, may attach additional conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer, and failure to comply with such conditions shall constitute a violation of this chapter and shall be subject to the penalties described in this Part.

§ 27-806 Site Plan Approval.

Any site plan presented in support of the conditional use pursuant to § 27-802 shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require the obtainment of another conditional use approval.

§ 27-807 Hearing Procedures.

1. Before voting on the approval of a conditional use, the Township Board of Commissioners shall hold a public hearing thereon, pursuant to public notice. The Township Board of Commissioners shall submit each such application to the Planning Commission at least 30 days prior to the hearing on such application to provide the Planning Commission an opportunity to

submit recommendations. If, after any public hearing held upon an application, the proposed application is revised, the Township Board of Commissioners shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application.

2. All public hearings shall be conducted in accordance with the requirements outlined in § 27-913, Subsection 1C, of this chapter, except that any reference to the "Zoning Hearing Board" shall be replaced with the "Township Board of Commissioners."

§ 27-808 Time Limitation.

1. If a conditional use is granted, the necessary permit shall be secured and the authorized action begun within two years after the date when the conditional use is finally granted, and the building or alteration, as the case may be, shall be completed within three years of said date. For good cause, the Board of Commissioners may at any time, upon application in writing, extend either of these deadlines.
2. Should the applicant fail to obtain the necessary permits within said two-year period, or having obtained the permit should he fail to commence work thereunder within such two-year period, it shall be conclusively presumed that the applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Board of Commissioners.
3. Should the applicant commence construction or alteration within said two-year period, but should he fail to complete such construction or alteration within said three-year period, the Board of Commissioners may, upon 10 days' notice in writing, rescind or revoke the granted conditional use, if the Board of Commissioners finds that no good cause appears for the failure to complete within such three-year period, and if the Board of Commissioners further finds that conditions have altered or changed in the interval since the granting of the conditional use that revocation or rescission of the action is justified.
4. As an alternative to the proceeding, an applicant can request, as part of the original application before the Board, the granting of a timetable associated with the request which would supersede the deadlines imposed in Subsections 1, 2, and 3. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Board of Commissioners must establish and bind a definite time frame for:
 - A. Issuance of a zoning permit; and
 - B. Completion of construction of the project.

Part 9
ENFORCEMENT, ADMINISTRATION, ZONING
HEARING BOARD AND AMENDMENTS

§ 27-901 Zoning Officer Appointment, Powers and Duties.

1. Appointment. For the administration of this chapter, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed by the Board of Commissioners. The Zoning Officer shall administer this chapter in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this chapter. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning.
2. Enforcement. It shall be the duty of the Zoning Officer or his/her duly appointed representative, and he/she is hereby given the necessary power and authority, to enforce the provisions of this chapter. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this chapter, record and file all applications for permits with accompanying plans and documents and make such reports as the Board of Commissioners may require. Permits for construction and uses which are a special exception or a variance to requirements of this chapter shall be issued only upon written order of the Zoning Hearing Board. If violations of this chapter are found, the Zoning Officer shall notify the person responsible for such violations in accordance with the procedures outlined in § 27-908 of this chapter.
3. Inspection. It shall be the duty of the Zoning Officer or his duly appointed representative to make the following minimum number of inspections of property for which a permit has been issued:
 - A. At the beginning of construction, a record shall be made indicating the time and date of the inspection and the findings in regard to conformance of the construction with plans submitted with the application for the building or other permit.
 - B. If the actual construction does not conform to the application, a written notice of a violation shall be issued by the Zoning Officer, or his duly appointed representative, and construction shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, or his duly appointed representative, construction may proceed.
4. At the completion of construction, a record shall be made indicating the time and date of the inspection, and the findings of the Zoning Officer, or his duly appointed representative, in regard to the issuance of a certificate of zoning compliance.

§ 27-902 Zoning Permits.

1. Requirement of Permits. It shall be a violation of this chapter for any person or property owner to commence work for the erection or alteration of any building, fence, or structure, or the change of any land use until a zoning permit has been duly issued. No such permit shall be required in the case of normal maintenance activities, minor repairs, or alterations which do not alter the structure of the building. A zoning permit shall be required prior to any of the following activities:
 - A. The erection, alteration, enlargement or relocation of any building, structure, land, or portion thereof.
 - B. The use of or change in the use of a building, structure or land. Such a permit will be known as a certificate of use.
 - C. The alteration or expansion of a nonconforming use, building or structure.
 - D. The issuance of a building permit, if required.
 - E. The erection, placement, installation, alteration, relocation or replacement of a sign as specified in the Township's Design and Natural Resources Ordinance.
 - F. The construction of any driveway or parking areas.
 - G. The placement of temporary construction or office trailers.
2. Applications for Permits. All applications for permits shall be accompanied by site improvement plans and, if necessary, grading plans, in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building, the number of families or dwelling units the building is designed to accommodate, and such other information as may be necessary to determine compliance with this chapter and all other pertinent ordinances. One copy of the plans shall be returned to the owner when the plans are approved by the Zoning Officer or other appropriate person or body. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.
3. Suspension or Revocation. The Zoning Officer or his or her designee is authorized to suspend or revoke a permit issued on the basis of incorrect, inaccurate or incomplete information or in violation of any code, ordinance, regulation or provision of this chapter.
4. Placement of Permit. The zoning/building permit or copy thereof shall be kept on the site of the work visible from the public right-of-way until completion of the project.
5. Responsibility. It shall be the duty of every person and/or property owner who performs work

for installation or repair which this chapter is applicable, to comply with this chapter or its amendments.

§ 27-903 Certificate of Zoning Compliance.

1. A certificate of zoning compliance shall be a written statement issued by the Zoning Officer, or his duly appointed representative, setting forth either that a building, structure or parcel of land complies with the provisions of this chapter, or that a building or structure lawfully may be employed for specified uses under the provisions of this chapter, or both.
2. No vacant land shall be occupied, used or changed in use, and no building or structure or part of a building or structure, hereafter erected or structurally altered, shall be occupied, used or changed in use, until a certificate of zoning compliance shall have been regularly issued therefore by the Zoning Officer, or his duly appointed representative.
3. A certificate of zoning compliance, either for the whole or for a part of a new building or for the alteration of an existing building, shall be applied for coincident with the application for a building permit, and shall be issued within 15 days after the erection or alteration of such building or part shall have been completed in conformity with the provisions of this chapter.
4. A certificate of zoning compliance for the use or occupancy of vacant land or for a change in the use of the land, or for a change in the use of an existing building, shall be applied for and issued before any such land shall be occupied or used, or such land or building changed in use, and shall be issued within 15 days after application has been made, provided such proposed use is in conformity with the provisions of this chapter.
5. A record of all certificates of zoning compliance shall be kept on file in the office of the Zoning Officer, or his duly appointed representative, and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

§ 27-904 Certificate of Nonconformance.

1. A certificate of nonconformance as prescribed in § 27-708 shall be issued by the Zoning Officer to the owner of any property which, at the time of the effective date of this chapter, is identified as containing a nonconforming use, or structure. The owner's property and the issuance date of such certificate shall be registered in the records of the Township as follows:
 - A. The certificate of nonconformance shall set forth in detail all of the nonconforming conditions of said property.
 - B. A copy of the certificate of nonconformance shall be retained and filed by the Zoning Officer for the municipal registration.
 - C. The certificate shall be for the purposes of ensuring the owner, his heirs, successors and assigns the right to continue a nonconforming use in accordance with the regulations of

this chapter.

- D. A certificate of zoning compliance for changing or extending a nonconforming use shall be applied for and issued before any such nonconforming use shall be changed or extended. Such certificate shall be issued within 15 days after the application has been made, provided such proposed change or extension is in conformity with the provisions of this chapter.

§ 27-905 Conditional Uses.

1. Conditional uses such as provided herein shall be allowed or denied by the Township Board of Commissioners pursuant to public notice and hearing, and pursuant to the standards set forth in this chapter. Applications for a conditional use specified in this chapter shall be submitted to the Zoning Officer with the information required in Part 8, "Conditional Uses."
2. A conditional use application will be returned to the applicant for resubmission if the forms provided by the Township and information required in this section and Part 8, "Conditional Uses," § 27-802, is not properly completed at the time of submission.
3. Unless otherwise specified or extended by the Board of Commissioners, a conditional use authorized by the Board of Commissioners will expire if the applicant fails to obtain, where required to do so, a building permit or certificate of zoning compliance and occupancy within two years of the date of the authorization of the conditional use (see § 27-808).
4. Referral to the Planning Commission. All conditional use applications shall be reviewed by the Planning Commission prior to the public hearing before the Board of Commissioners.
5. Standards and Criteria for Conditional Use Approval. A conditional use may be granted by the Board of Commissioners when the applicant demonstrates compliance with the general and specific standards for conditional uses provided in §§ 27-803 and 27-804 of this chapter. The applicant for conditional use shall have the burden of proof, which shall include the burden of going forward with the evidence, and the burden of persuasions on all questions of fact which are to be determined by the Board of Commissioners.
6. Site Plan Approval.
 - A. Any site plan presented in support of the conditional use pursuant to § 27-802, Subsection 1B, shall become part of the official record for the said conditional use. Approval of the conditional use shall bind the use in accordance with the site development plan. Should a change in the site plan be required as part of the approval of the conditional use, the applicant shall revise the site plan prior to the issuance of a building permit or certificate of zoning compliance.
 - B. Any subsequent change to the use on the subject property shall not reflect on the originally

approved site plan, and shall require another conditional use approval.

7. Conditional Use Public Hearing Procedures.

- A. Before voting on the approval or denial of a conditional use, the Board of Commissioners shall hold a public hearing, pursuant to public notice. The Board of Commissioners shall submit each such application to the Planning Commission at least 30 days prior to the hearing on such application to provide the Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an application, the proposed conditional use is revised, the Board of Commissioners shall hold another public hearing, pursuant to public notice, before proceeding to vote on the conditional use application.
- B. All public hearings shall be conducted in accordance with the requirements outlined in § 27-913, Subsection 1C, except that any reference to the "Zoning Hearing Board" shall be replaced with "Board of Commissioners" and any reference to "special exception" shall be replaced with "conditional use."

§ 27-906 Special Exceptions.

- 1. Applications for any special exception specified in this chapter shall be made to the Zoning Hearing Board through the Zoning Officer.
- 2. The following general criteria shall be used as guidelines by the Zoning Hearing Board in acting upon special exception applications. Each applicant must demonstrate with appropriate evidence of compliance with the following:
 - A. The proposed use shall be consistent with the purpose and intent of this chapter and be listed as a use by special exception in the district in which it is proposed.
 - B. The establishment, maintenance or operation of the special exception use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - C. The special exception use will not be injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
 - D. The establishment of the special exception use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - E. The proposed use aligns with the established character of the surrounding neighborhood.
 - F. Adequate utility services and facilities such as sanitary and storm sewers, water, trash and garbage collection and disposal, access roads and other necessary facilities have been or are being provided.

- G. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and to facilitate the circulation and movement of pedestrian and vehicular traffic.
- H. For development within the floodplain areas, that the application complies with those requirements listed in Township's Design and Natural Resources Ordinance.
- I. The intended purpose of the proposed use is not inconsistent with the planning policies of the Township, as reflected in the Community Development Objectives or Comprehensive Plan and in this chapter.
- J. The proposed use shall comply if applicable with use-specific regulations in § 27-602 of this chapter. In addition, the proposed use must comply with all other applicable regulations of this chapter.

§ 27-907 Fees.

1. The Township Board of Commissioners shall establish a schedule of fees, charges and expenses, as well as a collection procedure for zoning permits, certificates of occupancy, appeals, variances, conditional uses, special exceptions, amendments, bonds and other matters pertaining to this chapter. The schedule of fees shall be posted in the Township building and may be amended only by the Township Board of Commissioners. Such fees shall be payable to the Township and until all applicable fees, charges and expenses have been paid in full, the application shall be considered incomplete, and no action shall be taken on any applications or appeal.
 - A. Zoning Permit/Certificate of Use. The fee for a zoning permit shall be payable at the office of the Zoning Officer upon making application for permit. No permit shall be issued until the fee is paid.
 - B. Certificate of Zoning Compliance. A fee shall be payable at the time of application for a certificate of zoning compliance.
 - C. Certification of Nonconformance. A fee shall be paid to the Zoning Officer upon making application for a certificate of nonconformance.
 - D. Appeals and Applications to Zoning Hearing Board. A fee, payable in advance, shall be required for each appeal or application to the Zoning Hearing Board for a special exception or variance to cover advertisement cost, costs of mailing notices, and charges of the stenographer for taking notes of the testimony.
 - E. Changes or Amendment in this chapter and/or Zoning Map. A fee payable in advance shall be required for each application for a change or amendment in this chapter and/or zoning map.

- F. Conditional Use Application Fee. A fee payable in advance shall be required for each conditional use application to the Township Board of Commissioners to cover advertisement cost, costs of mailing notices, and charges of the stenographer for taking notes of the testimony during the conditional use hearing.
- G. Home Occupation Renewal Fee. A fee, payable at the time of permit renewal shall be paid to the Township.
- H. Telecommunications Signal Facilities Permit Fee. A telecommunications signal facilities permit fee for telecommunications towers and telecommunications antennas greater than 20 feet in height must be renewed annually on January 31 of each year thereafter from when the conditional use application was approved by the Board of Commissioners.
- I. Sign Permit Fee. A fee payable in advance shall be required for each sign which is placed, constructed, installed or altered.

§ 27-908 Violations.

- 1. Failure to comply with any provision of this chapter, failure to secure any required permit or Zoning Hearing Board approval prior to erection, construction, extension, or addition to a building, and failure to secure a certificate of zoning compliance, shall be violations of this chapter. When written notice of a violation of any of the provisions of this chapter has been served by the Zoning Officer, or his duly appointed representative, on the owner, agent, occupant, contractor, or is posted on the building, such violation shall be discontinued immediately.

A. Enforcement Notice.

- (1) When written notice of a violation of any of the provisions of this chapter has been served by the Zoning Officer to the owner, agent or occupant, or contractor, such violation shall be discontinued immediately.
- (2) The enforcement notice prepared by the Zoning Officer shall state the following and include maps and other supporting documentation as necessary:
 - (a) Name of the owner of record and any other person against whom the Township intends to take action.
 - (b) The location of the property in violation.
 - (c) The specific violation and a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.
 - (d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

- (e) A statement that the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with the procedures set forth herein.
 - (f) A statement that failure to comply with the notice within the time specified in clause (d), unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly defined.
- (3) All appeals from determinations by the Zoning Officer under this section shall be made by the landowner to the Zoning Hearing Board within 30 days after the enforcement notice has been issued.
- B. Causes of Action. In case any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted maintained, or used in violation of this chapter, the proper officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping of land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint to the Township Board of Commissioners. No such action may be maintained until such notice has been given.
- C. Enforcement Remedies.
- (1) Any person, partnership, entity or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorneys' 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 Magisterial District Judge. 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 the Magisterial District Judge, determining that there has been a violation, further determines that there was a good-faith basis for the person, partnership, entity, or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorneys' fees collected for the violation

of this chapter shall be paid over to the Township of East Pennsboro.

- (2) The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- (3) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

§ 27-909 Zoning Hearing Board.

1. The East Pennsboro Township Board of Commissioners shall appoint a Zoning Hearing Board, which shall have the number of members, terms, such duties, powers, jurisdiction and authority as set forth in Article IX of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. § 10901 et seq., as enacted or amended. The Zoning Hearing Board shall promptly notify the Board of Commissioners of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Township.
2. The Board of Commissioners may appoint by resolution at least one but no more than three residents of the Township to serve as alternate members of the Board. Alternates shall serve on the Zoning Hearing Board only pursuant to the requirements set forth in Article IX, § 903(b), of the Municipalities Planning Code, Act 247, 53 P.S. § 10903(b), as amended.

§ 27-910 Organization of the Zoning Hearing Board.

1. The Zoning Hearing Board shall elect from its own members its officers, who shall serve annual terms as such and may succeed themselves. For the conduct on any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided in § 27-913.
2. If by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members of the board to sit on the Zoning Hearing Board as may be necessary to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final determination of the matter or case. Designation of an alternate pursuant to this section and the MPC, Act 247, 53 P.S. § 10101 et seq., as amended, shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
3. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure,

consistent with ordinances of the municipality and laws of the commonwealth. The board shall keep full public records of its business, which records shall be the property of the municipality, and shall submit a report of its activities to the governing body as requested by the governing body.

§ 27-911 Expenditure for Services.

Within limits of funds appropriated by the governing body, the Zoning Hearing Board may employ or contract secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the governing body, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the governing body. Alternate members of the Zoning Hearing Board designated pursuant to this section and the MPC, Act 247, 53 P.S. § 10101 et seq., as amended, may receive compensation, as may be fixed by the governing body, for the performance of their duties, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the governing body.

§ 27-912 Jurisdiction of the Zoning Hearing Board.

1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters, as set forth in the Municipalities Planning Code, Act 247, 53 P.S. § 10101 et seq., as amended.
 - A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to §§ 609.1 and 916.1(a)(2) of the Municipalities Planning Code, Act 247, 53 P.S. §§ 10609.1, 10916.1(a)(2), as amended.
 - B. 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.
 - C. 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 therefore, the issuance of any cease-and-desist order or the registration or refusal to register any nonconforming use, structure or lot.
 - D. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of Township's Design and Natural Resources Ordinance or such provisions within a land use ordinance.
 - E. Applications for variances from the terms of this chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to § 910.2, of the Municipalities Planning Code, Act 247, 53 P.S. § 10910.2, as amended.

- F. Applications for special exceptions under this chapter or flood hazard ordinance or such provisions within a land use ordinance, pursuant to § 912.1, of the Municipalities Planning Code, 53 P.S. § 10912.1, Act 247.
- G. Appeals from the determination of any officer or agency charged with the administration of any transfer of development rights or performance density provisions of this chapter.
- H. Appeals from the Zoning Officer's determination under § 916.2, "Procedure to Obtain Preliminary Decision," of the Municipalities Planning Code, 53 P.S. § 10916.2, Act 247.
- I. 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 relate to development not involving applications under Article V or VII of the Municipalities Planning Code, Act 247, 53 P.S. §§ 10501 et seq., 10701 et seq., as amended.

§ 27-913 Duties of the Zoning Hearing Board.

1. The duly established Zoning Hearing Board shall have the following functions:
 - A. Variances. The Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The Board shall by rule prescribe the form of application and require preliminary application to the Zoning Officer. The Board may grant a variance, provided the following findings are made where relevant in a given case:
 - (1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.
 - (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (3) That such unnecessary hardship has not been created by the appellant.
 - (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use or development of adjacent property, or be detrimental to the public welfare.

- (5) That the variance, if authorized, will represent the minimum variance which will afford relief and represent the least possible modification of the regulation in issue.
- (6) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter and of the Municipalities Planning Code, Act 247, 53 P.S. § 10101 et seq., as amended.

B. Special Exceptions. Special exceptions may be granted or denied by the Zoning Hearing Board pursuant to expressed standards and criteria set forth in this chapter. The Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of §§ 27-803 and 27-804 of this chapter and of the Municipalities Planning Code, Act 247, 53 P.S. § 10101 et seq., as amended. The Zoning Hearing Board shall employ the following procedure:

- (1) The Zoning Hearing Board's decision to grant a permit for special exception use shall be made only after public notice and hearing. Such permit shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent amendments or additions shall be subject to the provisions of this paragraph.
- (2) No permit shall be granted by the Zoning Hearing Board for any special exception use until said Board has first received and considered an advisory report thereon from the Planning Commission with respect to the location of such use in relation to the needs and growth pattern of the Township, and, where appropriate, with reference to the adequacy of the site area and the arrangement of buildings, driveways, parking areas, off-street truck loading spaces and other pertinent features of the site plan. The Planning Commission shall have 30 days from the date of its receipt of the application within which to file its report thereon. In the event that said Commission shall fail to file its report within 30 days, such application shall be deemed to have been approved by said Planning Commission. The Planning Commission may have representation at the public hearing held by the Zoning Hearing Board on such application.
- (3) After receipt of the Planning Commission's report the Zoning Hearing Board shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear cases and make exceptions to the provisions of this chapter. The Zoning Hearing Board may thereafter direct the Zoning Officer to issue a permit if, in its judgment, the request will not be detrimental to the health, safety and general welfare of the Township and meets the criteria of §§ 27-803 and, if applicable, 27-804.
- (4) A special exception use for which a permit is granted by the Zoning Hearing Board

pursuant to the provisions of this section shall constitute a conforming use.

C. Hearings. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with § 908 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10908, as amended.

- (1) Public Notice. Public notice shall be given, and written notice shall be given to the applicant, the Zoning Officer, such other persons as the governing body shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such a time and in such a manner as shall be prescribed by ordinance or, in the absence of ordinance provisions, 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 week prior to the hearing.
- (2) Zoning Hearing Fees. The Township Board of Commissioners may establish reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- (3) Timing of Hearings. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- (4) Hearing Decisions. The hearing shall be conducted by the board, or the board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the board and accept the decision or findings of the hearing officer as final.
- (5) Parties Before the Zoning Hearing Board. The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the board, and any other person including civic or community organizations permitted to appear by the board. The Zoning Hearing Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the board for that purpose.
- (6) Issuance of Subpoenas. The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

- (7) Representation by Counsel. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- (8) Rules of Evidence. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- (9) Stenographic Record of Hearings. The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer or shall be paid by the person appealing from the decision of the board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- (10) Communication with Parties. The Zoning Hearing Board or the hearing officer 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, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- (11) Hearing Decisions.
 - (a) The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons, therefore. Conclusions based on any provisions of the Municipalities Planning Code, Act 247, 53 P.S. § 10101 et seq., as amended, or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
 - (b) If the hearing is conducted by the hearing officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendation available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's

decision shall be entered no later than 30 days after the report of the hearing officer.

- (c) Where the Zoning Hearing Board fails to render a decision within the period required by this subsection, or fails to hold the required hearing within 60 days of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as prescribed in this Subsection. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- (12) Decision Notification. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

D. Time Limitations.

- (1) No person shall be allowed to file any proceeding with the Zoning Hearing Board 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 failed to receive adequate notice of such approval. If such person has succeeded in his interest after such approval, adequate notice to his predecessor in interest shall be deemed adequate notice to him.
- (2) 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 chapter 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.
- (3) No issue of alleged defect in the process of enactment of any ordinance or map or any amendment thereto shall be raised in any proceeding filed with the Zoning Hearing Board later than 30 days from the time such ordinance, map or amendment takes effect, unless the person raising such issues alleges and proves that he failed to receive

adequate notice of the enactment or amendment. If such person has succeeded in his interest after the enactment of this chapters, adequate notice to his predecessor in interest shall be deemed adequate notice to him.

- (4) All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

§ 27-914 Stay of Proceedings.

1. Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Zoning Hearing Board, 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 Zoning Hearing Board 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 Zoning Hearing Board 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 Zoning Hearing Board 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 Zoning Hearing Board.
2. The question whether or not such petition should be granted and the amount of the bond shall be within the sole 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.
3. 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 and the appellate court sustains the order of the court below 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.

§ 27-915 Procedure to Obtain Preliminary Opinion.

1. In order not to unreasonably delay the time when a landowner may secure assurance that this chapter or zoning map under which he proposes to build is free from challenge, and recognizing the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the land owner may advance the date from which time for any challenge to this chapter or map will run under § 27-913, Subsection 1D, by the following procedure:
 - A. The land owner may submit plans and other materials describing the proposed development or use to the Zoning Officer for a preliminary opinion as to their compliance with this

chapter and Zoning Map. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed development or use and a sufficient basis for a preliminary opinion as to its compliance with this chapter.

- B. If the Zoning Officer's preliminary opinion is that the development or use complies with this chapter and/or Zoning Map, notice thereof shall be published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plans and other materials may be examined by the public. The favorable preliminary approval under § 27-913, Subsection 1D and in the time therein specified for commencing a proceeding with the Zoning Hearing Board shall run from the time when the second notice thereof has been published.

§ 27-916 Appeals and Applications.

- 1. An appeal from the terms of this chapter or application for a special exception or variance from the terms of this chapter, may be filed with the Zoning Officer, or his duly appointed representative, and shall state:
 - A. The name and address of the applicant.
 - B. The name and address of the owner of the real estate to be affected by such appeal or application.
 - C. A brief description and location of the real estate to be affected by such appeal or application.
 - D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
 - E. A statement of the section of this chapter under which the appeal is being filed.
 - F. A reasonably accurate description of the present improvements, and the additions intended to be made under this application, indicating the size of such proposed improvements, material, and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, which plan shall indicate the location and size of the lot, the size of the improvements now existing and proposed to be erected thereon, and any other information required to be shown on plot plans accompanying applications for building permits.
 - G. The signature of the applicant and the owner; and the date the application was signed.
- 2. Zoning Appeal Fee. A filing fee, established by the Board of Commissioners by resolution,

shall accompany the application. The application shall not be processed until the filing fee has been paid in full.

§ 27-917 Zoning Appeals to Court.

Nothing contained in this Part shall be construed to deny the appellant the right to appeal a Zoning Hearing Board decision to higher court authority. Any person, taxpayer, or municipality aggrieved by any decision of the Zoning Hearing Board may within 30 days after such decision of the Zoning Hearing Board seek review by the Court of Common Pleas of such decision in the manner provided by the law of the Commonwealth of Pennsylvania and Article X-A of the Municipalities Planning Code, Act 247, 53 P.S. § 11001-A et seq., as amended.

§ 27-918 Zoning Ordinance Amendments.

1. The Board of Commissioners shall have final authority to enact by ordinance, any zoning change application, amendment, supplement or repeal any of the regulations and provisions of this chapter and the East Pennsboro Township Zoning Map. Any amendment, supplement, change, or repeal may be initiated by the Planning Commission, or by petition to the Board of Commissioners by any interested party.
2. Public Hearing and Procedures for Zoning Amendments. Before hearing and enacting Zoning Ordinance and/or Zoning Map amendments, the Board of Commissioners shall conduct a public hearing to inform the general public of the nature of the amendment, and to obtain public comments. Such public hearing shall be conducted after public notice has been given. Public notice for a zoning amendment shall be provided as follows:
 - A. Notice shall be published once each week for two 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 days from the date of the hearing.
 - B. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary setting forth all the provisions in reasonable detail. If the full text is not included, the full text may be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.
 - C. In Zoning Map amendments, the notice of public hearing shall also be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract shall be posted at least one week prior to the date of the hearing.
 - D. For curative amendments, public notice shall also indicate that the validity of this chapter and/or map is in question and shall give the place where and the times when a copy of the

request including any plans, explanatory material or proposed amendments may be examined by the public.

- E. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised to include land previously not affected by it, the Board of Commissioners shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. If the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract shall be posted at least one week prior to the date of the public hearing.

3. Enactment Notice. Publication, advertisement and availability of ordinances.

- A. In addition to the public notice requirements for a public hearing defined herein, the Board of Commissioners shall publish a reference to the time and place of the meeting at which passage of this chapter amendment will occur.

- B. Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Township Commissioners shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the Township not more than 60 days nor less than seven days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

- (1) A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.

- (2) An attested copy of the proposed ordinance shall be filed in the Cumberland County Law Library or other county office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.

- C. In the event substantial amendments are made in the proposed ordinance or amendment, before voting on enactment, the governing body shall, at least 10 days prior to enactment, re-advertise, in one newspaper of general circulation in the municipality, a brief summary setting forth all provisions in reasonable detail together with a summary of amendments.

- D. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effects as if duly recorded therein.
4. Township Planning Commission Comments.
 - A. When an amendment is proposed by parties other than the Planning Commission, the Board of Commissioners shall submit each amendment to the Planning Commission for comments. The amendment application shall be submitted at least 30 days prior to the public hearing on such amendment.
 - B. A report of the review by the Planning Commission, together with any recommendations, may be given to the Board of Commissioners within 30 days from the date the amendments were received. The recommendation of the Township Planning Commission may include a specific statement as to whether the proposed action is consistent with the intent of this chapter and the Township's officially adopted Comprehensive Plan.
 5. Cumberland County Planning Commission Comments. At least 30 days prior to the hearing on the ordinance amendment by the Township Commissioners, the Township shall submit the proposed ordinance or amendments to the Cumberland County Planning Commission for recommendations. Within 30 days after enactment, a copy of the zoning amendment shall be forwarded to the Cumberland County Planning Commission. Amendment procedures shall be in compliance with § 609 of the Pennsylvania Municipalities Planning Code, Act 247, 53 P.S. § 10609, as amended.
 6. Amendments Initiated by the Board of Commissioners. When an amendment, supplement, change, or repeal is initiated by the Board of Commissioners, such amendment shall follow the procedure for a petition under this section.
 7. Amendments Initiated by the Planning Commission. When an amendment, supplement, change, or repeal is initiated by the Planning Commission, a proposal shall be presented to the Board of Commissioners, which shall then proceed with the amendment process in accordance with this section.
 8. Amendments Initiated by a Petition from an Interested Party. A petition for amendment, supplement, change, or repeal of a portion of this chapter shall include an accurate legal description and surveyed plan of any land to be rezoned and/or text amended, and a narrative describing all of the reasons supporting the petition to be considered. The petition shall also be signed by at least one record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all facts and information presented in the petition. A fee to be established by the Board of Commissioners shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein. The Board of Commissioners may require duplicate sets of petition materials.

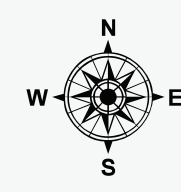
9. Enactment. Within 30 days after enactment, a copy of the amendment to this chapter shall be forwarded to the Cumberland County Planning Commission.
10. Provisions for Rezoning Request. A request to change the zoning of a tract of land shall be made in writing by the owner of the land to the Board of Commissioners of East Pennsboro Township. The written request shall include the following information:
 - A. Name and address of land owner.
 - B. Name and address of land owner's attorney.
 - C. Address and tax parcel number of tracts or parcel of land to be considered for rezoning.
 - D. Current zoning district.
 - E. Requested zoning district.
 - F. The existing use of the land and/or buildings.
 - G. The proposed use of the land and/or buildings.
 - H. Plot plan (attached to request) showing the following:
 - (1) Property lines.
 - (2) Existing buildings.
 - (3) Proposed buildings.
 - (4) Building setback lines.
 - (5) Off-street parking areas and access to public street(s).
 - (6) Existing use of properties abutting or opposite the subject property.
 - (7) Current zoning of properties abutting or opposite the subject property.
 - I. A narrative describing all of the reasons supporting the request to rezone.

The procedure for rezoning requests shall be in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247, § 609, 53 P.S. § 10609, as amended.

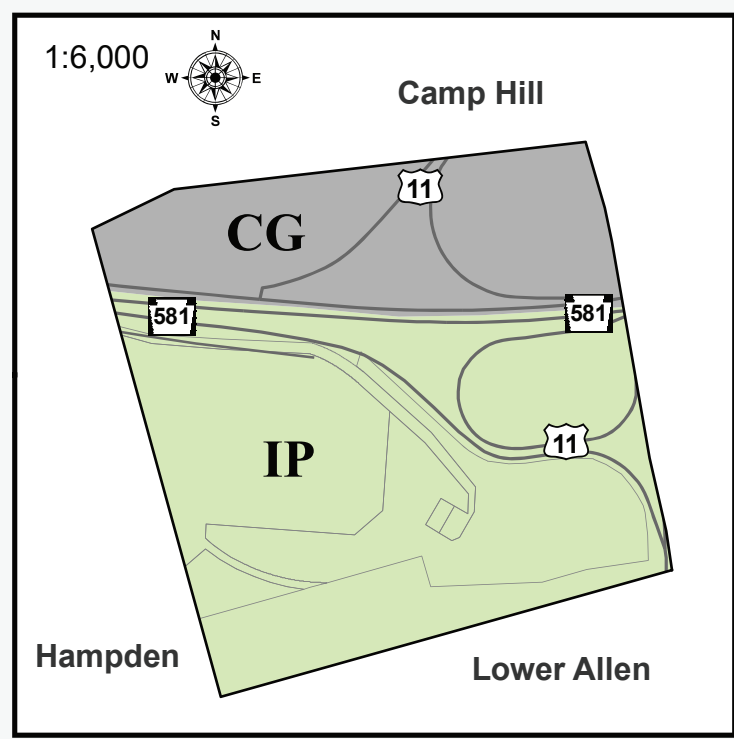
§ 27-919 Procedure Upon Curative Amendments.

The procedure upon curative amendments shall be in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247, as amended, § 609.1, 53 P.S. § 10609.1 et seq., and § 27-918.

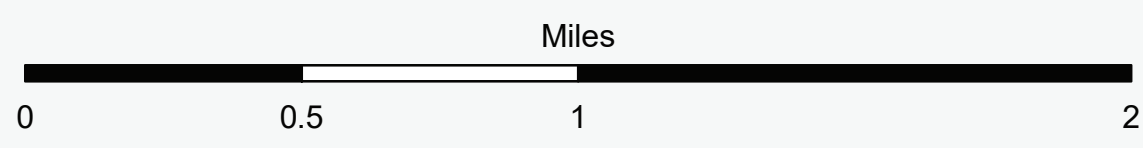
Attachments:



East Pennsboro Annex



Map Scale: 1:22,000



East Pennsboro Township Zoning Map

Reference	Base Zoning Districts	
Municipal Boundary	Residential Conservation - RC	Office/Mixed-Use District - O/MU
Interstates	Agriculture - A1	Commercial Limited - CL
State Roads	Residential Single Family - R1	Commercial General - CG
Local Roads	Residential Two-Family District - R2	Commercial Park Limited - CPL
Tax Parcels	Residential Multi-Family - R3	Industrial Park - IP
Streams	Professional Office - PRO	

R-C Residential Conservation

The purpose of the R-C Residential Conservation District is to:

- A. Promote the public health, safety and welfare by protecting and stabilize natural features within the District, specifically established forests, and by encouraging the retention of open space;
- B. Maintain the ecological integrity and habitat value of forested sloped areas (e.g., native vegetation and wildlife);
- C. Limit soil erosion and the resultant destruction of the land, siltation of streams, and damage to the property of individuals;
- D. Allow for the continuing replenishment of groundwater resources and the maintenance of springs; and
- E. Permit only those uses which are compatible with the conservation of natural conditions and which maintain stable soil conditions by minimizing disturbances to trees and other vegetative ground cover.

LOT DIMENSIONS STANDARDS

LOT AREA & WIDTH:

- A. The minimum lot size shall be 1 1/2 acres when the average slope of the buildable area before grading is less than 12% and the site has a lot width of 200 feet measured at the minimum required building setback line. The lot must front on an ordained or accepted Township street or highway and is served by public sewer and public water.²
- B. The minimum lot size shall be three acres when the average slope of the buildable area before grading is 12% to 15% and the site has a lot width of 250 feet measured at the minimum required building setback line, a minimum of 200 feet of frontage on an ordained or accepted Township street or highway and is served by public sewer.
- C. The minimum lot size shall be five acres when the average slope of the buildable area before grading is 15% to 20% and the site has a minimum lot width of 250 feet measured at the minimum required building setback line, a minimum of 200 feet of frontage on an ordained or accepted Township street or highway and is served by public sewer.
- D. The minimum lot size shall be 10 acres when the average slope of the buildable area before grading is 20% to 25% and the site has a minimum 500 feet measured at the minimum building setback line, a minimum of 200 feet of frontage on an ordained or accepted Township street or highway, and is served by public sewer.
- E. The minimum lot size shall be five acres when the average slope of the buildable area before grading is less than 15% and the site has a minimum 250 feet width measured at the minimum building setback line, a minimum of 200 feet of frontage on an ordained or accepted Township street and is not served by public sewer.
- F. The minimum lot size shall be 10 acres when the average slope of the buildable area before grading is 15% to 25% and the site has a minimum 500 feet width measured at the minimum required building setback line, a minimum of 200 feet of frontage on an ordained or accepted Township street or highway, and is not served by public sewer.
- G. Where the average slope of the buildable area exceeds 25%, development is prohibited.
- H. The minimum lot area may be increased if the Sewage Enforcement Officer determines that based upon the results of the perc and/or probe tests, the additional area is required in accordance with Act 537, the Pennsylvania Sewage Facilities Act of 1966, 35 P.S. § 750.1 et seq., as amended.

BUILDING HEIGHT MAXIMUM	
Principal Structure	35 ft
Accessory Structure	15 ft
COVERAGE ¹	
Maximum Lot Coverage	10%
Minimum Vegetative Coverage	80%
YARD SETBACK MINIMUM	
Front Yard	50 ft
Side Yard	50 ft
Rear Yard	50 ft

¹ COVERAGE

Lot Coverage shall be considered land covered by buildings, structures, porches, driveways, and parking areas.

Vegetative Coverage shall be considered land open to the sky and covered only by natural lawn grasses, vegetation, or other similar permeable materials, excluding pavement or hardscaping.

PERMITTED USES

USES BY RIGHT	CONDITIONAL USES
Accessory uses on the same lot with and customarily incidental to a permitted principal use.	Dwelling, Accessory (Lot Less Than 1 Acre)
Agriculture	Child Day-Care Home, Family*
Domiciliary Care Home, Adult	Public Utility Facilities (Above Ground)
Dwelling, Accessory (Lot Greater Than 1 Acre)	
Dwelling, Single-Family Detached	
Fire Company Social Hall*	
Fire Company*	
Fire Stations*	
Forestry	
Government Uses	
Group Home	
Home-Based Business, No Impact	
Recreation, Public	
Public Utility Facilities (Below Ground)	
Wildlife Habitat	
Wildlife Preserve	
Wind Turbine*	
Wireless Facility, Small (right-of-way only)	

A-1 Agricultural District

The purpose of the A-1 Agricultural District is to accommodate a full range of agricultural operations, including reasonable accessory agriculturally related enterprises, to provide for and encourage the preservation of established traditional farm lands and natural features, including the establishment of designated Agricultural Security Areas and other similar State and County organized farmland conservation programs; and to permit only those uses which are compatible with the scale and character of agricultural land uses.

LOT DIMENSIONS STANDARDS

LOT SIZE MINIMUM	5 ac	MIN YARD SETBACK	
LOT WIDTH MINIMUM		Front Yard (Residential)	30 ft
at Building Setback Line	200 ft	Side Yard (Residential)	10 ft
at Street Line	100 ft	Rear Yard (Residential)	40 ft
BUILDING HEIGHT MAXIMUM ¹		Front Yard (Nonresidential)	60 ft
Principal Structure	35 ft	Side Yard (Nonresidential)	15 ft
Accessory Structure	15 ft	Rear Yard (Nonresidential)	40 ft
COVERAGE ²			
Maximum Lot Coverage	30%		
Minimum Vegetative Coverage	60%		

¹ BUILDING HEIGHT MAXIMUM

Principal Structures shall have a maximum height of 35 feet; provided, however, that the height limit may be increased one foot for each additional foot that each and every setback exceeds the minimum required up to a limit of 40 feet.

See Section 606 for additional height regulations.

² COVERAGE

Lot Coverage shall be considered land covered by buildings, structures, porches, driveways, and parking areas.

Vegetative Coverage shall be considered land open to the sky and covered only by natural lawn grasses, vegetation, or other similar permeable materials, excluding pavement or hardscaping.

PERMITTED USES

USES BY RIGHT	CONDITIONAL USES
Accessory uses on the same lot with and customarily incidental to a permitted principal use.	
Agriculture	Agriculture, Intensive
Agriculture Services	Agritourism, Small Lot
Agritourism, Large Lot	Cemetery
Child Day-Care Home, Family*	Dwelling, Accessory (Lot Less than 1 Acre)
Domiciliary Care Home, Adult	Home Occupation
Dwelling, Accessory (Lot Greater than 1 Acre)	Kennel*
Dwelling, Single-Family Detached	Roadside Farm Stand
Fire Company Social Hall*	Telecommunications Antenna (Height exceeding 20 ft)*
Fire Company*	Telecommunications Tower
Fire Stations *	Veterinary Hospital*
Forestry	
Government Uses	
Group Home	
Home-Based Business, Minimal Impact	
Home-Based Business, No Impact	
Public Utility Facilities (Above Ground/Below Ground)	
Recreation, Public	
Religious Institutions	
School, Post Secondary	
School, Secondary Trade	
School, Primary/Secondary/Pre-Kindergarten	
Solar Photovoltaic (PV) System, Principal/Utility-Scale	
Telecommunications Antenna (Height not exceeding 20 ft)*	
Wind Turbine*	
Wireless Facility, Small (right-of-way only)	
Wildlife Preserve	

R-1 Single-Family Residential District

The purpose of the R-1 Residential Single-family District is to provide standards for the orderly expansion of detached single-family residential development and to permit only those uses which are compatible with the scale and character of detached single-family dwellings, and to otherwise create conditions conducive to carrying out the purposes of this chapter.

LOT DIMENSIONS STANDARDS

LOT SIZE	See Lot Size below	YARD SETBACK MINIMUM	
LOT WIDTH MINIMUM		Front Yard, on Local/Collector Street	25 ft
at Building Setback Line	100 ft	Front Yard, on Arterial Street	25 ft
BUILDING HEIGHT MAXIMUM ¹		Side Yard	10 ft
Principal Structure	35 ft	Rear Yard	25 ft
Accessory Structure	15 ft		
COVERAGE ²			
Maximum Lot Coverage	40%		
Minimum Vegetative Coverage	40%		

LOT SIZE

- For any residential lot not served by public sewer, the lot area shall be at least one acre; however, this minimum lot area may be increased if the Sewage Enforcement Officer determines that based upon the results of the perc and/or probe tests, the additional area is required in accordance with Act 537, the Pennsylvania Sewage Facilities Act of 1966, 35 P.S. § 750.1 et seq., as amended.
- For any residential lot served by public sewer but not by public water: 20,000 square feet.
- For any residential lot served by both public water and public sewer: 10,000 square feet.
- For nonresidential lots, the lot size shall be appropriate for proposed use of the lot and shall comply with all other requirements of this chapter.
- The lot width shall be not less than 100 feet measured at the minimum required building setback line.

¹ BUILDING HEIGHT MAXIMUM

Principal Structures shall have a maximum height of 35 feet; provided, however, that the height limit may be increased one foot for each additional foot that each and every setback exceeds the minimum required up to a limit of 40 feet.

Accessory Structures shall have a maximum height of 15 feet or 75 percent of the principal structure height up to a limit of 26 feet.

² COVERAGE

For all lots in existence on the effective date of this chapter (7/5/2007), no more than 50% of the area of the lot shall be covered by buildings, structures, porches, driveways, and/or parking areas. Otherwise, no more than 40% of the area of the lot shall be covered buildings, structures, porches, driveways, and parking areas.

For any subdivision of two or more lots which provides a minimum of 20% of the subdivided tract in contiguous permanent open space in a configuration approved at the sole discretion of the Board of Commissioners, the maximum lot coverage of any lot in the subdivided tract may be 50% of the total area of said lot.

Vegetative Coverage shall be considered land open to the sky and covered only by natural lawn grasses, vegetation, or other similar permeable materials, excluding pavement or hardscaping.

PERMITTED USES

USES BY RIGHT	CONDITIONAL USES
Accessory uses on the same lot with and customarily incidental to a permitted principal use.	Cemetary
Ambulance Service Facility	Child Day Care Home, Group
Child Day Care Home, Family*	Day Care Facilities, Child*
Domiciliary Care Home, Adult	Dwelling, Accessory (Lot Less than 1 Acre)
Dwelling, Accessory (Lot Greater than 1 Acre)	Home Occupation
Dwelling, Single-Family Detached	
Fire Company Social Hall*	
Fire Company*	
Fire Stations*	
Forestry	
Government Uses	
Group Home	
Home-Based Business, Minimal Impact	
Home-Based Business, No Impact	
Public Utility Facilities (Above Ground/Below Ground)	
Recreation, Public	
Recreation, Private	
Religious Institution	
School, Primary/Secondary/Pre-Kindergarten	
Wireless Facility, Small (right-of-way only)	
	SPECIAL EXCEPTIONS
	Wind Turbines*

R-2 Two-Family Residential District

The purpose of the R-2 Two-Family Residential District is to provide for the orderly expansion of attached single family and two-family residential development in areas which can feasibly be supplied with essential public facilities; to provide for the public health and to limit the intensity of residential development through the application of maximum housing densities; to provide standards which will encourage the installation of public facilities; to permit only those uses which are compatible with the scale and character of residential development; to provide for the public convenience, and avoid undo congestion on the roads; and to otherwise create conditions conducive to carrying out the purposes of this chapter.

LOT DIMENSIONS STANDARDS

LOT SIZE	See Table Below	YARD SETBACK MINIMUM	
LOT WIDTH MINIMUM	See Table Below	Front Yard, on Local/Collector Street	25 ft
BUILDING HEIGHT MAXIMUM ¹		Front Yard, on Arterial Street	25 ft
Principal Structure	35 ft	Side Yard	8 ft
Accessory Structure	15 ft	Rear Yard	25 ft
COVERAGE ²			
Maximum Lot Coverage	40%		
Minimum Vegetative Coverage	40%		

NOTE: Side yard setbacks are not applicable for the common/party walls of attached dwellings.

Dwelling Type	Lot Area per Dwelling Unit - With Public Water and Public Sewer (square feet)	Lot Area per Dwelling Unit- With Public Sewer without Public Water (square feet)	Lot Area per Dwelling Unit-without Public Sewer	Lot Width at the Required Minimum Building Set-back Line (feet)	Lot Frontage (feet)
Single-family Detached	8,000	9,500	1 Acre	80	80
Single-family Semi-detached	4,500	5,500	1 Acre	40	40
Single-family Attached (Townhouse)	3,200	4,700	1 Acre	32*	32*
Two-family Detached	6,000	7,000	1 Acre	75	75

*Outside units in a row of townhouses shall be considered a Single-family semi-detached (40 ft)

ADDITIONAL LOT SIZE STANDARDS

A. The minimum lot area may be increased if the Sewage Enforcement Officer determines that based upon the results of the perc and/or probe tests, the additional area is required in accordance with Act 537, the Pennsylvania Sewage

Facilities Act of 1966, 35 P.S. § 750.1 et seq., as amended.

B. For nonresidential lots, the lot size shall be appropriate for proposed use of the lot and shall comply with all other requirements of this chapter.

¹ BUILDING HEIGHT MAXIMUM

Principal Structures shall have a maximum height of 35 feet; provided, however, that the height limit may be increased one foot for each additional foot that each and every setback exceeds the minimum required up to a limit of 40 feet.

Accessory Structures shall have a maximum height of 15 feet or 75 percent of the principal structure height up to a limit of 26 feet.

² COVERAGE

Lot Coverage shall be considered land covered by buildings, structures, porches, driveways, and parking areas.

Vegetative Coverage shall be considered land open to the sky and covered only by natural lawn grasses, vegetation, or other similar permeable materials, excluding pavement or hardscaping.

PERMITTED USES

USES BY RIGHT	CONDITIONAL USES
Accessory uses on the same lot with and customarily incidental to a permitted principal use.	Cemetery
Child Day Care Home, Family*	Child Day-Care Home, Group
Domiciliary Care Home, Adult	Civic/Fraternal Organization
Dwelling, Accessory (Lot Greater than 1 Acre)	Day Care Facilities, Child*
Dwelling, Single-Family Attached (Townhome)* ⁺	Dwelling, Accessory (Lot Less than 1 Acre)
Dwelling, Single-Family Detached	Home Occupation
Dwelling, Single-Family Semidetached	
Dwelling, Two-Family Detached	
Fire Company Social Hall*	
Fire Company*	
Fire Stations*	
Forestry	
Government Uses	
Group Home	
Home-Based Business, Minimal Impact	
Home-Based Business, No Impact	
Nursing Home	
Public Utility Facilities (Above Ground/Below Ground)	
Recreation, Public	
Recreation, Private	
Religious Institution	
School, Primary/Secondary/Pre-Kindergarten	
Wireless Facility, Small (right-of-way only)	

⁺Single-family attached units shall be located on a single parcel/lot independent from adjacent attached units as part of a fee simple ownership structure.

R-3 Multi-Family Residential District

The purpose of the R-3 Residential Multi-family District is to provide for the orderly expansion of multi-family residential development in areas which can feasibly be supplied with essential public facilities; to balance higher density housing development with the conservation of public open space and natural features; to provide for public health; to permit only those uses which are compatible with the scale and character of residential development; to provide for public convenience and avoid undue congestion on the roads; and to otherwise create conditions conducive to carrying out the purposes of this chapter.

LOT DIMENSIONS STANDARDS

LOT SIZE	See Table Below	MIN YARD SETBACK	
LOT WIDTH MINIMUM	See Table Below	Front Yard, on Local/Collector Street	20 ft
BUILDING HEIGHT MAXIMUM ¹		Front Yard, on Arterial Street	20 ft
Principal Structure	50 ft	Side Yard	8 ft
Accessory Structure	15 ft	Rear Yard	25 ft
COVERAGE ²			
Maximum Lot Coverage	50%		
Minimum Vegetative Coverage	35%		

NOTE: Side yard setbacks are not applicable for the common/party walls of attached dwellings.

Dwelling Type	Lot Area per Dwelling Unit-With Public Water and Public Sewer (square feet)	Lot Width at the Minimum Required Building Set-back Line (feet)	Lot Frontage (feet)
Single-family Semi-detached	4,000	40	40
Single-family Attached (Townhouses)	2,500	24 per unit	24 per unit
Two-family Detached	4,500	65	65
Multi-family	2,000	80	80

LOT DIMENSIONAL STANDARDS FOR MULTI-FAMILY DWELLING UNITS

Each building shall have front and rear setbacks of not less than 30 feet and side setbacks of not less than 15 feet each.

¹ BUILDING HEIGHT MAXIMUM

Principal Structures shall have a maximum height of 35 feet; provided, however, that the height limit may be increased one foot for each additional foot that each and every setback exceeds the minimum required up to a limit of 40 feet.

Accessory Structures shall have a maximum height of 15 feet or 75 percent of the principal structure height up to a limit of 26 feet. (All building heights shall be measured from the base elevation at street level.)

² COVERAGE

Lot Coverage shall be considered land covered by buildings, structures, porches, driveways, and parking areas.

Vegetative Coverage shall be considered land open to the sky and covered only by natural lawn grasses, vegetation, or other similar permeable materials, excluding pavement or hardscaping.

PERMITTED USES

USES BY RIGHT	CONDITIONAL USES
Accessory uses on the same lot with and customarily incidental to a permitted principal use.	Adult Day Care Center
Child Day Care Home, Family*	Boarding House*
Civic/Fraternal Organizations	Child Day-Care Home, Group
Domiciliary Care Home, Adult	Continuing Care Retirement Facility (CCRC)
Dwelling, Accessory (Lot Greater Than 1 Acre)	Congregate Care Residence
Dwelling, Multifamily	Conversion Apartments*
Dwelling, Single-Family Attached (Townhome)*	Day Care Facility, Child*
Dwelling, Single-Family Semidetached	Dwelling, Accessory (Lot Less than 1 Acre)
Dwelling, Two-Family Detached	Home Occupation
Fire Company Social Hall*	Manufactured/Mobile Home Park
Fire Company*	Personal Care Home
Fire Stations*	
Forestry	
Government Uses	
Group Home	
Home-Based Business, No Impact	
Mixed-Use Building**	
Nursing Home	
Public Utility Facilities (Above Ground/Below Ground)	
Recreation, Public	
Recreation, Private	
Religious Institution	
School, Post Secondary	
School, Secondary Trade	
School, Primary/Secondary/Pre-Kindergarten	
Wireless Facility, Small (right-of-way only)	

****See Part 5 Specific Regulations for the R-3 Zoning District for additional use permissions.**

PRO Professional Office District

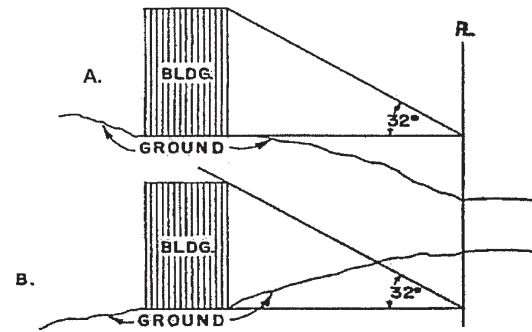
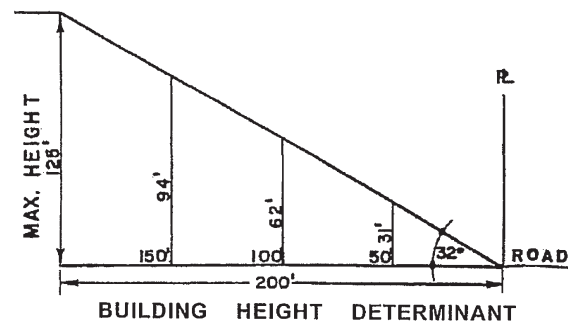
The purpose of the PRO Professional Office District is to provide a reasonable standards for the development of primarily professional offices and supplemental commercial services complementary in scale and character, to avoid undue congestion in the streets; and to otherwise create conditions conducive to carrying out the purposes of this chapter.

LOT DIMENSIONS STANDARDS

LOT SIZE	N/A
LOT WIDTH	N/A
BUILDING HEIGHT MAXIMUM ¹	
All Structures	125 ft
COVERAGE	
Maximum Lot Coverage	40%
Minimum Vegetative Coverage	40%

MIN YARD SETBACK

Front Yard	30 ft
Side Yard	15 ft
Rear Yard	20 ft
Any lot line abutting a residential district or use	100 ft



A. TYPICAL CONDITION-GROUND ABOVE ROAD OR PROPERTY LINE
B. TYPICAL CONDITION-GROUND BELOW ROAD OR PROPERTY LINE

¹ BUILDING HEIGHT MAXIMUM - ABUTTING A RESIDENTIAL ZONE

When a permitted use abuts any residential district in the Township or in an adjacent municipality, the following height restrictions shall apply: an angle of 32° shall be established at a point of the property line which abuts the residential district or the adjacent right-of-way line of a street abutting the residential district, as the case may be, measured from a horizontal plane having an elevation equal to the average elevation of the ground, after construction, along the entire side of the proposed building or structure nearest to the residential district. The proposed building or structure may have any type or style of roof not otherwise prohibited, and may vary in its height; provided, that it shall not intersect with or infringe upon the established 32° angle; and, provided that its highest point, excluding chimneys, spires, towers, elevator penthouses, tanks, railings and similar projections, shall not exceed 125 feet in height, measured from the aforesaid horizontal plane. The definition of “building height” found in Part 2 of this chapter shall not be applicable to this section. (See Diagram).

PERMITTED USES

USES BY RIGHT

Accessory uses on the same lot with and customarily incidental to a permitted principal use.
Ambulance Service Facility
Bank or Financial Institution
Child Day Care Home, Group
Day Care Center, Adult*
Day Care Facilities, Child*
Fire Company Social Hall*
Fire Company*
Fire Stations*
Forestry
Government Uses
Health Services*
Home-Based Businesses, No Impact
Library
Non-Emergency Medical Transport Facility
Office, General

CONDITIONAL USES

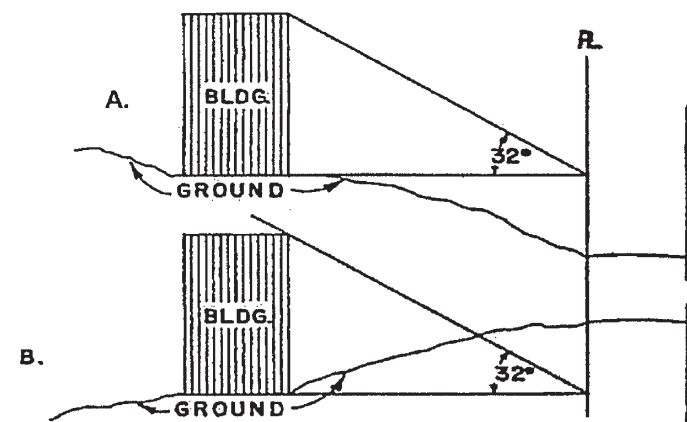
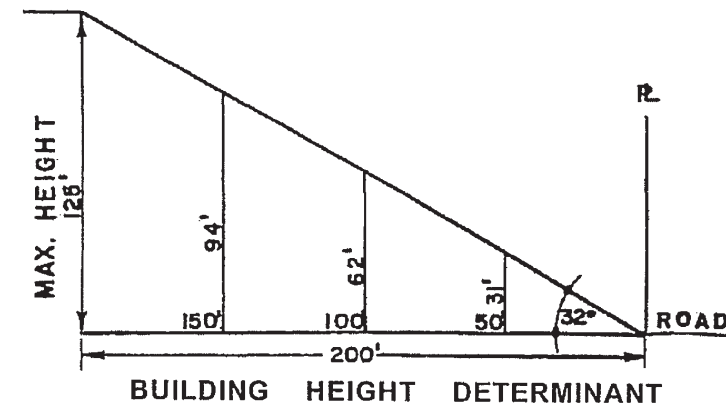
Heliports
Helistops
Telecommunications Antenna (Height exceeding 20 ft)*
Telecommunications Tower
Treatment Center
Personal Services
Public Utility Facilities (Above Ground/Below Ground)
Recreation, Public
Religious Institutions
Restaurant
Studio
Telecommunications Antenna (Height not exceeding 20 ft)*
Veterinary Hospital*
Veterinary Services
Wind Turbine*
Wireless Facility, Small (right-of-way only)

O/MU Office/Mixed-Use District

The purpose of the O/MU Office/Mixed-Use District is to provide reasonable standards for the harmonious development of a variety of land uses, including multi-family apartments, business and professional offices, community-scale retail and commercial services, and other uses and accessory uses which are compatible with District standards; to avoid undue congestion in the streets; and to otherwise create conditions conducive to carrying out these and the other purposes of this chapter.

LOT DIMENSIONS STANDARDS

LOT SIZE	N/A
LOT WIDTH	N/A
BUILDING HEIGHT MAXIMUM ¹	
All Structures	125 ft
COVERAGE	
Maximum Lot Coverage	60%
Minimum Vegetative Coverage	30%
MIN YARD SETBACK	
Front Yard	30 ft
Side Yard	15 ft
Rear Yard	20 ft



A. TYPICAL CONDITION-GROUND ABOVE ROAD OR PROPERTY LINE
B. TYPICAL CONDITION-GROUND BELOW ROAD OR PROPERTY LINE

¹ BUILDING HEIGHT MAXIMUM - ABUTTING A RESIDENTIAL ZONE

When a permitted use abuts any residential district in the Township or in an adjacent municipality, the following height restrictions shall apply: an angle of 32° shall be established at a point of the property line which abuts the residential district or the adjacent right-of-way line of a street abutting the residential district, as the case may be, measured from a horizontal plane having an elevation equal to the average elevation of the ground, after construction, along the entire side of the proposed building or structure nearest to the residential district. The proposed building or structure may have any type or style of roof not otherwise prohibited, and may vary in its height; provided, that it shall not intersect with or infringe upon the established 32° angle; and, provided that its highest point, excluding chimneys, spires, towers, elevator penthouses, tanks, railings and similar projections, shall not exceed 125 feet in height, measured from the aforesaid horizontal plane. The definition of “building height” found in Part 2 of this chapter shall not be applicable to this section. (See Diagram).

PERMITTED USES

USES BY RIGHT	CONDITIONAL USES
Accessory uses on the same lot with and customarily incidental to a permitted principal use.	2. Two story buildings containing not more than 16 dwelling units.
Ambulance Service Facility	3. Three story buildings containing not more than 48 dwelling units.
Bank or Financial Institution	4. In any building in excess of three stories, the number of dwelling units is not limited.
Beverage Production Use (only Micro Brewery, Brewery Pub/Tap Room, Limited Distillery and/or Limited Winery)	Non-Emergency Medical Transport Facility
Child Day Care Home, Group	Nursing Home
Civic/Fraternal Organization	Office, General
Congregate Care Residence	Personal Care Home
Continuing Care Retirement Community (CCRC)	Public Utility Facilities (Above Ground/Below Ground)
Convenience Store	Recreation, Amusement
Day Care Center, Adult*	Recreation, Public
Day Care Facilities, Child*	Religious Institution
Fire Company Social Hall*	Restaurant
Fire Company*	School, Post Secondary
Fire Stations *	School, Secondary Trade
Forestry	School, Primary/Secondary/Pre-Kindergarten
Government Uses	Shopping Center
Health Club, Commercial	Solar Photovoltaic (PV) System, Principal/Utility-Scale
Health Services*	Studio
Home-Based Business, No Impact	Telecommunications Antenna (Height not exceeding 20 ft)*
Hotel	Veterinary Hospitals*
Library	Veterinary Services
Mixed-Use Building	Wind Turbine*
Motel	Wireless Facility, Small (right-of-way only)
Multi-family dwellings, in conformance with the following:	
1. One story buildings containing not more than eight dwelling units.	Personal Services
	Retail Establishment
	Telecommunications Antenna (Height exceeding 20 ft)*
	Telecommunication Tower
	Treatment Center

C-L Commercial Limited District

The purpose of the C-L Commercial Limited District is to provide reasonable standards for the provision of lower intensity commercial development, complementary in character and scale to adjacent residential neighborhoods and more pedestrian-oriented in nature. The district also accommodates areas in which residential and commercial uses can be commingled in a mutually supportive manner, making the delivery of goods and services more convenient for residents living within and adjacent to the district. The standards of this district are designed to minimize traffic congestion by reducing the number of access roads from major thoroughfares, and to provide buffer yards and screening where such uses adjoin residential districts. Specific standards of this district also encourage the development of traditional “main street” corridors where an established mix of commercial and residential land uses, and compact, walkable urban form exist.

LOT DIMENSIONS STANDARDS

LOT SIZE MINIMUM	10,000 sf
LOT WIDTH	100 ft
BUILDING HEIGHT MAXIMUM	
All Structures	65 ft
COVERAGE	
Maximum Lot Coverage	75%
Minimum Vegetative Coverage	20%
MIN YARD SETBACK	
Front Yard	30 ft
Side Yard	10 ft
Rear Yard	30 ft

PERMITTED USES

USES BY RIGHT	
Accessory uses on the same lot with and customarily incidental to a permitted principal use.	Government Uses
Ambulance Service Facility	Health Club, Commercial
Automobile Wash/Car Wash	Health Services*
Bank or Financial Institution	Home-Based Business, No Impact
Bar/Tavern	Libraries
Beverage Production Use (only Micro Brewery, Brewery Pub/Tap Room, Limited Distillery and/or Limited Winery)	Mixed-Use Building
Boarding House*	Municipal Parking Lot
Cemetery	Museums
Child Day Care Home, Group	Non-Emergency Medical Transport Facility
Civic/Fraternal Organizations	Office, General
Convenience Store	Personal Services
Day Care Center, Adult*	Public Utility Facilities (Above Ground/Below Ground)
Day Care Facilities, Child*	Recreation, Public
Fire Company Social Hall*	Religious Institution
Fire Company*	Restaurant
Fire Stations *	Retail Establishments
Forestry	Shopping Center
Funeral Home	Solar Photovoltaic (PV) System, Principal/Utility-Scale
	Telecommunications Antenna (Height not exceeding 20 ft)*
	Studio
	Veterinary Hospital*
	Veterinary Services
	Wireless Facility, Small (right-of-way only)

CONDITIONAL USES

Bed and Breakfast
Parking Lot
Telecommunications Antenna (Height exceeding 20 ft)*
Telecommunication Tower

C-G Commercial General District

The purpose of the C-G Commercial General District is to provide reasonable standards for the development of a broad array of higher intensity commercial uses in areas located primarily along high capacity roadways. The standards of this district are designed to minimize traffic congestion on the streets, provide for the public convenience, and fulfill the other broad purposes of this chapter.

LOT DIMENSIONS STANDARDS

LOT SIZE MINIMUM	10000 sf
LOT WIDTH MINIMUM	
at Building Setback Line	100 ft
BUILDING HEIGHT MAXIMUM	
All Structures	100 ft
COVERAGE	
Maximum Lot Coverage	80%
Minimum Vegetative Coverage	15%
MIN YARD SETBACK	
Front Yard	30 ft
Side Yard	10 ft
Rear Yard	30 ft

PERMITTED USES

USES BY RIGHT	
Accessory uses on the same lot with and customarily incidental to a permitted principal use.	Hotel
Ambulance Service Facility	Kennel*
Automobile Repair Garage*	Landscape Services
Automobile Service Station*	Library
Automobile Wash/Car Wash	Motel
Bank or Financial Institution	Newspaper and Job Printing Establishments
Bar/Tavern	Night Club
Beverage Production Use (only Micro Brewery, Brewery Pub/Tap Room, Limited Distillery and/or Limited Winery)	Non-Emergency Medical Transport Facility
Boarding House*	Office, General
Child Day Care Home, Group	Personal Services
Contractor Services	Print Shop
Convenience Store	Public Utility Facilities (Above Ground/Below Ground)
Crematorium	Recreation, Amusement
Day Care Center, Adult*	Recreation, Public
Day Care Facilities, Child	Religious Institution
Fire Company Social Hall*	Restaurant
Fire Company*	Retail Establishment
Fire Stations *	School, Post Secondary
Forestry	School, Secondary Trade
Funeral Home	School, Primary/Secondary/Pre-Kindergarten
Garage, Public	Shopping Center
Government Uses	Storage Facility, Self-Service
Health Club, Commercial	Studio
Health Services	Telecommunications Antenna (Height not exceeding 20 ft)*
Home-Based Business, No Impact	Theaters/Assembly Halls
	Veterinary Hospital*
	Wind Turbine*
	Wireless Facility, Small (right-of-way only)

CONDITIONAL USES
All Other Residential Uses
Bed and Breakfast
Telecommunications Antenna (Height exceeding 20 ft)*
Telecommunication Tower

CPL Commercial Park Limited District

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.

LOT DIMENSIONS STANDARDS⁺

LOT SIZE	N/A	BUILDING SCALE	
LOT WIDTH			125 ft (if parallel to 1st St.) 250 ft (if not parallel)
at Building Setback Line	0 ft	Max. Building Length, Area 1	
at Street Line	0 ft		
BUILDING HEIGHT MAXIMUM		Max. Building Footprint, Area 1	15,000 SF
Principal Structure, Area 1	35 ft		
Principal Structure, Area 2	60 ft		
COVERAGE		MIN YARD SETBACK	
Building Lot Coverage, Area 1	50%	Front Yard, on Local/Collector Street	50 ft
Building Lot Coverage, Area 2	70%	Front Yard, on Arterial Street	50 ft
		Side Yard	15-40 ft
		Rear Yard	30 ft
		STORMWATER	
		Max. Coverage for Stormwater, Area 1	Max. 25% of Gross Area

⁺See Part 5 district-specific regulations for additional explanation of lot dimension standards.

PERMITTED USES

USES BY RIGHT	
Accessory uses on the same lot with and customarily incidental to a permitted principal use.	Personal Services
Ambulance Service Facility	Public Utility Facilities (Above Ground/Below Ground)
Automobile Service Stations*	Recreation, Public
Automobile Wash/Car Wash	Religious Institution
Bank or Financial Institution	Residential Uses, including:
Beverage Production Use (all defined uses), Distributor and Importing Distributor	1. Single-family detached
Child Day Care Home, Group	2. Single-family semi-detached (Duplex)
Convenience Store	3. Single-family attached (Townhouse)*
Day Care Center, Adult*	4. Two-family detached
Day Care Facilities, Child*	5. Multi-family dwellings
Fire Company Social Hall*	6. Group Home
Fire Company*	Restaurant
Fire Stations*	Retail Establishments
Forestry	School, Post Secondary
Government Uses	School, Secondary Trade
Health Club, Commercial	School, Primary/Secondary/Pre-Kindergarten
Health Services*	Shopping Center
Hotel	Telecommunications Antenna (Height not exceeding 20 ft)*
Libraries	Theaters and Assembly Halls
Motel	Wind Turbine*
Non-Emergency Medical Transport	Wireless Facility, Small (right-of-way only)
Office, General	
Parking Lot	
Park and Ride Facility	

CONDITIONAL USES

Heliport
Helistop
Telecommunications Antenna (Height exceeding 20 ft)*
Telecommunications Tower

IP Industrial Park District

The purpose of the IP Industrial Park District is to provide for the more intense types of manufacturing, industrial and transportation uses and other non-residential uses supportive of industry; to encourage the development of and continued use of the land for industrial purposes; to establish reasonable standards for buildings and other structures, the areas and dimensions of yards and other open spaces, and the provision of facilities and operation of industries to minimize air pollution, noise, glare, heat, vibration, and fire safety hazards; and to buffer industrial uses from adjacent residential or commercial districts.

LOT DIMENSIONS STANDARDS

LOT SIZE MINIMUM	1 ac
LOT WIDTH MINIMUM	
at Building Setback Line	150 ft
BUILDING HEIGHT MAXIMUM	
All Structures	80 ft
COVERAGE	
Maximum Lot Coverage	80%
MIN YARD SETBACK	
Front Yard	60 ft
Side Yard	25 ft
Rear Yard	25 ft
Lots adjoining Residential or Office/Mixed-Use district boundaries	
Front Yard	150 ft
Side Yard	150 ft
Rear Yard	150 ft

PERMITTED USES

USES BY RIGHT	CONDITIONAL USES
Accessory uses on the same lot with and customarily incidental to a permitted principal use.	Agriculture, Intensive
Ambulance Service Facility	All Other Nonresidential Uses
Automobile Body Shop	Heliport
Automobile Repair Garage*	Helistop
Automobile Wrecking	Sexually Oriented Businesses
Beverage Production Use (all defined uses), Distributor and Importing Distributor	
Building Material Storage	
Contractor Services	
Crematorium	
Distribution Center, Type 1	
Distribution Center, Type 2	
Fire Company Social Hall*	
Fire Company*	
Fire Stations*	
Forestry	
Government Uses	
Industrial Services	
Junkyard	
Lumberyard	
Manufacturing	
Non-Emergency Medical Transport Facility	
Public Utility Facilities (Above Ground/Below Ground)	
Quarry, Sand Pit, Gravel Pit, Borrow Pit	
Railroad Facilities	
Recycling Center*	
Recycling Collection Facility*	
Solar Photovoltaic (PV) System, Principal/Utility-Scale	
Storage Facility, Self Service	
Storage, Bulk	
Telecommunications Antenna	
Telecommunications Tower	
Truck Terminal	
Warehouse	
Wholesale Business	
Wind Turbine*	
Wireless Facility, Small (right-of-way only)	

Figure 27-1

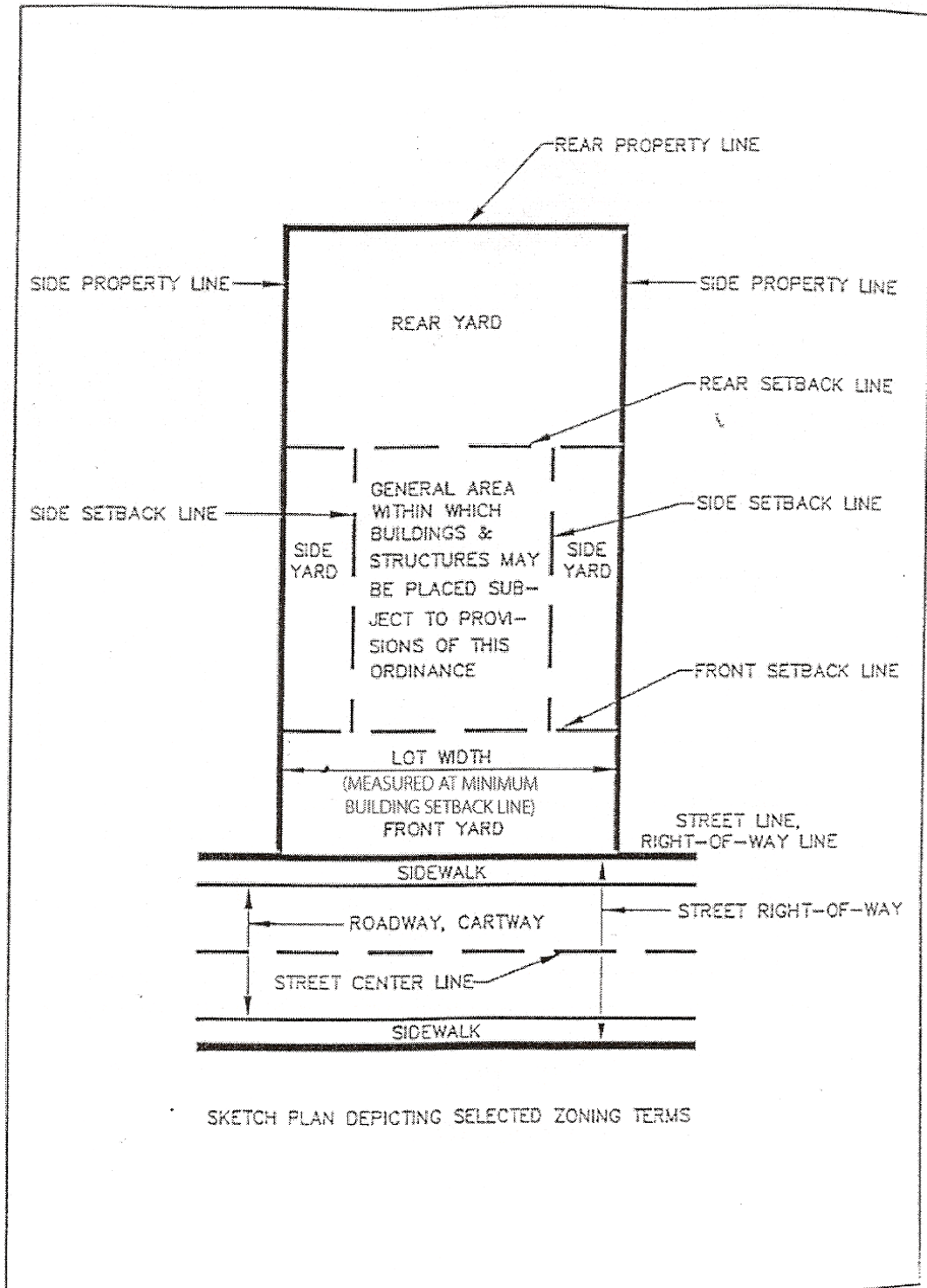
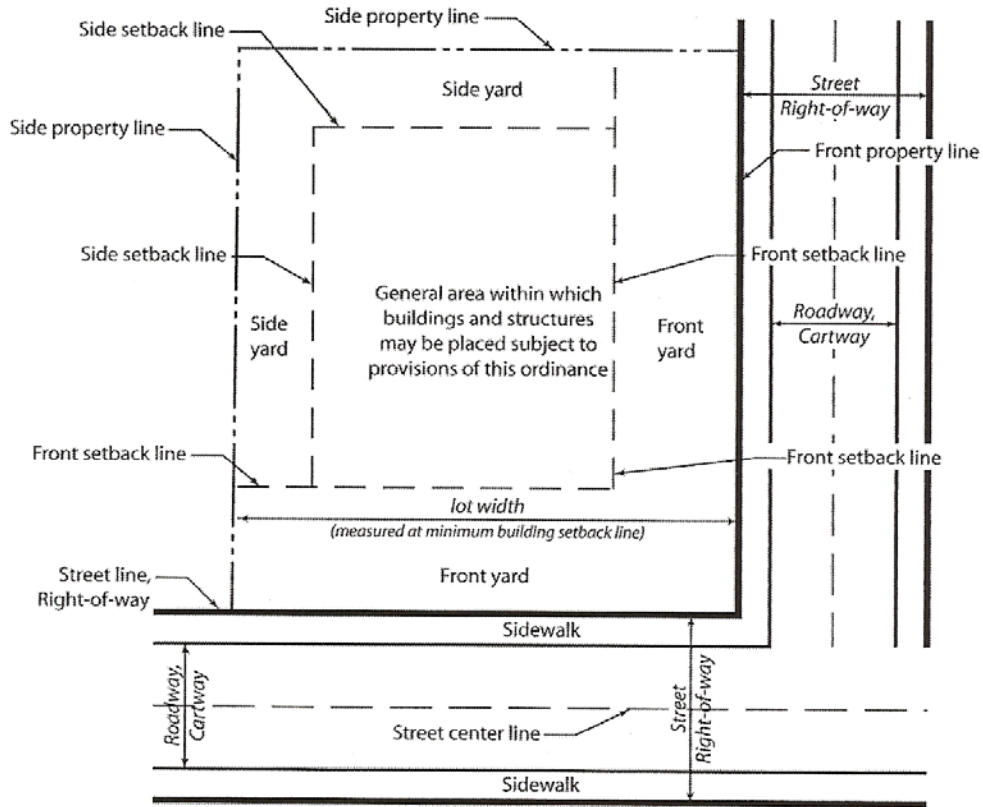
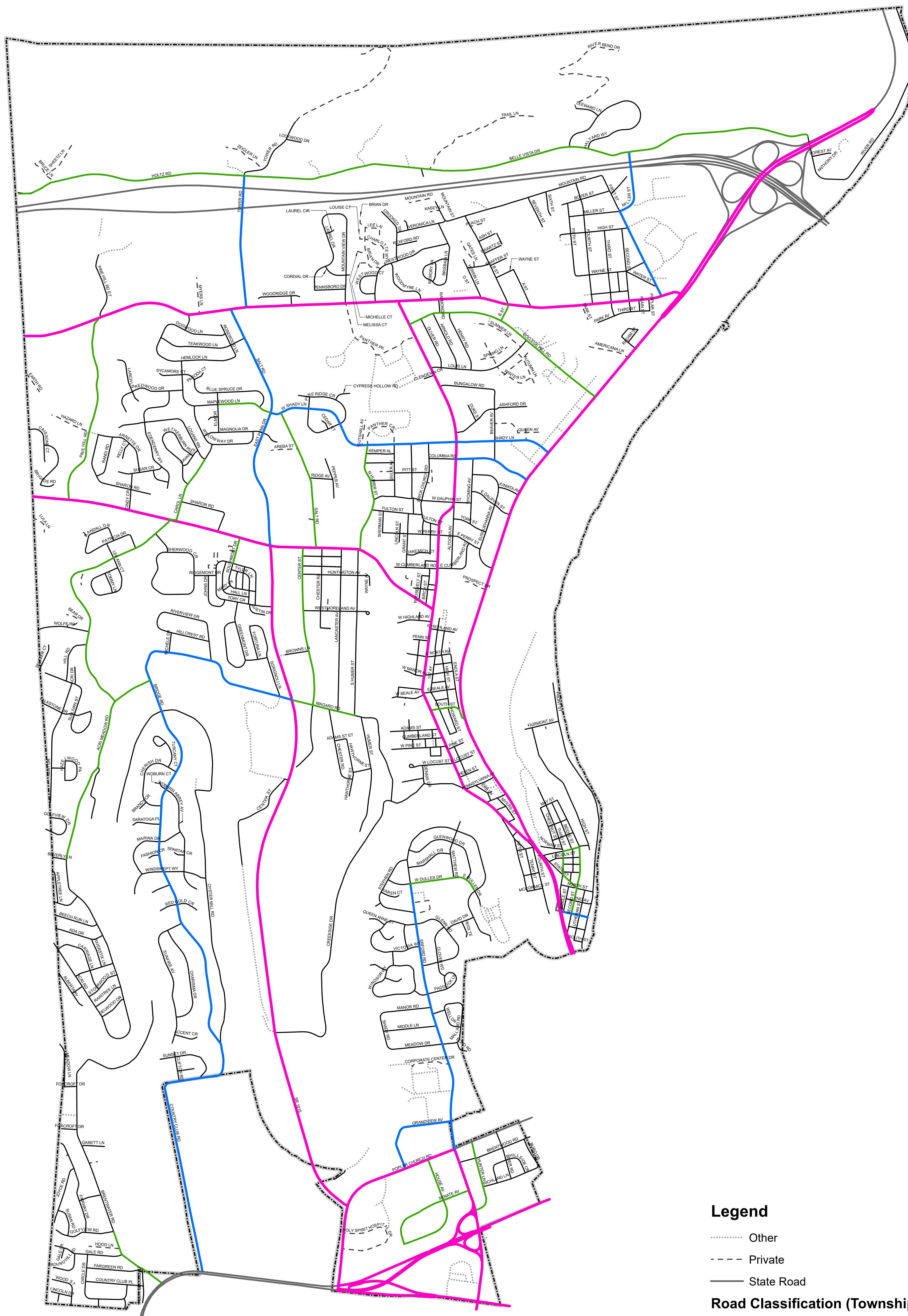
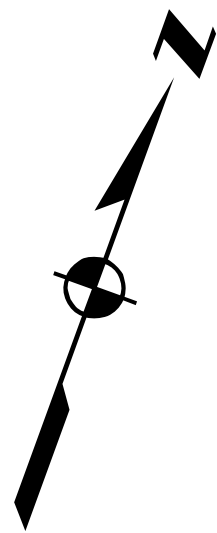


Figure 27-2



(corner lot)



ROAD CLASSIFICATION MAP

EAST PENNSBORO TOWNSHIP

Cumberland County, Pennsylvania

Legend

- Other
- - - Private
- State Road
- Road Classification (Township Roads)**
- Arterial
- Collector
- Major Local
- Local Roads
- ▭ Municipal Boundary

October 5, 2023

Scale

1 inch = 1,000 feet