LOWER PAXTON TOWNSHIP DAUPHIN COUNTY, PENNSYLVANIA

ORDINANCE 2024-03

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF LOWER PAXTON TOWNSHIP AMENDING ORDINANCE 06-05, THE LOWER PAXTON TOWNSHIP ZONING ORDINANCE.

NOW THEREFORE, it is hereby ordained by the Board of Supervisors of Lower Paxton Township, Dauphin County, Pennsylvania, that the Lower Paxton Township Zoning Ordinance is amended as follows:

SECTION ONE. The Zoning Map of Lower Paxton Township is hereby amended as follows:

- A. The R-1, Low Density Residential District as shown on the Zoning Map is hereby decreased by deleting there from all that certain land more fully described below, said land hereby being hereafter designated, reclassified and rezoned to be included in and added to the OSD, Open Space Overlay District as more fully set forth below.
- B. The OSD, Open Space Overlay District is hereby increased by adding thereto and including therein all that certain land more fully described below.
- C. The following described land situated in the Township of Lower Paxton Township is hereby rezoned and reclassified from R-1, Low Density Residential District to OSD, Open Space Development Overlay District.

ALL THAT CERTAIN TRACT of land situate in the Township of Lower Paxton, County of Dauphin, State of Pennsylvania, bounded and described as follows:

All that certain tract or parcel of land situate in **Lower Paxton Township, Dauphin County**, Pennsylvania, as shown on a Preliminary Subdivision Plan for S&A Homes, Inc., as recorded in the Office of the Recorder of Deeds for Dauphin County, Pennsylvania, in Record Book 5564, Page 410, Tax ID No. 35-067-098 more particularly bounded and described as follows to wit: BEGINNING at a pk nail on the northern right-of-way line of Union Deposit Road, said point also being the southeast corner of lands now or formerly of Terrance L. James & Carol R. Powley; Then north and west along lands now or formerly Terrance L. James & Carol R. Powley; Then west along lands now or formerly of Terrance L. James, along lands now or formerly of Randolph A. & Tracy M. Gambelunghe, along lands now or formerly of Ernest V. Marsico, along lands now or formerly of Anthony & Virginia L. Mosca, along lands now or formerly of Paul M. & Vicky L. Valcis, along lands now or formerly of Matthew J. Behler & Holly L. Kline, along lands now or formerly of Marilyn L. Steele, and along lands now or formerly of Central Dauphin School District; Then east, north and west along lands now or formerly of Paxton

Investment Group, LLC; Then north and west along lands now or formerly of Antonio & Rosino Lio; Then north and west along lands now or formerly of Central Dauphin School District; Then east and north along lands now or formerly of Joel Gershman; Then east and north along lands now or formerly of Dawn J. Kopp; Then east and south along lands now or formerly of Scott D. & Elaine M. Martin, the southern right-of-way line of Kay Street and the southern right-of-way line of Debbie Lane; Then south and east along lands now or formerly of Randy E. & Jessie L. Raber; Then east along lands now or formerly of Randy E. & Jessie L. Raber; Then south along lands now or formerly of Harold E. Rudy, Jr.: Then south along lands now or formerly of Dianne M. & Samuel B. Keeler; Then west along lands now or formerly of William E. March; Then west and south along lands now or formerly of William E. & Mildred I. March; Then west along lands now or formerly of Ross H. Wittle, Jr., along lands now or formerly of Ross H. & Isabelle K. Wittle, Jr., along lands now or formerly of Larry R. & Kathleen A. Cobaugh, and along lands now or formerly of Stephen D. & Debra K. Avery; Then west and south along lands now or formerly of Jesse L. & Jean M. Potteiger to a point on the northern right-of way line of Union Deposit Road (S.R. 3020); Then along the northern right-of-way line of Union Deposit Road to a point, THE PLACE OF BEGINNING. Containing 44.3101 acres.

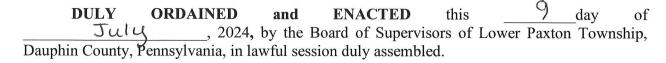
CONTAINING 44.3101 acres of land.

SECTION TWO. The Township Zoning Officer is directed to revise the Zoning Map in accordance with this Ordinance.

SECTION THREE. All other sections, parts and provisions of the Lower Paxton Township Zoning Ordinance 2006 shall remain in full force and effect as previously enacted and amended.

SECTION FOUR. In the event any provisions, sections, sentences, clause, or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall remain in full force and effect.

SECTION FIVE. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of Lower Paxton Township as provided by law.



(Signature page to follow)

19374

ATTEST:

BOARD OF SUPERVISORS LOWER PAXTON TOWNSHIP

By:

Robin Lindsey, Chair

SEAL

9.

Attachment to

APPLICATION FOR AMENDMENT TO ZONING ORDINANCE TO THE BOARD OF SUPERVISORS, LOWER PAXTON TOWNSHIP

REZONING

The Applicant, S&A Homes, Inc., formerly S&A Custom Built Homes, Inc. ("3&A" or the "Applicant") is the owner of an approximately 44.3 acre property, as described in Daughin County Record Book 5564, Page 410, and as Tax Parcel 25-067-098, located along Union Deposit Road in Lower Paxton Township, Dauphin County Pennsylvania (the "Property"). The Property was purchased from the Central Dauphin School District in 2004.

The Property is zoned as part of the R-1 Residential-Low Density District in accordance with the Lower Paxton Township Zoning Ordinance (the "Ordinance"). The Property adjains the Institutional District to the west, the R-3 Residential High Density District to the northwest, the R-1 District to the immediate south, the R-3 Residential High Density District across Union Deposit Road, and the R-1 District to the northeast and east of the Property. All of the adjacent properties are either completely or primarily developed properties. A plan showing the existing site conditions is included with the Application.

In 2007, the Township approved a preliminary subdivision plan for the Property utilizing the TRND Overlay which allowed for the development of 57 single-family detached dwelling lots (the "2007 Plan"). However, due to the recession and financial crisis of 2008-2010, the 2007 Plan was not developed except for the construction of the boulevard entrance at Union Deposit Road, which was installed pursuant to a PennDOT HOP issued in 2009.

Subsequently, in 2013, Applicant sought to rezone the Property to R-3 Residential High Density, to allow for development of smaller residential lots and a greater area of preserved open space. This rezoning was not approved. Likewise, in 2021, Applicant sought variance relief from the Zoning Hearing Board to allow for development of smaller lots, but that relief was not granted.

Applicant is now requesting a zoning map amendment to include the Property within the Open Space Development (OSD) Overlay District, provisions of the Lower Paxton Township Zoning Ordinance, in accordance with Section 203-311.B. Inclusion of the Property in the OSD Overlay would allow for the development of the Property in accordance with the OSD Overlay requirements of Section 203-311. Under these provisions, Applicant could develop the property with the residential density that would be allowed under the R-1 Residential District while preserving a substantial portion of the Property (approximately 47%), including areas with sensitive environmental features, as open space areas. Without the OSD Overlay, Applicant would be limited to developing the Property as a traditional subdivision with large home lots, without large contiguous areas of preserved open space.

For the purposes of illustration, included with this Application is the draft Design Yield Plan, showing the potential lot yield under the base R-1 Residential District Zoning, and the Open Space Development sketch plan showing the intended OSD layout. Following the inclusion of the Property within the OSD Overlay, Applicant would proceed submitting formal development application in accordance with this OSD layout.

The proposed inclusion of this Property within the OSD Overlay is also appropriate as it would offer a perfect transition between the Institutional District to the west, the R-3 Residential-High Density District to the northwest and south, and the R-1 Districts to the northeast and east of the Property. At present there is no transitional district between the Institutional or R-3 Districts and the R-1 Districts to the northeast and east.

The proposed inclusion of the Property within the OSD Overlay is consistent with the 2018 Comprehensive Plan of Lower Paxton Township, as the Draft Land Use Plan identifies the Property as Low Density Residential with "Open Space Development Encouraged."

The proposed map amendment is also consistent with the objectives and policies of the Land Use Action Plan for Lower Paxton Township. Specifically, Strategy L.3 encourages allowing Open Space Development Option in selected areas. The substantial goal of such developments is to "to have substantial areas of open space permanently preserved within any new development. New homes have to be located on the most suitable portions of a tract, in a manner that protects important natural features, including maintaining natural stream corridors. (p. 23). This type of Open Space development can help to maintain the scenic character of the Township by preserving ridgelines, creek valleys and woodlands. These green spaces then provide visual relief between developments. Preserved open space can often increase values of adjacent homes. Open Space development also can avoid stormwater problems by reducing alterations to the environment. (p. 24). An Open Space Development would also facilitate Goal N.1 related to Natural Resource Conservation of substantial areas of the Property and facilitate the conceptual "Neighborhood Off-Road Trail as depicted on the Greenway Plan.

Finally, the proposed rezoning is consistent with the Dauphin County Comprehensive Plan, which includes this Property within the Community Service Area (Map P6-1) and Plan Growth Areas as part of the Suburban Core.

