

CHAPTER 27
ZONING

PART 1

**TITLE, AUTHORITY, PURPOSE, COMMUNITY DEVELOPMENT
OBJECTIVES**

- § 27-101. Short Title.
- § 27-102. Authority.
- § 27-103. Purpose.
- § 27-104. Community Development Objectives.
- § 27-105. Interpretation.
- § 27-106. Application.
- § 27-107. Municipality Liability.
- § 27-108. Disclaimer.
- § 27-109. Severability.
- § 27-110. Repealer.
- § 27-111. When Effective.

PART 2
DEFINITIONS

- § 27-201. Definition of Terms.

PART 3
DESIGNATION OF DISTRICTS

- § 27-301. Zoning Districts.
- § 27-302. Zoning Map.
- § 27-303. Boundaries Between CN, A, R-S, R-M, R-MP, CM, I and SPI Districts.
- § 27-304. Interpretation of Boundaries.
- § 27-305. Use Table.

PART 4
CN - CONSERVATION DISTRICT

- § 27-401. Purpose.
- § 27-402. Permitted Uses.
- § 27-403. Dimensional Regulations.
- § 27-404. Minimum Off-Street Parking Requirements.

- § 27-405. Sign Requirements.
- § 27-406. Land Conservation Requirements.

PART 5

A - AGRICULTURAL DISTRICT

- § 27-501. Purpose.
- § 27-502. Permitted Uses.
- § 27-503. Dimensional Regulations.
- § 27-504. Minimum Off-Street Parking Requirements.
- § 27-505. Sign Requirements.

PART 6

R-S RESIDENTIAL SUBURBAN DISTRICT

- § 27-601. Purpose.
- § 27-602. Permitted Uses.
- § 27-603. Dimension, Regulations.
- § 27-604. Minimum Off-Street Parking Requirements.
- § 27-605. Sign Requirements.

PART 7

R-M RESIDENTIAL MULTIFAMILY DISTRICT

- § 27-701. Purpose.
- § 27-702. Permitted Uses.
- § 27-703. Dimensional Regulations.
- § 27-704. Minimum Off-Street Parking Requirements.
- § 27-705. Sign Requirements.
- § 27-706. Buffer Yards.

PART 8

R-MP RESIDENTIAL MOBILE HOME PARK DISTRICT

- § 27-801. Purpose.
- § 27-802. Permitted Uses.
- § 27-803. Development Standards.
- § 27-804. Sign Requirements.

PART 9
CM - COMMERCIAL DISTRICT

- § 27-901. Purpose.
- § 27-902. Permitted Uses.
- § 27-903. Dimensional Regulations.
- § 27-904. Minimum Off-Street Parking Requirements.
- § 27-905. Sign Requirements.
- § 27-906. Buffer Yards.

PART 10
I - INDUSTRIAL DISTRICT

- § 27-1001. Purpose.
- § 27-1002. Permitted Uses.
- § 27-1003. Dimensional Regulations.
- § 27-1004. Minimum Off-Street Parking Requirements.
- § 27-1005. Sign Requirements.
- § 27-1006. Buffer Yards.

PART 10A
SPECIAL INDUSTRIAL DISTRICT

- § 27-1001A. Purpose.
- § 27-1002A. Permitted Uses.
- § 27-1003A. Dimensional Regulations.
- § 27-1004A. Minimum Off-Street Parking Requirements.
- § 27-1005A. Sign Requirements.
- § 27-1006A. Performance Standards.
- § 27-1007A. Buffer Yards.

PART 11
GENERAL REGULATIONS

- § 27-1101. Purpose.
- § 27-1102. Use Regulations.
- § 27-1103. Special Exceptions.
- § 27-1104. Conditional Uses.
- § 27-1105. Uses Prohibited.
- § 27-1106. Uses Not Provided For.
- § 27-1107. Height Regulations.
- § 27-1108. Lot Area Regulations.

- § 27-1109. Yard Regulations.
- § 27-1110. Habitable Floor Area.
- § 27-1111. Reduction of Lot Dimensions.
- § 27-1112. Waste and Sewage Disposal.
- § 27-1113. Performance Standards.
- § 27-1114. Drainage Regulations.
- § 27-1115. Illumination.
- § 27-1116. Control of Traffic and Protection to Public Safety.
- § 27-1117. Conditional Use Regulations.

**PART 12
FLOODPLAIN MANAGEMENT**

- § 27-1201. Statutory Authority; Purpose.
- § 27-1202. Applicability.
- § 27-1203. Establishment of Floodplain Areas.
- § 27-1204. Compliance Required in Floodplain Areas.
- § 27-1205. Variances Within Floodplain Districts.
- § 27-1206. Floodplain Administrator; Administration; Enforcement.

**PART 13
NONCONFORMING BUILDINGS AND USES**

- § 27-1300. Preamble.
- § 27-1301. Continuation.
- § 27-1302. Alterations.
- § 27-1303. Extensions or Enlargements.
- § 27-1304. Changes in Nonconforming Uses.
- § 27-1305. Reconstruction/Restoration.
- § 27-1306. Discontinuance.
- § 27-1307. Nonconforming Signs.
- § 27-1308. District Changes.
- § 27-1309. Unsafe Structure.

**PART 14
OFF-STREET PARKING**

- § 27-1401. General Parking Regulations.
- § 27-1402. Facilities Required.
- § 27-1403. Off-Street Parking Space Requirements.
- § 27-1404. Location of Parking Space.

ZONING

- § 27-1405. Design Standards.
- § 27-1406. Handicapped Parking.
- § 27-1407. Drainage.
- § 27-1408. Lighting.
- § 27-1409. Loading and Unloading Space.
- § 27-1410. Changes in Requirements.
- § 27-1411. Continuing Obligation.

PART 15

MOTOR VEHICLE ACCESS

- § 27-1500. Preamble.
- § 27-1501. Driveways and Curbs.
- § 27-1502. Location of Gasoline Pumps.
- § 27-1503. Emergency Vehicle Access.
- § 27-1504. Fire Lanes.

PART 16

SIGNS

- § 27-1601. Purpose.
- § 27-1602. Definitions.
- § 27-1603. Signs in Conservation, Agricultural, Residential Suburban, Residential Multifamily and Residential Mobile Home Park Districts.
- § 27-1604. Signs in Commercial and Industrial Districts.
- § 27-1605. Off-Premises Advertising Signs (Billboards).
- § 27-1606. Special Signs.
- § 27-1607. Certain Signs Prohibited in All Districts.
- § 27-1608. General Regulations.
- § 27-1609. Nonconforming Signs.
- § 27-1610. Permit Application and Fees.

PART 17

AMENDMENTS

- § 27-1701. Procedure.
- § 27-1702. Procedure Upon Curative Amendments.
- § 27-1703. Publication, Advertisement and Availability of Ordinance.
- § 27-1704. Zoning Amendment Application Requirements.

PART 18
ADMINISTRATION AND ENFORCEMENT

- § 27-1801. Appointment and Powers of Zoning Officer.
- § 27-1802. Enforcement.
- § 27-1803. Permits.
- § 27-1804. Inspection by Zoning Officer.
- § 27-1805. Fees.
- § 27-1806. Certificate of Use.
- § 27-1807. Certificate of Nonconformance.
- § 27-1808. Special Exceptions.
- § 27-1809. Conditional Uses.
- § 27-1810. Appeals and Applications.
- § 27-1811. Violations and Penalties.
- § 27-1812. Zoning Hearing Board.
- § 27-1813. Interpretation, Purpose and Conflict.

PART 19
ZONING MAP AMENDMENTS

- § 27-1901. Table of Zoning Map Amendments.
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PART 1
TITLE, AUTHORITY, PURPOSE, COMMUNITY DEVELOPMENT
OBJECTIVES

§ 27-101. Short Title. [Ord. No. 6-11-19, 6/11/2019]

This chapter shall be known as and may be cited as the "Township of Upper Paxton Zoning Ordinance."

§ 27-102. Authority. [Ord. No. 6-11-19, 6/11/2019]

This chapter is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, The Pennsylvania Municipalities Planning Code, July 31, 1968, as reenacted and amended by Act 170, December 21, 1988.¹

§ 27-103. Purpose. [Ord. No. 6-11-19, 6/11/2019]

1. This chapter is enacted for the following purposes:

1. Editor's Note: See 53 P.S. § 10101 et seq.

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, emergency preparedness, disaster evacuation, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements; as well as
- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. This chapter is made in accordance with an overall program, and with consideration for the character of the municipality, its various parts, and the suitability of the various parts for particular uses and structures.

§ 27-104. Community Development Objectives. [Ord. No. 6-11-19, 6/11/2019]

To promote and to foster the community development goals and objectives as contained in the Upper Paxton Township Comprehensive Plan, as amended.

§ 27-105. Interpretation. [Ord. No. 6-11-19, 6/11/2019]

In interpreting and applying this chapter, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals and general welfare of the Township. Any use permitted subject to the regulations prescribed by the provisions of this chapter shall conform with all regulations and is not intended to interfere with, abrogate, annul, supersede or cancel any reservations contained in deeds or other agreements, but that if this chapter imposes more stringent restrictions upon the use of buildings and land than are contained in the deeds or agreements, the provisions of this chapter shall control.

§ 27-106. Application. [Ord. No. 6-11-19, 6/11/2019]

The provisions, regulations, limitations and restrictions of this chapter shall apply to all structures, buildings, uses, signs and land and their accessory structures, buildings, uses and signs.

§ 27-107. Municipality Liability. [Ord. No. 6-11-19, 6/11/2019]

The granting of a permit for the erection and/or use of a structure, building or lot shall not constitute a representation, guarantee or warranty of any kind or nature by Upper Paxton Township, or an official or employee, thereof, of the safety of any structure, building, use or other proposed plan from cause whatsoever, and shall create no liability upon or a course of action against such public official or employee for any damage that may be pursuant thereto.

§ 27-108. Disclaimer. [Ord. No. 6-11-19, 6/11/2019]

It is recognized that: the Act of June 22, 1937 (P.L. 1987, No. 394) known as the "Clean Streams Law"; the Act of May 31, 1945 (P.L. 1198, No. 418) known as the "Surface Mining Conservation and Reclamation Act"; the Act of April 27, 1966 (1st

Special Session, P.L. 31, No. 1) known as the "Bituminous Mine Subsidence and Land Conservation Act"; the Act of September 24, 1968 (P.L. 1040, No. 318) known as the "Coal Refuse Disposal Control Act"; the Act of December 19, 1984 (P.L. 1093, No. 219) known as the "Noncoal Surface Mining Conservation and Reclamation Act";² the Act of December 19, 1984 (P.L. 1140, No. 223), known as the "Oil and Gas Act";³ the Act of June 30, 1981 (P.L. 128, No. 43) known as the "Agricultural Area Security Law"; the Act of June 10, 1982 (P.L. 454, No. 133) entitled "An Act Protecting Agricultural Operations From Nuisance Suits And Ordinances Under Certain Circumstances"; and the Act of May 20, 1993 (P.L. 12, No. 6) known as the "Nutrient Management Act"⁴ preempt zoning ordinances. Therefore, suggestions, recommendations, options or directives contained herein are intended to be implemented only to the extent that they are consistent with and do not exceed the requirements of those Acts. Nothing contrary to those Acts shall be mandated by this Zoning Ordinance.

§ 27-109. Severability. [Ord. No. 6-11-19, 6/11/2019]

It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this chapter to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this chapter shall continue to be separately and fully effective.

§ 27-110. Repealer. [Ord. No. 6-11-19, 6/11/2019]

The preexisting Upper Paxton Township Zoning Ordinance (Chapter 27), as amended, is hereby expressly repealed; provided, further, that nothing in this chapter shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued or approval granted or any cause or causes of action arising prior to the enactment of this chapter. All ordinances or parts of ordinances and all resolutions or parts of resolutions which are inconsistent herewith by virtue of references or incorporation of requirements contained in the preexisting Zoning Ordinance as amended shall, as nearly as possible, be construed to reference this chapter.

§ 27-111. When Effective. [Ord. No. 6-11-19, 6/11/2019]

This chapter shall take effect upon its enactment by the Upper Paxton Township Board of Supervisors.

2. Editor's Note: See 35 P.S. § 691.1 et seq., 52 P.S. § 1396.1 et seq., 52 P.S. § 1406.1 et seq., 52 P.S. § 30.51 et seq., and 52 P.S. § 3301 et seq., respectively.

3. Editor's Note: The former Oil and Gas Act, 58 P.S. § 601.101 et seq. (Act 223 of 1984) was repealed 2-14-2012 (P.L. 87, No. 13); see now 58 Pa.C.S.A. § 3201 et seq. (as to development) and 58 Pa.C.S.A. § 3301 et seq. (as to local ordinances relating to oil and gas operation).

4. Editor's Note: See 3 P.S. § 901 et seq., 3 P.S. § 951 et seq., and 3 Pa.C.S.A. § 501 et seq., respectively.

PART 2
DEFINITIONS

§ 27-201. Definition of Terms. [Ord. No. 6-11-19, 6/11/2019]

1. The following words are defined in order to facilitate the interpretation of this chapter for administrative purposes and for the carrying out of duties by appropriate officers and by the Zoning Hearing Board.
2. Unless otherwise expressly stated, the following words shall, for the purpose of this chapter, have the meaning herein indicated.
3. Words used in the present tense include the future tense.
4. The singular includes the plural.
5. The word "person" includes any individual or group of individuals, a corporation, partnership or any other similar entity.
6. The word "lot" includes the words "plot" or "parcel."
7. The term "shall" is always mandatory.
8. The word "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."
9. Any words not included in the following definitions will be defined as described in the latest edition of Webster's Dictionary.

ABANDONMENT — The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

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

ACCESSORY BUILDING — A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building.

ACCESSORY USE — A use customarily incidental and subordinate to the principal use of the main building and located on the same lot with such principal use or main building.

ADULT BOOKSTORE — An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on

matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined below), or an establishment within a segment or section devoted to the sale or display of such material.

ADULT CABARET — A club, restaurant, bar, tavern, theater, hall or similar establishment which features male and/or female entertainers whose performance includes specified sexual activities (as defined below), and/or reveals or displays specified anatomical areas (as defined below).

ADULT DRIVE-IN PICTURE THEATER — An area open to the air and not enclosed within any building used for presenting material distinguished or characterized by an emphasis on material depicting, describing or related to specified sexual activities or specified anatomical areas (as defined below) for observation by patrons therein, which patrons observe such material from a location within automobiles or other motor vehicles, seated in autos or on outdoor seats.

ADULT MINI MOTION-PICTURE THEATER — An enclosed building with a capacity for less than 50 persons used at any time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined below) for observation by patrons therein.

ADULT MOTION-PICTURE THEATER — An enclosed building with a capacity for greater than 50 persons used at any time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined below) for observation by patrons therein.

ADULT WALK-IN PICTURE THEATER — An area neither enclosed nor open to the sky (e.g., a pavilion, tent, etc.), where material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined below) for observation by patrons therein.

AGRICULTURAL SERVICES — Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services and farm labor management and equipment services.

AGRICULTURE — The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, fish culture, animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities; and provided, further, that the above uses shall not include dog breeding or kennels, the business of garbage feeding of hogs, fur

farms or the raising of animals such as rats, mice, monkeys and the like for use in medical or other tests or experiments.

ALLEY — A private thoroughfare other than a minor street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS — As applied to a building or structure, any change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

ALTERATIONS, STRUCTURAL — Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

AMENDMENT — A change in use in any district which includes revisions to the zoning text and/or the official Zoning Map; and the authority for any amendment lies solely with the Township Board of Supervisors.

ANIMAL HOSPITAL — A building where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to hospital use.

APARTMENT — A dwelling unit within a multifamily dwelling. This classification includes apartments in apartment houses and garden apartments.

APARTMENT HOUSE — A building arranged, intended or designed to be occupied by three or more families living independently of each other.

APARTMENT, ACCESSORY — An independent dwelling unit, incorporated within an existing single-family detached dwelling without any substantial external modification, established for the purpose of providing an independent living unit for a person or persons related by marriage or blood relative.

APARTMENT, CONVERSION — An existing dwelling unit that is or was converted to a dwelling for more than one family, without substantially altering the exterior of the building.

APARTMENT, GARDEN — A two story multifamily dwelling, containing one story dwelling units.

APPLICANT — A landowner or developer, as hereinafter described, who has filed an application for development, including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT — Every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development, including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for approval of a land development plan.

AREA, BUILDING — The total of areas 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, LOT — The area contained within the property lines of a lot or as shown on a subdivision plan excluding space within any street, but including the area of any easement.

AUTO BODY SHOP — Any structure or any building or part thereof, that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles and other vehicles of conveyance.

AUTOMOBILE AND MANUFACTURED/MOBILE HOME SALES LOT — An open lot used for the outdoor display or sales of new or used automobiles, trucks, other similar motor vehicles or manufactured/mobile homes and where minor and incidental repair work, other than body and fender, may be done.

AUTOMOBILE AND/OR MANUFACTURED MOBILE HOME SALES GARAGE — A structure or building on a lot designed and used primarily for the display or sale of new and used automobiles, trucks, other similar motor vehicles, manufactured/mobile homes and where mechanical repairs and body work may be conducted as an accessory use incidental to the primary use.

AUTOMOBILE GARAGE — A structure or building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing or supplying of gasoline or oil to automobiles, trucks or similar motor vehicles.

AUTOMOBILE SERVICE STATION — Any area of land, including any structures thereon, or any building or part thereof, that is used for the retail sale of gasoline, oil, other fuel or accessories for motor vehicles, and which may include facilities used for polishing, greasing, washing, dry cleaning or otherwise cleaning or servicing such motor vehicles.

AUTOMOBILE WRECKING — The dismantling or wrecking of used automobiles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

AVERAGE SLOPE — The following formula shall be used to determine average slope:

$$S = 0.0023 \times I \times L \setminus A$$

Where:

- S = Average slope in percent
- 0.0023 = A factor for the conversion of square feet into acres
- I = Contour interval (in feet) of a topographic map of the parcel
- L = Combined length (in feet) of or along all contour lines measured within the parcel's buildable area
- A = Acreage of the subject parcel's buildable area

BASE FLOOD — See "flood, base."

BASE FLOOD ELEVATION (BFE) — The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1% or greater chance of being equaled or exceeded in any given year.

BASEMENT — That portion of a building that is partially or wholly below ground level. This portion is not a completed structure and serves as a substructure or foundation for a building. A basement shall be counted as a story for the purpose of height measurement, if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or is used for business or dwelling purposes, other than a game or recreation room. For purposes of Part 12 hereof, "basement" means any area of the building having its floor below ground level on all sides.

BLOCK — An area bounded by streets.

BOARD — Any body granted jurisdiction under a land use ordinance to render final adjudications.

BOARDING STABLE — A structure designed for the feeding, housing and exercising of horses not owned by the owner of the premises, and for which the owner of the premises receives compensation.

BOARDINGHOUSE — A building arranged or used for the lodging, with or without meals, for compensation, by either transient or permanent residents. This definition includes rooming houses, lodging houses, and bed-and-breakfasts.

BUFFER YARD (see also SCREENING) — A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A strip of land, identified on a site plan or by a zoning ordinance, established to protect one type of land use from another land use that is incompatible. Normally, the area is landscaped and kept in open space use.

BUILDABLE AREA — That portion of the lot exclusive of the required front, rear and side yard setbacks, as established by this chapter and all required or developer designated exclusion areas.

BUILDABLE SITE AREA — A site contained wholly within the buildable area, of a size not less than 30 feet by 40 feet, to accommodate the primary structure, required parking and drainage resulting from said improvements. The slope of this area shall not exceed 15%.

BUILDING — Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels and including covered porches or bay windows and chimneys.

BUILDING LINE — A line parallel to the front, side or rear lot line so as to provide the required yard.

BUILDING PERMIT — Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.

BUILDING SETBACK LINE — The line within a property defining the required minimum distance permitted between any enclosed structure and the adjacent right-of-way.

BUILDING, DETACHED — A building surrounded by open space on the same lot.

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

BUILDING, HEIGHT OF — The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING, NONCONFORMING — A building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to a zoning ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

BUILDING, PRINCIPAL — A building in which is conducted the principal use of the lot on which it is located.

CAMPING GROUND — A parcel of land used by campers for seasonal, recreational or other similar temporary living purposes, in buildings of a movable, temporary or seasonal nature, such as cabins, tents or shelters.

CARPORT — A covered space, open on three sides, for the storage of one or more vehicles and accessory to a main or accessory building.

CARTWAY — That portion of a street or alley which is improved, designed or intended for vehicular use, but not including shoulders, curbs, sidewalks or swales.

CELLAR — A story partly underground and having more than half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the maximum number of stories.

CLEAR SIGHT TRIANGLE — An area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the streets center lines.

COMMERCIAL USE — An activity involving the conveyance of goods or services for profit.

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

COMPLETELY DRY SPACE — A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

COMPREHENSIVE PLAN — A comprehensive long-range plan adopted as an official document to guide the growth and development of the Township. The plan includes analyses, recommendations and proposals for the Township's population, economy, housing transportation, community facilities and land uses.

CONDOMINIUM — Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONSTRUCTION — The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building structure, including the placement of manufactured homes.

CONTROLLED SUBSTANCE — A drug, substance or immediate precursor as defined in Schedules I through V of the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-104, or any amendments thereto.

COURT — An unoccupied open space, other than a yard, on the same lot with a building, which is 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, and that the court does not extend to a street, alley, yard or other outer court.

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 — That portion or percentage of the lot area covered by impervious materials, to include buildings and paved surfaces.

DAY-CARE CENTER — A facility in a nonresidential setting offering baby sitting services and child care services being licensed and approved by the Pennsylvania Department of Human Services.

DAY-CARE HOME — A residence offering babysitting services and child-care services being licensed and approved by the Pennsylvania Department of Human Services.

DECISION — Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the Township lies.

DENSITY — The number of families, individuals, dwelling units or housing structures per unit of land.

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 Board of Supervisors; or
- B. The Zoning Hearing Board.

DEVELOPER — Any landowner, agent of such landowner or tenant with permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPER DESIGNATED EXCLUSION AREA — The unbuildable portion of a parcel voluntarily designated by the property holder and in excess of the required exclusion area.

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 excavation, mining, dredging, drilling, operations, storage of equipment or materials, and the subdivision of land.

DISTRICT, ZONING — A district includes all buildings, lots and surface areas within certain designated boundaries as indicated on the Upper Paxton Township Zoning Map.

DOMESTIC ANIMAL — Any living animal, other than man, which has been tamed, captured or otherwise kept for the purpose of agricultural use or the enjoyment of its owner regardless of whether the animal is licensed or unlicensed. These animals customarily and historically have been kept for agricultural purposes within Upper Paxton Township such as, but not limited to, cattle, horses, sheep, goats, hogs, chickens, turkeys and geese, but do not include what is considered a domestic pet.

DOMESTIC PET — Animals which are customarily kept for personal use or enjoyment in conjunction with a residential use.

DRAINAGE AREA — The removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply and the prevention or alleviation of flooding.

DRAINAGE SYSTEM — Pipes, swales, natural features and man-made improvements designed to carry drainage.

DRIVE-IN USE — An establishment which by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

DRIVEWAY — A private roadway providing access for vehicles to a parking space, garage dwelling or other structure.

DRUG PARAPHERNALIA — Any object, device, instrument, apparatus or contrivance whose primary and traditional use is involved with the illegal use of any and all controlled substances under the laws of Pennsylvania. Drug paraphernalia includes, but is not limited to:

- A. Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

- B. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
- C. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.
- D. Testing equipment used, intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances.
- E. Scales and balances used, intended for use, designed for use in weighing or measuring controlled substances.
- F. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose used, intended for use or designed for use in cutting controlled substances.
- G. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.
- H. Blenders, bowls, containers, spoons, and mixing devices used, intended for use or designed for use in compounding controlled substances.
- I. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances.
- J. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.
- K. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body.
- L. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
 - (1) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
 - (2) Water pipes.
 - (3) Carburetion tubes and devices.
 - (4) Smoking and carburetion masks.
 - (5) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
 - (6) Miniature cocaine spoons and cocaine vials.
 - (7) Chamber pipes.

- (8) Carburetor pipes.
- (9) Electric pipes.
- (10) Air-driven pipes.
- (11) Chillums.
- (12) Bongs.

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 multifamily dwellings occupying a lot in one ownership.

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

DWELLING, INDUSTRIALIZED HOUSING — A structure designed primarily for residential occupancy and classified within Use Group R in accordance with the standards adopted under § 29.41 of the Pennsylvania Industrialized Housing Act, 35 P.S. § 1651.1 et seq., and which is wholly or in substantial part made, constructed, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site so that concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction. The term does not include a structure or building classified as an institutional building or manufactured home, as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401 through 5426).

DWELLING, MANUFACTURED/MOBILE HOME — 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. §§ 5401 through 5426).

DWELLING, MULTIFAMILY — A building, including apartment houses, row houses or townhouses, used by three or more families living independently of each other and doing their own cooking.

DWELLING, SINGLE-FAMILY, ATTACHED (ROW) — A building used for one family and having two party walls in common with other buildings (such as row house or townhouse).

DWELLING, SINGLE-FAMILY, DETACHED — A building used by one family, having only one dwelling unit and having two side yards.

DWELLING, SINGLE-FAMILY, SEMIDETACHED — A building used by one family, having one side yard and one party wall in common with another building.

DWELLING, TWO-FAMILY, DETACHED (DUPLEX) — A building used by two families, having two dwelling units, one located above the other, and having two side yards.

EASEMENT — A grant of one or more property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

ELDERLY HOUSING — A multifamily development devoted entirely for the provision of housing for senior citizens 55 years of age or older.

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

ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES — Electric public utilities transmission and distribution facilities, including substations.

ENGINEER — A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township.

ENGINEERING SPECIFICATIONS — The engineering specifications of the Township regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

ENVIRONMENTAL ASSESSMENT — An analysis of the effect of development proposals and other major actions on natural and socioeconomic features of the existing environment.

EROSION — The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.

ESSENTIALLY DRY SPACE — A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage, the structure is substantially impermeable.

EXCAVATION — Any act by which earth, sand, gravel, rock or any other similar materials is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting therefrom.

FACADE — The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

FAMILY — A single individual doing his/her own cooking and living upon the premises as a separate housekeeping unit, or no more than three unrelated individuals doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, legal marriage or other domestic bond. This definition does not include a collective body of persons occupying a hotel, dormitory, lodge, boardinghouse/rooming house, family care/group care facility, commune or institution.

FARM — Any parcel of land containing 10 or more acres, which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. Such term includes necessary farm structures within the prescribed limits and the storage of equipment used, but excludes the raising of furbearing animals, riding academies, livery or boarding stables and dog kennels. Provided, further, the definition set forth above shall be applied only for the purpose of determining whether an existing operation is a farm within the meaning of this Part 2 and for no other purposes.

FENCE — Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh or masonry, singly or in combination. The structure is erected for one or more of the following purposes: to screen or divide one property from another to assure privacy; to protect the screened or divided property; or to define and mark the property line, when such structure is erected on or within two feet of any front, side or rear lot line. For the purpose of this chapter, a freestanding masonry wall, when located for one of the preceding purposes, is considered to be a fence. Also for the purpose of this chapter, when the term "lot line" is used in relation to fences, it shall be synonymous with rear yard lot lines, side yard lot lines and front yard lot lines. Fences are not synonymous with garden structures, which are defined elsewhere in this chapter.

FILL — Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface.

FINANCIAL ASSURANCE — Reasonable assurance from a creditworthy party, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit.

FLOOD — A temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM) — The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) — The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOOD, BASE (BASE FLOOD) — A flood which has a 1% chance of being equaled or exceeded in any given year (also called the "100-year flood").

FLOODPLAIN —

- A. A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation.
- B. An area subject to the unusual and rapid accumulation or runoff of surface waters from any surface.

FLOODPLAIN ADMINISTRATOR — The person appointed in § 27-1206 of this chapter to administer Part 12 of this chapter, relating to floodplain management.

FLOODPROOFING — Any combination of structural and nonstructural additions, changes or adjustments to proposed or existing structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOR AREA — The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living and sleeping quarters, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA RETAIL, NET — All that space relegated to use by the customer and the retail employee to consummate retail sales and to include display area used to indicate the variety of goods available for the customer, but not to include, office space, storage space and other general administrative areas.

FLOOR AREA, HABITABLE — The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathrooms, closets nor unheated areas such as enclosed porches nor rooms without at least one window or skylight opening onto an outside yard or court. At least half of the floor area of every habitable room shall have a ceiling height of not less than seven feet and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the habitable floor area.

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

GARAGE, PRIVATE — An accessory building or an accessory portion of the principal building, including a carport, which is intended for and used for storing the private passenger vehicles of the family or families residents upon the premises, and in which no business, service or industry connected with automobile vehicles is carried on.

GARAGE, PUBLIC — A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing or parking motor-driven vehicles.

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

GARDEN STRUCTURES — Any accessory structure which may be occupied for other than sleeping or general housekeeping purposes, or which serves as a shelter primarily for human beings, except a permitted garage, porch or carport, which is located in any side or rear yard not closer than three feet to any side or rear lot line; included in this category of structures are arbors, aviaries, pergolas, trellises, barbecue shelters, bathhouses, private greenhouses and freestanding screens and similar structures. No such structure may be located in any required front yard between the building setback line and the street line. Such structures may be solidly roofed and walled or open to the sky and on the sides, but if solidly roofed or solidly walled on more than two sides, they must be located within the building line of the lot and may not invade any required yard. Unscreened, unroofed, unwalled or unfenced patios, bird baths, ornamental pools and swimming pools are not considered as garden structures. Permitted structures may be attached to or be detached from a dwelling.

GARDENING — The cultivation of herbs, fruits, flowers or vegetables, excluding the keeping of livestock.

GOVERNING BODY — The Board of Supervisors of Upper Paxton Township, Dauphin County, Pennsylvania.

GRADE, ESTABLISHED — The elevation of the center line of the streets, as officially established by the municipal authorities.

GRADE, FINISHED — The completed surfaces of lawns, walks and roads brought to grades as shown on official plans 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.

GREENHOUSE — A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

GROUND FLOOR — The floor of a building nearest the mean grade of the front of the building.

HAZARDOUS WASTE —

- A. Any garbage, refuse, sludge from an industrial or other wastewater 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:
- (1) Cause or significantly contribute to an increase in mortality or morbidity in either an individual or the total population; or
 - (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- B. The term "hazardous waste" shall not include coal refuse as defined in the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51 through 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 through 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 through 2394).

HAZARDOUS WASTE CONSTITUENT — A chemical component of a waste or chemical compound which qualifies a waste as hazardous under Pennsylvania Department of Environmental Protection (PaDEP) Hazardous Waste Management Regulations (HWMR) § 75.261 (relating to criteria, identification and listing of hazardous waste), or which is listed as a hazardous waste or hazardous compound in § 75.261 (relating to criteria, identification and listing of hazardous waste).⁵

HAZARDOUS WASTE DISCHARGE — A discharge of hazardous waste.

HAZARDOUS WASTE IDENTIFICATION NUMBER — The number assigned by the Environmental Protection Agency (EPA) or the number provided to the PaDEP by the EPA for assignment to each generator, transporter and treatment, storage or disposal facility handling hazardous waste.

HAZARDOUS WASTE MANAGEMENT FACILITY — A facility where storage, treatment or disposal of hazardous waste occurs.

HAZARDOUS WASTE MANIFEST SYSTEM — The manifest, instructions supplied with the manifest and distribution system for copies of the manifest which together identify the origin, routing, storage or disposal under the following PaDEP HWMR subsections: 75.262(e), 75.263(d), 75.264(j), and 75.265(j) (relating to generators of hazardous waste, transporters of hazardous waste, new and existing hazardous waste management facilities applying for a permit and interim status standards for hazardous waste management facilities and permit program for new and existing hazardous waste management facilities).

HAZARDOUS WASTE NUMBER — The number assigned by the PaDEP to each hazardous waste listed and to each hazardous waste characteristic identified in HWMR § 75.261⁶ (relating to criteria, identification and listing of hazardous waste).

HAZARDOUS WASTE PERMIT — A written document issued by the PaDEP under the Act which authorizes the recipient to undertake the treatment, storage or disposal of hazardous waste under the act. The term "permit" does not include interim status or a permit which has not yet been the subject of final PaDEP action, such as a draft permit or a proposed permit.

5. **Editor's Note: See now 25 Pa. Code § 261a.**

6. **Editor's Note: See now 25 Pa. Code § 261a.**

HAZARDOUS WASTE/INCOMPATIBLE WASTE — A hazardous waste which is unsuitable for:

- A. Placement in a particular device or facility because it may cause corrosion or decay of containment materials such as container inner liners or tank walls; or
- B. Commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes or gases or flammable fumes or gases.

HAZARDOUS WASTE/INDIVIDUAL GENERATION SITE — The contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

HEAD SHOP — Any business, the operation of which involves the sale, lease, trade, gift or display for sale of any and all types of drug paraphernalia.

HOME OCCUPATION — Any use identified in § 27-1102, Subsection 6, which can be conducted within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, and no more than the permitted number of nonresident employees, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the exterior appearance of the structure or premises is constructed and maintained in a residential character. No-impact home based businesses shall be permitted in all residential zones as required by Pennsylvania Municipalities Planning Code (MPC), § 603 and defined in MPC § 107.⁷

HOSPITAL — An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, including, as if an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

HOTEL — A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms and recreational facilities.

IMMEDIATE PRECURSOR — A substance which, under the regulations of the Pennsylvania Department of Health, is a principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used, in the manufacture of a controlled substance.

7. Editor's Note: See 53 P.S. §§ 10603 and 10107, respectively.

IMPERVIOUS MATERIAL — Any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water by the earth so covered.

INCINERATOR — An approved device in which combustible material, other than garbage, is burned to ashes.

INDUSTRY, HEAVY — A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

INDUSTRY, LIGHT — A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

INFRASTRUCTURE — Facilities and services needed to sustain industry, residential and commercial activities. These facilities and services may include water and sewer lines, streets and roads, communications and public facilities (e.g., firehouses, parks, etc.).

INSTITUTIONAL CARE FACILITY — A facility providing shelter, counseling and other rehabilitation services for individuals, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents under such supervisory care include those who by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision, but do not require medical or nursing care. Such a facility must be licensed and approved by the Pennsylvania Department of Human Services or other state agency having jurisdiction over such activities. Such facilities are not included within the definition of schools as contained in this chapter.

JUNK — Any discarded, unusable, scrap, or abandoned man-made or man-processed material or articles, which may include but shall not be limited to the following materials: metals; home furnishings; appliances; glass; plastics; machinery; building materials; containers; junk vehicles and parts thereof; wastepaper; trash; rope; batteries; and rubber debris. Junk shall not include regulated solid waste temporarily stored in an appropriate container that is routinely awaiting imminent collection and proper disposal, or items for recycling that are clearly awaiting imminent collection and are temporarily stored in an appropriate container.

JUNKYARD — An area of land exceeding 200 square feet, used for the storage of junk outside of a completely enclosed structure, with or without the dismantling, salvage, sale, or other use or disposition of such junk. For the

purposes of this chapter, the deposit or storage of two or more junk vehicles shall be deemed to constitute a junkyard. Junkyards shall not be considered to be the facilities for recycling of paper, glass, and metal products.

KENNEL — A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold for a fee or compensation. This term shall not include such activities associated with the practice of veterinary medicine and that establishment is covered by the provisions of the Veterinary Medicine Practice Act, P.L. 995, No. 326, (63 P.S. § 485.1 et seq.).

LAND DEVELOPMENT — Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) 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; or
 - (2) 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.
- B. A subdivision of land.
- C. Exclusion of certain land development as defined above only when such development involves:
 - (1) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium.
 - (2) The addition of an accessory building(s), including farm buildings, on a lot or lots subordinate to an existing principal building. The construction of one accessory building under 120 square feet is exempt from the permit requirements as found in § 27-1803, Permits.
 - (3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered to be an amusement park. For purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

LANDOWNER — The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land, shall be deemed to be a landowner for the purpose of this chapter.

LIGHTING —

- A. **DIFFUSED** — That form of lighting wherein the light passes from the source through a translucent cover or shade.
- B. **DIRECT OR FLOOD** — That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.
- C. **INDIRECT** — That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

LOADING BERTH/SPACE — An off-street area on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

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

LOT LINES — The lines bounding a lot as defined herein.

LOT OF RECORD — A lot which has been recorded in the Office of the Recorder of Deeds of Dauphin County, Pennsylvania.

LOT WIDTH — The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the street right-of-way line.

LOT, CORNER — A lot at the junction of and abutting on two or more intersecting streets or at the point of abrupt change of a single street, where the interior angle is less than 135° and the radius of the street line is less than 100 feet.

LOT, DEPTH OF — The average horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE — An interior lot having frontage on two streets.

LOT, INTERIOR — A lot other than a corner lot.

LOT, MINIMUM WIDTH — The minimum required lot width measured at the street right-of-way line. The width of lots abutting a cul-de-sac shall be measured as the chord distance length at the building setback line.

LOT, NONCONFORMING — A lot of the area or dimension of which was lawful prior to the adoption or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

LOT, REVERSE FRONTAGE — A lot extending between, and having frontage on an arterial street and a minor street, and with vehicular access solely from the latter.

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 nonelevation design requirements of this chapter.

MAJOR THOROUGHFARE — A street or highway designated as an existing or planned major thoroughfare.

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

MANUFACTURED/MOBILE HOME PARK or MANUFACTURED/MOBILE HOME SUBDIVISION — A parcel or contiguous parcels of land which has been so designed 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 or finished materials or products, or any, or either of them, into an article or substance of a different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

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 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 therefor.

MASSAGE PARLOR — Any establishment having a source of income or compensation derived 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 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.

MINOR REPAIR — The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

MIXED OCCUPANCY — Occupancy of a building or land for more than one type of use.

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. If built after June 15, 1976, it is considered a manufactured home.

MOTEL — A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, with separate entrances and designed for year-round occupancy, primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges and similar terms.

MUNICIPAL WASTE — Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in

the Solid Waste Management Act⁸ from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plan or air pollution control facility. The term does not include source-separated recyclable materials.

MUNICIPAL WASTE LANDFILL — Any facility that is designed, operated or maintained for the disposal of municipal waste or residual waste, whether or not such facility possesses a permit from the Pennsylvania Department of Environmental Protection under the Pennsylvania Solid Waste Management Act.⁹ "Municipal waste landfill" does not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

MUNICIPALITY — Upper Paxton Township or Dauphin County.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after September 5, 1979, and includes any subsequent improvements thereto.

NURSERY, HORTICULTURE — Any lot or parcel of land used to cultivate, propagate and grow trees, shrubs, vines and other plants, including the buildings, structures and equipment customarily incidental and accessory to the primary use.

NURSING OR CONVALESCENT HOME — A building with sleeping rooms where persons are housed or lodged and furnished with meals, nursing care for hire and which is approved for nonprofit/profit corporations licensed by the Pennsylvania Department of Human Services for such use.

OBSCENE MATERIALS — Any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, image, motion picture, sound recording, article, instrument or any other written or printed matter which depicts or describes in a patently offensive manner sexual conduct, sexual excitement or sadomasochistic abuse or (in the case of articles or instruments) is designed or intended for use in achieving artificial sexual stimulation, and, taken as a whole, appeals to the prurient interest, and, taken as a whole, does not have serious literary, artistic, political or scientific value.

OBSTRUCTION — Any wall, dam, wharf, embankment, levee, dike, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse or flood-prone area, which may impede, retard or change the direction of the flow of water either in itself or by catching or

8. Editor's Note: See 35 P.S. § 6018.101 et seq.

9. Editor's Note: See 35 P.S. § 6018.101 et seq.

collecting debris carried by such water or is placed where the flow of the water might carry the same down stream to the damage of life and property.

OCCUPANCY PERMIT — A required permit allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable ordinances.

OFF-STREET PARKING SPACE — A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

OFFICE BUILDING — A building designed or used primarily for office purposes, no part of which is used for manufacturing.

OFFICE, PROFESSIONAL — A room or rooms used for the carrying on of a profession to include, but not limited to, physicians, dentists, architects, engineers, accountants, attorneys, real estate brokers, insurance agents entitled to practice under the laws of the Commonwealth of Pennsylvania or similar type.

OFFICIAL MAP — A combined map and ordinance, covering all or a portion of the Township, showing the locations of planned future public lands and facilities as authorized by Article IV of the Pennsylvania Municipalities Planning Code (MPC).¹⁰ It includes but is not limited to existing and proposed public streets, watercourses, and public grounds, and expresses the Township's interest in acquiring these lands for public purposes sometime in the future consistent with the Comprehensive Plan.

OPEN SPACE — The unoccupied space open to the sky on the same lot with the building, not including parking lots.

OUTDOOR FUEL-BURNING APPLIANCE — An outdoor fuel-burning appliance is located outside a living space ordinarily used for human or animal habitation, and is designed to provide heat and/or domestic hot water to spaces or appliances within the residence or to a separate structure. Most commonly the appliances are located as a standalone unit, in a shed or other outbuilding and the heat is transferred by water through a system of insulated piping or insulated ductwork to the residence or other structure.

PARKING LOT — Any lot, municipally or privately owned, for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or for a fee.

10. Editor's Note: See 53 P.S. § 10401 through 10408.

PARKING SPACE — The space within a building, or on a lot or parking lot, for the parking or storage of one automobile.

PARTY WALL — A common shared wall between two separate structures, buildings or dwelling units.

PERMITTED USE — Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PERSON — Any individual or group of individuals, corporation, partnership or any similar entity.

PERSONAL SERVICES — Businesses primarily engaged in providing services generally to individuals, such as home laundries, portrait photographic studios and beauty and barber shops.

PLANNING CODE — The Pennsylvania Municipalities Planning Code, Act 247, dated July 31, 1968, as amended.¹¹

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

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

PREMISES — Any lot, parcel or tract of land and any building constructed thereon.

PRINCIPAL BUILDING — 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.

PRINCIPAL USE — The main use of land or structures, as distinguished from a secondary or accessory use. The primary use and chief purpose of a lot or structure.

PRIVATE — Not publicly owned, operated or controlled.

PRIVATE ROAD — A legally established right-of-way, other than a public street, which provides the primary vehicular and/or pedestrian access to a lot.

PROFESSIONAL ENGINEER — A qualified individual who is licensed as a professional engineer in any state in the United States.

11. Editor's Note: See 53 P.S. § 10101 et seq.

PROFESSIONAL OCCUPATION — The practice of a profession by any professional, including, but not limited to, attorney, physician, surgeon, osteopath, chiropractor, dentist, optician, optometrist, chiropodist, engineer, surveyor, architect, landscape architect, planner or similar type entitled to practice under the laws of the Commonwealth of Pennsylvania.

PRURIENT INTEREST — Is to be judged with reference to average adults unless it appears from the nature of the material or the circumstances of its dissemination, distribution or exhibition that it is designed for clearly defined deviant sexual groups, in which case the predominant appeal of the matter shall be judged with reference to its intended recipient group.

PUBLIC — Owned, operated or controlled by a government agency (federal, state or local, including a corporation and/or board created by law for the performance of certain specialized governmental functions).

PUBLIC GROUNDS — Public grounds include the following:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas.
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- C. Publicly owned or operated scenic and historic sites.

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 this chapter.

PUBLIC MEETING — A forum held pursuant to notice under the Act of July 3, 1986, P.L. 388, No. 84, 65 P.S. § 271 et seq., known as the "Sunshine Act."¹²

PUBLIC NOTICE — Notice 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 be not more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

PUBLIC PARKS AND RECREATION AREAS — Locations for leisure-time activities, including but not limited to sports and entertainment that are open to anyone without restriction, except for the rules and standards of conduct and use.

12. Editor's Note: Former 65 P.S. § 271 et seq. [7-3-1986 (P.L. 388, No. 84)] was repealed 10-15-1998 (P.L. 729, No. 93). See now 65 Pa.C.S.A. § 701 et seq.

PUBLIC SEWER AND WATER SYSTEM — Any system, other than an individual septic tank, tile field or individual well, that is operated by a municipality, governmental agency or a public utility for the collection, treatment and disposal of wastes and the furnishing of potable water.

PUBLIC UTILITY FACILITIES — Public utility transmission and distribution facilities, including substations and the like.

RECREATION FACILITY, PRIVATE — A recreation facility operated by a nonprofit organization, and open only to bona fide members and guests of such nonprofit organization.

RECREATION FACILITY, PUBLIC — A recreation facility operated by governmental agency and open to the general public.

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 or drawn by another vehicle; having a body width of no more than eight feet and a body length of no more than 45 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 motorhomes and watercraft.

RECREATIONAL VEHICLE PARK OR CAMPGROUND — A parcel of land under single ownership which has been planned and improved for the placement of recreational vehicles or camping equipment for temporary living quarters, for recreational, camping or travel use or recreational vehicle or camp ground lots rented for such use, thereby constituting a land development.

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

RECYCLING COLLECTION CENTER — A small center conveniently located 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 often 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.

RECYCLING FACILITY — An establishment employing technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials (e.g., metal, glass, paper, plastics, etc.) that can be sold or reused by manufacturer as a substitute for or a supplement to virgin raw materials. The term "recycling facility" shall not mean transfer stations or landfills for solid waste nor composting facilities or resource recovery facilities as defined in the Pennsylvania Solid Waste Management Act.¹³

REFUSE — See "solid waste."

REPETITIVE LOSS — Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25% of the market value of the structure before the damages occurred.

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

RESIDUAL WASTE — Garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations, and sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, if it is not hazardous. The term does not include coal refuse as defined in the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51 through 30.66). The term does not include treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on, under and in compliance with a valid permit issued under the Clean Streams Law (35 P.S. §§ 691.1 through 691.1001)

RIDING ACADEMY — An establishment where horses are kept for riding or driving, or are stabled for compensation, or incidental to the operation of any club, association, ranch or similar establishment.

RIGHT-OF-WAY — A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses; generally, the right of one to pass over the property of another.

RIGHT-OF-WAY, STREET — A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley or however designated.

13. Editor's Note: See 35 P.S. § 6018.101 et seq.

ROADSIDE STAND — A structure designed or used for the display or sale of neighborhood agricultural products or other goods.

RUNOFF — The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

SADOMASOCHISTIC ABUSE — Flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or bizarre costume or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

SCHOOL — A nonprofit educational institution, either public or private, where the course of instruction parallels the requirements of the Department of Education of the Commonwealth of Pennsylvania for public elementary and/or secondary schools and, in the case of a private school, such institution shall have complied with the registration requirements of the Department of Education and adhere to the attendance laws of the Commonwealth of Pennsylvania.

SCHOOL, COLLEGE — Same as elementary and secondary school, except general education is provided above the level of the secondary school and may include junior college, college or university.

SCHOOL, ELEMENTARY — Any school having regular sessions with employed instruction which teaches those subjects that are fundamental and essential in general education for elementary grades.

SCHOOL, NURSERY — A facility, not in a private residence, enrolling children no more than five years of age and where tuition, fees or other forms of compensation for the instruction and care of the children is charged. Such facility shall employ licensed personnel and shall be licensed by the Commonwealth of Pennsylvania.

SCHOOL, SECONDARY — Same as elementary school, except general education is provided for secondary grades.

SCHOOL, VOCATIONAL — Same as elementary and secondary school, except that the primary activity is training in a trade or vocation.

SCREENING (see also **BUFFER YARD**) — The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms or other features. A device or materials used to conceal one element of a development from other elements or from adjacent or contiguous development. Screening may include one or a combination of the following materials of sufficient mass to be opaque or that

shall become opaque after 12 months and which shall be maintained in an opaque condition: walls, berms or plantings.

SEDIMENTATION — The process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as sediment.

SEXUAL CONDUCT — Actual or simulated acts of human masturbation, sexual intercourse or any touching of the clothed or unclothed genitals, pubic areas or buttocks of the human male or female or the breasts of the female, whether alone or between members of the same or opposite sex, or between humans and animals.

SEXUAL EXCITEMENT — The condition of human male or female genitalia when in a state of sexual stimulation or arousal.

SHED — A freestanding accessory building used primarily for storage purposes.

SHOPPING CENTER — A group of stores planned and designed to function as a unit for the lot on which it is located with off-street parking provided as an integral part of the unit. For the purposes of this chapter, a shopping center is defined as a group of three or more stores on a single parcel of ground.

SIGHT DISTANCE — The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

SIGN — Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure.

SIGN, ADVERTISING — A sign intended for the painting, posting or otherwise displaying of information inviting attention to any product, business, service or cause not located on or related to the premises on which the sign is situated.

SIGN, BUSINESS — A sign which directs attention to a use conducted, product or commodities sold or service performed upon the premises.

SIGN, GROUND — A self-supporting sign resting on the ground or supported by means of poles or standards in the ground.

SIGN, IDENTIFICATION — A sign or name plate, indicating the name of noncommercial buildings or occupants thereof, or describing the use of such buildings; or when displayed at a residence, indicating a home occupation legally existing thereat.

SIGN, NONCONFORMING — Any sign lawfully existing on the effective date of an ordinance, or an amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

SIGN, OFF-PREMISES ADVERTISING — A sign, including billboards, intended for the painting, posting or otherwise displaying of information inviting attention to any product, business, service or cause not located on or related to the premises on which the sign is situated.

SIGN, REAL ESTATE — A sign relating to the property upon which it is located, offering such property for sale or lease, announcing improvements or changes in connection therewith, warnings or other similar notices concerning such property.

SIGN, ROOF — Any device or structure erected for advertising or identification purposes upon or above the roof of any building or structure or part thereof.

SIGN, SERVICE — A sign which is incidental to a use lawfully occupying the property upon which the sign is located which sign is necessary to provide information to the public such as direction to parking lots, location of restrooms, or other such pertinent facts.

SIGN, TEMPORARY — A temporary sign shall be construed to mean any sign, banner, cardboard or other material carrying an advertisement or announcement, which is displayed or intended to be displayed for a period not exceeding ordinance requirements.

SIGN, WALL — A sign painted on or affixed to and paralleling the outside wall of a building, and extending not more than 12 inches from such wall.

SITE DEVELOPMENT PLAN — A scaled graphical depiction of 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 this chapter and appropriate provisions of other such ordinances, as they may apply.

SOLAR ACCESS — A property owner's right to have the sunlight shine on his or her land.

SOLAR SKYSPACE — The space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.

SOLAR SKYSPACE EASEMENT — A right, expressed as an easement, covenant, condition or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy.

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

SPECIAL FLOOD HAZARD AREA (SFHA) — An area in the floodplain subject to a 1% or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-30, AE, A99, AH.

SPECIFIED ANATOMICAL AREAS —

- A. Less than completely and opaquely covered:
 - (1) Human genitals, pubic region.
 - (2) Buttock.
 - (3) Female breast below a point immediately above the top of the areola.
- B. Human male genitals in a discernible turgid state even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES —

- A. Human genitals in a state of sexual stimulation or arousal.
- B. Acts of human masturbation, sexual intercourse or sodomy.
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STABLE, PRIVATE — An accessory building in which horses are kept for private use and not for hire, remuneration, exhibition or sale.

STABLE, PUBLIC — A building in which any horse is kept for remuneration, hire, exhibition or sale.

STACK — Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a hydronic heater, especially that part of a structure extending above a roof.

START OF CONSTRUCTION — Includes substantial improvement and other proposed new development and means the date the permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STORAGE FACILITY — A structure intended for lease for the sole purpose of storing household goods, motor vehicles or recreational equipment.

STORY — That portion of any building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

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

STREET — Includes street, avenue, boulevard, road, highway, freeway, parkway, lane alley viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

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

STREET LINE — The dividing line between the street and the lot, also known as the right-of-way line.

STREET WIDTH — The distance between street lines measured at right angles to the center line of the street.

STREET, CUL-DE-SAC — A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

STRUCTURE — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, and for purposes of Part 12 hereof, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, a fence or a wall, as well as a manufactured home.

STRUCTURE, NONCONFORMING — 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 reasons of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

STRUCTURE, TEMPORARY — A structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

SUBDIVISION (see LAND DEVELOPMENT) — 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 of the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or residential dwellings, shall be exempted.

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

SUBSTANTIAL IMPROVEMENT — Any repair, alteration, reconstruction or improvement of a structure, and/or use the cost of which equals or exceeds 50% of its market value either:

- A. Before improvement is started; or
- B. If the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the

structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration to a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

SURFACE DRAINAGE PLAN — A plan showing all present and proposed grades and facilities for stormwater management.

SWALE — A low lying stretch of land characterized as a depression used to carry surface water runoff.

SWIMMING POOL — A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 30 inches, designed, used and maintained for swimming and bathing.

TOWNSHIP — Upper Paxton Township, Dauphin County, Pennsylvania.

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

UNDEVELOPED LAND — Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

UNIFORM CONSTRUCTION CODE (UCC) — The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities, whether administered by the municipality, a third party or the Department of Labor and Industry. The UCC adopted the International Residential Code (IRC) and the International Building Code (IBC) by reference.

USE — The specific purpose for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

USE, NONCONFORMING — A use, whether of land or structure, which does not comply with the applicable use provisions in this chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

USE, TEMPORARY — A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

VARIANCE — The permission granted by the Zoning Hearing Board for an adjustment to some regulation which if strictly adhered to would result in an unnecessary physical hardship, where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of this chapter, and pursuant to the provisions of MPC Articles VI and IX.¹⁴

VEGETATIVE COVER — Consists of trees, shrubs, flowers, grass, ground or bank cover or suitable pervious decorative substitute.

VEHICLE, JUNK — Any inoperable vehicle, recreational activity vehicle, or utility vehicle that meets any of the following conditions:

- A. In regards to a vehicle designed to move under its own power: The vehicle cannot be moved under its own power, other than a vehicle clearly needing only minor repairs;
- B. A recreational activity vehicle or utility vehicle that is no longer able to be towed;
- C. The vehicle has been demolished beyond repair;
- D. The vehicle has been separated from its axles, engine, body, or chassis;
- E. The vehicle consists of only the axle, engine, body parts, and/or chassis, which is separated from the remainder of the vehicle;
- F. The vehicle does not contain a current license or registration; and/or
- G. The vehicle is otherwise unworthy for road travel in accordance with applicable local, state, or federal regulations as determined by the Township Zoning Officer.
- H. Vehicles being actively worked upon for one year are exempt from the definition of junk vehicle.
- I. The owner must provide a timeframe for completion of vehicle repair.

VIOLATION — For purposes of Part 12 hereof, the failure of a structure or other development to be fully compliant with the Township's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, and other evidence of compliance required in 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATERCOURSE — A stream of water, river, brook, creek or a channel or ditch for water whether natural or man-made.

14. Editor's Note: See 53 P.S. § 10601 et seq., and 53 P.S. § 10901 et seq., respectively.

WCF — Wireless communication facility.

WECS — Wind energy conversion system.

WECS APPLICANT — The entity or person who submits to the Township an application for the siting of any WECS or WECS substation.

WECS OPERATOR — The entity responsible for the day-to-day operation and maintenance of the WECS, including any third-party subcontractors.

WECS OWNER — The entity or entities with an equity interest in the WECS(s), including their respective successors and assigns. "Owner" does not mean:

- A. The property owner from whom land is leased for locating the WECS (unless the property owner has an equity interest in the WECS); or
- B. Any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest, provided that, after foreclosure, such person seeks to sell the WECS(s) at the earliest practicable date.

WECS PROJECT — The collection of WECS and WECS substations, as specified in the siting approval application to the Township, as described in § 27-1102, Subsection 24, hereof.

WECS SUBSTATION — The apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility's transmission lines.

WECS TOWER — The support structure to which the nacelle and wind rotor are attached.

WECS TOWER HEIGHT — The distance from the wind rotor blade at its highest point to the top surface of the WECS foundation.

WIND ROTOR — The blades, plus hub to which the blades are attached, that are used to capture wind for purpose of energy conversion. The wind rotor is used generally on a pole or tower and along with other generating and electrical storage equipment forms a wind energy conversion system.

YARD — An unoccupied space, outside the building setback lines, other than a court, open to the sky, on the same lot with a building or structure.

YARD, BUFFER — A strip of required yard space adjacent to the boundary of a property or district, not less than the width designated in this chapter, and on which is placed (planted) year-round shrubbery, hedges, evergreens or other suitable plantings of sufficient height and density to constitute an

effective screen and give maximum protection and immediate screening to an abutting property or district and may include a wall, as provided for in this chapter.

YARD, EXTERIOR — An open, unoccupied space between the buildings of a dwelling group or its accessory building and the project boundary or street line.

YARD, FRONT — An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the building front setback line projected to the side lines of the lot. The depth of the front yard shall be measured between the front building setback line and the street line. Covered porches whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

YARD, INTERIOR — An open, unoccupied space between the buildings of a dwelling group or its accessory buildings, not a front, side or rear yard.

YARD, REAR — An open unoccupied space 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 rear building setback line projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear building setback line. A building shall not extend into the required rear yard.

YARD, SIDE — An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards.

ZONING — The demarcation of the Township into zones or areas, and the application of this chapter to establish regulations to govern the use of the land, including the control of location, bulk, height, shape, use and coverage of structures within each zone in accordance with the purposes as given in § 604 of the Planning Code.¹⁵

ZONING HEARING BOARD — A group of three Township residents appointed by the Board of Supervisors as required by the Pennsylvania Municipalities Planning Code, Act No. 247.¹⁶

ZONING MAP — The map setting forth the boundaries of the Zoning Districts of the Township which shall be part of this chapter.

15. Editor's Note: See 53 P.S. § 10604.

16. Editor's Note: See 53 P.S. § 10101 et seq.

ZONING OFFICER — The duly constituted municipal official designated to administer and enforce this chapter. The Zoning Officer shall administer this chapter in accordance with its literal terms.

PART 3

DESIGNATION OF DISTRICTS**§ 27-301. Zoning Districts. [Ord. No. 6-11-19, 6/11/2019]**

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

"CN"	Conservation
"A"	Agricultural District
"R-S"	Residential Suburban District
"R-M"	Residential Multifamily District
"R-MP"	Residential Mobile Home Park District
"CM"	Commercial District
"I"	Industrial District
"SPI"	Special Industrial District

§ 27-302. Zoning Map. [Ord. No. 6-11-19, 6/11/2019]

1. The boundaries of the CN, A, R-S, R-M, R-MP, CM, I and SPI Districts shall be as shown upon the map attached to and made a part of this chapter, which shall be designated "Zoning Map."¹⁷ 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.
2. The boundaries of the identified floodplain areas described in Part 12 of this chapter shall serve as overlays to the underlying zoning districts as shown on the official Zoning Map and specifically described in the Flood Insurance Study (FIS) and on the Flood Insurances Rate Maps (FIRMs) dated August 2, 2012, issued by FEMA, which are incorporated by reference into this Part 3.

§ 27-303. Boundaries Between CN, A, R-S, R-M, R-MP, CM, I and SPI Districts. [Ord. No. 6-11-19, 6/11/2019]

1. The boundaries between these districts are, unless otherwise indicated, either the center lines of streets, alleys, rights-of-way, lot lines, or such lines extended or lines parallel thereto.
2. Where figures are shown on the Zoning Map between a street, alley, right-of-way, or lot line and a district boundary line, they indicate that the district boundary line runs parallel to that line at a distance therefrom equivalent to the number of feet so indicated.

17. Editor's Note: Said map is on file in the Township offices.

3. Where district boundaries are not clearly fixed by the above methods they shall be determined by the use of the scale of the Zoning Map.

§ 27-304. Interpretation of Boundaries. [Ord. No. 6-11-19, 6/11/2019]

When a CN, A, R-S, R-M, R-MP, CM and I District boundary line divides a lot held in single and separate ownership at the effective date of this chapter, the regulations of either abutting district may be construed by the owner to be applicable to the portion of such lot in the other abutting district for a distance of not more than 100 feet beyond the district boundary line.

§ 27-305. Use Table. [Ord. No. 6-11-19, 6/11/2019]

The following table lists the types of uses permitted by this Zoning Ordinance. Uses include those permitted by right (Zoning Officer decision), permitted by conditional use (Township Supervisors decision), and permitted by special exception (Zoning Hearing Board decision). Uses not specifically listed as permitted by right, by conditional use or by special exception are expressly prohibited and shall not be permitted in the district. Permitted uses must also comply with regulations found in Part 11, General Regulations.

Those uses not specifically listed as permitted by right(P); permitted as a conditional use (C); or permitted by special exception (S) shall be expressly prohibited and not permitted in the zoning district.	ZONING DISTRICT							
	CN CONSERVATION	A AGRICULTURAL	R-S RESIDENTIAL SUBURBAN	R-M RESIDENTIAL MULTI-FAMILY	R-MP RESIDENTIAL MOBILE HOME PARK	CM COMMERCIAL	I INDUSTRIAL	SPI SPECIAL INDUSTRIAL
Zoning Ordinance, Part -	4	5	6	7	8	9	10	10A
RESIDENTIAL USES								
Accessory apartments (single family)		P	P	P				
Conversion apartments		P						
Manufactured and industrialized housing dwellings		P	P	P				
Manufactured/mobile home dwellings when located in a manufactured/mobile home park					P			
Multifamily (apartments and garden apartments)				P				
Nursing/convalescent homes				P		P		
Seasonal cottages, hunting and fishing cabins, recreational vehicles and campgrounds	P							
Single-family attached dwellings (townhouses)				P				
Single-family detached dwelling units	P	P	P	P				
Single-family semidetached dwellings				P				
Two-family detached dwellings (duplex with one unit over the other)				P				
Residential Open Space/Conservation Design (§ 27-1102, Subsection 40)		C	C					
NONRESIDENTIAL USES								
Agricultural operations, nurseries, green houses, boarding stables, animal hospitals		P				P	P	P
Agriculturally oriented commercial establishments such as farm implement dealers, feed mills and similar businesses and support services		P						
Agriculture	P	P						
Agriculture, when part of a farm						P	P	P
Airports and heliports		P						
All uses similar to the specified permitted uses and not otherwise prohibited by law						P	P	P
Amusement enterprises, including theaters, bowling alleys, skating rinks or similar uses						P	P	
Automobile sales and services, including automobile garages and body shops						P	P	

Those uses not specifically listed as permitted by right(P); permitted as a conditional use (C); or permitted by special exception (S) shall be expressly prohibited and not permitted in the zoning district.	ZONING DISTRICT							
	CN CONSERVATION	A AGRICULTURAL	R-S RESIDENTIAL SUBURBAN	R-M RESIDENTIAL MULTI-FAMILY	R-MP RESIDENTIAL MOBILE HOME PARK	CM COMMERCIAL	I INDUSTRIAL	SPI SPECIAL INDUSTRIAL
Zoning Ordinance, Part -	4	5	6	7	8	9	10	10A
Automobile wrecking yard							P	
Banks, business and professional offices						P	P	
Bed-and-breakfast establishments		P				P		
Body shops, painting, tire retreading or recapping, welding shops and the like						P	P	
Bookbinding						P	P	
Bottling works						P	P	
Carpenter, cabinet making, furniture repair and upholstery, electrician, HVAC, metal working, tinsmiths, plumbing, welding and machine shops and other similar minor fabricating and assembly businesses						P	P	
Churches or similar places of worship and cemeteries	P	P	P	P		P		
Clubs and lodges						P	P	
Commercial recreation facilities						P	P	
Commercial scale raising and marketing of fowl or poultry		P						
Construction and farming materials and equipment storage, sales and repair businesses, including lumberyards						P	P	
Country clubs and golf courses		P						
Dance or music studios						P	P	
Day-care center				P		P	P	
Day-care home			P			P		
Department and variety stores						P	P	
Distribution plants and other service industries						P	P	
Dog kennels		S						
Fitness centers						P	P	
Forestry	P	P	P	P	P	P	P	P
Fraternal organizations, clubs and lodges				P		P		
Freight and trucking terminals						P	P	
Grange halls and buildings for agricultural-oriented groups		P						
Home occupations		P	P			P		

Those uses not specifically listed as permitted by right(P); permitted as a conditional use (C); or permitted by special exception (S) shall be expressly prohibited and not permitted in the zoning district.	ZONING DISTRICT							
	CN CONSERVATION	A AGRICULTURAL	R-S RESIDENTIAL SUBURBAN	R-M RESIDENTIAL MULTI-FAMILY	R-MP RESIDENTIAL MOBILE HOME PARK	CM COMMERCIAL	I INDUSTRIAL	SPI SPECIAL INDUSTRIAL
Zoning Ordinance, Part -	4	5	6	7	8	9	10	10A
Hospitals			P	P		P	P	
Hotels and motels						P	P	
Institutional care facilities						P	P	
Junkyards							P	
Laboratories						P	P	
Landfills							C	P
Libraries			P			P		
Machine shops						P	P	
Manufacture of metal dies and taps						P	P	
Manufacturing of pottery and figurines or other similar ceramic products, using only clay and kilns fired only by electricity or gas						P	P	
Manufacturing, compounding, processing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, pharmaceutical and food products, except vinegar, yeast and the rendering or refining of fat and oils						P	P	
Medical and dental clinics			P	P		P	P	
Medical marijuana facility - grower/processor							P	P
Medical marijuana facility - dispensary						P		
Metal fabrication and forging						P	P	
Mortuary establishments						P	P	
Nurseries, garden stores and florists		P				P		
Personal service establishments, including barbershops and beauty shops, tailors, dry cleaning, self-service laundries						P	P	
Printing and newspaper publishing						P	P	
Private park and recreation areas	P							
Processing, storage and sale of milk and milk products produced on the premises		P						
Public and private conservation areas and structures for the conservation of open land, water, soil, wildlife resources and historic preservation	P							
Public and private schools		P	P	P		P	P	

Those uses not specifically listed as permitted by right(P); permitted as a conditional use (C); or permitted by special exception (S) shall be expressly prohibited and not permitted in the zoning district.	ZONING DISTRICT							
	CN CONSERVATION	A AGRICULTURAL	R-S RESIDENTIAL SUBURBAN	R-M RESIDENTIAL MULTI-FAMILY	R-MP RESIDENTIAL MOBILE HOME PARK	CM COMMERCIAL	I INDUSTRIAL	SPI SPECIAL INDUSTRIAL
Zoning Ordinance, Part -	4	5	6	7	8	9	10	10A
Public/municipal buildings, structures, facilities and uses	P	P	P	P		P	P	P
Public park and recreation areas	P	P	P	P		P		
Public utility service structures and facilities	P	P	P	P		P	P	P
Raising of crops, fruits and vegetables	P	P	P	P		P		
Recycling facility						P	P	P
Restaurants, tea rooms, cafes, and other similar places serving food or beverages						P	P	
Riding academies, public and private stables		P						
Signs, in accordance with Part 16, Signs	P	P	P	P	P	P	P	P
Storage and packing of fruits and vegetables		P						
Storage rental facilities						P	P	
Stores for the retailing of food, beverages, drugs, sundries, confectionery, hardware, bakery products, clothing, household appliances, furniture, sporting goods, hobbies and toys, with minor manufacturing permitted						P	P	
Temporary roadside stands for sale of garden products and commodities		P						
Veterinary services and animal hospitals		P				P		
Wholesale and warehouse businesses, including distribution activities						P	P	
Wholesale business, warehousing and other storage plants						P	P	
Wind energy facilities (§ 27-1102, Subsection 24C)	C	C				C	C	C
Wireless communication facilities: Tower-based	P	P				P	P	P
Wireless communication facilities: Non-tower	P	P	P	P	P	P	P	P
ACCESSORY USES								
Accessory uses and buildings located on the same lot with and customarily incidental to any permitted use specified in the district, in accordance with Part 13, Nonconforming Buildings and Uses	P	P	P	P	P	P	P	P
Containment of large pets and farm animals accessory to residential uses			P					
Home occupation	P	P	P	P	P			

Those uses not specifically listed as permitted by right(P); permitted as a conditional use (C); or permitted by special exception (S) shall be expressly prohibited and not permitted in the zoning district.	ZONING DISTRICT							
	CN CONSERVATION	A AGRICULTURAL	R-S RESIDENTIAL SUBURBAN	R-M RESIDENTIAL MULTI-FAMILY	R-MP RESIDENTIAL MOBILE HOME PARK	CM COMMERCIAL	I INDUSTRIAL	SPI SPECIAL INDUSTRIAL
Zoning Ordinance, Part -	4	5	6	7	8	9	10	10A
No-impact home-based business			P	P	P			
Satellite dish antennas	P	P	P	P	P	P	P	P
Single-family dwelling (accessory and incidental only)						P	P	
Alternative energy systems:								
Anaerobic digesters		P					C	
Ground source heat pumps (geothermal)	P	P	P	P	P	P	P	P
Solar collectors and solar-related equipment	P	P	P	P	P	P	P	P

PART 4

CN - CONSERVATION DISTRICT

§ 27-401. Purpose. [Ord. No. 6-11-19, 6/11/2019]

1. The Conservation District regulations are intended to achieve the protection of woodlands, water supply sources, floodplains and stream channels, scenic areas, wildlife habitats, areas of excessive slopes, and other environmentally sensitive areas from unsuitable development activities. The specific purposes of this Part 4 are as follows:
 - A. To promote the goals and objectives of the Upper Paxton Township Comprehensive Plan, which relate to preserving and protecting environmentally sensitive areas.
 - B. To promote the public health, safety and welfare by the protection of such areas and by encouraging the retention of open space located and designed so as to constitute a harmonious and appropriate part of the physical development of Upper Paxton Township.
 - C. To permit only those uses of slope areas which are compatible with the conservation of natural conditions and which maintain stable soil conditions by:
 - (1) Minimizing disturbances to trees and other vegetative ground covers.
 - (2) Restricting the grading of slope areas.
 - (3) Encouraging construction of structures which blend with the natural terrain/environment.
 - (4) Encouraging development on the most level and buildable portions of slope areas.
 - D. To limit soil erosion and the resultant destruction of the land, siltation of streams and damage to property and individuals.
 - E. To protect low-lying areas from flooding by limiting the increase in stormwater runoff caused by grading of sloped areas, changes of ground cover or the erection of structures.
 - F. To maintain the ecological integrity and habitat value of such areas, i.e., indigenous vegetation and wildlife, which could be adversely affected by otherwise permitted disturbances.
 - G. To allow the continuing replenishment of groundwater resources and the maintenance of springs.

§ 27-402. Permitted Uses. [Ord. No. 6-11-19, 6/11/2019]

A building may be erected or used and a lot may be used or occupied for any of the purposes as listed in § 27-305, Use Table.

§ 27-403. Dimensional Regulations. [Ord. No. 6-11-19, 6/11/2019]

1. Dimensional regulations shall be as follows:

Maximum Building Height	
Principal	35 feet
Accessory ¹	25 feet
Minimum Lot Area	
Average slope of site before grading:	
< 12%	1 acre
12% - 15%	3 acres
15% - 20%	5 acres
20% - 25%	10 acres
> 25%	development prohibited ³
Minimum Lot Width	
Average slope of site before grading:	
< 12%	200 feet
12% - 15%	250 feet
15% - 20%	250 feet
20% - 25%	350 feet
>25%	development prohibited ³
Maximum Lot Coverage	
Lot size:	
Less than 0.5 acres	25%
Between 0.5 acres and 1 acre	20%
Between 1.1 acre and 1.5 acres	15%
Greater than 1.5 acres	10%
Minimum Yard Setbacks	
Front	50 feet
Each Side ²	25 feet

Rear	50 feet
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NOTES:

- ¹ Accessory buildings used for agricultural purposes and farming are exempt from height regulations.
- ² For corner lots, the side yard abutting the street shall be the same as the front yard.
- ³ In the event that a property has no means of access to the buildable area other than via a 25% or greater slope, the required prohibition of grading within such slopes may be modified upon application to the Township Board of Supervisors.

§ 27-404. Minimum Off-Street Parking Requirements. [Ord. No. 6-11-19, 6/11/2019]

Off-street parking shall be provided in accordance with the provisions of Part 14 of this chapter.

§ 27-405. Sign Requirements. [Ord. No. 6-11-19, 6/11/2019]

Signs shall be provided in accordance with the provisions of Part 16 of this chapter.

§ 27-406. Land Conservation Requirements. [Ord. No. 6-11-19, 6/11/2019]

- 1. In order to promote the highest environmental quality possible, the success 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 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 watercourses.
 - A. A grading plan, showing the buildable area, the exclusion area, whether required or developer designated, and the buildable site area, shall be submitted to the Township Board of Supervisors for their approval or denial. The grading plan will define excavation, earthmoving procedures and other changes to the landscape.
 - B. Exclusion areas may count toward minimum lot area requirements. Each lot within a subdivision shall be required to have a buildable area equal to at least 20% of the required minimum lot size.
 - C. All site improvement plans shall be reviewed by the Dauphin County Conservation District, Township Engineer and the Zoning Officer before issuance of any permits. The purpose of the 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 proposed right-of-way line of a street or drive, within 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 25% 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. The provisions of this Section are not intended to prohibit the cutting of trees by property owners, except as regulated by standard forestry practices.
- 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 on a lot for buildings, driveways, parking areas, yards, walls and accessory structures shall conform with the following requirements:
- (1) On lots less than one acre, maximum grading area shall be 25% of the first acre or 10% of the entire lot, whichever is greater.
 - (2) On lots of one to five acres, maximum graded area shall be 30% of the first acre or 10% of the entire lot, whichever is greater.
 - (3) On lots of five to 10 acres, maximum graded area shall be 10% of the first five acres or 7% of the entire lot, whichever is greater.
 - (4) On lots of 10 to 25 acres, maximum graded area shall be 7% of the first 10 acres or 5% of the entire lot, whichever is greater.
 - (5) On lots greater than 25 acres, maximum graded area shall be 5% of the first 25 acres or 3% of the entire lot, whichever is greater.
- F. Topsoil shall be removed from the areas of construction and stored separately. Upon completion of construction and/or site improvements, the topsoil shall 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 development of any lot within this district.
- H. A series of the following environmental reports shall be required as supporting documentation for all subdivision plans that propose more than three lots within this district. The Township Board of Supervisors may waive any reports it deems unnecessary to determine whether the development meets the purposes and requirements of this chapter.
 - (1) Soils Report. Prepared by a qualified soils engineer or soils scientist and shall contain, at a minimum, the following data:
 - (a) A slope analysis.
 - (b) Estimated normal highest elevation of the seasonal high water table.
 - (c) The location and size of underground water sources. An analysis of the vegetative cover or other surface information may be used to show the presence of these sources.
 - (d) A unified soils classification for the major horizons or layers of soil profile or of the zone of the footing foundation.
 - (e) Appropriate accepted soils engineering tests to determine bearing capacity, settlement potential and shrink/swell potential of the site soils.
 - (f) Potential frost action based on the depth to the water table and the unified soils classification.
 - (g) An analysis of the soil suitabilities, constraints and proposed methods of mitigation of said constraints in implementing the proposed development plan.
 - (h) A written statement by the preparer of the soils report identifying the means proposed to minimize hazard to life or property, adverse effects to the safety, use or stability of any public improvements, and adverse impacts on the natural environment.
 - (2) Geology Report. Prepared by a professional geologist or other person qualified by training and experience to have expert knowledge of the subject. A geologic map shall accompany the

report. Mapping should reflect careful attention to the rock composition, structural elements, surface and subsurface distribution of the earth materials exposed or inferred within both bedrock and surficial deposits. A clear distinction should be made between observed and inferred features and/or relationships. The report shall contain at least the following information:

- (a) Location and size of the subject area and its general setting with respect to major geographic, physiographic and geologic features.
 - (b) Identification (including author and date) of the geologic mapping upon which the report is based.
 - (c) Topography and drainage in the subject area impacted by the proposed development.
 - (d) Abundance, distribution and general nature of exposures of earth materials within the area.
 - (e) Nature and source of available subsurface information.
 - (f) Estimated depth to bedrock.
 - (g) Bedrock — igneous, sedimentary, metamorphic types.
 - (h) Structural features, including, but not limited to, stratification, stability, folds, zones of contortion or crushing, joints, fractures, shear zones, faults and any other geologic limitations.
 - (i) Conclusions and recommendations regarding the effect of geologic conditions on the proposed development and recommendations covering the adequacy of sites to be developed.
 - (j) A written statement by the person preparing the geology report identifying the means proposed to minimize hazard to life or property, adverse effects to the safety, use or stability of any public improvements and adverse impacts on the natural environment.
- (3) Grading and Drainage Plan. Prepared by a professional engineer, landscape architect 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, in addition to the requirements of the

Township Subdivision and Land Development Ordinance (Chapter 22), the following information:

- (a) A map of the entire site showing existing details and contours of the property and proposed contour modifications using a minimum of ten-foot contour intervals at a scale of one inch equals 100 feet.
- (b) Map(s) of area(s) impacted by the proposed development to be graded showing existing details and contours at five-foot intervals where terrain will not be modified and proposed details and contours of two-foot intervals where terrain modification is proposed, using a scale of one inch equals 20 feet to show drainage patterns.
- (c) An investigation of the effects of the 100-year storm evaluating how the proposed drainage system will handle the predicted flows, including effects of drainage areas outside the development, which drain through the subject area and the anticipated flow of the drainage leaving the development.
- (d) The history, including frequency and duration of prior flooding.
- (e) Proposed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs and other protective devices to be constructed with or as part of the proposed work, together with a map showing drainage areas, and the proposed drainageways which may be affected by the proposed project. Include estimated runoff of the areas served by the drainage path.
- (f) A schedule showing when each stage of the project will be completed, including the total area of soil surface which is to be disturbed during each stage and an estimate of starting and completion dates. The schedule shall be drawn to limit the shortest possible period the time that soil is exposed and unprotected. In no event shall the existing natural vegetation or ground cover be destroyed, removed or disturbed more than 15 days prior to commencing grading for development as scheduled.
- (g) A written statement by the person preparing the grading and drainage plan identifying any grading and drainage problems of the development and further stating an opinion as to the ability of the proposed plan to mitigate or eliminate said problems in a manner as to prevent hazard to life or property, adverse effects to the safety,

use or stability of any public improvements and adverse impacts on the natural environment.

- (4) Vegetation 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, at a minimum, the following data:
 - (a) A survey of existing trees, large shrubs and ground covers.
 - (b) A plan of the proposed revegetation of the site detailing existing vegetation to be preserved, new vegetation to be planted and any modifications to existing vegetation.
 - (c) A plan for the preservation of existing vegetation during construction activity.
 - (d) A vegetation maintenance program, including initial and continuing maintenance necessary.
 - (e) A written statement by the person preparing the vegetation plan and report identifying any vegetation problems, and further stating an opinion as to the ability of the proposed plan to mitigate or eliminate said problems in a manner as to prevent hazard to life or property, adverse effects on the safety, use or stability of any public improvements and adverse impacts on the natural environment.
 - (5) Any area containing natural hazards, geologic hazards or hydrologic hazards shall be identified by a professional engineer or surveyor and shall not be approved for development by the Township Board of Supervisors 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.
- I. In the event that a property has no means of access to the buildable area other than via a 25% or greater slope, the required prohibition of grading within such slopes as detailed in this chapter may be modified upon application to the Township Board of Supervisors. The applicant shall be required to adequately demonstrate that no other alternative is available for access to the area. Said applications shall be reviewed by the Zoning Officer and the Township Engineer, who shall consider all comments prior to making a recommendation to the Board of Supervisors.

- J. 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.
- K. Commercial timbering shall be in compliance with all applicable state and federal regulations. Prior to any such activities, the applicant shall provide written notification to the Township Board of Supervisors from the Dauphin County Conservation District and appropriate Pennsylvania Department of Environmental Protection agency that necessary planning and permitting requirements have been fulfilled. The provisions of this Section are not intended to prohibit the cutting of trees by property owners to be used for firewood.

PART 5

A - AGRICULTURAL DISTRICT

§ 27-501. Purpose. [Ord. No. 6-11-19, 6/11/2019]

Agricultural land is considered a special nonreplaceable resource within the Township which, if lost, is not reclaimable once developed. Agricultural activities are an integral part of the culture and economy of Upper Paxton Township and are therefore deserving of preservation. The Agricultural District is intended and designed to preserve and promote agricultural activities in areas of productive soils and active farming as an ongoing and viable major component of the Township's economy and lifestyle. It is further intended to prevent adverse effects resulting from encroachment by guiding development types and intensities incompatible with agricultural operations into more appropriate zoning districts. In the Agricultural District, agricultural and related support activities are considered primary uses, with residential and other nonagricultural uses being secondary. Therefore, nonagricultural uses permitted to develop in this district must accept nuisances which are a normal adjunct to farming and related operations.

§ 27-502. Permitted Uses. [Ord. No. 6-11-19, 6/11/2019]

A building may be erected or used and a lot may be used or occupied for any of the purposes listed in § 27-305, Use Table.

§ 27-503. Dimensional Regulations. [Ord. No. 6-11-19, 6/11/2019]

1. Dimensional regulations shall be as follows:

Maximum Building Height	
Principal	35 feet
Accessory ¹	25 feet
Minimum Lot Area	20 acre
Maximum Density²	0.05 du/ac
Minimum Lot Width	150 feet
Maximum Lot Coverage	20%
Minimum Yard Setbacks	
Front	50 feet
Each Side ³	25 feet
Rear	50 feet

NOTES:

- ¹ Accessory buildings used for agricultural purposes and farming are exempt from height regulations.
- ² The total number of lots and/or dwelling units shall comply with the provisions of § 27-1102, Subsection 30 of this chapter.
- ³ For corner lots, the side yard abutting the street shall be the same as the front yard.

§ 27-504. Minimum Off-Street Parking Requirements. [Ord. No. 6-11-19, 6/11/2019]

Off-street parking shall be provided in accordance with the provisions of Part 14 of this chapter.

§ 27-505. Sign Requirements. [Ord. No. 6-11-19, 6/11/2019]

Signs shall be provided in accordance with the provisions of Part 16 of this chapter.

PART 6

R-S RESIDENTIAL SUBURBAN DISTRICT

§ 27-601. Purpose. [Ord. No. 6-11-19, 6/11/2019]

The purpose of the Residential Suburban District is to provide reasonable standards for the orderly expansion of suburban-type residential development to prevent the overcrowding of land, to exclude activities of a commercial or industrial nature which are incompatible with residential development and to otherwise create conditions conducive to carrying out the purposes of this chapter and the Comprehensive Plan.

§ 27-602. Permitted Uses. [Ord. No. 6-11-19, 6/11/2019]

A building may be erected or used and a lot may be used or occupied for any of the purposes as listed in § 27-305, Use Table.

§ 27-603. Dimension, Regulations. [Ord. No. 6-11-19, 6/11/2019]

1. Dimensional regulations shall be as follows:

Maximum Building Height	
Principal	35 feet
Accessory ¹	25 feet
Minimum Lot Area	
Not served by public water and sewer	1 acre
Served by public water and sewer	12,000 square feet
Minimum Lot Width	
	100 feet
Maximum Lot Coverage	
	30%
Minimum Yard Setbacks	
Front	30 feet
Each Side ²	15 feet
Rear	30 feet

NOTES:

¹ Accessory buildings used for agricultural purposes and farming are exempt from height regulations.

² For corner lots, the side yard abutting the street shall be the same as the front yard.

§ 27-604. Minimum Off-Street Parking Requirements. [Ord. No. 6-11-19, 6/11/2019]

Off-street parking shall be provided in accordance with the provisions of Part 14 of this chapter.

§ 27-605. Sign Requirements. [Ord. No. 6-11-19, 6/11/2019]

Signs shall be provided in accordance with the provisions of Part 16 of this chapter.

PART 7

R-M RESIDENTIAL MULTIFAMILY DISTRICT

§ 27-701. Purpose. [Ord. No. 6-11-19, 6/11/2019]

The purpose of the Residential Multifamily District is to provide for the orderly expansion of higher density residential development in areas where the location of community facilities is feasible; to provide for the public health and to prevent the overcrowding of land through the application of maximum residential densities; to provide standards which will encourage the installation of public facilities and the preservation of open space; to exclude activities of a commercial or industrial nature and other activities not compatible with residential development.

§ 27-702. Permitted Uses. [Ord. No. 6-11-19, 6/11/2019]

A building may be erected or used and a lot may be used or occupied for any of the purposes as listed in § 27-305, Use Table.

§ 27-703. Dimensional Regulations. [Ord. No. 6-11-19, 6/11/2019]

1. Dimensional regulations shall be as follows:

Maximum Building Height		
Principal	35 feet	
Accessory ¹	25 feet	
Minimum Lot Area (per dwelling unit [du])	Residential	Nonresidential ²
Not served by public sewer		1 acre
SF detached	1 acre	
SF semidetached	1 acre	
Two-family detached	1 acre	
Served by public water and sewer		20,000 square feet
SF detached	12,000 square feet	
SF semidetached	6,000 square feet	
Two-family detached	6,000 square feet	
SF attached	4,000 square feet	
Multifamily/Apartments	5,000 square feet	
Minimum Lot Width	Residential	Nonresidential ²
Not served by public sewer		100 feet

SF detached	100 feet	
SF semidetached	100 feet per du	
Two-family detached	125 feet	
Served by public water and sewer	100 feet	
SF detached	80 feet	
SF semidetached	50 feet per du	
Two-family detached	80 feet	
SF attached	20 feet	
Multifamily/Apartments	200 feet	
Maximum Density	8 du/ac	
Maximum Lot Coverage	50%	
Minimum Yard Setbacks		
Front	30 feet	
Each Side ³	15 feet	
Rear	30 feet	
Multifamily structures ⁴	30 feet	

NOTES:

- ¹ Accessory buildings used for agricultural purposes and farming are exempt from height regulations.
- ² For nonresidential lots, additional lot area shall be required as determined on the basis of yard, off-street parking, loading and unloading and coverage standards.
- ³ For corner lots, the side yard abutting the street shall be the same as the front yard.
- ⁴ Multifamily structures shall have a front yard, two side yards and a rear yard each.
The distance between any portion of multifamily structures shall be not less than 25 feet or the height of the tallest structure, whichever is greater.

§ 27-704. Minimum Off-Street Parking Requirements. [Ord. No. 6-11-19, 6/11/2019]

Off-street parking shall be provided in accordance with the provisions of Part 14 of this chapter.

§ 27-705. Sign Requirements. [Ord. No. 6-11-19, 6/11/2019]

Signs shall be provided in accordance with the provisions of Part 16 of this chapter.

§ 27-706. Buffer Yards. [Ord. No. 6-11-19, 6/11/2019]

A buffer yard shall be provided between residential and nonresidential uses in accordance with the provisions of Part 11 of this chapter.

PART 8

R-MP RESIDENTIAL MOBILE HOME PARK DISTRICT**§ 27-801. Purpose. [Ord. No. 6-11-19, 6/11/2019]**

The purpose of the Residential Mobile Home District is to provide an area specifically for the location of manufactured/mobile home dwellings within the Township, to provide reasonable standards to protect the health, safety and welfare of the residents of manufactured/mobile home dwellings as single-family dwellings and manufactured/mobile home parks; to provide standards which will encourage the installation of public facilities and preservation of public open space; to provide for the public convenience; and to otherwise create conditions conducive to carrying out the purpose of this chapter.

§ 27-802. Permitted Uses. [Ord. No. 6-11-19, 6/11/2019]

A building may be erected or used and a lot may be used or occupied for any of the purposes as listed in § 27-305, Use Table.

§ 27-803. Development Standards. [Ord. No. 6-11-19, 6/11/2019]

For the purposes of this Part 8, the procedures and standards contained in the Dauphin County Subdivision and Land Development Regulations shall apply, as may be amended.

§ 27-804. Sign Requirements. [Ord. No. 6-11-19, 6/11/2019]

Signs shall be provided in accordance with the provisions of Part 16 of this chapter.

PART 9

CM - COMMERCIAL DISTRICT

§ 27-901. Purpose. [Ord. No. 6-11-19, 6/11/2019]

The purpose of the Commercial District is to provide reasonable standards for the development of a variety of commercially oriented uses in areas where such uses already exist and where, due to the character of the undeveloped land, the establishment of such uses is feasible. The standards of this district are designed to minimize traffic congestion on the street and provide for convenient public access to commercial services.

§ 27-902. Permitted Uses. [Ord. No. 6-11-19, 6/11/2019]

1. A building may be erected or used and a lot may be used or occupied for any of the purposes as listed in § 27-305, Use Table.
 - A. All uses similar to those permitted and not otherwise prohibited by law are also permitted.
 - B. Uses are permitted only on the condition that they are not obnoxious or offensive by reason of the emission of odor, dust, smoke, noise, gas, vibration or refuse matter, as set forth in § 27-1113, Performance Standards, in this chapter.

§ 27-903. Dimensional Regulations. [Ord. No. 6-11-19, 6/11/2019]

1. Dimensional regulations shall be as follows:

Maximum Building Height	
Principal	35 feet
Accessory ¹	25 feet
Minimum Lot Area	
Not served by public water and sewer	1 acre
Served by public water and sewer ²	20,000 square feet
Minimum Lot Width	
Not served by public water and sewer	125 feet
Served by public water and sewer	100 feet
Maximum Lot Coverage	
	65%
Minimum Yard Setbacks	
Front	40 feet
Each Side ³	20 feet

Rear	35 feet
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NOTES:

- ¹ Accessory buildings used for agricultural purposes and farming are exempt from height regulations.
- ² Where served by public water and sewer, lot area shall be determined on the basis of yards, off-street parking, loading and unloading, and coverage standards.
- ³ For corner lots, the side yard abutting the street shall be the same as the front yard.
 No side yard shall be required where adjoining property owners shall mutually agree in writing. However, in no case shall party walls be permitted between properties or lots of separate ownership.
 In the case of a series of abutting structures paralleling and abutting a public right-of-way, an open and unobstructed passage for vehicles and pedestrians, of at least 20 feet in width shall be provided at grade level at intervals of not more than 400 feet.

§ 27-904. Minimum Off-Street Parking Requirements. [Ord. No. 6-11-19, 6/11/2019]

Off-street parking shall be provided in accordance with the provisions of Part 14 of this chapter.

§ 27-905. Sign Requirements. [Ord. No. 6-11-19, 6/11/2019]

Signs shall be provided in accordance with the provisions of Part 16 of this chapter.

§ 27-906. Buffer Yards. [Ord. No. 6-11-19, 6/11/2019]

A buffer yard shall be provided between residential and commercial uses in accordance with Part 11 of this chapter.

PART 10

I - INDUSTRIAL DISTRICT

§ 27-1001. Purpose. [Ord. No. 6-11-19, 6/11/2019]

The purpose of these district regulations is to provide for a broad range of industrial uses to supplement existing activities and to provide new employment opportunities, while preserving the integrity of the adjacent land uses.

§ 27-1002. Permitted Uses. [Ord. No. 6-11-19, 6/11/2019]

1. A building may be erected or used and a lot may be used or occupied for any of the purposes as listed in § 27-305, Use Table.
2. Uses are permitted only on the condition that they are not obnoxious or offensive by reason of the emission of odor, dust, smoke, noise, gas, vibration or refuse matter, as set forth in § 27-1113, Performance Standards, in this chapter.

§ 27-1003. Dimensional Regulations. [Ord. No. 6-11-19, 6/11/2019]

1. Dimensional regulations shall be as follows:

Maximum Building Height	
Principal	35 feet
Accessory ¹	25 feet
Minimum Lot Area	
Not served by public water and sewer	1 acre
Served by public water and sewer ²	20,000 square feet
Minimum Lot Width	125 feet
Maximum Lot Coverage	50%
Minimum Yard Setbacks	
Front	50 feet
Each Side ³	20 feet
Rear	50 feet

NOTES:

¹ Accessory buildings used for agricultural purposes and farming are exempt from height regulations.

NOTES:

- ² Where served by public water and sewer, lot area shall be determined on the basis of yards, off-street parking, loading and unloading, and coverage standards.
- ³ For corner lots, the side yard abutting the street shall be the same as the front yard.
2. No side yard shall be required where adjoining property owners shall mutually agree in writing. However, in no case shall party walls be permitted between properties or lots of separate ownership.
3. In the case of a series of abutting structures paralleling and abutting a public right-of-way, an open and unobstructed passage for vehicles and pedestrians, of at least 20 feet in width shall be provided at grade level at intervals of not more than 400 feet.

§ 27-1004. Minimum Off-Street Parking Requirements. [Ord. No. 6-11-19, 6/11/2019]

Off-street parking shall be provided in accordance with the provisions of Part 14 of this chapter.

§ 27-1005. Sign Requirements. [Ord. No. 6-11-19, 6/11/2019]

Signs shall be provided in accordance with the provisions of Part 16 of this chapter.

§ 27-1006. Buffer Yards. [Ord. No. 6-11-19, 6/11/2019]

A buffer yard shall be provided between residential and industrial uses in accordance with Part 11 of this chapter.

PART 10A

SPECIAL INDUSTRIAL DISTRICT

§ 27-1001A. Purpose. [Ord. No. 6-11-19, 6/11/2019]

The purpose of these district regulations is to provide for a specific range of nonresidential uses and to supplement existing activities and to provide new employment opportunities, while preserving the integrity of the adjacent land uses.

§ 27-1002A. Permitted Uses. [Ord. No. 6-11-19, 6/11/2019]

A building may be erected or used and a lot may be used or occupied for any of the purposes as listed in § 27-305, Use Table.

§ 27-1003A. Dimensional Regulations. [Ord. No. 6-11-19, 6/11/2019]

1. Dimensional regulations shall be as follows:

Maximum Building Height	
Principal	35 feet
Accessory ¹	25 feet
Minimum Lot Area	1 acre
Minimum Lot Width	125 feet
Maximum Lot Coverage	50%
Minimum Yard Setbacks	
Front	50 feet
Each Side ²	20 feet
Rear	50 feet

NOTES:

¹ Accessory buildings used for agricultural purposes and farming or structures (other than a building) used in conjunction with a municipal waste landfill are exempt from height regulations.

² For corner lots, the side yard abutting the street shall be the same as the front yard.

No side yard shall be required where adjoining property owners shall mutually agree in writing. However, in no case shall party walls be permitted between properties or lots of separate ownership.

In the case of a series of abutting structures paralleling and abutting a public right-of-way, an open and unobstructed passage for vehicles and pedestrians, of at least 20 feet in width shall be provided at grade level at intervals of not more than 400 feet.

§ 27-1004A. Minimum Off-Street Parking Requirements. [Ord. No. 6-11-19, 6/11/2019]

Off-street parking shall be provided in accordance with the provisions of Part 14 of this chapter.

§ 27-1005A. Sign Requirements. [Ord. No. 6-11-19, 6/11/2019]

Signs shall be provided in accordance with the provisions of Part 16 of this chapter.

§ 27-1006A. Performance Standards. [Ord. No. 6-11-19, 6/11/2019]

All developments and uses shall meet the performance standards as set forth in Part 11, § 27-1113.

§ 27-1007A. Buffer Yards. [Ord. No. 6-11-19, 6/11/2019]

A buffer yard shall be provided between residential and industrial uses in accordance with Part 11 of this chapter.

PART 11

GENERAL REGULATIONS

§ 27-1101. Purpose. [Ord. No. 6-11-19, 6/11/2019]

The following general regulations shall supplement the regulations set forth herein for each district and shall apply throughout the Township unless otherwise specified in other sections of this chapter.

§ 27-1102. Use Regulations. [Ord. No. 6-11-19, 6/11/2019]

1. Agriculture Farms and Gardening. The tilling of the soil, raising of crops, the keeping of livestock, poultry and the processing of dairy products, horticulture and gardening shall be permitted in any district; providing, that unless otherwise permitted, only gardening, incidental to residential uses, shall be permitted on improved lots located in a subdivision plan approved by the Township.
2. Animals and Horticulture. In districts where permitted, operations involving the use of buildings and land for farming, nurseries and greenhouses, riding academies, livery or boarding stables, animal hospitals, stock raising, dairying and poultry shall be subject to the following safeguards and regulations:
 - A. Buildings in which animals or poultry are kept shall not hereafter be erected within 50 feet of any lot line, nor within 100 feet of any residential dwelling.
 - B. The stockpiling or storage of manure or odor- or dust-producing substance shall not be permitted within 200 feet from any lot line unless the landowners within the 200-foot distance from the manure storage facility otherwise agree and execute a waiver. Where slopes exceed 8% and are toward the property line, this distance shall be 300 feet unless the landowners within the 300-foot distance otherwise agree and execute a waiver.
 - C. Commercial greenhouse heating plant, coal, natural gas or fuel oil fired, shall not be operated within 150 feet of any residential district boundary.
 - D. Buildings used for riding academies and animal hospitals, including exercise yards, shall not hereafter be erected within 50 feet of any lot line.
 - E. Carcasses of dead animals shall be promptly removed and properly disposed of.

3. Accessory Uses. An accessory use shall be permitted only when customarily incidental and accessory to a lawfully permitted use of a lot and/or building.
4. Day-Care Home. Where permitted, day-care homes may be established in a single-family detached dwelling subject to the following conditions:
 - A. 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.
 - B. A buffer yard/screen planting of no less than 10 feet in depth shall be established along rear and side lot lines in accordance with this Part 11.
 - C. Operators must comply with all Pennsylvania Department of Human Services licensing/registration requirements and any other local, state or federal regulations.
 - D. Off-street parking shall be provided in accordance with Part 14, Off-Street Parking.
 - E. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements and other applicable standards.
5. Hazardous Substances. The temporary or permanent storage and transportation of hazardous waste, as defined in Part 2, herein, shall comply with the following conditions:
 - A. All activities that generate, store, use, transport and dispose of materials and substances regulated by this section shall possess all applicable permits required by the Township, Pennsylvania, Department of Environmental Protection, United States Environmental Protection Agency, and any other agency having jurisdiction over such use.
 - B. All activities and operations must be in compliance with the provisions of the Pennsylvania Solid Waste Management Act,¹⁸ as amended. Further, such activities shall be in compliance with the following Pennsylvania Department of Environmental Protection (DEP) Rules and Regulations, as amended:

Title 25.	Environmental Protection
Part I.	Department of Environmental Protection
Subpart C.	Protection of Natural Resources
Article I.	Land Resources
Chapter 75.	Solid Waste Management

18. Editor's Note: See 35 P.S. § 6018.101 et seq.

Subchapter D. Hazardous Waste

Subchapter F. Criteria for Siting Hazardous Waste Facilities

- C. As required by the above reference to regulations administered by the Pennsylvania Department of Environmental Protection, a copy of the preparedness, prevention and contingency plan shall be maintained at the site and submitted to the local police department, fire departments, hospitals and emergency response teams that may be called upon to provide emergency services. A copy shall concurrently be filed with the Township Zoning Officer and Township Manager to verify compliance with this section of this chapter. The plan and copies furnished shall be maintained in current condition as a responsibility of the facility owner.
- D. Unless greater restrictions apply through the agencies identified in Subsection 5A, above, no use regulated by this section shall be established:
- (1) Within 200 yards of any dwelling, church, school or any other building or buildings which from time to time are utilized for human occupancy.
 - (2) Within 200 yards of:
 - (a) Any body of water.
 - (b) Any well.
 - (c) Any water intake for a water supply system.
 - (3) In addition to any and all setbacks required by this chapter, any use regulated by this section shall also be subject to the following:
 - (a) A chain link fence, a minimum of eight feet in height with at least a one foot, three stranded course of outward slanting barbed wire extension shall completely encircle the premises, with any gates locked during nonbusiness hours.
 - (b) A buffer yard of 75 feet shall be maintained along all adjoining property lines. No structures, other than an approved fence or an earthen retaining mound, shall be permitted within the buffer yard.
6. Home Occupation. Where permitted, home occupations may be established subject to the following:
- A. Residential and Conservation Districts. In order to maintain residential family living characteristics and quality of life promoted in

residential districts, yet provide for opportunities to supplement family income in a manner that would not be detrimental to such quality of life standards, home occupations shall comply with the following provisions:

- (1) The home occupation shall be carried on completely within the dwelling unit or accessory building. Only no-impact home-based businesses shall be permitted in multifamily apartments or garden apartments.
- (2) Not more than three persons other than the occupants of the dwelling unit shall be employed.
- (3) Not more than 50% of the floor area of a dwelling shall be devoted to a home occupation.
- (4) 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. If the gross sales of articles not produced on the premises exceed 25% of the gross receipts from the home occupation and sales of articles produced on the premises, such sales shall not be deemed to be incidental to the home occupation, and shall not be permitted.
- (5) There shall be no exterior display or sign (except as permitted in the regulation of signs in this chapter) no exterior storage of materials and no other exterior indication of the home occupation or variation of the residential character of the main building.
- (6) No offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
- (7) A home occupation may include: craft shops; art studios; dressmaking or millinery; barbershop; beauty parlor; teaching music, art or dance; real estate or insurance office; the professional office of a dentist, physician, lawyer, engineer, planner, accountant, architect; home telephone sales or any other activities of a similar nature.
- (8) A home occupation shall, under no circumstances, be interpreted to include: a commercial stable or a dog kennel; automobile service, sales, body shop or garage; small engine repair shop; donut shop; or any occupation where the principal activity involves sales offered across the counter.

- (9) Off-street parking shall be provided in accordance with the provisions of Part 14, Off-Street Parking. In addition to private employee vehicles, only one business related vehicle may be parked on the premises. Such business related vehicle may only be a passenger car, station wagon, van or pickup truck not exceeding one ton capacity. Business identification is permitted to appear on the business vehicle.
- B. Agricultural District. The purpose of the Agricultural District is to promote agricultural and related commercial support activities. Residential uses are considered accessory to such uses and permitted only at very low densities. Therefore, an expansion of permitted home occupation activities can be established that would be in keeping with the purpose of the district and have less of an impact on the residential living environment. Home occupations are, however, considered accessory uses and not intended to create a primary nonagricultural related commercial and industrial operation as a principal use. The following provisions shall therefore be complied with:
- (1) The home occupation may be carried on within the dwelling or accessory building. Not more than 50% of the floor area of a dwelling shall be devoted to a home occupation.
 - (2) Not more than six persons, other than the occupants of the dwelling, shall be employed.
 - (3) Signs shall be permitted in compliance with Part 16 of this chapter, pertaining to home occupations.
 - (4) Any noise, vibration, smoke, particulate matter, heat, glare or other effects shall be in compliance with § 27-1113, Performance Standards, of this chapter.
 - (5) A home occupation may include: crafts; art studios; tailoring; barbershop; beauty parlor; teaching of music, art, ceramics or dance; real estate or insurance office; the professional office of a dentist, physician, lawyer, engineer, planner, accountant, architect; home telephone sales; woodworking; metal working; ceramics; small appliance/engine repair for nonagricultural related equipment; carriage/buggy making; or any other activities of a similar nature.
 - (6) Off-street parking shall be provided in accordance with the provisions of Part 14, Off-Street Parking. In addition to private employee vehicles, only one business related vehicle may be parked on the premises. Such business related vehicle may only be a passenger car, station wagon, van or pickup truck. Business identification is permitted to appear on a business vehicle.

7. Recreational Vehicle Parks. Where permitted, recreational vehicle parks shall be subject to the following:
- A. The driveways, exits, entrances and walks shall be lighted and paved in accordance with municipal standards. One-way traffic cartways shall be not less than 12 feet wide and two-way traffic cartways shall be not less than 22 feet wide.
 - B. Access to vehicle spaces shall not be permitted from any public road. All such access will be provided by an internal access road.
 - C. An area of not less than 1,500 square feet shall be provided for each vehicle.
 - D. The minimum width of each vehicle space shall be 25 feet.
 - E. The minimum depth of each vehicle space shall be not less than 60 feet, or 30% longer than the length of the vehicle, whichever requirement is greater.
 - F. Each vehicle shall be located not less than 25 feet from any building and not less than 30 feet from lines bounding adjacent property.
 - G. Separate provision shall be made for the parking of tow equipment on or adjacent to the vehicle space, or at a location removed from the vehicle space. There shall be one such off-street parking space not less than 10 feet wide and 20 feet long for each vehicle space in the park.
 - H. In addition to the off-street parking as required in Subsection 7G, above, there shall be additional off-street parking space required equal to 1/2 of the number of vehicle spaces provided in the park.
 - I. Recreation vehicle parks shall be provided with screening such as fences, or natural growth along the property boundary line separating the park and adjacent uses. If the buffer yards are already wooded, this plant life shall be maintained as screening.
 - J. A land development plan of any proposed recreation vehicle park development shall be presented to the Board of Supervisors for approval before any construction and any vehicle shall be permitted on the site.
 - K. Sewers.
 - (1) Each vehicle park shall be provided with sewage disposal facilities. The proposed provisions for sewage shall be presented to the Board of Supervisors for approval before any vehicle shall be permitted on the site. Approval shall be required from the Pennsylvania Department of Environmental Protection.

- (2) A recreation vehicle park may be approved without individual sewerage connection, provided the park is serviced by approved central toilet facilities and central shower facilities, and an approved dump station. Approvals shall be required from the Board of Supervisors and the Pennsylvania Department of Environmental Protection.
8. Motels. In districts where permitted, motels shall be subject to the following safeguards and regulations:
- A. Where proposed as a land development, a plat shall be prepared and submitted to the Township in accordance with the Upper Paxton Township Subdivision/Land Development Ordinance (Chapter 22).
 - B. No motel shall have a lot area of less than one acre.
 - C. Front, side and rear yards of the motel shall be permanently landscaped and maintained in good condition.
 - D. Off-street parking and loading spaces for other facilities developed as part of the motel premises shall be provided as required by Part 14, Off-Street Parking.
 - E. Every unit shall be provided with running hot and cold water, separate toilet facilities, and shall be connected to a public sanitary sewerage system, or approved on-lot sewage disposal system.
 - F. Motel buildings or parts thereof shall be placed no closer than 30 feet to any lot line.
 - G. The space between motel buildings shall be not less than 20 feet and the space between the fronts or rears of units shall be not less than the dimensions required for courts, where such are formed by the arrangement of units.
9. Outdoor Recreation Areas. Unless otherwise controlled by district regulations, outdoor recreation areas may be permitted provided that:
- A. Parking shall be provided in accordance with the provisions of Part 14.
 - B. Site development shall include protective measures to adjoining properties in regard to dust, noise and glare, as deemed necessary by the Board of Supervisors to protect public safety and welfare.
 - C. All lighting shall be so arranged and shielded so that no unreasonable glare or illumination is cast upon adjoining residential uses in any district.
10. Private Yard and Garage Sales. Such activities may be permitted based on the following conditions:

- A. Such sales are limited to two per year per dwelling unit.
 - B. All activities are conducted in such a manner that no hazards, nuisances or traffic safety problems are created.
 - C. The duration of such a sale shall not exceed two consecutive days.
 - D. Authorization to conduct such activities is issued in writing by a Township official.
 - E. Only goods that have not been purchased or otherwise acquired with the specific intent for resale shall be offered for sale.
 - F. Garage/yard sales shall comply with relevant sections of Part 16 relating to signs.
11. Public Utility Service and Distribution Facilities. Public utility facilities shall be permitted in any district without regard to the use and area regulations; provided, however, that buildings erected for these utilities shall be subject to the following regulations:
- A. Front, side and rear yards shall be provided in accordance with the regulations of the district in which the building is located.
 - B. Height of building shall conform to the district regulations.
 - C. Unhoused equipment shall be enclosed with a chain link fence at least six feet in height. Selected planting shall be used to minimize adverse visual affects.
 - D. Housed Equipment. When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yard shall be maintained in conformity with the district in which the facility is located.
 - E. Screen Planting. The required fence for unhoused equipment shall be surrounded by an evergreen planting properly maintained for visual appearance.
 - F. The external design of the building shall be in conformity with the buildings in the district.
 - G. Access for Unhoused Equipment. Where vehicular access is across the front yard, the gate shall be constructed of solid materials having not less than 50% solid in ratio to open space.
 - H. Public utility transmission and distribution facilities shall be permitted in any district subject to rules and regulations necessary to public health and safety. Area, lot, yard height and other regulations contained in this chapter may be modified by the Zoning Hearing Board to achieve justice and secure public safety and welfare.

12. Alternative Energy Systems.

A. The purpose of this section is to encourage alternative energy systems that have a positive impact on energy production and conservation while not having an adverse impact on the Township, in order to:

- (1) Promote rather than restrict the use of alternative energy systems by creating a clear path for approving alternative energy systems;
- (2) Create a livable community where development incorporates sustainable design elements such as resource and energy conservation and the use of renewable energy; and
- (3) Encourage alternative energy development in locations where the technology can be environmentally, economically and socially compatible.

B. General Provisions.

- (1) Systems may be installed in the side or rear portions of the property.
- (2) Systems shall be a nonobtrusive, in a nonreflective color, use reduced or antiglare coatings, and otherwise constructed in such a manner as to be sympathetic to neighboring properties and adjacent public or private streets.
- (3) Systems shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- (4) Systems shall not display advertising, except for reasonable identification of the system manufacturer or owner and not readable from any public road.
- (5) On-site transmission and power lines between the system and point of use, to the maximum extent practicable, shall be placed underground, or suitably armored.
- (6) All ground-mounted or ground-accessible electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- (7) Any substantial upgrade, modification or structural change that increases the size or relocates an existing system must comply with this section.

C. Decommissioning of Systems.

- (1) Except for geothermal systems, the alternative energy system owner shall, at its expense, complete decommissioning of the system within 12 months after the end of the useful life of the system, or after 12 months of nonuse. The system will presume to be at the end of its useful life, or nonuse, if no electricity is generated for a continuous period of 12 months.
- (2) Decommissioning shall include removal of equipment, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
- (3) Disturbed earth shall be graded and reseeded, unless the landowner requests, in writing, that the access roads or other land surface areas not be restored.
- (4) If the system owner fails to complete decommissioning within the periods prescribed above, Upper Paxton Township may, at its discretion and with notice provided to the owner, take such measures as necessary to complete decommissioning and receive compensation, or place a lien upon the property, of costs for the decommissioning from the owner.

D. Solar Collectors and Solar-Related Equipment.

- (1) Solar collectors and solar-related equipment shall be permitted in any district as an appurtenance to a building or as a detached accessory structure.
- (2) When a solar energy collection system is installed on a lot, accessory structures or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of the solar collector to be protected is defined by the following:
 - (a) The portion located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical twelve-foot obstruction located on the lot line; and
 - (b) The portion which has an area of not greater than half of the largest floor area of the structure served.
- (3) This subsection does not apply to accessory structures or vegetation existing on an abutting lot at the time of installation of the solar energy collection system, or on the effective date of this Part 11, whichever is later. This subsection controls any accessory structure erected on, or vegetation planted in, abutting lots after the installation of the solar energy collection system.

- (4) A statement that a solar energy collection system is to be installed on a lot shall be filed with the Township Zoning Officer on the date the zoning permit for the solar system is issued, with the date of installation being the date of recordation. The solar facility must be completed and the Zoning Officer notified of completion within one calendar year from the date of permit issuance.
- (5) Any installation of a solar energy system shall comply with all applicable standards of the Uniform Construction Code.
- (6) Glare from solar arrays shall not impinge on any road or nearby property.
- (7) Rooftop Solar Energy Systems.
 - (a) To minimize visual impact, rooftop arrays shall be placed on the side of the roof away from any road.
 - (b) Rooftop arrays shall not be higher than the peak of the roof, or higher than 15 inches above the roof surface at any point.
- (8) Ground-Mounted Systems.
 - (a) Ground-mounted solar arrays shall be placed in side or rear yards only.
 - (b) The maximum height of a ground mounted solar array shall be 15 feet to its highest point.
 - (c) The area of the array shall be calculated and added to the maximum building area coverage that is permitted on the subject property.
 - (d) Adequate drainage and infiltration of rainwater shall be provided for, to eliminate additional runoff from the property.
 - (e) All mechanical equipment associated with and necessary for the operation of the solar energy system, including any structure for batteries or storage cells, shall be enclosed within a six-foot-high fence or evergreen plantings of equal height. Evergreen plantings shall be of a type that is to be approved by the Township. No noxious trees, plants or weeds shall be permitted to fulfill the landscaping requirements. The fence shall be made of wood, masonry, durable plastic or other decorative material approved by the Township. Chain

link fences shall not be permitted unless they are fully screened from view by evergreen plantings.

- (f) Solar arrays shall not exceed 20% coverage on otherwise unoccupied property area.

E. Ground Source Heat Pumps (Geothermal).

- (1) Closed-loop geothermal energy systems are permitted in all zoning districts as an accessory use to a principal use of the site. Open-loop geothermal energy systems are prohibited within the Township.
- (2) General Requirements.
 - (a) Geothermal energy systems shall use only nontoxic, biodegradable circulating fluids such as food-grade propylene glycol.
 - (b) Geothermal energy systems shall not encroach on existing public, drainage, utility roadway, trail or other recorded easements.
- (3) Development Standards.
 - (a) A horizontal closed-loop system shall be installed a maximum of 20 feet below the average finished grade of the area in which located.
 - (b) All vertical closed-loop geothermal energy systems shall have proper grout sealing with the following properties:
 - 1) High thermal conductivity to allow heat transfer;
 - 2) Low viscosity to allow the grout to wrap around the pipe;
 - 3) Low shrinkage volume to ensure that the grout will not pull away from the pipe; and
 - 4) Low permeability to prevent the migration of antifreeze solution in the event of a line breakage.
 - (c) Geothermal energy systems shall be located a minimum of 25 feet from all property lines, except as otherwise specified.
 - (d) Geothermal energy systems shall be located a minimum of 100 feet from existing potable water wells and a minimum of 25 feet from any existing septic system.

- (e) Aboveground equipment associated with geothermal pumps shall not be installed in the front yard of any lot or the side yard of a corner lot adjacent to a public right-of-way and shall meet all minimum accessory structure setbacks required for the zoning district.
 - (f) All horizontal closed-loop geothermal energy systems shall be properly backfilled, including the removal of sharp-edged rocks before backfilling in order to prevent such rocks from coming into contact with the system pipe.
- (4) Required Permit. The design and installation of geothermal energy systems shall conform to applicable industry standards and the UCC. At the time of application for a permit, the applicant shall submit manufacturer certificates of design and circulating fluid compliance obtained by the geothermal energy system manufacturer from a reputable certifying organization.
 - (5) Decommissioning. If a geothermal energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at his or her expense after a demolition permit has been obtained in accordance with the following:
 - (a) The heat pump and any external mechanical equipment shall be removed; and
 - (b) Pipes or coils below the land surface shall be filled with grout to displace the heat transfer fluid. The heat transfer fluid shall be captured and disposed of in accordance with applicable regulations. The top of the pipe, coil or boring shall be uncovered and grouted.
- F. Anaerobic Digesters. Accessory anaerobic digester systems shall be permitted by right, as accessory uses to an agricultural use that is located within the Agricultural (A) zoning district on lots that are 10 acres or more. Accessory anaerobic digester systems shall not be permitted in any other zoning district, as specified in § 27-1105. All accessory anaerobic digester systems shall comply with the regulations of this section. It shall be the landowner and/or applicant's responsibility to prove compliance with this section; this shall include the requirements of submitting manufacturer's specifications and maintenance documents, certification testing results, and any other required documents at the time of application for a building/zoning permit.
- (1) Accessory anaerobic digester systems shall not be located within 75 feet of any side or rear property line, 150 feet from

any dwelling other than that of the property owner, and 115 feet from the ultimate road right-of-way. There shall be no discharge of any type onto a public road right-of-way.

- (2) Accessory anaerobic digester systems shall be designed in compliance with the guidelines outlined in the document prepared by the DEP, entitled Manure Management for Environmental Protection, Bureau of Water Quality Management, and/or its revisions, supplements, and replacements thereof.
- (3) Anaerobic digester systems shall be designed and constructed in compliance with applicable local, state and federal codes and regulations. Evidence of all federal and state regulatory agencies' approvals shall be included with the application for a building/zoning permit.
- (4) A certified profession, qualified to do such, shall furnish and explain all details of construction, operation, maintenance and necessary controls related to the anaerobic digester system.

G. Wind Energy Facilities. See § 27-1102, Subsection 24.

13. Solid Waste Storage Facilities. All multifamily and nonresidential buildings or uses shall include adequate facilities on site for the proper storage of solid wastes in accordance with the provisions of the Township or County refuse collection regulations and as hereinafter provided:
 - A. Storage areas shall have hardened, stabilized surfaces with outdoor areas constructed to prevent accumulation of rainfall.
 - B. Storage areas shall be located such that collection vehicles will not obstruct the public street or otherwise violate Township regulations while parked for collection of refuse and shall be provided with accessways facilitating ready deposit and collection of refuse.
 - C. Storage areas shall be of sufficient size to accommodate the container capacity required to store the refuse accumulation between collections, but shall not be less than four feet by eight feet in size or of other dimensions providing an approved equal space.
14. Swimming Pools. Swimming pools shall be permitted subject to the following:
 - A. The property or the immediate area in which any outdoor pool capable of containing water 24 inches or more in depth shall be completely surrounded by a fence or wall not less than four feet in height which may be so constructed to have openings, holes or gaps not larger than four inches in any dimension. Should the wall of the pool be above ground, the height of a required fence on the wall may be reduced so

that the total height of the wall of the pool and the fence shall be not less than four feet. When located in a required yard, any portion of a fence which exceeds four feet in height shall have openings equal to 50% or more of the area, over four feet in height, and such fence shall not exceed six feet in height.

- B. A dwelling, accessory building or decorative wall feature may be used as part of such enclosure (fenced area).
 - C. All gates or doors opening through the fence shall be equipped with a self-closing and self-latching and locking device for keeping the gate or door securely closed when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
 - D. It may not be located, including any walks, or paved areas or accessory structures adjacent thereto, closer than five feet to any property line of the property on which located, nor closer to any street than the minimum building setback line permitted for the district in which it is located.
 - E. All materials used in the construction of private pools shall be waterproof and so designed and constructed as to facilitate emptying and cleaning and shall be maintained and operated in such a manner as to be clean and sanitary at all times.
 - F. Pools shall not be connected to a sanitary sewerage system and all waters from the pool shall be discharged in such a manner that another person's property is not damaged or affected by the discharge of the said water. Water may be discharged from a swimming pool into a street, if proper drainage facilities are available and with the permission of the Board of Supervisors.
 - G. Enclosed indoor pools must comply with applicable regulations pertaining to accessory structures.
15. Apartment, Accessory. Where permitted, an accessory apartment may be created in a single-family detached dwelling; provided, that:
- A. The apartment will be a complete and separate housekeeping unit that can be isolated from the original unit.
 - B. Only one apartment will be created within a single-family detached dwelling unit, to be used/occupied by a person or persons related by marriage or blood relative only.
 - C. The owner(s) of the residence in which the accessory unit is created shall occupy at least one of the dwelling units on the premises, except for bona fide temporary absences.

- D. The accessory apartment shall be designed so that, to the degree feasible, the appearance of the building remains that of a single-family detached dwelling.
 - E. The design and size of the apartment conforms to all applicable State and Township standards/codes.
 - F. The accessory apartment shall be no more than 30% of the structure's total floor area nor greater than 400 square feet.
 - G. A minimum of 300 square feet of floor area shall be required.
 - H. At least a total of three off-street parking spaces are available for use by the owner-occupant and tenant.
 - I. When the apartment is no longer used by a relative, it may be leased to a nonrelative with the same occupancy level.
 - J. Unless specifically exempted from the Township Subdivision and Land Development Regulations (Chapter 22), the application for an accessory apartment shall be processed as a land development plan.
16. Automobile Service Stations. In districts where permitted, service stations shall be subject to the following safeguards and regulations:
- A. Driveways and parking/loading areas be located as provided in Parts 14 and 15 of this chapter.
 - B. All driveways and service areas shall be paved with a surfacing material approved by the Township.
 - C. Driveway areas and service areas shall be distinguished from sidewalk areas by painted lines.
 - D. Motor vehicles shall not be permitted to be parked or to stand on sidewalk areas.
 - E. Minimum frontage on an interior lot shall be not less than 125 feet and on a corner lot on a side street not less than 100 feet and the front street not less than 125 feet.
 - F. Gasoline pumps shall be set not less than 25 feet from any street line.
17. Churches, Hospitals, Convalescent Homes, Nursing Homes, Schools and Other Public and Semipublic Buildings. In districts where permitted, these uses shall meet the following requirements:
- A. The lot area shall be determined on the basis of building size, yard requirements listed below, and parking requirements, but in no case shall the lot area be less than the minimum lot area permitted in the district in which it is located.

- B. The facility shall be constructed and operated in accordance with applicable state laws.
 - C. Width Regulations. The lot width at the required building line shall be based on the building size and yard requirements, but in no case shall the lot width be less than 100 feet in width.
 - D. Yard Regulations. Each lot shall have yards not less than the following depths or widths:
 - (1) Front yard depth: 50 feet.
 - (2) Side yard: two in number; width not less than 20 feet on an interior lot. On a corner lot, the side yard abutting the street shall be not less than 50 feet in width.
 - (3) Rear yard depth: 50 feet.
 - E. Heights. The height of a building shall be not more than 35 feet, except when authorized as a special exception.
 - F. Existing structures cannot be remodeled, converted or otherwise used for schools, hospitals, churches or other public uses until such plans are presented to the Zoning Hearing Board together with approvals as may be necessitated by state and local law and rules and regulations of the Department of Labor and Industry, the state Department of Environmental Protection, and others. If the Zoning Hearing Board finds any such plans and proposals are not in conflict with the intent and purposes of this chapter, such uses may be permitted.
 - G. A buffer yard and screen planting shall be provided along all adjacent residential property lines.
18. Cemeteries. Where permitted, cemeteries may be established subject to the following:
- A. A cemetery shall not be located within 200 feet of a residential use; provided, however, that this restriction does not apply to a caretaker's residence.
 - B. A site development plan containing the following information shall be submitted for review and approval:
 - (1) Site location.
 - (2) Metes and bounds of tract.
 - (3) Location of all existing and proposed structures and identification of use.
 - (4) Layout of plots, vaults, etc.

- (5) Location of utilities, access drives and parking.
 - (6) Existing and proposed contours.
 - (7) Proposed landscaping.
 - (8) Stormwater management plan.
- C. All permits, licenses and approvals required by applicable Commonwealth of Pennsylvania agencies shall be obtained before issuance of local permits.
19. Golf Courses and Country Clubs. Where permitted, the following standards shall also apply:
- A. A minimum of 10 acres shall be provided.
 - B. No building or structure shall be located closer than 75 feet from a side or rear lot line.
 - C. At least 70% of the lot area shall be maintained with a vegetative cover.
 - D. Accessory and subordinate uses such as lounges, restaurant, retail and transient residential accommodations shall be permitted.
20. Medical Centers and Dental Clinics. Where permitted, a building for use as a medical center may be erected and used provided that:
- A. The building shall be occupied and used only by persons licensed to practice the healing arts in Commonwealth of Pennsylvania, and their staffs.
 - 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. The front yard depth shall be 35 feet; the side yard width shall be 35 feet; the rear yard depth shall be 35 feet.
 - D. Lot width shall be determined by the size of the building and setbacks.
 - E. A buffer yard/screen planting of no less than 10 feet in depth shall be maintained along all property lines abutting a residential use.
 - F. Parking shall be provided in accordance with the provisions of Part 14, Off-Street Parking.

21. Clubs, Lodges and Fraternal Organizations. Where permitted, these and similar uses are restricted to those not conducted primarily for gain, although a dining room may be operated for the benefit of club members; provided, that no permanent sign advertising the sale of food or beverages will be permitted. 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. A planted buffer no less than 10 feet in depth shall be maintained along all property lines abutting a residential use.
22. Townhouses. In districts where permitted, townhouses shall comply with the following:
 - A. There shall be not more than eight attached units in a row.
 - B. Individual units may be subdivided and contained on individual lots only when served by community sewerage and water facilities.
 - C. All other applicable provisions of this chapter.
23. Apartments. Where permitted, apartments shall comply with the following:
 - A. There shall be not more than 16 dwelling units per building.
 - B. No apartment building shall be in excess of three stories in height.
24. Wind Energy Facilities.
 - A. Definitions. As used in this subsection, the following terms shall have the meanings indicated:

APPLICANT — The person or entity filing an application under this subsection.

FACILITY OWNER — The entity or entities having an equity interest in the wind energy facility, including their respective successors and assigns.

HUB HEIGHT — The distance measured from the surface of the tower foundation to the height of the wind turbine hub, to which the blade is attached.

NONPARTICIPATING LANDOWNER — Any landowner except those on whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.

OCCUPIED BUILDING — A residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.

OPERATOR — The entity responsible for the day-to-day operation and maintenance of the wind energy facility.

SHADOW FLICKER — Alternating changes in light intensity caused by the moving wind rotor blade casting shadows on the ground and stationary objects.

TURBINE HEIGHT — The distance measured from the surface of the tower foundation to the highest point of the wind rotor.

WIND ENERGY FACILITY — An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

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

B. Applicability.

- (1) This subsection applies to all wind energy facilities proposed to be constructed after the effective date of this subsection, except that this subsection is not intended to apply to standalone wind turbines constructed primarily for use on the property upon which the wind turbine is located. Where permitted, standalone wind turbines constructed primarily for use on the property upon which the wind turbine is located shall conform to the following requirements:
 - (a) Any structure supporting the wind turbine, including guideposts and cables, shall be independent of any occupied structure and located a minimum distance of the turbine height plus 10 feet from any existing aerial utility line or occupied dwelling and shall not be more than 75 feet in height.
 - (b) The minimum distance between the wind turbine and any property line shall not be less than twice the turbine height.
 - (c) The minimum distance between the ground and the lowest point of the wind rotor blade shall be 20 feet.
 - (d) All electrical or utility lines shall be buried underground.

- (e) One wind turbine shall be permitted per lot, and all energy produced from such turbine shall be used on the lot.
 - (f) The wind turbine shall be enclosed by a six-foot fence with locking gate or the base of the wind turbine shall not be climbable for a distance of 12 feet.
 - (2) Wind energy facilities constructed prior to the effective date of this subsection shall not be required to meet the requirements of this subsection, provided that any physical modification to an existing wind energy facility that materially alters the size, type and number of wind turbines or other equipment shall require a permit under this subsection.
- C. Permitted Use.
 - (1) A wind energy facility shall be considered a conditional use in all zones except Residential Suburban, Residential Multifamily and Residential Mobile Home Park.
 - (2) Such facilities shall be expressly prohibited in the Residential Suburban, Residential Multifamily and Residential Mobile Home Park Districts.
 - (3) Such conditional use shall be determined in accordance with the provisions of Part 18, § 27-1809, of the Upper Paxton Township Zoning Ordinance governing conditional uses and such additional conditions as the Board of Supervisors may reasonably impose as a condition of approval.
- D. Conditional Use Permit Requirement.
 - (1) No wind energy facility, or addition of a wind turbine to an existing wind energy facility, shall be constructed or located within Upper Paxton Township unless a conditional use permit has been issued to the facility owner or operator approving construction of the facility under this subsection.
 - (2) The conditional use permit application or amended permit application shall be accompanied by a fee in the amount of \$300, plus the actual costs incurred by the Township.
 - (3) Any physical modification to an existing and permitted wind energy facility that materially alters the size, type and number of wind turbines or other equipment shall require a conditional use permit modification under this subsection. Like-kind replacements shall not require a permit modification.
- E. Conditional Use Permit Application.

- (1) A conditional use permit application shall be filed and processed in accordance with Zoning Code §§ 27-1104, 27-1809, 27-1810.
- (2) The permit application shall demonstrate that the proposed wind energy facility will comply with this subsection.
- (3) Among other things, the application shall contain the following:
 - (a) A narrative describing the proposed wind energy facility, including an overview of the project; the project location; the approximate generating capacity of the wind energy facility; the approximate number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
 - (b) An affidavit or similar evidence of agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the wind energy facility and setting forth the applicant's and property owner's name, address and phone number.
 - (c) Identification of the properties on which the proposed wind energy facility will be located and the properties adjacent to where the wind energy facility will be located.
 - (d) A site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
 - (e) Documents related to decommissioning.
 - (f) Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Township to ensure compliance with this subsection.
- (4) Within 30 days after receipt of a conditional use permit application, the Township will determine whether the application is complete and advise the applicant accordingly.

- (5) Within 60 days after a completeness determination, the Township will, pursuant to public notice, schedule a public hearing. The applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials and answer questions about the project. The public shall be afforded an opportunity to ask questions and provide comment on the proposed project.
- (6) Within 120 days after a completeness determination, or within 45 days after the close of any public hearing, whichever is later, the Township will make a decision whether to issue or deny the conditional use permit application.
- (7) Throughout the permit process, the applicant shall promptly notify Upper Paxton Township of any changes to the information contained in the conditional use permit application.
- (8) Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

F. Design and Installation.

- (1) Design Safety Certification. The design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
- (2) Uniform Construction Code. To the extent applicable, the wind energy facility shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§ 403.1 through 403.142.
- (3) Controls and Brakes. All wind energy facilities 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.
- (4) Electrical Components. All electrical components of the wind energy facility shall conform to relevant and applicable local, state and national codes and relevant and applicable international standards.
- (5) Visual Appearance; Power Lines.

- (a) Wind turbines shall be a nonobtrusive color such as white, off-white or gray.
 - (b) Wind energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
 - (c) Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner or operator.
 - (d) On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.
 - (e) The design of buildings and related structures shall, to the extent reasonable, use materials, colors, textures, screening and landscaping that will blend the wind energy facility into the natural setting and existing environment.
- (6) Warnings.
- (a) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 - (b) 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.
- (7) Safety.
- (a) All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by nonauthorized persons.
 - (b) The minimum distance between the ground and any part of the wind rotor blade shall be 30 feet.
 - (c) To limit climbing access, a six-foot-high fence with a locking gate shall be placed around the wind energy facility, or the wind turbines' climbing apparatus shall be limited to no lower than 12 feet from the ground, or the wind turbines' climbing apparatus shall be fully contained and locked within the tower structure.

G. Setbacks.

- (1) Occupied Buildings.
 - (a) Wind turbines shall be set back from the nearest occupied building a distance not less than the greatest normal boundary setback requirements for that zoning classification or 1.1 times the turbine height, whichever is greater. The setback distance shall be measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.
 - (b) Wind turbines shall be set back from the nearest occupied building located on a nonparticipating landowner's property a distance of not less than two times the turbine height, as measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.
- (2) Property Lines. All wind turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning classification or 1.1 times the turbine height, whichever is greater. The setback distance shall be measured to the center of the wind turbine base.
- (3) Public Roads. All wind turbines shall be set back from the nearest public road a distance of not less than 1.1 times the turbine height, as measured from the right-of-way line of the nearest public road to the center of the wind turbine base.

H. Adjustment of Setbacks.

- (1) Waiver or alteration of the setback requirements of Subsection 24G of this section shall be accomplished only by variance granted by the Township Zoning Hearing Board in accordance with the criteria customarily applicable to the request for such variances.
- (2) Any record of any such variance shall be recorded in the office of the Recorder of Deeds for the county where the property is located. The recorded action shall identify the properties adjacent to and affected by such action.

I. Use of Public Roads.

- (1) The applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the wind energy facility.
- (2) The Township's Engineer, or a qualified third-party engineer hired by the Township and paid for by the applicant, shall

document road conditions prior to construction. The engineer shall document road conditions again 30 days after construction is complete or as weather permits.

- (3) The Township may bond the road in compliance with state regulations.
- (4) Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.
- (5) The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

J. Local Emergency Services.

- (1) The applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer fire department(s).
- (2) Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the wind energy facility.

K. Noise and Shadow Flicker.

- (1) Audible sound from a wind energy facility shall not exceed 50 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 precision described in AWEA Standard 2.1-1989, titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems, Volume I, First Tier."
- (2) The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a nonparticipating landowner's property.

L. Signal Interference. The applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals and shall mitigate any harm caused by the wind energy facility.

M. Liability Insurance. There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1,000,000 per occurrence and \$1,000,000 in the aggregate. Certificates shall be made available to the Township upon request.

N. Decommissioning.

- (1) The facility owner and operator shall, at their expense, complete decommissioning of the wind energy facility or individual wind turbines within 12 months after the end of the useful life of the facility or individual wind turbines. The wind energy facility or individual wind turbines will be presumed to be at the end of their useful life if no electricity is generated for a continuous period of 12 months.
- (2) Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
- (3) Disturbed earth shall be graded and reseeded, unless the landowner requests, in writing, that the access roads or other land surface areas not be restored.
- (4) An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning ("decommissioning costs"), without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("net decommissioning costs"). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.
- (5) The facility owner or operator shall post and maintain decommissioning funds in an amount equal to the net decommissioning costs, provided that at no point shall decommissioning funds be less than 100% of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or federal- or commonwealth-chartered lending institution chosen by the facility owner or operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the commonwealth and is approved by the Township.
- (6) Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
- (7) If the facility owner or operator fails to complete decommissioning within the period prescribed by Subsection 24N(1), then the landowner shall have six months to complete decommissioning.
- (8) If neither the facility owner or operator nor the landowner completes decommissioning within the periods prescribed by

Subsection 24N(1) and (7), then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns, that the Township may take such action as necessary to implement the decommissioning plan.

- (9) The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed or upon written approval of the municipality in order to implement the decommissioning plan.

O. Public Inquiries and Complaints.

- (1) The facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
- (2) The facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.
- (3) The facility owner and/or operator shall keep a record of all such inquiries and complaints and shall submit a report thereof to the Township not less than quarterly.

P. Remedies.

- (1) It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of this subsection or any permit issued under this subsection or to cause another to violate or fail to comply or to take any action which is contrary to the terms of this subsection or any permit issued under this subsection.
- (2) If the Township determines that a violation of this subsection or the permit has occurred, the Township shall provide written notice to any person, firm, or corporation alleged to be in violation of this section or permit. If the alleged violation does not pose an immediate threat to public health or safety, the Township and the parties shall engage in good-faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within 30 days of the notice of violation.
- (3) If, after 30 days from the date of the notice of violation, the Township determines, in its discretion, that the parties have not resolved the alleged violation, the Township may institute civil enforcement proceedings or any other remedy at law to ensure compliance with this subsection or permit.

25. Satellite Dish Antennas. Dish antennas shall be a permitted accessory use in any district and shall comply with the following conditions and requirements:
- A. All dish antennas shall meet the yard setback and height limitations for the zoning district in which they are located.
 - B. Distance of any guy anchorage or similar device shall be at least 10 feet from any property line.
 - C. No antenna shall be in excess of a height equal to the distance from the base of the antenna to the nearest overhead electrical power line less five feet.
 - D. Applications for a permit must include construction drawings showing proposed method of installation, structural engineering analysis and site plan depicting antenna on the property. At the request of the Zoning Officer, documentation of a maintenance program may be required. A permit shall not be required for residential satellite dish antennas.
 - E. The owner of such an antenna shall assume complete liability in case of personal or property damage.
26. Airports and Heliports. Where permitted, such facilities shall comply with the following:
- A. Provide proof that the site/facility has been licensed by the Pennsylvania Department of Transportation (PennDOT) as complying with applicable approach, corridor, design and other safety criteria.
 - B. Has received such approval and clearance from the Federal Aviation Administration (FAA) as may be required by the Federal Aviation Regulations.
 - C. A permit for the establishment of such site/facility has been issued by the Township. A permit shall not be required by the Township when take off and landing activities are in conjunction with law enforcement purposes or emergencies.
 - D. The permit shall be deemed automatically revoked if:
 - (1) PennDOT Bureau of Aviation revokes the license or refuses to relicense the site/facility.
 - (2) The FAA withdraws or revokes its approval or clearance.
 - E. When a site/facility permit, license or clearance has been revoked the operator shall immediately cause the site/facility to be closed to all helicopter operations.

27. Municipal Uses. In any district, a building may be erected, altered or extended and land may be developed which is arranged, intended or designed for municipal uses, including municipal recreation use. Municipal uses shall be in compliance with the applicable provisions of this chapter.
28. Placement of Manufactured/Mobile Homes as Single-Family Detached Dwellings. It shall be unlawful for an owner, tenant or custodian of a manufactured/mobile home to place such a structure upon a lot without first complying with the following requirements:
- A. Each manufactured/mobile home shall be provided with a stand which provides an adequate foundation for the placement of such manufactured/mobile home, securing the structure from settling, vibration, uplift and sliding.
 - B. Each stand shall have a minimum area of 720 square feet. If a double-wide manufactured/mobile home is placed, then the stand shall have a minimum area of 1,440 square feet. Such stands shall be concrete with a minimum thickness of four inches, shall have a frost wall at least 31 inches deep around its perimeter, shall have an adequate subbase and shall be approved by the Township prior to the construction.
 - C. A minimum of four eye-bolts shall be embedded in the concrete stand and shall be strategically located for the purpose of securely affixing the manufactured/mobile home from the forces of wind.
 - D. As an alternative to the concrete manufactured/mobile home stand requirement, a pedestal system may be used under the following conditions:
 - (1) Footing requirements for each pedestal will be a minimum of two square feet.
 - (2) The footing depth for each pedestal shall be a minimum of 30 inches; however, the Township may alter the depth of the footing necessary depending on site conditions and the location of utilities that may affect the location of such footings.
 - (3) If a concrete footing is placed, its minimum thickness shall be eight inches.
 - (4) Piers may be utilized off the footings consisting of either concrete or masonry. Anytime a pier consisting of masonry blocks is over four masonry blocks above the ground level, it shall be reinforced and the cores filled.
 - (5) The top block of any masonry block piers shall be a solid masonry piece.

- (6) The quantity of piers shall be dictated by the sizing involved. That is, each pier shall be located not more than 10 feet apart, and each pier shall be not more than five feet from the end of the mobile unit.
- (7) Each unit shall have a minimum of four anchorage devices, either cast in the concrete pier or footing, or of a screw-type acceptable to the Township which complies with the manufacturer's home foundations as recommended by the Department of Housing and Urban Development.
- (8) Each such unit shall comply with the Pennsylvania Manufactured Housing Program, administered by the Pennsylvania Department of Community Affairs, and the Pennsylvania Manufactured Housing Construction and Safety Standards Authorization.

29. Containment of Grazing Animals as an Accessory Residential Use. In any residential district (except the R-MP District), when associated with a single-family residential use, property owners may be permitted to contain grazing animals, subject to the following conditions and standards:

- A. Such animals are owned by the property owner, or property lessee with written permission of the property owner.
- B. The location and use of such animals on the property is not for commercial or business purposes. The use and/or consumption of such animals is limited to the inhabitants of the property.
- C. The grazing animals permitted by this provision and the ratio of animal to open grazing area shall be as follows:
 - 1 equine (horse) per acre
 - 1 bovine (cattle) per acre
 - 1 to 3 ovine (sheep) per acre
 - 1 to 3 caprine (goat) per acre

The grazing area ratio per type of animal shall not be overlapping.

- D. The required grazing area shall be located within the side and/or rear lot areas.
- E. The grazing area shall be enclosed with a fence of suitable construction to provide for safe and adequate confinement of all animals proposed to be located on the property.
- F. The grazing area shall not include any portion of the minimum permitted lot area per dwelling unit of the zoning district in which located.

G. The storage of manure shall not be permitted within 200 feet of the applicable property lines. The manure storage area must be located within the required grazing area.

30. Subdivision of Tracts in Agricultural District. Single-family detached dwellings and other uses listed § 27-502 shall be permitted in the Agricultural District pursuant to the standards set forth in the Agricultural District, subject, however, to the following:

A. The enacting Board of Supervisors finds that the conduct of economically viable agricultural activities is directly related to the size of the parcels of land available for agricultural activities. The express purpose of this subsection is to foster agricultural activities by preserving parcels of land within the Agricultural District intact to extent feasible and permitted by law. The subdivision of parcels located in the Agricultural District, therefore, is prohibited except in strict conformity with the provisions of this Subsection 30 as set forth below. Further, no proposed lot or subdivision, otherwise prohibited by these provisions, shall be made eligible for subdivision by virtue of said lot or subdivision being identified on the plan labeled as a farm, or as containing a single-family residence.

B. The total number of lots that may be subdivided from a parcel (whether such proposed subdivision be for residential, agricultural or any other purpose) shall not exceed the number of lots listed in the sliding scale below. Further, for parcels of land containing more than 60 acres, the total property area represented by lots permitted, excluding the remainder lot, shall not exceed 10% of the total area of the parcel at the time of initial property subdivision or development occurring after the effective date of this chapter.

Size of Original Parcel in Acres	Number of Lots Permitted
1 but less than 5	2, plus the remainder lot
5 but less than 10	3, plus the remainder lot
10 but less than 15	4, plus the remainder lot
15 but less than 25	5, plus the remainder lot
25 and over	6 for the first 25 acres, plus 1 lot for each additional 25 acres, plus the remainder lot, subject nevertheless to the 10% aggregate lot area limitation for tracts in excess of 60 acres

C. The remainder lot created through this process and occurring after the effective date of this subsection shall not be further subdivided for any purpose, it being the express purpose of this subsection to

preserve and foster the conduct of agricultural activities within the Agricultural District. No lot created under this subsection shall be developed to contain two or more dwellings. A statement to this effect shall be included in the property deed description as a covenant running with the land for so long as the land is in the agricultural district and a similar statement shall also be included on the subdivision plan prior to recordation.

- D. For parcels of 60 acres or more, the total number of lots, excluding the remainder lot, subdivided in compliance with Subsection 30A, above, which shall have direct access from the lot or lots to an abutting public street in existence at the time the plan is filed shall not exceed six lots nor shall they consume in the aggregate more than 25% of the total street frontage of the original tract.
31. Temporary Roadside Stands. Such a structure and use may be permitted, provided the following are complied with:
- A. A highway occupancy permit shall be obtained from the appropriate state or Township authorities for any access or pull-off areas.
 - B. Vehicular parking shall not be permitted within the cartway or berm, and such pull-off area shall be designated such that vehicles need not back onto the cartway to exit.
 - C. No structure shall be located closer than 25 feet from the edge of the cartway.
 - D. The structure shall be removed at the end of the growing and harvesting season of the products sold.
 - E. No hazards to pedestrians or vehicular traffic shall be created.
32. Kennels. Where permitted as a special exception, kennels shall also comply with the following standards:
- A. Any building or structure used for a kennel or related use, and any unenclosed outdoor structures, runways, pens, stalls, or exercise yards, shall be a minimum of 300 feet from any property line and 1,000 feet from any property line of any residential zone (R-S, R-M, R-MP).
 - B. Minimum lot area shall be 20 acres.
 - C. The number of different breeding females at a kennel in any one calendar year may not exceed four.
 - D. Any exercise yards shall be surrounded by a six-foot, non-see-through fence.

- E. The applicant must submit a written plan to explain all measures to be used to ensure all animal wastes shall be regularly cleaned up and properly disposed of to prevent odors and unsanitary conditions, which plan will be kept on file at the Township.
 - F. The applicant must submit a written plan for the storage and disposal of deceased animals, which disposal shall occur within 24 hours of an animal's death, and which plan will be kept on file at the Township.
 - G. The applicant must, as applicable, demonstrate compliance with the Pennsylvania Dog Law and the regulations promulgated thereunder (Act 119 of 2008, 3 P.S. § 459-101 et seq.), 7 Pa. Code Chapter 21, or any successor law or regulations regulating kennels.
33. Township Waste Landfills. Where permitted, Township waste landfills shall also comply with the following standards. In the event of any conflict between any general standards of this Part and the specific standards herein, this Subsection 33 shall control.
- A. Compliance with the Dauphin County Municipal Waste Management Plan.
 - B. The applicant shall demonstrate compliance and shall continue to comply with all applicable state and federal standards and regulations.
 - C. A buffer yard screen planting, as required by this subsection, shall be provided where such activities abut a nonindustrial zoning district or a residential use.
 - D. Minimum lot or land area under single ownership: 150 acres.
 - E. No waste shall be deposited, stored or disposed of within 500 feet measured horizontally from an occupied dwelling unit unless the current owner of the dwelling has provided a written waiver consenting to the disposal area being closer than 500 feet. A waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the current owner.
 - F. No waste shall be located within 1/4 mile upgradient, and within 300 feet or 91.4 meters down gradient, of a private or public water source, unless the current owner of the water source has provided a written waiver consenting to the disposal area being closer than specified herein. A waiver shall be knowingly made and separate from a lease or deed, unless the lease or deed contains an explicit waiver from the current owner.
 - G. A Township waste landfill may not be operated within 100 feet of a property line under separate ownership or a public street unless one of the following applies:

- (1) Actual disposal will not occur within 100 feet of the property line under separate ownership or within 100 feet of the right-of-way of any public street.
 - (2) The current owner of the dwelling has provided a written waiver consenting to the facility being closer than 100 feet. A waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the current owner.
- H. Any external area used for the unloading, storing or depositing of waste must be screened from view at the property line under separate ownership or a public street. (The use of an earthen berm is encouraged where practicable.) In addition, such areas must be completely enclosed by a fence or other suitable barrier around the site pursuant to regulations of the Department of Environmental Protection.
- I. The maximum height of any material shall be 200 feet directly above the historic ground contour.
- J. Prior to commencement of any Township waste landfill, the owner or operator shall provide the following to the Township:
- (1) A true and correct copy of all permits issued by the Department of Environmental Protection and any other applicable regulatory agency authorizing operation of the Township waste landfill.
 - (2) A site plan showing:
 - (a) Ownership, property boundaries from tax maps or legal descriptions, existing topographic and natural physical features, existing utilities, easements and adjacent property owners.
 - (b) Proposed areas of development, buildings, access drivers, treatment facilities, stormwater management and erosion control facilities and other operational facilities.
 - (c) Existing physical characteristics of the site and the proposed plan of development and closure thereof.
 - (3) A description of the location, type, extent, methods and time schedule for the operations proposed.
 - (4) A statement describing methods for handling of any drainage, air pollution, soil erosion or other environmental problems created during the operations, including production,

transportation, processing, stockpiling, storage and disposal or by-products and wastes.

- (5) Traffic impact study: a traffic impact study showing impact of the development and operation of the site upon all roads owned or controlled by Upper Paxton Township.
 - (6) Preparedness, prevention and contingency plan: a plan in compliance with regulations of the Department of Environmental Protection shall be provided.
 - (7) Any reasonable cost incurred by Upper Paxton Township in connection with review of the above-referenced plans by an engineering consultant shall be paid by the owner or operator of the proposed Township waste landfill.
- K. A liner installed or constructed within a Township waste landfill in accordance with requirements of the Department of Environmental Protection shall not be considered coverage as such term is defined and used in this chapter.
34. Junkyards. Where permitted, junkyards shall comply with the following standards:
- A. Shall comply with standards set forth by Pennsylvania Act No. 4, as amended, 36 P.S. § 2719.1 et seq., when located in proximity to any interstate or applicable state route road.
 - B. Shall be completely screened and fenced for security and from view of a public street and adjacent residential uses. The minimum height of the fence/screening shall be six feet and the maximum height shall not exceed 10 feet. Such enclosure shall comply with § 27-1109, Subsection 1I, Obstructions to Vision, of this Part 11. Buffer yards and screen planting shall comply with § 27-1109, Subsection 1F, of this Part 11.
 - C. All fuel and oil shall be drained and properly stored or disposed of from all vehicles and other material.
 - D. All trunk lids shall have their locks removed. Refrigerators, freezers and other similar material shall have their locks or doors removed.
 - E. Junk shall be neatly stored in piles not to exceed the height of the fence/screening, shall be arranged so as to permit adequate access for firefighting purposes, and properly drained so as to prevent accumulation of stagnant water.
 - F. Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health, safety and welfare of the

Township, or a place for the breeding of rodents, mosquitoes and vermin.

35. Conversion Apartments. In the Agricultural District, an existing single-family detached dwelling may be converted to a dwelling containing more than one dwelling unit.
- A. The lot area per each additional dwelling unit shall be one acre.
 - B. The minimum habitable floor area of each dwelling unit shall comply with the provisions of § 27-1110 of this Part 11.
 - C. There is no exterior evidence of change to the residential character of the building, except as required by state law or local building code regulations.
 - D. Parking shall be provided in accordance with the provisions of Part 14 of this chapter.
 - E. The alterations to accommodate the additional dwelling units shall be made within the physical confines of the existing structure.
 - F. The premises 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.
 - G. Unless specifically exempted by the Township Subdivision and Land Development Regulations (Chapter 22), the application for a conversion apartment shall be processed as a land development plan.
36. Residential Bed-and-Breakfast Establishment. In the Agricultural District, residential bed-and-breakfast establishments may be established in an existing dwelling subject to the following standards:
- A. The owner, or owner's agent, of the dwelling structure in which such uses are conducted must reside in the dwelling structure.
 - B. The dwelling structure is served by an approved sewage system and water supply.
 - C. Bedrooms shall not be used for cooking of any kind, and all meals shall be taken in substantially family-type dining facilities.
 - D. No public restaurant service shall be conducted.
 - E. 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.

- F. No more than three persons per bedroom shall be permitted.
 - G. The minimum lot area per establishment shall be one acre. The minimum lot area shall be increased, as necessary to accommodate off-street parking.
 - H. The application to establish a bed-and-breakfast establishment shall be processed as a land development plan.
 - I. 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 facility.
37. Keeping of Animals as Pets.
- A. Domestic animals may be permitted as pets in a residential district as an accessory use to a single-family dwelling, provided they do not cause a public nuisance or infringe upon the property rights or free and enjoyable use of public and private property of the residents of the Township. Compliance with provisions of this section is required within six months of the date the ordinance is adopted.
 - B. All domestic animals shall be under the control of their owner or custodian at all times, by means of leash, harness, rope, tether, fence, cage, training or other means of restraint, so that the animal does not run at large, move at will, or is otherwise unconstrained from entering on property other than that of its owner or custodian without permission of the other property owner.
 - C. Should a complaint be filed that requires an Animal Control Officer from another agency than that of the Township to address a complaint which leads to the issuance of a citation but not a conviction, said complainant shall be responsible for the reimbursement of any and all costs associated with the complaint should the Township receive a bill for such service from the agency issuing the citation.
 - D. The keeping of domestic animals as pets shall be permitted in a residential district as an accessory use to a single-family dwelling; provided, that domestic pets other than dogs which normally weigh in excess of 100 pounds, but not more than 200 pounds, in an adult state of maturity shall be kept only on a lot having a minimum area of one acre per animal, and domestic pets, other than dogs, which normally weigh 200 pounds or more per animal in an adult state shall be kept only on a lot having a minimum area of 1.5 acres per animal. Common open space areas shall not be considered as lot area for the purposes of keeping animals. Pets other than dogs which normally weigh in excess of 100 pounds in an adult state shall be kept at least 100 feet from any property line and all animal excrement shall also be kept at least 100 feet from any property line.

- E. Grazing Animals. (See Subsection 29, Containment of Grazing Animals as an Accessory Residential Use, in this section).
- F. Fowl. The number of domesticated fowl (including chicken, duck, turkey, goose, guineafowl, etc.) permitted in a residential district as an accessory use to a single-family dwelling shall be subject to the following:
- (1) The minimum size lot for the keeping of domesticated fowl is 20,000 square feet.
 - (2) Five fowl are permitted on a lot with 20,000 square feet.
 - (3) One additional fowl shall be permitted for each additional 5,000 square feet of lot size.
 - (4) No more than 24 fowl may be kept on a nonagricultural residential lot less than 10 acres in size.
 - (5) No fowl shall be permitted in mobile home parks or on properties containing multifamily units, including duplexes.
 - (6) Fowl shall be kept for personal use only and not for commercial exchange or goods or commodities with the exception of the sale of surplus eggs directly to an end user or as a donation to a local food bank.
 - (7) No person shall keep or maintain fowl within 100 feet of any neighboring residential dwelling.
 - (8) Fowl must be located at a minimum distance of 50 feet from the rear or side property lines whether in a stationary coop or a tractor-style coop. No fowl shall be permitted within the front yard of any property.
 - (9) Fowl shall be provided with a run or placed in a securely fenced area in the backyard, so that fowl are able to forage for feed.
 - (10) To protect the public health in residential areas, the following must be adhered to:
 - (a) Fowl feed shall be kept in a rodentproof and raccoon-proof container at all times.
 - (b) Fowl manure, when not being used for composting or fertilizing on an individual's property, must be collected, stored and removed from the property on a regular basis in compliance with the following:
 - 1) All stored manure shall be in a noncombustible container.

- 2) No more than one twenty-gallon container of manure shall be stored on any one property housing fowl.
- 3) All manure not used for composting or fertilizing shall be removed from the property.

G. Beekeeping shall be subject to the following regulations:

- (1) Minimum lot area shall be five acres.
- (2) It shall be the duty of the owner or custodian to maintain each colony so as to not create a public nuisance.
- (3) Colonies shall be maintained in movable frame hives.
- (4) Hives shall be located only within the rear yard and shall be situated to maximize sunshine exposure and/or natural wind protection.
- (5) In no case shall hives be located within 25 feet of any property line.
- (6) All hives shall have access to an on-site water supply. Unless a natural water supply exists on the subject property, the applicant shall furnish a water-filled tank with a board or crushed rock for the bees to land on.
- (7) Water shall be regularly changed, once every 48 hours, so as not to produce mosquitoes.
- (8) Hives shall not be oriented to children's play areas or neighboring properties.
- (9) Adequate techniques in handling bees, such as requeening and adequate hive space, shall be maintained to prevent unprovoked stinging 75 feet or more from the hive.

H. The keeping of nondomestic/exotic animals as pets is permitted in a residential district as an accessory use to a single-family dwelling only when the animals have been legally obtained and do or will not exceed a normal adult weight of 25 pounds per animal.

- (1) The maximum number of nondomestic pets on a given lot shall be as follows:

Adult Weight of Animal	Lot Area Per Animal
Greater than 15 but no more than 25 lbs.	15,000 square feet

Adult Weight of Animal	Lot Area Per Animal
Greater than 5 but not more than 15 lbs.	7,500 square feet
Greater than 1 but no more than 5 lbs.	2,500 square feet
Greater than 6 oz. but not more than 1 lb.	1,000 square feet
Up to 6 oz.	500 square feet

- (2) Nondomestic/exotic animals which are potentially dangerous to the public if not confined to the property shall be permitted to be kept on a property only when the Zoning Hearing Board has granted a special exception to do so after being satisfied that adequate safeguards will be implemented to protect the general public.

I. Animal Noise Disturbance.

- (1) No animal or fowl shall be allowed by its owner or its custodian to howl, bark, meow, crow or make any other sound frequently or for a continued duration which creates a noise disturbance which deprives or causes unreasonable interference with the peace, quiet, rest or sleep of any person or persons not the owner or custodian of the animal causing the noise.
- (2) Noise made by any animal or fowl will be considered a public nuisance if the noise is continuous or incessant for a period of 15 minutes or such noise is intermittent for one hour or more; provided, that at the time the animal is making such noise no person is trespassing or threatening to trespass upon the private property in or upon which the animal is situated, nor is there any legitimate cause which justifiably provokes the animal.
- (3) It shall be unlawful for any person to continue to own, harbor, possess or otherwise keep an offensively noisy domestic animal, which shall be defined as a domestic animal which has caused its owner or custodian to be cited and convicted of more than two violations of this section. Payment of fine and costs shall be deemed a conviction for purposes of this section.

J. Authority to Capture Animals. Any animal running at large or otherwise not in the control or under the restraint of its owner or custodian may be captured by an Upper Paxton Township official or other duly authorized person or agent of Upper Paxton Township. Any animal captured shall be humanely boarded and dealt with in

accordance with the laws and regulations of the Commonwealth of Pennsylvania. The owner or custodian of any animal so captured shall be in violation of the terms of this Part 11 and may be so cited, and shall be liable for all of the costs of the capture, boarding and disposition of the animal.

- K. Authority to Dispose of Dangerous Animals. Any animal running at large or out of the control of its owner or custodian that, in the judgment of a duly appointed person or agent of Upper Paxton Township, poses a threat to the life or physical well-being of any person or persons may be destroyed as humanely as possible by the official or the official's authorized agent when, in the judgment of the official, capture or containment of the animal is not possible without further risking the health and safety of the public.

38. Wireless Communications Facilities.

- A. In recognition of the quasi-public nature of wireless communications facilities, the purpose of this section is to:

- (1) Regulate the placement, construction and modification of wireless communication facilities to protect the safety and welfare of the public;
- (2) Provide for the managed development of wireless communications facilities in a manner that accommodates the needs of both residents and wireless carriers in accordance with federal and state laws and regulations;
- (3) Establish procedures for the design, siting, construction, installation, maintenance and removal of both tower-based and non-tower-based wireless communications facilities, including facilities inside the public rights-of-way;
- (4) Address evolving wireless technologies, including, but not limited to, distributed antenna systems, data collection units, cable Wi-Fi and other wireless communications facilities;
- (5) Encourage the co-location of wireless communications facilities on existing structures rather than the construction of new tower-based structures; and
- (6) Protect and preserve the visual character and the natural beauty of the landscape.

- B. Definitions. As used in this subsection, the following terms shall have the meanings indicated:

CO-LOCATION — The placement or installation of new wireless telecommunications facilities on previously approved and constructed

wireless support structures, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers, or any other structure not classified as a wireless support structure that can support the placement or installation of wireless telecommunications facilities if approved by the Township. The term includes the placement, replacement, or modification of accessory equipment within a previously approved communications facility building.

COMMUNICATIONS ANTENNA — Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwave dishes, satellite dishes and omni-directional antennas such as whip antennas. Communications antenna shall not include tower-based WCF defined below. Not included are antennas and supportive structures on residential dwellings for private noncommercial amateur purposes, including, but not limited to, ham radios and citizen band radios that are regulated by the residential district sections of this chapter.

COMMUNICATIONS FACILITY BUILDING — The building in which electronic receiving and relay equipment for a tower is housed. Receiving and relay equipment can include, but are not limited to, in-ground and aboveground cabling and any equipment associated with the provision of wireless services.

DATA COLLECTION UNIT — Any ground-mounted structure that is designed and constructed primarily for the purpose of data collection, including self-supporting lattice towers, guyed towers or monopole towers. The term includes structures used to wirelessly read utility meters and for other remote monitoring purposes. For the purposes of this chapter, the term includes facilities that are not solely under the jurisdiction of the Pennsylvania Public Utility Commission, except where permitted by law. The term includes the structure and any supporting structures thereto.

MONOPOLE — A WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennas and connective appurtenances. Connective appurtenances can include, but are not limited to, feeder cables, climb ladders, platforms, ice shields, and other accessory infrastructure associated with a WCF.

NON-TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES — All non-tower-based wireless communications facilities, including, but not limited to, data collection units, communications antenna and related equipment. Non-tower-based WCF shall not include support structures for communications antenna

and related equipment. Not included are towers and supporting structures on residential dwellings for private noncommercial amateur purposes, including, but not limited to, ham radios and citizen band radios that are regulated by the residential district sections of this chapter.

PUBLIC UTILITY SERVICE STRUCTURE — A structure, not including a building, a communications antenna or a communications tower, which is a necessary part of a public utility system.

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

SUBSTANTIALLY CHANGE —

- (1) Any increase in the height of a wireless support structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet for structures located outside of the rights-of-way, or 10 feet for structures located within the rights-of-way, whichever is greater, except that the mounting of the proposed WCF may exceed the size limits set forth herein if necessary to avoid interference with existing antennas; or
- (2) Any further increase in the height of a wireless support structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES —

Any ground-mounted structure that is designed and constructed primarily for the purpose of supporting one or more antennas for wireless communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. For the purposes of this chapter, the term includes facilities that are not solely under the jurisdiction of the Pennsylvania Public Utility Commission, except where permitted by law. The term includes the structure and any supporting structures thereto.

WIRELESS SUPPORT STRUCTURE — A freestanding structure, such as a tower-based WCF or any other support structure that could

support the placement or installation of a non-tower-based WCF if approved by the Township.

- C. The following regulations shall apply to all wireless communication facilities (WCF):
- (1) **Public Safety Communications.** No WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties. If measurable interference does result from the installation and use of the WCF, the owner of the WCF shall take immediate appropriate measures to abate the interference or cease operation.
 - (2) **Gap in Coverage.** An applicant for a WCF must demonstrate that a significant gap in wireless coverage exists with respect to the applicant's operation in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of all WCF.
 - (3) **Retention of Experts.** The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Part 11. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
 - (4) **Timing of Approval.** Within 60 calendar days of the date that an application for a WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. All applications for WCFs shall be acted upon within 150 days of the receipt of a fully completed application for the approval of tower-based WCF, 90 days for non-tower-based WCF, and the Township shall advise the applicant in writing of its decision. If additional information is requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the 150-day or ninety-day review period, as applicable.
 - (5) **Visual or Land Use Impact.** The Township retains the right to deny an application for the construction or placement of any

WCF based upon visual and/or land use impact, or any lawful considerations related to the character of the Township.

- (6) Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a WCF, as well as related inspection, monitoring and related costs.
- (7) Maintenance and Inspections. The following maintenance requirements shall apply:
 - (a) Any WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - (b) Proper maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
 - (c) All maintenance activities shall use nothing less than the best available technology for preventing failures and accidents. At least annually the WCF and its appurtenances shall be inspected both visually and with the appropriate nondestructive testing techniques. The results of those tests and written certification of structural integrity by a registered professional engineer shall be provided annually to the Township. Any structural faults thus noted will be immediately corrected by the owner.
 - (d) The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this chapter and any other provisions found within the Township Code of Ordinances or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- (8) Bond. Prior to the issuance of a permit to construct a WCF, the owner shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond or other form of security acceptable to the Township Solicitor, in an amount of \$100,000 for tower-based WCF and \$25,000 for each non-tower WCF, to assure the faithful performance of the terms and conditions of this chapter. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this chapter after reasonable notice and

opportunity to cure. The owner shall file the bond with the Township and maintain the same in effect for as long as the WCF exists. The release of the bond shall be contingent upon the proper restoration of the ROW, where applicable, and compliance with the terms and conditions of this chapter.

- (9) Nonconforming Uses. Non-conforming WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this Part 11. Co-location of facilities may be permitted on nonconforming structures in accordance with standards established in the Pennsylvania Wireless Broadband Collocation Act.¹⁹
- (10) Removal, Replacement and Modification. In the event that use of a WCF is planned to be discontinued, replaced or modified, the owner shall provide written notice to the Township of its intent and the date when this is to occur, and shall comply to the following:
 - (a) The removal and replacement of WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of antennas.
 - (b) Any materials modification to a WCF shall require prior amendment to the original permit or authorization.
 - (c) All replacements of portions of a WCF previously removed must be approved by the Township.
 - (d) All unused or abandoned WCFs, any unused portions of WCFs, including antennas and accessory facilities, shall be removed within three months of the cessation of operations at the site unless a time extension is approved by the Township.
 - (e) If the WCF and/or accessory facility is not removed within three months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

D. Requirements for All Tower-Based Wireless Communications Facilities. The following regulations shall apply to all tower-based wireless communications facilities (WCF):

19. Editor's Note: See 53 P.S. § 11702.1 et seq.

- (1) Tower-based WCFs are permitted in the Conservation (CN), Agricultural (A), Commercial (CM), Industrial (I), and Special Industrial (SPI) Districts.
- (2) Monopole Design. All tower-based WCFs shall be monopoles.
- (3) Security. All tower-based WCFs shall have an integral security platform, or other means with locked access, to prevent unauthorized climbing of the tower.
- (4) Height. Any tower-based WCF shall be designed at the minimum functional height and shall not exceed a maximum total height of 150 feet, which height shall include all subsequent additions or alterations. All applicants must submit documentation to the Township justifying the total height of the structure. Notwithstanding the above restriction, the height of the tower-based WCF may be increased to a maximum height of 200 feet provided that the following criteria are met:
 - (a) There are no inhabited structures or electrical transmission lines within a 200-foot radius;
 - (b) The tower-based WCF is located a distance equal to the height of the tower from the nearest property line;
 - (c) The tower-based WCF must conform to all FAA regulations, including lighting, if required; and
 - (d) The Board of Supervisors is assured that all health, safety, and welfare issues have been properly addressed.
- (5) Historic Buildings or Districts. No tower-based WCF may be located on or within 200 feet of a site of a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or has been designated by the Township as being of historic significance.
- (6) Identification. All tower-based WCFs shall display a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the Township. The notice shall not exceed two square feet in gross surface area.
- (7) Lighting. Tower-based WCFs shall not be artificially lighted, except as required by law and as may be approved by the Township. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. No flag shall be located on the structure that requires lighting.

- (8) Appearance. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color as determined by the Township to harmonize with the surroundings.
- (9) Combined with Another Use. A tower-based WCF may be permitted on a property with an existing use or on a vacant parcel in combination with another agricultural, commercial, industrial or municipal use, subject to the following conditions:
 - (a) The existing use on the property may be any permitted use in the applicable zoning district and need not be affiliated with the communications facility.
 - (b) Minimum Lot Area. The minimum lot area shall comply with the requirements for the applicable district and shall be the area needed to accommodate the tower-based WCF and guy wires, the equipment building, security fence, and buffer planting.
 - (c) Minimum Setbacks. The tower-based WCF and accompanying equipment building shall comply with the setback requirements for the applicable district, provided that no tower-based WCF shall be located within 500 feet of a lot with a residential use or a residential district boundary.
- (10) Notice. Upon receipt of a complete application for a tower-based WCF, the applicant shall mail notice thereof to the owner or owners of every property within 500 radial feet of the parcel or property of the proposed facility. The applicant shall provide the Township with evidence that the notice was mailed out to applicable property owners.
- (11) Co-Location. An application for a new tower-based WCF shall not be approved unless the Township finds that the wireless communications equipment planned for the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building. However, co-location shall not be permitted on ornamental streetlight fixtures. Any application for approval of a tower-based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a two-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be used. Co-location is not possible if:
 - (a) Coverage/capacity diagrams and technical reports demonstrate that co-location on an existing tower-based

WCF is not technically possible in order to serve the desired need;

- (b) Planned equipment would exceed the structural capacity of existing towers within the Township, considering existing and planned use of those towers and existing towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;
 - (c) Planned equipment will cause radio frequency (RF) interference with other existing or planned equipment for that tower and the interference cannot be prevented at a reasonable cost;
 - (d) Existing or approved towers do not have the space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or planned; and/or
 - (e) Other reasons can be demonstrated to the satisfaction of the Township that makes it impractical to place the equipment planned by the applicant on existing and approved towers.
- (12) Design Regulations.
- (a) The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.
 - (b) Any substantial change to an existing tower-based WCF shall require prior approval of the Township.
 - (c) Tower-based WCF must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at various heights for future users, including antenna for public safety needs by emergency responders. Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height.
 - (d) Any tower-based WCF over 40 feet in height shall be equipped with an anti-climbing device, as approved by the manufacturer.

- (13) Surrounding Environs.
- (a) The applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
 - (b) The applicant shall submit a soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA/TIA 222, as amended, to document and verify the design specifications of the foundation of the tower-based WCF, and anchors for guy wires, if used.
- (14) Fence/Screen.
- (a) A security fence having a maximum height of six feet shall completely surround any tower-based WCF, guy wires, or any building housing WCF equipment.
 - (b) The applicant shall submit a landscaping plan, consisting of evergreen plantings which shall reach a height of at least eight feet within five years, which shall be required at the perimeter of the security fences and WCF.
- (15) Accessory Equipment.
- (a) Ground-mounted equipment associated with, or connected to, a tower-based WCF shall be underground, if possible. In the event the applicant can demonstrate that the equipment cannot be located underground to the satisfaction of the Township Engineer, then the ground-mounted equipment shall be screened from public view using stealth technologies, as described above.
 - (b) All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.
- (16) Additional Antennas. The applicant shall allow and encourage other service providers to co-locate antennas on tower-based WCFs where technically and economically feasible. The owner of a tower-based WCF shall not install any additional antennas without obtaining a building permit from the Township.
- (17) Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based WCF. Maximum use of existing roads,

whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. The vehicular access to the tower-based WCF and communications facility building shall meet the applicable municipal street standards for private streets and/or driveway standards. Where applicable, the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.

E. Non-Tower Wireless Facilities. The following additional regulations shall apply to non-tower wireless communications facilities:

- (1) Permitted in All Zones Subject to Regulations. Non-tower WCFs are permitted in all zones subject to the restrictions and conditions prescribed in this section and subject to the prior written approval of the Township.
- (2) Historic Buildings. Non-tower WCFs may not be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or has been designated by the Township as being of historic significance.
- (3) Development Regulations. Non-tower WCFs shall be co-located on existing structures, such as existing buildings or tower-based WCFs subject to the following conditions:
 - (a) Such WCF does not exceed a maximum height of 10 feet above the permitted height of any structure in the applicable zoning district.
 - (b) If the WCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
 - (c) A six-foot-high security fence shall surround any separate communications equipment building.
 - (d) Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
- (4) Design Regulations.
 - (a) Non-tower WCFs shall employ stealth technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the stealth

technology chosen by the applicant shall be subject to the approval of the Township.

- (b) Non-tower WCFs, which are mounted to a building or similar structure, may not exceed a height of 15 feet above the roof or parapet, whichever is higher, unless the applicant obtains conditional use approval from the Board of Supervisors.
 - (c) All non-tower WCF applicants must submit documentation to the Township justifying the total height of the non-tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
 - (d) Antennas, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.
 - (e) Noncommercial Usage Exemption. The design regulations enumerated in this subsection shall not apply to direct broadcast satellite dishes installed for the purpose of receiving video and related communications services at residential dwellings.
- F. WCF Facilities in Rights-of-Way. The following regulations shall also apply to wireless communications facilities located in the rights-of-way:
- (1) Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.²⁰
 - (2) Equipment Location. WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
 - (a) In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb. In the absence of a curb, the facility must be

²⁰. Editor's Note: See 66 Pa.C.S.A. § 101 et seq.

located outside the safe clear zone of the roadway as determined by the Roadmaster.

- (b) Ground-mounted equipment that cannot be installed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
 - (c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
 - (d) Any graffiti on the equipment shall be removed at the sole expense of the owner within 10 business days of notice of the existence of the graffiti.
 - (e) Any underground vaults related to WCFs shall be reviewed and approved by the Township.
- (3) Additional Antennas.
- (a) As a condition of approval for all tower-based WCFs in the ROW, the WCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennas on tower-based WCFs where technically and economically feasible.
 - (b) Non-tower WCFs in the ROW shall be co-located on existing poles, such as existing utility poles or light poles.
 - (c) The owner of a WCF shall not install any additional antennas without obtaining the prior written approval of the Township.
- (4) Circumstances Requiring Relocation or Removal of Facilities. Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of the WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- (a) The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way.

- (b) The operations of the Township or other governmental entity in the right-of-way.
 - (c) Vacation of a street or road or the release of a utility easement.
 - (d) An emergency as determined by the Township.
 - (5) Compensation for ROW Use. In addition to permit fees, every WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. The annual ROW management fee for WCFs shall be determined by the Township and authorized by resolution of the Board of Supervisors and shall be based on the Township's actual ROW management costs as applied to such WCF.
 - (6) Design Requirements.
 - (a) WCF installations located above the surface grade in the public ROW, including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - (b) Antennas and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
- G. Violations Applicable to All Wireless Communications Facilities.
- (1) Penalties. Any person violating any provision of this section shall be subject, upon finding by a magisterial district judge, to a penalty not exceeding \$500, for each and every offense, together with attorneys' fees and costs. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur. In addition to an action

to enforce any penalty imposed by this Section and any other remedy at law or in equity, the Township may apply to a Federal District Court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this section.

- (2) Determination of Violation. In the event a determination is made that a person has violated any provision of this section, such person shall be provided written notice of the determination and the reasons therefor. Except in the case of an emergency, the person shall have 30 days to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the Township may, in its reasonable judgment, extend the time period to cure, provided that person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the Township may take any and all actions authorized by this section and/or federal and/or Pennsylvania law and regulations.

H. Miscellaneous.

- (1) Police Powers. The Township, by granting any permit or taking any other action pursuant to this section, does not waive, reduce, lessen, or impair the lawful police powers vested in the Township under applicable federal, state, and local laws and regulations.
- (2) Severability. If any section, subsection, sentence, clause, phrase, or word of this section is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not render the remainder of this section invalid.

39. Medical Marijuana Facilities. The purpose of this section is to establish a process and standards for the establishment, construction, and operations of medical marijuana facilities, pursuant to the Pennsylvania Medical Marijuana Act (Act 16 of 2016).²¹

- A. Registered medical marijuana facilities are permitted in the Commercial (CM), Industrial (I) and Special Industrial (SPI) districts, as provided in § 27-305, Use Table, and as provided in this section.
- B. Definitions. As used in this subsection, the following terms shall have the meanings indicated:

21. Editor's Note: See 35 P.S. § 10231.101.

CAREGIVER — The individual designated by a patient to deliver medical marijuana.

CERTIFIED MEDICAL USE — The acquisition, possession, use or transportation of medical marijuana by a patient, or the acquisition, possession, delivery, transportation or administration of medical marijuana by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized by certification by the Commonwealth.

DISPENSARY — A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which is registered by the Department of Health of the Commonwealth to dispense medical marijuana.

FORM OF MEDICAL MARIJUANA — The characteristics of the medical marijuana recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variety and quantity or percentage of medical marijuana or particular active ingredient.

GROWER/PROCESSOR — A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which is registered by the Department of Health of the Commonwealth to grow and process medical marijuana.

IDENTIFICATION CARD — A document issued by the Department of Health of the Commonwealth that permits access to medical marijuana.

MEDICAL MARIJUANA — Marijuana for medical use as set forth by the Commonwealth of Pennsylvania.

MEDICAL MARIJUANA ORGANIZATION OR FACILITY — A dispensary or a grower/processor of marijuana for medical purposes.

REGISTRY — The registry established by the Department of Health of the Commonwealth for all medical marijuana organizations and practitioners.

C. Performance Standards and Design Requirements.

- (1) A grower/processor may only grow, store, harvest or process medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Department of Health of the Commonwealth.

- (a) There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing or testing occurs.
 - (b) Dispensing of medical marijuana is prohibited at grower/processor facilities.
- (2) A dispensary may only dispense medical marijuana in an indoor, enclosed, secure building as required by the Department of Health of the Commonwealth.
- (a) A dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
 - (b) A dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.
- (3) Location/Separation.
- (a) A dispensary may not be located within 1,000 feet of the property line of a public, private or parochial school or a day-care center.
 - (b) Any medical marijuana facility lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or a day-care center.

D. Permits.

- (1) Where medical marijuana facilities are classified as a permitted use, a land development plan approval and building permit shall be obtained from the Township prior to establishment of the use.
- (2) Additional information in the land development plan submittal shall include:
 - (a) The legal name, location of the medical marijuana facility and documentation of its current registration/permit with the Department of Health of the Commonwealth.
 - (b) For a grower/processor, the applicant shall provide the name and location of the dispensary with which it is associated.

- (c) A notarized authorization executed by the property owner acknowledging and consenting to the proposed use as a medical marijuana facility.
 - (d) The applicant shall provide a copy of their operating procedures along with their site plan, floor plan, security plan describing alarm systems and exterior lighting, and disposal plan, including the name and address of any disposal service.
 - (e) If the medical marijuana facility is proposed to be located in an existing building, the applicant shall provide plans prepared by a professional architect registered in the Commonwealth of Pennsylvania.
 - (f) If the measured distance is within 25 feet of the required limits identified in Subsection 39C(3), above, a survey sealed by a registered land surveyor may be required, at the discretion of the Township Supervisors and at the applicant's expense, to verify the required separation.
- (3) Permit fees shall be as stipulated in the fee schedule adopted by resolution of the Board of Supervisors in effect at the time of application.
 - (4) Permits may be denied if the applicant, in the reasonable opinion of the Township Supervisors, is failing to comply with any state or local law or regulation.
40. Residential Open Space/Conservation Design Development Option. The residential open space/conservation design development option is permitted by conditional use in the Agricultural (A) and Residential Suburban (R-S) zoning districts, as provided below:
- A. Purpose and Intent. The purpose of the residential open space/conservation design development option is to allow flexibility in site planning and design standards of residential development to encourage the preservation of significant areas of open space and sensitive natural areas by:
 - (1) Providing an optional approach to development with provisions to permit more efficient use of land and of community facilities and services.
 - (a) Encouraging development in those areas that are more physically suited for it.
 - (b) Providing additional recreation land.

- (c) Providing efficiency of traffic patterns and utility systems.
 - (d) Reducing construction costs and municipal maintenance costs.
 - (2) Encouraging innovative residential land development that will conserve open space and protect environmentally sensitive areas.
 - (a) Protecting environmentally sensitive areas and avoiding severe soil erosion and sedimentation.
 - (b) Preventing severely increased stormwater flows and speeds.
 - (c) Preserving areas of prime farmland.
 - (d) Conserving forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats.
 - (3) Endorsing smart growth techniques and conservation design practices.
 - (a) Providing for transitional forms of development between residential and agricultural areas or highways, with open space serving as a buffer.
 - (b) Lowering housing costs.
 - (4) Efficiently using and managing the remaining undeveloped land area within Upper Paxton Township.
 - (a) Allowing each property owner a reasonable use of his/her land related directly to the features and location and accessibility of the land.
 - (5) Implementing the recommendations concerning natural resources, community facilities and services, utilities, transportation, housing and land use, as outlined in the Comprehensive Plan.
- B. It is the intent of the residential open space/conservation design development option to provide for smaller lots than normally required and in so doing safeguard sensitive natural features and create and protect open spaces for use by existing and future residents of the Township. This approach will encourage the preservation of large, stream valley and hilly lands of the Township as well as other areas for agriculture, recreation, conservation and various kinds of open

space uses, while discouraging intensive development in those locations, which are not suited for development.

- C. It is also the intent of the residential open space/conservation design development option to facilitate the conservation of surface and underground water supplies, control soil erosion and surface water flooding, and to minimize the potential adverse effects of land development on the Township overall.
- D. In order to qualify for consideration for the residential open space/conservation design development option, the following apply:
- (1) A conditional use approval must be obtained for the proposed development in the Agricultural (A) or Residential Suburban (R-S) zoning district.
 - (2) The tract of land to be developed must have a minimum contiguous lot area of 10 acres, which is held in single ownership. The Board of Supervisors may allow a reduction of the minimum ten-acre requirement if it determines the use of the residential open space/conservation design development option on a tract of land less than 10 acres preserves significant environmentally sensitive areas or the open space enhances the Township's existing open space system.
 - (3) Residential open space/conservation design development is required (mandatory) on tracts of land greater than 30 acres, held under single ownership.
 - (4) A residential open space/conservation design development shall have a minimum of six lots and shall not exceed the maximum number of lots permitted by the applicable zoning district regulations when developed conventionally, as applicable. The aggregate impervious coverage of the tract shall not exceed 25%.
 - (a) The residential open space/conservation design development shall be filed in a single application by the owner(s) for the entire tract in a single plan.
 - (b) Residential lots, to the extent possible, shall not be located in close proximity to areas that are used for agricultural practices involving animals or animal waste, or other activities that routinely create significant noise and/or odors.
 - (c) Residential uses, where adjacent to agricultural uses, shall be located a minimum of 50 feet from any adjacent agricultural uses.

- (d) Residential lots and dwelling units within the residential open space/conservation design development shall not have direct access to an existing public street.
 - (e) Residential lots and dwelling units within the residential open space/conservation design development shall be served by public sewerage systems and public water system.
- (5) In all cases there shall be a minimum of 50% of the gross tract area designated as open space, held in common ownership and a tract(s) separate from the developable lots. Such open space shall be restricted from further subdivision or land development by deed restriction, conservation easement, or other agreement or form acceptable to the Township, noted on the subdivision plan of record and duly recorded. Any such mechanism shall be structured in a manner that would require the agreement of both the Homeowners' Association or other owner and Township in order to abolish it in the future.
- (6) Configuration of required open space shall be as follows:
- (a) Primary natural resources (floodplains, water bodies/watercourses, areas of very steep slope, and wetlands) shall to the greatest extent possible be included in the designated open space, however, no more than 75% of the minimum required open space shall consist of primary natural resources.
 - (b) No more than 25% of the open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities.
 - (c) The proposed development shall limit disturbance of all natural resources in accordance with this chapter. Development shall start on the least desirable class of agricultural soil determined on the tract, where possible.
 - (d) Any Class I or Class II agricultural soils that are present on the site shall be included in the designated open space to the greatest extent feasible. The burden shall be on the applicant to justify the location of any such soils.
 - (e) A minimum of 50% of the required open space shall be in one contiguous lot, except that the preserved open space may be separated by creeks, lakes and a maximum of one street. Where open space is designated as separate, noncontiguous parcels, no single parcel shall consist of less than one acre in area. No single area or portion of

an area designated as open space shall be counted toward the minimum required open space wherever such area or portion is less than 150 feet in width except in the case of a trail corridor or other linkage between two larger, noncontiguous, open space areas. Any such trail corridor or linkage shall be a minimum of 15 feet in width.

- (f) Where adjacent parcels contain existing or proposed open space areas, either publicly owned or otherwise deed restricted as permanent open space, common open space shall be located contiguously to this adjacent open space whenever possible to create larger open space networks. The burden shall be on the applicant to either locate the common open space contiguous to this adjacent open space or to demonstrate, to the Township's satisfaction, that there is no feasible way to so locate said common open space or that doing so would create an undue hardship.
- E. Conservation of Existing Structures and Historic Resources. If there is an existing primary structure on the original parcel that is proposed to remain in residential use upon development of the site, that structure shall count against the permitted number of lots/units, except in the case of an existing historic resource listed or eligible for the National Register of Historic Places and/or listed locally as a state or local historic marker that is to be preserved and renovated. Historic resources shall not be counted against the permitted number of lots on a tract and shall be in addition to the permitted number of lots.
- F. Sewage Disposal and Water Supply. Development permitted under the residential open space/conservation design development option shall be served by and connected to a public sewage disposal system and shall be served by and connected to a public water supply system. As a condition of approval of any residential open space development, the applicant shall provide a letter of sewer availability for the proposed number of residential units. The applicant shall also provide a letter for water availability which is to contain a statement there is adequate pressure for fire protection. The letters are to be provided prior to preliminary site plan approval.
- G. Information required prior to submitting an application for residential open space/conservation design development approval. The applicant shall present the intended plan proposal (sketch plan) to the Township Supervisors at a regular workshop meeting for informal discussion prior to submitting a conditional use application or subdivision/land development plan for formal review and action. The applicant shall provide the following information for discussion:

- (1) Delineation and the calculated area of all portions of the tract identified as primary natural resources: floodplains, areas of very steep slope, and wetlands, as well as water bodies or watercourses.
 - (2) Delineation of drainage, stormwater management, or other utility easements, and rights-of-way or easements for public or private streets.
 - (3) The calculation of permitted number of lots/units per the requirements of the applicable zoning district, as developed conventionally (yield plan).
 - (4) The delineation of residential lot layout and calculation of the percentage of impervious area, as developed through the residential open space/conservation design option.
 - (5) The location(s) of permanent open space or other protected land, either publicly or privately owned, eased, or deed restricted, on all applicable adjacent properties.
 - (6) Delineation of the portion of the tract proposed to be designated as permanent open space, the percentage of the tract represented by this open space, and the percentages of this open space consisting of natural resources as per this chapter and any other protected lands either publicly or privately owned, eased, or deed restricted.
 - (7) Location of agricultural uses, and other permitted uses per § 27-305.
- H. Use of Open Space. The following are uses permitted in the open space under the residential open space/conservation design development option:
- (1) Conservation of open land in its natural state.
 - (2) Pastureland or areas for horses.
 - (3) Forestry.
 - (4) Passive noncommercial recreational uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact uses specifically excluding wheeled vehicle activities (other than wheelchairs) and rifle ranges.
 - (5) Active noncommercial recreation uses such as playing fields, playgrounds, courts, provided such areas do not consume more than half of the minimum required open space land. Playing

fields, playgrounds, and courts shall not be located within 50 feet of abutting properties.

- (6) Stormwater detention areas designed and landscaped to replicate naturalistic conditions shall be available for use as an integral part of the open space.
 - (7) Public sewage treatment systems and water systems appurtenances located above ground (such as pump stations and lift stations) shall not be permitted in common open spaces. Facilities located underground are permitted within the common open space.
 - (8) Easements for drainage, access, or other public purposes, provided such areas do not occupy greater than 25% of the common open space.
 - (9) Underground utility rights-of-way, aboveground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required common open space, provided such areas do not occupy greater than 25% of the common open space.
 - (10) Dwelling and accessory structures associated with a farmstead that occupied the site on the effective date of this chapter section.
 - (11) Historic resources listed or eligible for the National Register of Historic Places and/or listed locally as a state or local historic marker that is to be preserved and renovated.
- I. Maintenance. Unless otherwise agreed to by the Board of Supervisors, the cost and responsibility of maintaining common facilities, infrastructure (roads, sewer, etc.) and open space land shall be borne by the property owner, condominium association, homeowners' association, or conservation organization.

§ 27-1103. Special Exceptions. [Ord. No. 6-11-19, 6/11/2019]

1. Applications of special exception uses shall be processed in compliance with Part 18 of this chapter. In reviewing and deciding upon special exception applications, the following standards and criteria shall apply:
 - A. Compatibility. The proposed use will be reviewed as to its relationship to and effect upon surrounding land uses and existing environmental conditions regarding the pollution or air, land and water, noise, potential of hazards and congestion, illumination and glare, restrictions to natural light and circulation of air.

- B. Purpose. Review the intended purposes of the proposed use as it relates to the Township's development objectives established in the Township Comprehensive Plan.
- C. Suitability. The nature of activity and population serviced, numbers of participating population, frequency of use, adequacy of space and spatial requirements, potential generation and impact of congestion will be reviewed as suitably related to the proposed location of potential use.
- D. Accessibility. Ingress to the site of the proposed use, circulation and movement of pedestrian and vehicular traffic, parking requirements and accessibility to the existing and proposed Township highway system will be reviewed.
- E. Serviceability. The adequacy of utility services and facilities such as sanitary and storm sewers, water, trash and garbage collection and disposal shall be revised and/or plans acceptable to the Township shall demonstrate how service shall be provided.
- F. Applicability. The proposed use will be reviewed as to its application to the coordination with the planning policies of the Township and its Comprehensive Plan and plans for land use, highways, schools, parks, sewers, water distribution and population growth.
- G. Use standards and criteria contained in § 27-1102 of this Part 11.
- H. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Part 11, as it may deem necessary to implement the purposes of this chapter.

§ 27-1104. Conditional Uses. [Ord. No. 6-11-19, 6/11/2019]

- 1. Applications for conditional uses shall be processed in compliance with Part 18 of this chapter. In reviewing and deciding upon conditional use application, the following standards and criteria shall apply:
 - A. Compatibility. The proposed use will be reviewed as to its relationship to and effect upon surrounding land uses and existing environmental conditions regarding the pollution or air, land and water, noise, potential of hazards and congestion, illumination and glare, restrictions to natural light and circulation of air.
 - B. Purpose. Review the intended purposes of the proposed use as it relates to the Township's development objectives established in the Township Comprehensive Plan.
 - C. Suitability. The nature of activity and population serviced, numbers of participating population, frequency of use, adequacy of space and

spatial requirements, potential generation and impact of congestion will be reviewed as suitably related to the proposed location of potential use.

- D. Accessibility. Ingress to the site of the proposed use, circulation and movement of pedestrian and vehicular traffic, parking requirements and accessibility to the existing and proposed Township highway system will be reviewed.
- E. Serviceability. The adequacy of utility services and facilities such as sanitary and storm sewers, water, trash and garbage collection and disposal shall be revised and/or plans acceptable to the Township shall demonstrate how services shall be provided.
- F. Applicability. The proposed use will be reviewed as to its application to the coordination with the planning policies of the Township and its Comprehensive Plan and plans for land use, highways, schools, parks, sewers, water distribution and population growth.
- G. Use standards and criteria contained in § 27-1102 of this Part 11.
- H. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Part 11, as it may deem necessary to implement the purposes of this chapter.

§ 27-1105. Uses Prohibited. [Ord. No. 6-11-19, 6/11/2019]

- 1. The following uses are prohibited in all districts throughout the Township:
 - A. The incineration, reduction or storage of garbage, offal, animals or refuse, unless by the authority of or under the supervision of the Township. Such activities shall be permitted when properly conducted as an adjunct to a bona fide farming/agricultural operation. Standards for determining proper conduct of such farming/agricultural activities shall be as set forth by the Pennsylvania Department of Agriculture, Dauphin County Conservation District, Pennsylvania State University Cooperative Extension Service and United States Department of Agriculture, Natural Resource Conservation Service. Incineration which is generally accessory to and conducted by individual homeowners is permitted, subject to the rules and regulations of the Pennsylvania Department of Environmental Protection. In furtherance of the Pennsylvania Solid Waste Management Act²² and related Commonwealth goals, recycling and composting activities are permitted as an adjunct to residential uses.

²². Editor's Note: See 35 P.S. § 6018.101 et seq.

- B. Dumps and dumping of any kind, other than an approved sanitary landfill, unless by the authority of or under the supervision of the Township. Solid waste activities shall comply with the Dauphin County Solid Waste Management Plan.
- C. Automobile wrecking, salvage and junkyards, except when approved by the Township, in that case only when located in the I Industrial District.
- D. Race tracks for stock cars, midget cars and other motorized vehicle racing.
- E. Head Shops. No person shall operate a head shop or any other business which involves, in whole or in part, the sale, lease, trade, gift or display for sale of any and all types of drug paraphernalia in any zoning district within the Township.
- F. Massage parlors, in which there exists:
 - (1) The offering or furnishing of service in which specified sexual activities occur:
 - (a) The treatment of any person of the opposite sex, except upon the signed order of a licensed physician, osteopath, chiropractor or registered physical therapist, which order shall be dated and shall specifically state the number of treatments, not to exceed 10. The date and hour of each treatment given and the name of the operator shall be entered on such order by the establishment where such treatments are given and shall be subject to inspection by police. The requirements of this provision shall not apply to treatments given in the residence of the patient, the office of a licensed physician, osteopath or registered physical therapist, chiropractor or in a regularly established and licensed hospital or sanitarium.
 - (b) The massage of, or physical contact, with the sexual or genital parts of one person by any other person. Sexual or genital parts shall include the genitals, pubic area, buttocks, anus or perineum of any person, or the vulva or breasts of a female.
 - (c) The failure to conceal with a fully opaque covering the sexual or genital parts of the body.
- G. The establishment or operation of an adult book store, adult motion-picture theater, adult mini motion-picture theater, adult drive-in theater, adult walk-in picture theater or adult cabaret.

- H. The establishment or operation of any business which involves, in whole or in part, the sale, lease, trade, gift or display for sale, lease, trade or gift of any and all types of obscene materials.

§ 27-1106. Uses Not Provided For. [Ord. No. 6-11-19, 6/11/2019]

Whenever in any district established under this chapter a use is neither specifically permitted or denied and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this chapter.

§ 27-1107. Height Regulations. [Ord. No. 6-11-19, 6/11/2019]

1. No principal building shall be erected to a height in excess of 35 feet; provided, however, that this height may be increased one foot for each additional foot that the width of each yard exceeds the minimum required, but no approval shall be granted for a height increase in excess of 40 feet.
2. Height regulations shall not apply to any of the following, provided the use is not for human occupancy: agriculture buildings; spires; belfries; cupolas; domes; chimneys; ventilators; skylights; water tanks; bulkheads; public utility poles or towers; silos and ornamental or necessary mechanical appurtenances.

§ 27-1108. Lot Area Regulations. [Ord. No. 6-11-19, 6/11/2019]

1. Lots not served by both a public water system and a public sanitary sewer system shall be not less than 100 feet wide at the building setback line and shall contain an area of not less than one acre.
2. On a unimproved lot held in single and separate ownership at the effective date of this chapter which does not fulfill the regulations for the minimum lot area and width for the district in which it is located, a building may be erected, altered and used thereon providing the yard space is not less than the minimum specified herein (and further that the proposed sanitary sewer system and water system is approved by the Pennsylvania Department of Environmental Protection).
3. The area, width and depth of lots shall provide adequate open space for off-street loading, unloading and/or parking space. When necessary, septic tanks and drain fields shall be provided with open space in addition to the open space required for off-street parking, other paved areas, and the area covered by the main building and buildings and structures accessory thereto.

§ 27-1109. Yard Regulations. [Ord. No. 6-11-19, 6/11/2019]

1. Yards shall be provided in accordance with the provisions set forth herein and shall be planted with trees, shrubs, grass seed, sod, ground cover excepting in cases where walks, access drives, off-street parking lots, patios and other types of surfaces are permitted by this chapter. All yards shall be maintained and kept free of all debris and rubbish.
 - A. Front Yards; Setbacks. Where the street or private road upon which the lot abuts is less than 50 feet in width, the front yard depth and the width of the side yard abutting the street or private road shall be measured from a line parallel to and not less than 25 feet from the center line of the street or private road.
 - B. Sight Distance. Hereafter, buildings, structures, including signs and plant materials, shall be set back at street intersections to provide a sight distance measured along the center line, 3 1/2 feet above grade, of not less than 300 feet on arterial streets, 200 feet for collector streets and 100 feet for minor streets.
 - C. Adjustments to Setbacks in Front Yards.
 - (1) When an unimproved lot is situated between two improved lots, each having a principal building which extends into the required front yard and has been so maintained since the effective date of this chapter, the setback in the front yard of such unimproved lot may be the same depth of the front yards of such two adjacent improved lots, notwithstanding the yard requirements of the district in which it is located.
 - (2) Where an unimproved lot adjoins only one improved lot containing a principal building within 25 feet of the common side lot line, which extends into the required front yard, the setback in the front yard of such unimproved lot may be the average depth of the front yard of such adjacent improved lot and the front yard required for the district notwithstanding the yard requirements for such district.
 - (3) An accessory building may be erected or substantially altered within a front yard.
 - D. Side Yards.
 - (1) On a corner lot, the side yard abutting the street shall have a width equal to the depth of the front yard required in the district and shall be subject to all front yard requirements of this chapter.
 - (2) On a lot, in a district where residential structures are permitted, held in single and separate ownership at the

effective date of this chapter, with a lot width less than required for the zone district, only one single-family dwelling may be erected, and side yards shall be provided according to the following requirements:

- (a) On interior lots with a width of 50 feet or more, two side yards shall be provided as required by the district regulations.
 - (b) On corner lots with a width of 50 feet or more, two side yards shall be provided. The exterior side yard may be reduced by the number of feet by which the lot width is less than the district requires, but may not be reduced to less than the required interior side yard. The interior side yard shall be provided as required by the district regulations.
 - (c) On lots less than 50 feet but not less than 27 feet in width, two side yards shall be provided, each equaling 20% of the lot width.
 - (d) On lots less than 27 feet but not less than 20 feet in width, the building shall be 16 feet in width and only one side yard shall be provided, equaling in width the difference between the lot width and 16 feet. One side wall of the building shall be constructed abutting the lot line without openings, but shall not be constructed as party walls.
 - (e) On lots less than 20 feet in width, a building shall be constructed the full width of the lot. Side walls abutting the lot lines shall have no openings and shall not be constructed as party walls. For such dwellings, constructed to a depth of more than two rooms, a court not less than six feet in width shall be provided, abutting the side wall for all rooms beyond the second room.
- (3) On a lot in a commercial or industrial district held in single and separate ownership at the effective date of this chapter, with a lot width less than required for the zone district, the required side yards shall be determined by the Zoning Hearing Board upon application for a variance based on the same criteria as listed under Subsection 1D(2) above for residential structures.
 - (4) An accessory building may be erected within the side, rear or front yards as follows:
 - (a) An accessory building may be attached to the main building.

- (b) When not attached to a main building, the accessory building, shall be not less than 10 feet from the main building; except that when no windows are located in the opposing walls the minimum distance can be reduced to five feet.
 - (c) When a side or rear yard is along an alley the accessory building shall be located not less than 20 feet from the center line of the alley.
 - (d) When constructed in a rear yard the accessory building may be located not less than five feet from the rear lot line.
 - (e) When constructed in a side yard, the accessory building shall be no less than five feet from the side lot line.
 - (f) A carport, open on three sides, may be erected within one of the side yards when attached to a dwelling, provided the carport shall be not less than six feet from the side lot line.
 - (g) When an accessory building is erected in the side or rear yard adjacent to a side street on a corner lot, the accessory building shall be not less than the required front yard depth from the exterior side lot line; however, that when the main building exists on both the corner lot and the lot abutting the rear of the corner lot, an accessory building may erected at the average distance from the street line established by the existing main building.
 - (h) When an accessory building is constructed in the front yard, it shall be in compliance with the minimum building setback established by the zoning district within which the property is located.
 - (i) The construction of one accessory building under 120 square feet is exempt from the permit requirements as found in § 27-1803, Permits.
- E. Courts. Courts shall conform to the following requirements:
- (1) An open space in the form of an inner court or outer court shall be provided in connection with any building in any residential or business district wherever any room therein in which a person or persons live, sleep or congregate cannot be adequately lighted and ventilated. Such court shall be adjacent to the room, the windows of which shall open in such court. (This section shall not apply where controlled light and/or

ventilation are required, nor to climatized structures of all kinds.)

- (2) Outer Court.
 - (a) The width of any outer court upon which windows open from a living room, bedroom or dining room shall be not less than the height of any wall opposite such windows.
 - (b) The depth of an outer court formed by walls on three sides shall be not greater than 1 1/2 times the width.
 - (c) The width of an outer court shall be not less than 2/3 the height of any opposing wall forming said court.
- (3) Inner Court.
 - (a) The least dimension of an inner court shall be not less than the full height of the walls enclosing such court, but not less than 50 feet for apartment buildings and not less than 10 feet for two-family dwellings.
 - (b) An open and unobstructed passageway shall be provided for each inner court. Such passageway shall have sufficient cross-section area and headroom for the passage of firefighting equipment and shall be continuous from the inner court to a yard or an unobstructed open area with access to a street.

F. Buffer Yards and Screen Planting. Unless otherwise regulated, where buffer yards are required by the terms of this chapter, they shall be provided in accordance with the following standards:

- (1) A buffer yard of at least 20 feet shall be required where development involves abutment of nonresidential and residential uses. The buffer yard shall be provided by whomever initiates the development, and shall not apply to agricultural uses involving the raising of crops and animals. Buffer yards shall not be applied to existing uses unless an expansion greater than 50% is proposed.
- (2) At least 10 feet of the buffer yard area shall be planted with a dense screen planting having an opacity of 80% after the first year and thereafter. The remainder of the buffer yard area shall be planted with grass, seed, sod or ground cover. Buffer yards shall be kept free of all debris and rubbish.
- (3) When said district boundary is a public street, the buffer yard may be reduced to five feet and shall be planted with a dense

screen planting, having an opacity of 80% after the first year and thereafter.

- (4) The required yard space for the district in which the use is located may be considered as all or part of the buffer yard area.
- (5) No structure, storage area or parking, loading/unloading area shall be permitted in the required screen planting area; however, such area may be crossed by access drives. Automobile parking may be permitted in that portion of the buffer yard not required for screen planting.
- (6) The screened buffer may consist of a masonry wall, wood fence, trees, shrubs, berms or a combination thereof. In the event a masonry wall or wood fence is used for screening purposes, vegetative landscaping shall be placed and maintained between the wall or fence and the property line adjacent to the residential district or use to form an ornamental screen.

G. Projections in Yards.

- (1) Cornices, eaves, gutters, bay windows and chimneys may project into the minimum required front, side or rear yards of a lot not more 24 inches.
- (2) Covered porches and carports, whether enclosed or unenclosed, shall be considered as part of the dwelling and shall not project into any minimum required yard, unless permitted under § 27-1109, Subsection 1D(4)(f), above.
- (3) Patios, wooden decks, stoops, stairs and window wells customarily incidental to the dwelling may project into minimum required front, side or rear yard setbacks of a lot, a distance not to exceed 48 inches.
- (4) For residential single-family dwellings, driveways and adjacent parking aprons shall be located no closer than two feet from a side property line.

H. Fences and Walls.

- (1) If the fence is wood cover on wood frame, the framework must face onto the interior of the lot, unless the fence is so designed as to provide equal frame and cover area to adjoining yards.
- (2) If the fence is open metal mesh, supported by posts and frame of either pipe or wood, the posts and frames must be on the interior of the mesh.

- (3) If the fence is of masonry construction, a finished surface must be provided on the exterior side.
- (4) No fence shall be constructed in any street or alley right-of-way.
- (5) All fences must meet the intersection visibility requirements set forth in Subsection 1I below.

I. Obstructions to Vision.

- (1) No fence, sign or other structure shall be erected, altered and no hedge, tree, shrub or other growth shall be maintained or permitted which may cause danger to traffic on a street or public road by obscuring the view.
- (2) On corner lots, no walls, fence, sign or other structure in excess of 3 1/2 feet in height shall be erected or altered, and no hedge or other plant material in excess of 3 1/2 feet in height shall be permitted within 25 feet in any direction of the intersection of the street right-of-way.

J. Storage; On Lot. Unless further regulated elsewhere in this chapter, the following storage requirements shall apply:

- (1) Junk as defined by this chapter shall be regulated in conformance with § 27-1102, Subsection 34, of this Part 11.
- (2) In commercial and industrial districts no processing or storage activity shall be permitted outside an enclosed building or structure unless such activity is effectively screened from view by adjacent residential uses and a public street. For illustration purposes only, outside sales and storage are permitted to be viewed by the traveling public for uses such as motor vehicle sales, service, rentals and body shops, garden supplies, membership sports and recreation clubs, golf courses and country clubs, Township facilities, outdoor recreation areas, recreational vehicle parks, private yard and garage sales, approved recycling containers, outdoor swimming pools, cemeteries, airports/heliports, temporary roadside stands, farming and agricultural operations, and other similar activities primarily focusing on outside activity.
- (3) Recreational vehicles (RVs) in residential districts are permitted and shall not be connected to water and sewerage utilities. They must be stored in a safe and secure manner. This provision is not intended to prohibit the parking of RVs elsewhere on the property for loading and unloading, and does not apply to the occasional visitor to a dwelling in a residential district.

- (4) Unlicensed, unregistered, inoperable vehicles are permitted to be located on a parcel in a residential district. The purpose being to permit the antique/classic car enthusiast to maintain and repair such vehicle. Storage and repair activities of the vehicle and related parts/equipment must be contained in an enclosed structure. One vehicle may be permitted to be stored outside, providing it is effectively screened from adjacent residential uses. This provision is not intended to apply to minor maintenance conducted on the resident's motor vehicle from time to time.
- (5) Junk, as defined in this chapter, is not an adjunct or accessory residential use, and is therefore prohibited in residential districts. This is not intended to apply to solid waste normally generated by residences and temporarily stored for proper and periodic disposal. The purpose of this provision is intended to avoid conflict among and between neighbors over outdoor storage of materials and equipment that detract from the aesthetics, health and property values of such areas.

§ 27-1110. Habitable Floor Area. [Ord. No. 6-11-19, 6/11/2019]

1. The minimum habitable floor area of a dwelling unit or any building or structure hereafter erected or used for living purposes shall be 700 square feet. In case of apartment units and conversion/accessory apartments, the minimum habitable floor area shall be not less than 400 square feet per apartment, except those apartments designed for and occupied exclusively by one person, which apartment shall each contain not less than 300 square feet of habitable floor area.
2. The following may be authorized as a special exception by the Zoning Hearing Board:
 - A. The minimum habitable floor area regulations may be reduced for mobile homes, camping trailers and cabins, when located in a mobile home park, recreation vehicle part or camp approved by the Pennsylvania Department of Environmental Protection and the Township and when used for temporary living quarters.
 - B. In any district where single-family dwellings are permitted, the Zoning Hearing Board may authorize by special exception the reduction of minimum habitable floor area for a single-family dwelling to 600 square feet providing such dwelling will not:
 - (1) Alter or interfere with the present character of the neighborhood.
 - (2) Substantially retard or reduce the development potential of the adjacent properties.

- (3) Be hazardous or detrimental to the public health and welfare.

§ 27-1111. Reduction of Lot Dimensions. [Ord. No. 6-11-19, 6/11/2019]

The area, width or depth of any lot shall not be reduced by subdivision, sale or development so that the lot width, lot area, lot area per dwelling unit, courts and yards or other spaces are less than, or so that the coverage is greater, than prescribed herein.

§ 27-1112. Waste and Sewage Disposal. [Ord. No. 6-11-19, 6/11/2019]

1. All methods and plans for the on-lot disposal of sewage and wastes shall be designed in accordance with all applicable regulations pertaining to the treatment and disposal of sewage and wastes. A certificate or statement of adequacy from the Department of Environmental Protection shall be a prerequisite to the issuance of a building permit.
 - A. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation or which will destroy aquatic life, be allowed to enter any stream.
 - B. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors unless enclosed in containers which are adequate to eliminate such hazards.

§ 27-1113. Performance Standards. [Ord. No. 6-11-19, 6/11/2019]

1. Hereafter, all uses of land, buildings and structures or industrial processes shall be prohibited that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas fumes, noise, vibration or similar substances or conditions; provided, however, that any uses may be permitted except those specifically prohibited in the district regulations or general provisions, if adequate provisions, and safeguards to protect the health, safety, morals and the general welfare of the community are established by a written agreement, subject to the securing of a permit therefor and subject to the carrying out of such provisions, restrictions and safeguards.
 - A. Nuisance and Hazard Abatement.
 - (1) Offensive Area. All areas for parking, recreation, service, utility equipment, waste receptacles and/or other elements which, because of their odor and/or noise would be offensive to those occupying the lot or adjoining lots or those on the street, shall

be screened, landscaped or otherwise treated to eliminate the offensive condition.

- (2) Lighting. Lighting of all types shall be directed so as to reflect away from adjacent lots and public rights-of-way. Effort must also be made to minimize glare on adjacent property.
- (3) Fire. No structure nor activity on a site or within a structure shall pose a hazard of fire for adjacent lots and/or structures. Access for firefighting men and equipment shall be provided for every structure on the site.
- (4) Toxic and Noxious Matters. No emission which would be demonstrably injurious to human health, animals or plant life at or beyond the boundaries of any lot will be permitted. Where such an emission could result from an accident or equipment malfunction, adequate safeguards considered standard for safe utilization of the toxic and noxious matters involved shall be taken.
- (5) Radiation Hazards. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive waste shall be in conformance with the applicable regulations of the federal and state governments.
- (6) Fire and Explosive Hazards. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, but only if said materials or products are stored, utilized or manufactured within a completely enclosed building having incombustible exterior and protected throughout by an automatic fire extinguishing system. All activities involving the use and/or storage and/or disposal of flammable or explosive material shall be provided with adequate safety and protective devices against hazards of fire and explosion; as well as with adequate firefighting and suppression equipment and devices standard to the industry involved.
- (7) Glare and Heat. Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure such operation from view from any point along the property line, except during the period of construction of the facilities to be used and occupied.
- (8) Electromagnetic Radiation. In the interest of maintaining an atmosphere fruitful to research, there shall be no electromagnetic interference that adversely affects at any point the operation of any equipment other than that belonging to the creator of such interference, or that is not in conformance

with the regulation of the Federal Communications Commission.

- (9) Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. No emission which can cause any damage to health, to animals or vegetation, or other forms of property, or which can cause any excessive soiling at any point and in no event any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations exceeding 0.3 grain per cubic foot of the conveying gas or air at any point shall be permitted. This shall be measured at the point of emission. The use of wood stoves, fireplaces (indoors and outdoors), barbecue pits, wood/gas/charcoal grills and other similar appliances shall, however, be permitted.
- (10) Water. No emission of pollutants (as defined by the Pennsylvania Department of Environmental Protection) into a waterway or sewage system extending beyond the property line shall be permitted.

§ 27-1114. Drainage Regulations. [Ord. No. 6-11-19, 6/11/2019]

1. Prior to obtaining a permit for any construction or earthmoving activities, the applicant must submit an erosion and sedimentation control plan and surface water management plan for approval by the Dauphin County Conservation District.
2. Such plans shall be in conformance with those engineering standards deemed acceptable by the Township Engineer.

§ 27-1115. Illumination. [Ord. No. 6-11-19, 6/11/2019]

1. The illumination of any sign shall be arranged in such a manner that the direct rays of the light source shall not enter any residential building or fall within the right-of-way of any street or highway.
2. The illumination of the exterior grounds of commercial and industrial establishment shall be arranged in such a manner that the direct rays of the light source shall not enter any residential building or fall within the right-of-way of any street or highway.

§ 27-1116. Control of Traffic and Protection to Public Safety. [Ord. No. 6-11-19, 6/11/2019]

1. The application for a permit for any and all uses shall be accompanied by a site plan showing building location, service and parking areas and access to highways. Where a driveway or access road gives access to a State road or highway, approval by the Pennsylvania Department of Transportation shall be required.

2. Where a driveway or access road gives access to a Township road, approval by the Upper Paxton Township Board of Supervisors shall be required.

§ 27-1117. Conditional Use Regulations. [Ord. No. 6-11-19, 6/11/2019]

1. It is the intent of this section to provide special controls and regulations for particular uses which may, under certain conditions, be conducted within the various zoning districts established in Part 3 of this chapter.
2. Each subsection of this section has particular controls and/or requirements which must be satisfied before the use by right or by conditional use is permitted. It is the intent of this section that these particular controls and requirements are in addition to those imposed by the district use regulations and the general regulations, Part 11 of this chapter.

A. Applicability, Limitations, Compliance.

- (1) Applicability. The controls imposed by Parts 11, 12, 13, 14 and 15 are applicable where cited specifically as a conditional use and where cited for permitted uses in Parts 4 through 10A of this chapter.
- (2) Limitations. Conditional uses shall be permitted only where specifically cited in the district use regulations in Parts 1 through 10A of this chapter.
- (3) Compliance. Nothing in this section shall relieve the owner, agent, developer or applicant for approval of a conditional use from obtaining subdivision and/or land development approval in accordance with the Upper Paxton Township Subdivision and Land Development Ordinance.²³

B. Procedure for Conditional Use.

- (1) Application. Each application for a conditional use shall be accompanied by a proposed plan showing the size and location of the lot, the location of all buildings and proposed facilities, including access drives, parking areas and all streets within 200 feet of the lot. The plan shall indicate each adjacent use and land owner. Each application is subject to a fee, as established by resolution by the Board of Supervisors, and is payable to Upper Paxton Township.
- (2) Review by Township Supervisors.
 - (a) In its review the Supervisors shall take into consideration the public health, safety, welfare, comfort and convenience of the public in general, and of the

²³. Editor's Note: See Chapter 22, Subdivision and Land Development.

residents of the immediate neighborhood in particular, and existing landscape or viewshed. As a result, the Supervisors may recommend appropriate conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the expressed intent of this chapter and the accomplishment of the following objectives in particular.

- (b) All proposed structures, equipment or material shall be readily accessible for fire and police protection.
 - (c) The proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
 - (d) In addition to the above, in the case of any use located in, or directly adjacent to, a residential district:
 - 1) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said residential district of conflict with the normal traffic of the local roadways.
 - 2) The location and height of buildings, the location, nature and extent of landscaping on the site shall be such that use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
- (3) Board of Supervisors.
- (a) Within 45 days from receipt of a complete conditional use application and payment of the required fee, the Board of Supervisors shall hold a duly advertised public hearing on the matter of the conditional use application.
 - (b) Within 30 days from the date of the final public hearing on the conditional use application, the Board of Supervisors will render its decision. Written notice of said hearing shall be conspicuously posted on the

affected tract of land at least one week prior to the hearing.

- (c) Each decision shall be accompanied by findings of fact and conclusions. The conclusions shall contain a reference to the provisions relied upon and the reasons why the conclusion is deemed appropriate.
- C. Effect of Conditional Use. Any use for which a conditional use approval may be granted shall be deemed to be a conforming use in the district in which such use is located; provided, that such permit shall be deemed to affect only the lot or portion thereof for which such approval shall have been granted.
- D. The grant of approval of a conditional use shall not relieve the applicant from filing and having the Township approve any permit, land development, subdivision or site plan which may be required by other Township regulations or from otherwise complying with all applicable Township regulations.
- E. Unless specifically authorized by the Township Board of Supervisors, the grant of a conditional use shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained within one year from the date of the grant of the conditional use, unless the Township Board of Supervisors, in its decision, permits a greater period of time.

PART 12

FLOODPLAIN MANAGEMENT**§ 27-1201. Statutory Authority; Purpose. [Ord. No. 6-11-19, 6/11/2019]**

1. The Legislature of the Commonwealth of Pennsylvania has, by passage of the Pennsylvania Flood Plain Management Act of 1978,²⁴ delegated the responsibility to local government units to adopt floodplain management regulations to promote public health, safety and the general welfare of its citizenry.
2. The purpose of this Part 12 is to:
 - A. Promote the general health, welfare, and safety of the community.
 - B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
 - C. Minimize danger to public health by protecting water supply and natural drainage.
 - D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
 - E. Comply with federal and state floodplain management requirements.

§ 27-1202. Applicability. [Ord. No. 6-11-19, 6/11/2019]

1. These provisions shall apply to all lands within the jurisdiction of the Township and identified as special flood hazard areas in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs), dated August 2, 2012, issued by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, including all digital data developed as part of the FIS. The above-referenced FIS and FIRMs, and any subsequent revisions and amendments, are hereby adopted by the Township and declared to be part of this chapter.
2. No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this chapter and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Part 12. This Part 12 shall be administered in conjunction with the provisions of Chapter 5 of the Code of Ordinances of the Township relating to buildings.

24. Editor's Note: See 32 P.S. § 679.101 et seq.

3. The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside the identified floodplain areas or that land uses permitted within such areas will be free from flooding or flood damages. Further, these provisions shall not create liability on the part of Upper Paxton Township or any officer or employee thereof for any flood damages that result from reliance on these provisions or any administrative decision lawfully made hereunder.
4. This chapter supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is a conflict between any provisions of this Part 12 or any other sections of the Township ordinances, the more restrictive shall apply. This Part 12 shall be administered in conjunction with the provisions of Chapter 5 of the Code of Ordinances of the Township relating to buildings. This Part 12 shall be interpreted, wherever possible, to achieve a result consistent with the provisions of Chapter 5 and other provisions of the Township ordinances. If any section, subparagraph or clause of this Part 12 shall be declared invalid for any reason, such a decision shall not affect the remaining portions of this Part 12, which shall remain in full force and effect, and for this purposes, the provisions of this Part 12 are severable.

§ 27-1203. Establishment of Floodplain Areas. [Ord. No. 6-11-19, 6/11/2019]

1. The identified floodplain areas shall be any areas of the Township classified as special flood hazard areas (SFHAs) in the FIS and the accompanying FIRMs dated August 2, 2012, and issued by FEMA, or the most recent revision thereof, including all digital data developed as part of the FIS. The above-referenced FIS and FIRMs, and any subsequent revisions and amendments, are hereby adopted by the Township and declared to be part of this chapter.
2. Delineation of Floodplain Areas.
 - A. Floodway Area. The areas identified as floodway in the FIS which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS.
 - (1) Any encroachment that would cause any increase in flood heights in the floodway area shall be prohibited.

- (2) No new construction or development shall be allowed in the floodway area, unless a permit is obtained from the Pennsylvania Department of Environmental Protection regional office.
- B. Special Floodplain Area. The areas identified as Zones AE and A1-30 in the FIS which are subject to inundation by the one-percent-annual-chance flood event determined by detailed methods and have base flood elevations shown.
 - (1) No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Pennsylvania Department of Environmental Protection regional office.
 - (2) In special floodplain areas without a designated floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the base flood elevation by more than one foot.
- C. Approximate Floodplain Area. The areas identified as Zone A in the FIS which are subject to inundation by the one-percent-annual-chance flood event determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no base flood elevations or flood depths are shown.
 - (1) No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Pennsylvania Department of Environmental Protection regional office.
 - (2) When available, information from other federal, state, and other acceptable sources shall be used to determine the base flood elevation, as well as the floodway area, if possible. When no other information is available, the base flood elevation shall be determined using a point boundary of the identified floodplain area which is nearest to the construction site in question. In lieu of the above, the Township may require an applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.
- D. Shallow Flooding Area. The areas identified as Zones AO and AH in the FIS. These areas are subject to inundation by the one-percent-

annual-chance shallow flooding event where average depths are between one foot and three feet.

- (1) Drainage paths must be established to guide floodwaters around and away from structures on slopes in the shallow flooding area.

3. Overlay Concept.

- A. The floodplain areas described above shall be overlays to the existing underlying districts as shown on the official Zoning Map, and as such, the provisions for the floodplain areas shall serve as a supplement to the underlying district provisions.
 - B. Where there happens to be any conflict between the provisions or requirements of any of the floodplain areas and those of any underlying district, the more restrictive provision shall apply.
4. Zoning Map. The boundaries of the floodplain areas are established as incorporated into the Upper Paxton Township Zoning Map. Refer to Part 3, Designation of Districts, § 27-301 and § 27-302, Subsection 2.
5. Interpretation of Floodplain Area Boundaries. Initial interpretations of the boundaries of the floodplain areas shall be made by the Floodplain Administrator. Should a dispute arise concerning the boundaries of any area, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

§ 27-1204. Compliance Required in Floodplain Areas. [Ord. No. 6-11-19, 6/11/2019]

1. All uses, activities and development occurring within any floodplain area shall be undertaken only in strict compliance with the provisions of this Part 12 and with all other applicable codes and ordinances, including the Township Building Permit Ordinance (Chapter 5).
2. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

§ 27-1205. Variances Within Floodplain Districts. [Ord. No. 6-11-19, 6/11/2019]

1. General. If compliance with any of the requirements of this Part 12 would result in an exceptional hardship for a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

2. Variance Procedures and Requirements. Requests for variances shall be considered by the Zoning Hearing Board in accordance with the following:
 - A. No variance shall be granted for any construction, development use or activity within any floodway area that would cause any increase in the 100-year flood elevation.
 - B. If granted, a variance shall involve only the least modification necessary to provide relief.
 - C. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to achieve the objectives of this chapter.
 - D. In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to, the following:
 - (1) There is good and sufficient cause.
 - (2) Failure to grant the variance would result in exceptional hardship to the applicant.
 - (3) The granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with any other applicable local or state ordinance and regulations.
 - (4) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent-annual-chance flood.
 - E. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - (1) The granting of the variance may result in increased premium rates for flood insurance.
 - (2) Such variance may increase the risks to life and property.
 - F. A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.
 - G. The requirements of Part 18 of this chapter shall also apply to the granting of variances to the extent not provided for above.

§ 27-1206. Floodplain Administrator; Administration; Enforcement. [Ord. No. 6-11-19, 6/11/2019]

1. The Zoning Officer of the Township is appointed to administer and enforce this Part 12, and the Zoning Officer is appointed as the Floodplain Administrator for the Township. A permit shall be required for all construction and development which includes, but is not limited to, buildings or other structures, paving, filling, grading, excavation, mining, dredging or drilling operations or a change in the use of the land. Such permit shall be processed in conformance with applicable provisions of this chapter and in conjunction with the permit required under Chapter 5, relating to buildings, if applicable. Enforcement and penalties under this Part 12, unless specifically described in this Part 12, shall be as otherwise provided in Part 18 of this chapter.
2. Any person who fails to comply with any or all of the requirements or provisions of this Part 12 or who fails or refuses to comply with any notice, order or direction of the Floodplain Administrator or any authorized employee of the municipality shall be guilty of a misdemeanor and, upon conviction, shall pay a fine to the Township of Upper Paxton of not more than \$500, plus the costs and fees of prosecution.
3. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of this Part 12 may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the Floodplain Administrator.
4. Upon receipt of such appeal, the Zoning Hearing Board shall set a time and place, within not less than 10 or more than 30 days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
5. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of the Commonwealth of Pennsylvania, including the Pennsylvania Flood Plain Management Act.²⁵

25. Editor's Note: See 32 P.S. § 679.101 et seq.

PART 13

NONCONFORMING BUILDINGS AND USES**§ 27-1300. Preamble. [Ord. No. 6-11-19, 6/11/2019]**

All lawful uses of land or of a lot, building, sign or other structure existing on the effective date of this chapter may be continued, altered, restored, reconstructed, changed, 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, provided such nonconforming conditions shall comply with the following:

§ 27-1301. Continuation. [Ord. No. 6-11-19, 6/11/2019]

The Zoning Officer is responsible for the proper registration of premises occupied by a lawful nonconforming use, building and/or structure, including a nonconforming lot, existing after the effective date of this chapter, and issuance of a certificate of nonconformance (see § 27-1806); which shall be for the purpose of insuring to the owner the right to continue such nonconformity in accordance with the provisions of this Part 13. It is the property owners' responsibility to assist the Zoning Officer in the identification and registration of nonconforming lots, uses, buildings and structures for which they are accountable. Periodic notice of this requirement shall be published and/or circulated by the Township for the purpose of making property owners aware of such.

§ 27-1302. Alterations. [Ord. No. 6-11-19, 6/11/2019]

Repairs and structural alterations may be made to a nonconforming building or a building occupied by a nonconforming use; providing such alterations and repairs are in conformance with the regulations set forth in this chapter and other applicable codes and ordinances adopted by the Township.

§ 27-1303. Extensions or Enlargements. [Ord. No. 6-11-19, 6/11/2019]

1. The types of extensions and enlargements listed below are permitted for nonconforming uses and buildings existing on the effective date of this chapter:
 - A. The extension of a nonconforming use of land upon a lot occupied by such use.
 - B. The extension or enlargement of a conforming building occupied by a nonconforming use.
 - C. The extension or enlargement of a nonconforming building occupied by a nonconforming use.
 - D. The extension or enlargement of a nonconforming building occupied by a conforming use.

2. The foregoing extensions or enlargements of such nonconforming buildings, structures or uses shall be subject to the following conditions:
 - A. The extension or enlargement shall conform to the height, area, yard and coverage regulations of the district in which it is located. Where a structure is nonconforming as to a required front, side or rear yard setback, the established nonconforming setback may be continued, so long as the proposed extension or enlargement does not project further into any yard, whether front, side or rear yard, than the original building line extended. The extension or enlargement shall not exceed 50% of the existing floor area or area occupied by the nonconforming use.
 - B. The entire building or use shall be provided with off-street parking and loading spaces as required by Part 14, Off-Street Parking, herein.
 - C. The extension or enlargement does not replace a conforming use.
 - D. The extension or enlargement of a nonconforming building, structure or nonconforming use shall not be permitted to extend into vacant parcels of land adjacent to the initial parcel of land existing and occupied on the effective date of this chapter, where such vacant parcels have been recorded separately or acquired following the effective date of this chapter.

§ 27-1304. Changes in Nonconforming Uses. [Ord. No. 6-11-19, 6/11/2019]

A lawful nonconforming use may be changed to another nonconforming use of the same or more restricted classification. Whenever a nonconforming use has been changed to a more restricted classification or to a conforming use, such use shall not hereafter be changed to a use of less restricted classification.

§ 27-1305. Reconstruction/Restoration. [Ord. No. 6-11-19, 6/11/2019]

1. A nonconforming building, structure or use which is damaged by fire, explosion, windstorm or other natural or criminal acts may be reconstructed and used for the same purposes, provided that:
 - A. The reconstruction and/or restoration is commenced within one year from the date of occurrence of the damage and is carried to completion without undue delay. The one-year time may be extended if the delay is caused by insurance regulations or investigations not caused by negligence of default by the applicant.
 - B. The reconstructed building or occupied area does not exceed the height, area and volume of the original structure and occupied use.
 - C. The remains of any such buildings, structures or other improvements so destroyed shall be removed from the premises within six months so that the same shall not remain as a nuisance or safety hazard.

§ 27-1306. Discontinuance. [Ord. No. 6-11-19, 6/11/2019]

If a nonconforming use of land or building ceases operations for a continuous period of more than 18 months, then such use and any subsequent use of land or building shall conform to the provisions of this chapter, except when the discontinuance is due to a death and administration of the decedent's estate, in which event the discontinuance shall not be presumed to start until estate administration is terminated or a court order concerning the disposition of the estate has been entered.

§ 27-1307. Nonconforming Signs. [Ord. No. 6-11-19, 6/11/2019]

Signs in existence at the effective date of this chapter or amendments thereto, may be continued subject to the regulations contained in Part 16, Signs, herein.

§ 27-1308. District Changes. [Ord. No. 6-11-19, 6/11/2019]

Whenever the boundaries or uses of a district shall be changed the foregoing provisions shall also apply to any nonconforming lots, uses, structures or buildings existing therein or created thereby.

§ 27-1309. Unsafe Structure. [Ord. No. 6-11-19, 6/11/2019]

Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any portion of a structure or building declared unsafe by proper authority.

PART 14

OFF-STREET PARKING**§ 27-1401. General Parking Regulations. [Ord. No. 6-11-19, 6/11/2019]**

1. Off-street parking facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available to patrons throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking space located off the public right-of-way.
2. Outdoor paved parking space(s) shall not be deemed to be part of the open space of the lot upon which it is located.
3. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard provided that the level of such yard shall conform to the general level of the other yards on the lot. If unpaved, the space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.
4. Unless determined unnecessary by the Township, parking spaces and approaches thereto shall be paved in accordance with Township standards. Outdoor parking spaces shall not be deemed to be part of the open space of the lot on which it is located.
5. No part of any minimum front yard setback area shall be used for parking purposes, except that for permitted residential uses the driveway area located within the front yard setback may be used for parking purposes, and in the Commercial and Industrial districts, parking may be permitted to be located no closer than 20 feet from the street right-of-way line.
6. The parking of any nonmotorized vehicle (including boats and trailers) or any motorized vehicle not having a current and valid registration and inspection certificate is prohibited within any street right-of-way.

§ 27-1402. Facilities Required. [Ord. No. 6-11-19, 6/11/2019]

Any of the following buildings hereafter erected or enlarged and any building hereafter converted into one of the following buildings and any open area hereafter used for commercial or industrial purposes shall be provided with not less than the minimum parking spaces as set forth below. Where the computation of required parking spaces results in a fractional number, any fraction equal to or exceeding 1/2 space shall be counted as one; any fraction less than 1/2 space may be dropped.

§ 27-1403. Off-Street Parking Space Requirements. [Ord. No. 6-11-19, 6/11/2019]

1. In order to preserve landscaped areas and open space and to minimize the impacts of storm water runoff from a lot, any proposed use shall not exceed the minimum parking requirements listed in this section, by a rate greater than 1.25 of the minimum parking requirements, unless the applicant can demonstrate that additional parking is necessary to meet the anticipated parking demand of the proposed use. Such information as trip generation reports or parking demand studies for similar uses shall be sufficient in demonstrating anticipated parking demand for a particular use.

2. To determine the minimum number of off-street parking spaces for uses which are not specifically listed in this section or for instances where the applicant disputes minimum parking requirements for a particular use, the applicant shall submit a plan to include rationale justifying the number of parking spaces and loading and unloading spaces for the proposed use. The plan should cite information on parking demands, hours of operation, pedestrian access, off-site parking combinations and other variables which would influence the number of parking spaces provided on site. The Zoning Officer shall review and approve the number of parking spaces and loading and unloading spaces prior to land development plan approval, zoning permit approval, or building permit approval, whichever is first required.

3. An applicant may, by special exception, reduce the number of off-street parking spaces calculated in accordance with this section if the applicant demonstrates by clear and convincing evidence that a lesser number of off-street parking spaces are required for such use. The applicant for such special exception shall present written studies based upon existing uses of the same type and size in Pennsylvania, and/or surrounding states, identifying the location of each use, the size of each use, the number of off-street parking spaces present at such location, the date, day of week, and time when the parking lot was observed, and the number of parking spaces available for customers or patrons when the parking lot was observed.

Use	Minimum Parking Required
RESIDENTIAL USES	
Accessory apartments (single-family)	1 space for each dwelling unit
Conversion apartments	1 space for each dwelling unit
Manufactured and industrialized housing dwellings	2 spaces for each dwelling unit
Manufactured/mobile home dwellings when located in a manufactured/mobile home park	2 spaces for each dwelling unit

Use	Minimum Parking Required
Multifamily (apartments and garden apartments)	2 spaces for each dwelling unit, plus 1 space for every 5 dwelling units for guest parking
Nursing/convalescent homes	1 space for every 2 beds, plus 1 space for each employee or volunteer in the maximum working shift
Seasonal cottages, hunting and fishing cabins, recreational vehicles and campgrounds	1 space for each cottage, cabin, or campsite, plus 1 space for each employee in the maximum working shift
Single-family attached dwellings (townhouses)	2 spaces for each dwelling unit, plus 1 space for every 5 dwelling units for guest parking
Single-family detached dwelling units	2 spaces for each dwelling unit
Single-family semidetached dwellings	2 spaces for each dwelling unit
Two-family detached dwellings (duplex with 1 unit over the other)	2 spaces for each dwelling unit
Residential Open Space/Conservation Design (§ 27-1102, Subsection 40)	See § 27-1403, Subsection 2
NONRESIDENTIAL USES	
Agricultural operations, nurseries, greenhouses, boarding stables, animal hospitals	See § 27-1403, Subsection 2
Agriculturally oriented commercial establishments such as farm implement dealers, feed mills and similar businesses and support services	See § 27-1403, Subsection 2
Agriculture	See § 27-1403, Subsection 2
Agriculture, when part of a farm	See § 27-1403, Subsection 2
Airports and heliports	2 spaces for each helicopter or airplane based at the facility
All uses similar to the specified permitted uses and not otherwise prohibited by law	See § 27-1403, Subsection 2

Use	Minimum Parking Required
Amusement enterprises, including theaters, bowling alleys, skating rinks or similar uses	1 space for every 3 seats (theater); 2 spaces for each alley, plus 1 space for every 2 employees (alleys); or 1 space for each 100 square feet of floor area (rinks)
Automobile sales and services, including automobile garages and body shops	1 space for each 400 square feet of gross floor area or 3 spaces for each service bay, plus 1 space for each employee in the maximum working shift, whichever is greater (service); 1 space for each 200 square feet of gross floor area devoted to sales
Automobile wrecking yard	1.25 spaces for each employee in the maximum working shift
Banks, business and professional offices	1 space for each 200 square feet of gross floor area
Bed-and-breakfast establishments	1 space for each guest room, plus 2 spaces for each permanent residence
Body shops, painting, tire retreading or recapping, welding shops and the like	1.25 spaces for each employee in the maximum working shift
Bookbinding	1.25 spaces for each employee in the maximum working shift
Bottling works	1.25 spaces for each employee in the maximum working shift
Carpenter, cabinet making, furniture repair and upholstery, electrician, HVAC, metal working, tinsmiths, plumbing, welding and machine shops and other similar minor fabricating and assembly businesses	1.25 spaces for each employee in the maximum working shift
Churches or similar places of worship and cemeteries	1 space for every 3 fixed seats in main assembly area or, when fixed seating is not provided, 1 space for each 50 square feet of seating area
Clubs and lodges	1 space for every 3 seats in assembly area, or 1 space for each 200 square feet of gross floor area, whichever is greater

Use	Minimum Parking Required
Commercial recreation facilities	1 space for each tee, shooting stall, target area, or other venue, plus 1 space for each employee in the maximum working shift
Commercial scale raising and marketing of fowl or poultry	See § 27-1403, Subsection 2
Construction and farming materials and equipment storage, sales and repair businesses, including lumberyards	1 space for each 500 square feet of indoor/outdoor area, or 1.25 spaces for each employee in the maximum working shift, whichever is greater
Country clubs and golf courses	2 spaces for each tee, plus 1 space for each employee in the maximum working shift. Additional spaces shall be provided for clubhouse uses or other accessory uses at a rate of 50% of what would typically be required for that use
Dance or music studios	1 space for each instructor, plus 1 space for every 2 students
Day-care center	1 space for each nonresident employee, plus 1 space for passenger loading/unloading for every 6 nonresident children
Day-care home	4 spaces for each dwelling unit
Department and variety stores	1 space for each 200 square feet of gross floor area
Distribution plants and other service industries	1.25 spaces for each employee in the maximum working shift
Dog kennels	1 space for each employee in the maximum working shift, plus 1 space for every 10 animals boarded
Fitness centers	See § 27-1403, Subsection 2
Forestry	See § 27-1403, Subsection 2
Fraternal organizations, clubs and lodges	1 space for every 3 seats in assembly area, or 1 space for each 200 square feet of gross floor area, whichever is greater
Freight and trucking terminals	1.25 spaces for each employee in the maximum working shift

Use	Minimum Parking Required
Grange halls and buildings for agricultural oriented groups	1 space for each 200 square feet of gross floor area for public use; but no less than 1 space for every 3 seats
Home occupations	In addition to the number of spaces required for the dwelling, 1 space for each non-resident employee, plus 2 spaces for clients/patrons
Hospitals	1 space for every 2 beds, plus 1 space for each employee or volunteer in the maximum working shift
Hotels and motels	1 space for each guest room, plus 1 space for each employee in the maximum working shift
Institutional care facilities	1 space for every 2 beds, plus 1 space for each employee or volunteer in the maximum working shift
Junkyards	1.25 spaces for each employee in the maximum working shift
Laboratories	1.25 spaces for each employee in the maximum working shift
Landfills	1.25 spaces for each employee in the maximum working shift
Libraries	1 space for each 200 square feet of gross floor area
Machine shops	1.25 spaces for each employee in the maximum working shift
Manufacture of metal dies and taps	1.25 spaces for each employee in the maximum working shift
Manufacturing of pottery and figurines or other similar ceramic products, using only clay and kilns fired only by electricity or gas	1.25 spaces for each employee in the maximum working shift
Manufacturing, compounding, processing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, pharmaceutical and food products, except vinegar, yeast and the rendering or refining of fat and oils	1.25 spaces for each employee in the maximum working shift

Use	Minimum Parking Required
Medical and dental clinics	3 spaces for each professional who typically sees patients, plus 1 space for each employee who typically does not see patients
Medical marijuana facility	3 spaces for each professional who typically sees patients, plus 1 space for each employee who typically does not see patients (dispensary); 1 space for each employee in the maximum working shift (grower/processor)
Metal fabrication and forging	1.25 spaces for each employee in the maximum working shift
Mortuary establishments	1 space for each 50 square feet for use of memorial services, viewing area, business office and products display
Nurseries, garden stores and florists	1 space for each 200 square feet of gross floor area, plus 1 space for each 500 square feet of outdoor display area
Personal service establishments, including barbershops and beauty shops, tailors, dry cleaning, self-service laundries	1 space for each 100 square feet of gross floor area, or 3 spaces for each professional who typically sees clients, whichever is greater
Printing and newspaper publishing	1.25 spaces for each employee in the maximum working shift
Private park and recreation areas	See § 27-1403, Subsection 2
Processing, storage and sale of milk and milk products produced on the premises	1.25 spaces for each employee in the maximum working shift
Public and private conservation areas and structures for the conservation of open land, water, soil, wildlife resources and historic preservation	See § 27-1403, Subsection 2
Public and private schools	1 space for every 6 students, or 1 space for every 3 seats in the largest assembly area, whichever is greater
Public/municipal buildings, structures, facilities and uses	1.5 spaces for each 200 square feet of gross floor area

Use	Minimum Parking Required
Public park and recreation areas	See § 27-1403, Subsection 2
Public utility service structures and facilities	1 space for each structure
Raising of crops, fruits and vegetables	See § 27-1403, Subsection 2
Recycling facility	1.25 spaces for each employee in the maximum working shift
Restaurants, tea rooms, cafes, and other similar places serving food or beverages	1 space for each employee in the maximum working shift, plus 1 space for every 4 seats
Riding academies, public and private stables	1 space for every 3 stalls
Signs, in accordance with Part 16 (Signs)	NA
Storage and packing of fruits and vegetables	1.25 spaces for each employee in the maximum working shift
Storage rental facilities	1 space for every 5 storage units
Stores for retail business, not otherwise listed in this table	1 space for each 200 square feet of gross floor area
Food and grocery retail stores	1 space for each 150 square feet of accessible floor area to the public, plus 1 space for each employee in the maximum working shift
Gifts/pharmacy/apparel/hardware stores	1 space for each 250 square feet of gross floor area
Furniture/household appliance stores	1 space for each 1,500 square feet of display and sales area
Temporary roadside stands for sale of garden products and commodities	2 spaces
Veterinary services and animal hospitals	3 spaces for each professional who typically sees patients, plus 1 space for each employee who typically does not see patients
Wholesale and warehouse businesses, including distribution activities	1.25 spaces for each employee in the maximum working shift

Use	Minimum Parking Required
Wholesale business, warehousing and other storage plants	1.25 spaces for each employee in the maximum working shift
Wind energy facilities (§ 27-1102, Subsection 24C)	NA
Wireless communication facilities: tower-based	NA
Wireless communication facilities: non-tower	NA

§ 27-1404. Location of Parking Space. [Ord. No. 6-11-19, 6/11/2019]

1. Parking spaces for multiple dwelling buildings, commercial, industrial or other nonresidential uses shall be readily accessible to, and within a reasonable distance from, the buildings served thereby. Such spaces shall be on the same lot and in the same zoning district as the principal building or open area conforming to the following regulations:
 - A. The required parking spaces shall be situated within 600 feet of the principal building or open space in question.
 - B. Such spaces shall be in the same ownership as the principal use to which they are accessory and shall be subject to deed restrictions acceptable to the Board of Supervisors, binding the owner and heirs or assigns to maintain the required number of parking spaces throughout the life of the principal use.

§ 27-1405. Design Standards. [Ord. No. 6-11-19, 6/11/2019]

1. The minimum dimensions of parking facilities to be provided shall be as follows:
 - A. In all districts parking spaces per vehicle shall be not less than nine feet wide and 18 feet long, except when more than 10 parking spaces are required, in which case a maximum of 40% of the parking spaces may be provided for compact vehicles. Each compact parking space shall not be less than eight feet wide by 17 feet long. All compact parking shall be arranged and located in the same area and be marked to indicate spaces designated for compact parking.
 - B. Parking lot dimensions shall be not less than those listed in the following table:

Angle of Parking	Parking		Aisle Width	
	Stall Width	Stall Depth*	One-Way	Two-Way
90°	9 feet	18 feet	24 feet	24 feet
60°	10 feet	22 feet	18 feet	20 feet
45°	10 feet	21 feet	15 feet	20 feet
30°	10 feet	19 feet	12 feet	20 feet
Parallel	8 feet	22 feet	12 feet	20 feet

* Depth from curb is the perpendicular measurement from curb or edge of the parking lot toward the interior portion of the lot to be occupied by the parking vehicles and not including any part of the drive.

- C. All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
- D. Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
- E. The width of entrance and exit drives shall be a minimum of 12 feet for one-way use only, a minimum of 20 feet for two-way use (except where 90° parking is used in which case the minimum shall be not less than 24 feet).
- F. Setback for parking areas shall be provided as follows:
 - (1) All parking spaces and access drives shall be located at least five feet from any multiple dwelling building, office, commercial, institutional, industrial and other similar nonresidential building located on the lot. The five-foot corridor thus established between the parking area and building shall be for the purpose of providing a pedestrian access walkway.
 - (2) All parking spaces and access drives shall be at least five feet from any exterior lot line, except where buffer yards are required in which case such parking spaces and access drives may not encroach on the buffer yard area.
 - (3) Except at entrance and exit drives, parking areas shall be physically separated from any public and/or private streets by a minimum five feet planting strip. In no case shall parking areas be designed to require or encourage cars to back into a public or private street in order to leave the parking area.

- (4) All off-street parking spaces shall be marked so as to indicate their location.
 - (5) No off-street parking area shall be located within a public right-of-way.
- G. Unless deemed unnecessary by the Township, pedestrian crosswalks and landscaped refuge islands to separate the parking spaces from the exit, entrance and circulatory drives shall be provided for and approved by the Township Engineer.

§ 27-1406. Handicapped Parking. [Ord. No. 6-11-19, 6/11/2019]

- 1. Handicapped parking spaces shall be provided all uses, with the exception of single and two-family residential uses, and shall comply with the location, size, marking and ingress and egress requirements set forth herein. Each reserved parking space for the physically handicapped person shall be not less than 12 feet wide. The number of accessible parking spaces required are as follows:

Total Parking in Lot	Required Number of Accessible Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20 plus 1 for each 100 over 1,000

- 2. In all cases, minimum standards shall comply with the Americans with Disabilities Act regulations.

§ 27-1407. Drainage. [Ord. No. 6-11-19, 6/11/2019]

- 1. Surfacing and Maintenance Standards.
 - A. The area of the parking lots, including driveways, shall be graded, surfaced with asphalt or other suitable material, and drained to the

satisfaction of the Township Engineer to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining property.

- B. Parking areas shall be kept clean and free from rubbish and debris.
- C. In all cases, such drainage, surfacing and maintenance activities and plans shall conform to other applicable codes and ordinances enacted by the Township.

§ 27-1408. Lighting. [Ord. No. 6-11-19, 6/11/2019]

- 1. Any lighting used to illuminate off-street parking or loading areas shall be arranged so that the direct rays from the luminaries will not fall on any residence beyond the property line.
- 2. All public parking areas shall be adequately lighted during after dark operating hours. All light standards shall be located on raised parking islands and not on the parking surface.

§ 27-1409. Loading and Unloading Space. [Ord. No. 6-11-19, 6/11/2019]

- 1. In addition to the off-street parking requirements set forth herein, any building erected, converted or enlarged for commercial, office, manufacturing, institutional, hospital or other similar uses requiring the delivery or pick up of products or materials shall provide adequate off-street areas for the loading and unloading of vehicles. Such areas shall be provided for as follows:

Use	Required Berths/Spaces Gross Floor Area In Square Feet	Number of Spaces
Commercial, wholesale manufacturing, hospitals, laundry, institutional and similar uses	Under 8,000	1
	8,000 to 40,000	2
	Over 40,000 to 100,000	3
	Over 100,000 to 250,000	4
	Each additional 200,000	1
Office buildings and hotels	Under 100,000	1
	Over 100,000 to 300,000	2

Use	Required Berths/Spaces Gross Floor Area In Square Feet	Number of Spaces
	Over 300,000	3

All off-street loading and unloading areas shall be provided and maintained so long as the use exists which the facilities were designed to serve.

2. Design Standards. Off-street loading facilities shall be designed to conform to the following specifications.
 - A. Each required berth shall be not less than 12 feet in width, 45 feet in length and 14 feet in height, exclusive of drives and maneuvering space and located entirely on the lot being served.
 - B. There shall be appropriate means of access to a street or alley, as well as adequate maneuvering space.
 - C. All accessory driveways and entranceways shall be graded, surfaced and drained in accordance applicable codes and ordinances of the Township.

§ 27-1410. Changes in Requirements. [Ord. No. 6-11-19, 6/11/2019]

Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of this Part 14.

§ 27-1411. Continuing Obligation. [Ord. No. 6-11-19, 6/11/2019]

All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total number of spaces or area after their provisions, except upon the approval of the Zoning Hearing Board and then only after proof that, by reason of diminution in floor area, seating area, number of employees or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of the Part. Reasonable precautions are to be taken by the owner or sponsor of particular uses to assure the availability of required facilities for the employees or other persons whom the facilities are designed to serve. They shall at no time constitute a nuisance, hazard or unreasonable impediment to traffic.

PART 15

MOTOR VEHICLE ACCESS**§ 27-1500. Preamble. [Ord. No. 6-11-19, 6/11/2019]**

Wherever motor vehicle access is provided from the street or private road onto the lot, the following regulations shall apply:

§ 27-1501. Driveways and Curbs. [Ord. No. 6-11-19, 6/11/2019]

1. Access to the lot shall comply with the following regulations:
 - A. Property access shall be provided by not less than one nor more than two driveways for each 100 feet of street or private road frontage. The Board of Supervisors may grant permission for additional access drives where required to meet exceptional circumstances and where frontage of unusual length exists.
 - B. No driveways serving single-family dwellings shall be closer to each other than 12 feet, and no driveway shall be closer to a side property line than three feet. No flare shall cross an extended side property line.
 - C. Each driveway shall be stabilized and shall be not less than 10 feet in width nor more than 35 feet in width, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.
 - D. Driveways shall not cross the street right-of-way line within 40 feet of the street right-of-way line of an intersecting street and in no case less than 10 feet from the point of tangency when the intersecting street lines are joined by a curve. Notwithstanding the above and when deemed necessary for safety by the Board of Supervisors, this dimension may be increased for driveways into shopping centers or other commercial, industrial, public, multifamily or institutional uses.
 - E. Driveways shall not cross the street right-of-way within 15 feet of a fire hydrant or within five feet of a catch basin or drain inlet.
 - F. Driveways shall not cross the street right-of-way (for other than single-family dwellings) within 40 feet of another driveway on the same lot; excepting in the case where dual access drives are deemed necessary to permit safe ingress and egress, these dimensions may be reduced to not less than 12 feet between two access drives.
 - G. Driveways shall not cross the street right-of-way for all multifamily developments and in all commercial, industrial and other such

nonresidential uses within 20 feet of a property line unless two adjoining property owners mutually agree in a legally recorded instrument to a common driveway.

- H. For multifamily developments and nonresidential uses, where there is an existing curb and gutter or sidewalk on the street or private road, a safety island along the entire frontage of the property shall be provided, except for the permitted driveways. On the two ends and street/private road side of each such island shall be constructed a concrete curb, the height, location and structural specifications of which shall be approved by the Township Engineer.
- I. For multifamily developments and nonresidential uses, where there is no existing curb and gutter or sidewalk; a curb, fence or landscaping not less than eight inches and not more than two feet in height shall be constructed along the entire length of the property line, except in front of the permitted driveway.
- J. General Safety Requirements; Sight Distance. Driveways shall be located in safe relationship to sight distance and barriers to vision, and shall not exceed a slope of 10% within 12 feet of the street line. Where drives enter a bank through a cut, unless a retaining wall is used, the side slopes of the cut shall be graded to not more than 1/2 foot vertical to one foot horizontal within 10 feet of the point the drive intersects with the right-of-way line.
- K. Submission of Plan. A scale drawing of proposed off-street parking and loading areas, access drives and walks shall be submitted as part of the required plot plan. Any plan requiring access onto a state highway shall be approved by the Pennsylvania Department of Transportation.

§ 27-1502. Location of Gasoline Pumps. [Ord. No. 6-11-19, 6/11/2019]

Gasoline pumps and all other service equipment shall be set back not less than 25 feet from any lot or right-of-way line and shall be so positioned that vehicles stopped for service will not extend over any such line.

§ 27-1503. Emergency Vehicle Access. [Ord. No. 6-11-19, 6/11/2019]

Stabilized emergency vehicle access shall be provided around all buildings which are defined as "unlimited area building" by the BOCA National Building Code or as otherwise required by Township firesafety authorities. Stabilized areas shall be located as required by the Township and consist of either paving in accordance with Township standards, or in lawn areas, eight inches of No. 4 crushed aggregate or approved equal, 18 feet in width and covered with sod. In lawn areas, delineators shall be placed at 50 feet intervals to identify the location of the access lane.

§ 27-1504. Fire Lanes. [Ord. No. 6-11-19, 6/11/2019]

Fire lanes shall have a minimum width of 18 feet for the efficient and effective use of fire apparatus. Designated fire lanes shall be maintained free of obstructions and vehicles and shall be marked in an approved manner. All designated fire lane signs or markings shall be maintained in a clean and legible condition at all times and replaced when necessary to ensure adequate visibility.

PART 16

SIGNS

§ 27-1601. Purpose. [Ord. No. 6-11-19, 6/11/2019]

1. The purpose of this Part 16 is to regulate signs in a manner which supports and complements the land use objectives set forth in the Upper Paxton Township Comprehensive Plan and this chapter, to avoid uncontrolled proliferation of signs and to preserve and protect the attractive character of the Township.
2. Signs may be erected and maintained only when in compliance with the provisions of this Part 16 and all other ordinances and regulations relating to the erection, alteration or maintenance of signs and similar devices.

§ 27-1602. Definitions. [Ord. No. 6-11-19, 6/11/2019]

1. As used in this Part 16, the following terms shall have the meanings indicated:

CHANGEABLE COPY SIGN — A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two types of changeable copy signs are manual changeable copy signs and electronic changeable copy signs, which include message center signs, digital displays, and tri-vision boards.

DIGITAL DISPLAY — The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

EXTERNAL ILLUMINATION — Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.

FOOTCANDLE — A unit of incident light (on a surface) stated in lumens per square foot and measurable with an illuminance meter, also known as "footcandle" or "light meter." One footcandle is equal to one lumen per square foot.

FREESTANDING SIGN — A sign supported by structures or supports that are placed on, or anchored in, the ground, and that is independent and detached from any building or other structure.

GROUND SIGN — A type of freestanding sign, a sign permanently affixed to the ground at its base, supported entirely by a base structure, and not

mounted on a pole or attached to any part of a building. (Also known as "monument sign.")

ILLUMINATED SIGN — A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

ILLUMINATION — A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source.

INTERNAL ILLUMINATION — A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message center signs, digital displays, and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this chapter.

LUMINANCE — An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot (cd/ft²).

MESSAGE CENTER SIGN — A type of illuminated, changeable copy sign that consists of electronically changing alphanumeric text often used for gas price display signs and athletic scoreboards.

NITS — Measurement unit of brightness or luminance of signs that are lit from within and project light, such as digital and message center signs.

SIGN SUPPORTING STRUCTURE — Poles, posts, walls, frames, brackets, or other supports holding a sign in place.

§ 27-1603. Signs in Conservation, Agricultural, Residential Suburban, Residential Multifamily and Residential Mobile Home Park Districts. [Ord. No. 6-11-19, 6/11/2019]

1. Temporary real estate signs indicating the location and direction of premises available for sale, lease or rental, but not located upon such premises, and having inscribed thereon the name of the owner, builder, realtor or agent, may be erected and maintained, provided:
 - A. The area of one side of any such sign shall not exceed eight square feet.
 - B. Not more than one such sign is erected along each 500 feet of street frontage.
 - C. Such sign shall be removed within seven days after settlement of the sale or commencement of the lease or rental term.

2. Temporary real estate signs advertising the sale, lease or rental of the property upon which they are erected by the owner or realtor, or agent interested in the sale, rental or lease of such premises may be erected and maintained, provided:
 - A. The area of one side of any sign shall not exceed eight square feet.
 - B. Not more than one such sign shall be placed on any property unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage.
 - C. Such sign shall be removed within seven days after settlement of the sale or commencement of the lease or rental term.
3. Signs bearing the words "sold" or "rented," with the name of the person effecting the sale or rental, may be erected on the premises provided the provisions of Subsection 2, above, are complied with.
4. Signs of mechanics, painters and other artisans during the period such persons are performing work on the premises on which such signs are erected, provided:
 - A. The area of one side of any such sign shall not exceed eight square feet.
 - B. Such signs are removed promptly upon completion of the work.
5. Signs indicating the private nature of a driveway or trespassing signs, provided that the area of one side of any such sign shall not exceed two square feet.
6. Identification signs for authorized uses such as farms, estates, schools, churches, parks and playgrounds, golf courses or other uses of a similar nature provided:
 - A. The area of one side of any such sign shall not exceed 20 square feet.
 - B. Not more than one sign is placed on property in single and separate ownership, unless such property fronts upon more than one street, in which event one such sign may be erected on each frontage.
7. Identification signs for authorized home occupations, provided:
 - A. Such signs shall be placed only on the property for which the home occupation has been authorized.
 - B. The area of one side on any such sign shall not exceed six square feet.
 - C. Not more than one such sign shall be placed on any property.

- D. Such signs may be illuminated if such lighting is shielded or indirect; however, neon signs shall not be permitted.
8. On- and/or off-premises signs necessary for the direction, regulation and control of traffic, street name signs, legal notices, warnings at railroad crossings and other official signs which are similarly authorized or erected by a duly constituted governmental body. Such signs may be illuminated only as necessary or customary for traffic control or safety.
9. Public utility signs required in connection with the identification, operation or protection of public utility, provided the area of one side of any such sign shall not exceed eight square feet.
10. Signs indicating direction may be erected along streets to direct vehicles or pedestrians to premises or businesses not located on such streets, but the access to which is from such streets. The following regulations shall apply:
- A. Directional signs shall be ground signs with a maximum area of six square feet on a single-faced or 12 square feet on a double-faced sign.
- B. The content of directional signs shall be limited to the name of the establishment and direction and distance information.
- C. Directional signs shall not be located more than 500 feet from an entrance or other street leading to the advertiser and shall be located in advance of such street or entrance and on the same side of the road as the advertiser's premises.
- D. Permission of the property owner of the land on which the directional sign is to be placed shall be obtained prior to placing the sign on said property.
11. Signs advertising the sale of farm products produced at that location. Such signs shall be displayed only when the products are on sale.
12. Temporary nonilluminated signs advertising exhibits, shows or events located in the Township may be erected, subject to the following requirements:
- A. Signs shall not exceed 15 square feet in area.
- B. Signs shall not be posted earlier than two weeks before the occurrence of the event to which it relates and shall be removed within one week after the date of the exhibit, show or event.
- C. Street banners are prohibited, except in the case of civic or charitable nonprofit organizations. When permitted, such banners are exempted from the size restrictions of Subsection 12A, above, but must fully comply with time limits for display set forth in Subsection 12B, above.

§ 27-1604. Signs in Commercial and Industrial Districts. [Ord. No. 6-11-19, 6/11/2019]

1. Any sign authorized in Conservation, Agricultural and the residential districts shall be permitted in the Commercial and Industrial districts.
2. Identification signs for uses authorized in a Commercial or Industrial district, provided:
 - A. The area of one side of such sign shall not exceed 50 square feet.
 - B. Signs shall be erected only on such premises where activity or business is conducted.
 - C. Where the use fronts on more than one street, one such sign may be erected on each street frontage.
3. Shopping centers may have the following displays as provided:
 - A. The provisions of this Section of this chapter pertaining to business signs permitted on premises shall apply to each separate store or business activity.
 - B. In addition, one ground sign identifying the shopping center may be erected on each street frontage. The area of one side of any such sign shall not exceed 75 square feet, and the location and orientation of such a sign shall be designated on, or in connection with, the required development plan.

§ 27-1605. Off-Premises Advertising Signs (Billboards). [Ord. No. 6-11-19, 6/11/2019]

1. Off-premises advertising signs shall be permitted in the Township and are subject to the following:
 - A. Off-premises advertising signs may be located in Commercial and Industrial districts only.
 - B. Off-premises advertising signs shall not be placed closer than 300 feet to a dwelling which is located on the same side of the street as the sign nor closer than 1,000 feet to another off-premises advertising sign. The distance between signs shall be measured by the shortest route.
 - C. Such sign shall be placed no closer than 50 feet from any street right-of-way and may not exceed 300 square feet in area.
 - D. Permission of the property owner of the land on which the off-premises sign is to be placed shall be obtained prior to placing the sign on said property.

§ 27-1606. Special Signs. [Ord. No. 6-11-19, 6/11/2019]

1. In addition to the sign regulations set forth in §§ 27-1602 through 27-1604, above, the following signs shall be permitted:
 - A. Temporary signs advertising home garage sales, yard sales and the like, as differentiated from signs advertising established commercial enterprises, may be erected in any zoning district subject to the following provisions:
 - (1) The sign may be erected only on the property on which the sale is going to be held.
 - (2) The area of one side of any such sign shall not exceed four square feet.
 - (3) Only one such sign may be erected on any one piece of property, unless such property fronts on two streets, in which case one sign is authorized on each street frontage.
 - (4) The sign shall be installed no earlier than one week prior to the sale and shall be removed within one day after the activity. In no case shall such signs be permitted to remain on the property in excess of 10 days.
 - B. Temporary signs advertising public auctions or sales, as differentiated from signs advertising established commercial enterprises, may be erected in any zoning district subject to the following provisions:
 - (1) Only one such sign may be erected on any one piece of property, unless such property fronts on two streets, in which case one sign is authorized on each street frontage.
 - (2) Such signs may be erected no earlier than two months prior to the date of the sale and shall be removed no later than two days after the sale or auction.
 - (3) The area of such sign shall not exceed 32 square feet.
 - C. Temporary political signs advertising political parties or candidates for election may be erected, provided:
 - (1) The area of any one side of such sign shall not exceed six square feet.
 - (2) Such sign shall not be erected earlier than 30 days prior to the election to which they pertain and shall be removed no later than seven days after the date of the election.
 - D. Holiday decorations displayed for recognized holidays shall be exempted from the provisions of this chapter except as they may cause

glare, interfere with traffic safety or in any other way become a public safety hazard.

§ 27-1607. Certain Signs Prohibited in All Districts. [Ord. No. 6-11-19, 6/11/2019]

1. The following signs shall not be permitted, erected, constructed or maintained in any zoning district, notwithstanding anything contained in this Part 16 or elsewhere. Such signs which are prohibited shall be removed or brought into conformity with the provisions of this Part 16 within three years after this chapter is enacted.
 - A. Signs which incorporate in any manner any flashing illumination, or with illumination which varies in intensity or color, and signs which have any visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical pulsation or by actions of normal wind currents. Hanging signs which simply swing in the wind and clock, time or temperature signs and barber poles shall not be considered as a prohibited sign as long as it complies with the other provisions of this Part 16.
 - B. Light sources which cast light on signs shall be shielded by opaque material so that the bulbs, floodlights or tubes are not visible off the property on which the signs are located.
 - C. Signs advertising activities that are illegal under federal, state or local laws, regulations or ordinances as applied to the location of a particular sign or the location of such activities.
 - D. Signs which by reason of size, location, movement, content, coloring or manner of illumination obstruct the vision of drivers either when leaving or entering a public street from another street or driveway, and/or obstruct or detract from the visibility or effectiveness of any traffic control device or traffic sign on a public street.
 - E. Signs which make use of words such as "stop," "look," "one-way," "danger," "yield," "go slow," "caution" or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse traffic or which imitate an official traffic sign or signal.
 - F. Signs which advertise an activity, business, product or service no longer produced or conducted. In such case, such sign shall be removed within 30 days after the same is no longer produced or conducted.
 - G. Roof signs.

- H. Signs painted on, pasted or attached to or supported by utility poles, light standards, fences, outdoor benches or the like article; or trees, rocks or other natural object.
- I. Signs which consist of pennants, spinners, banners, streamers or searchlights, except for occasions such as grand openings and then only with permission of the Zoning Officer for a use limited to a period of 15 days.
- J. String lights other than temporary holiday decorations or special events or functions of public service, charitable, religious, educational and civic organizations which are unshielded from off the premises on which they are located.
- K. Signs which obstruct free ingress to or egress from a fire escape, door, window or other exitway.
- L. Signs which are structurally unsafe or in a state of disrepair.

§ 27-1608. General Regulations. [Ord. No. 6-11-19, 6/11/2019]

1. The following regulations shall apply to all sign uses, unless otherwise specifically provided for:
 - A. No sign other than official traffic signs or similar signs shall be erected within any street right-of-way, unless specifically authorized by other ordinances or regulations of the Township.
 - B. Except for official signs, no sign shall project over any sidewalk nor extend beyond any property line.
 - C. No ground sign shall exceed the height requirements of the district in which it is located.
 - D. Wall signs shall not extend more than 12 inches beyond the wall.
 - E. All sign lighting shall be arranged, designed and shielded or directed to protect the adjoining properties and streets from glare, and as specified in Subsection 1L, Sign Illumination. Reflectors and lights permitted in conjunction with signs shall be equipped with restraining hoods or shields to concentrate the illumination upon the area of the sign.
 - F. No point of any sign, except for official signs, including trim, border and supports shall be located within the required side yard setbacks.
 - G. No sign, except those authorized or maintained by the Township, shall be permitted on Township property.

- H. No sign shall be erected containing any information on which it states or implies that a property may be used for any purpose not permitted under the provisions of this chapter.
- I. If the Zoning Officer finds that any sign is unsafe, insecure or a menace to the public or has been constructed or erected or is being maintained in violation of the provisions of this chapter, he shall give written notice to the owner thereof. If the owner fails to remove or alter the sign so as to comply with the standards herein set forth within 10 days after receipt of such notice, the Township may proceed to remove or alter such sign so as to comply and charge the expense thereof to the owner of the property on which it is located. The Zoning Officer may cause any sign or other advertising structure which is in immediate peril to persons or property to be removed summarily and without prior notice provided that written notice of such action shall be furnished to the owner of such sign within five days after the date of such removal.
- J. In addition to the other requirements of this Section and, in compliance with other applicable codes and ordinances, every sign must be constructed of durable materials, kept in good repair and maintained so as not to become dilapidated.
- K. The area of signs shall be determined as follows:
- (1) The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing incidental to the display itself.
 - (2) Where the sign consists of individual letters or symbols appearing upon or attached to a building, wall or window, the area shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.
 - (3) In computing square foot area of a double-faced sign, only one side shall be considered, provided both faces are identical. If the interior angle formed by the two faces of the double-faced sign is greater than 45°, then both sides of such sign shall be considered in calculating the sign area.
- L. Sign Illumination.
- (1) Signs may be illuminated, unless otherwise specified herein, consistent with the following standards:
 - (a) Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare hazardous

or distracting to pedestrians, vehicle drivers, or adjacent properties.

- (b) No more than 0.2 footcandle of light shall be detectable at the boundary of any abutting property.
- (c) Hours of Operation.
 - 1) Signs on nonresidential properties may be illuminated from 5:00 a.m. until 11:00 p.m. or 1/2 hour past the close of business of the facility being identified or advertised, whichever is later.
 - 2) Signs shall provide an automatic timer to comply with the intent of this Section.
- (d) Brightness. Message center signs and digital displays are subject to the following brightness limits:
 - 1) During daylight hours between sunrise and sunset, luminance shall be no greater than 5,000 nits.
 - 2) At all other times, luminance shall be no greater than 250 nits.
 - 3) Electronic signs shall be limited to no more than 0.3 footcandles above ambient light levels, as measured at 150 feet from the sign.
 - 4) Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set here within.
- (e) Message Duration: The length of time each message may be displayed on a message center sign or digital display is based upon the visibility and speed limit unique to individual signs and adjacent road conditions. The following method should be used to calculate message duration for message center signs or digital displays.
 - 1) Determine the greatest distance from which the sign becomes visible on the road the sign is primarily intended to serve. If a sign is intended to be seen by more than one roadway, the road with the lower posted speed limit shall be used for determining message duration.

- 2) Multiply the road's posted speed limit (mph) by 5,280, and then divide by 3,600 to obtain the speed limit in feet/second.
 - 3) Divide the visibility distance by the speed limit (feet/second).
 - 4) Add an additional 10% of this number to the total.
 - 5) The resulting amount of time is the minimum permitted message duration, except where this value is less than eight seconds in which the minimum message duration shall be no less than eight seconds.
- (2) Types of Illumination. Where permitted, illumination may be:
- (a) External. Externally illuminated signs, where permitted, are subject to the following regulations:
 - 1) The source of the light must be concealed by translucent covers.
 - 2) External illumination shall be by a steady, stationary light source, shielded and directed solely at the sign.
 - 3) The light source must be static in color.
 - (b) Internal. Internally illuminated signs, where permitted, are subject to the following regulations:
 - 1) Internal illumination, including neon lighting, must be static in intensity and color.
 - 2) Message center signs are permitted in accordance with the regulations contained in § 27-1608, Subsection 1L(3).
 - 3) Digital displays are permitted in accordance with the regulations contained in § 27-1608, Subsection 1L(4).
- (3) Message center signs are subject to the following regulations, in addition to all other illumination requirements established in this section.
- (a) Sign Type. Message center signs are permitted in the form of freestanding, monument, and wall signs, both on-premises and off-premises, in accordance with the

regulations established in §§ 27-1603, 27-1604, and 27-1605.

- (b) Height. A message center sign shall have the same height limits as other permitted signs of the same type and location.
- (c) Area.
 - 1) When used as an on-premises sign, message center signs shall not exceed 50% of the sign area for any one sign, and shall not exceed more than 30% of the total area for all signs permitted on a property.
 - 2) When used as an off-premises sign, message center signs may be used for the full permitted sign area.
- (d) Maximum Number. Where permitted, one message center sign is permitted per street frontage, up to a maximum of two message center signs per property.
- (e) Message Display.
 - 1) No message center sign may contain text which flashes, pulsates, moves, or scrolls. Each complete message must fit on one screen.
 - 2) The content of a message center sign must transition by changing instantly (e.g., no fade-out or fade-in).
 - 3) Default Design. The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.
- (f) Conversion of a permitted non-message-center sign to a message center sign requires the issuance of a permit pursuant to § 27-1610, Permit Application and Fees.
- (g) The addition of any message center sign to a nonconforming sign is prohibited.
- (h) Public Service Announcements:. The owner of every message center sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public, including, but not limited to, AMBER alerts or alerts concerning terrorist attacks or natural disasters. Emergency

information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

- (4) Digital display signs are subject to the following regulations in addition to all other requirements established in this section.
- (a) **Sign Type.** Digital displays are permitted in the form of freestanding, monument, and wall signs, both on-premises and off-premises, in accordance with the regulations established in §§ 27-1603, 27-1604, and 27-1605.
 - (b) **Height.** A digital display shall have the same height limits as for other permitted signs of the same type and location.
 - (c) **Area.**
 - 1) When used as an on-premises sign, digital displays shall not exceed more than 30% of the total sign area permitted on the site.
 - 2) When used as an off-premises sign, digital displays may be used for the full permitted sign area.
 - (d) **Maximum Number Per Property.** Where permitted, one digital display sign is permitted per property.
 - (e) **Message Display.**
 - 1) Any digital display containing animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited. Each complete message must fit on one screen.
 - 2) One message/display may be brighter than another, but each individual message/display must be static in intensity.
 - 3) The content of a digital display must transition by changing instantly, with no transition graphics (e.g., no fade-out or fade-in).
 - 4) **Default Design.** The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.

- (f) Conversion of a permitted non-digital sign to a digital sign requires the issuance of a permit pursuant to § 27-1610, Permit Application and Fees.
 - (g) The addition of any digital display to a nonconforming sign is prohibited.
 - (h) Public Service Announcements. The owner of every digital sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public, including, but not limited to, AMBER alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.
- (5) Electrical Standards.
- (a) Permits for illuminated signs will not be issued without an approved electrical permit, if required. Applications for electrical permits shall be filed at the same time as the sign permit application.
 - (b) All work shall be completed in full compliance with the Upper Paxton Township Electrical Code as set forth in the Pennsylvania Uniform Construction Code.²⁶
 - (c) The electrical supply to all exterior signs, whether to the sign itself or to lighting fixtures positioned to illuminate the sign, shall be provided by means of concealed electrical cables. Electrical supply to freestanding signs shall be provided by means of underground cables.
 - (d) The owner of any illuminated sign shall arrange for a certification showing compliance with the brightness standards set forth herein by an independent contractor and provide the certification documentation to Upper Paxton Township as a condition precedent to the issuance of a sign permit.
- (6) Glare Control. Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement. Vegetation screens shall not be employed to serve as the primary means for controlling glare.

26. Editor's Note: See 34 Pa. Code § 403.1 et seq.

§ 27-1609. Nonconforming Signs. [Ord. No. 6-11-19, 6/11/2019]

1. Any sign lawfully existing at the time of the passage of this chapter that does not conform with the regulations of the district in which such sign is located shall be considered nonconforming and may continue subject to the following provisions:
 - A. Signs which are nonconforming by reason of their absolute prohibition shall be removed within three years following enactment of this chapter or from any other date of the establishment of their nonconformity.
 - B. Signs which are nonconforming by reasons of dimensions alone or for any reasons other than absolute prohibition may continue in their present location until replacement or rebuilding becomes necessary, at which time a zoning permit will be required and the sign brought into conformity with this chapter.
 - C. The Township shall have the right to remove and dispose of any nonconforming signs and supportive structures which are not discontinued as set forth above and to recover the cost of such removal and disposal from the owner or any person or organization responsible for such nonconforming sign.
 - D. No nonconforming sign shall be enlarged or shall the location of any nonconforming sign be changed. Nonconforming signs may be repaired and maintained, but repairing and maintaining shall be limited to the replacement of less than 50% of a sign structure and to repainting, rewiring, replacing damaged letters and other similar minor maintenance. The need to replace more than 50% of a sign shall be deemed to be the erection or construction of a new sign and is hereby prohibited.
 - E. If there is no use of the nonconforming sign or support structure for a period of six months or more, such nonconforming sign shall be deemed abandoned and shall be discontinued as described above.

§ 27-1610. Permit Application and Fees. [Ord. No. 6-11-19, 6/11/2019]

1. Except for signs exempted under Subsection 1D of this Section, no person shall erect, cause to be erected, change or alter any sign on any property within the Township until a permit for the same has been issued by the Township Zoning Officer. Property owners who authorize or allow any sign on their property shall ensure that all provisions of this chapter are adhered to and shall comply with the following provisions:
 - A. Application for a permit shall include the following:
 - (1) A detailed scale drawing showing the sign and its intended location.

- (2) A description of its type, construction, manner and method of installation and materials to be used.
 - (3) Written authorization of the owner or lessee of the property, if other than the applicant.
 - (4) A permit fee, as established by resolution of the Board of Supervisors.
 - (5) Certification/documentation from a professional engineer licensed by the Commonwealth of Pennsylvania confirming that the proposed lighting will meet or exceed the specifications of this section.
- B. After the sign has been erected, moved or altered, as authorized by the permit, the applicant shall notify the Zoning Officer who will then inspect the sign.
- C. For the purposes of this Part 16, the terms "alter" and "change" shall not be interpreted to include routine maintenance.
- D. A permit and fee shall not be required for the following signs:
- (1) Official signs.
 - (2) Temporary signs.
- E. With the exception of lighting permits for digital signs, these permits shall not expire provided that such signs are not abandoned or destroyed. In the instance that substantial repair or replacement becomes necessary (i.e., repairs that costs more than 50% of the replacement cost of the damaged sign); the organization must apply for a new sign permit, and pay an additional fee, if required.
- F. All illuminated signs shall require certification in order to demonstrate continued compliance with the brightness requirements set forth in § 27-1608, Subsection 1L, Sign Illumination. This certification must be renewed every three years. This will allow Upper Paxton Township to adjust standards as needed based on changing technology and evaluation of impacts. Upper Paxton Township reserves the right to assess the brightness of any sign at any time to ensure compliance with illumination requirements.
2. Exemption from obtaining a permit and paying a fee does not release the person responsible for posting the sign from compliance with other standards or provisions of this or other applicable ordinances, codes or laws.

PART 17
AMENDMENTS

§ 27-1701. Procedure. [Ord. No. 6-11-19, 6/11/2019]

The Township Supervisors may, from time to time, amend, supplement or repeal any of the regulations and provisions of this chapter after public notice and hearing. Before the public hearing, each proposed amendment, except those coming from the Township Planning Commission, must be referred to the Township Planning Commission for its recommendations at least 30 days prior to the hearing on such amendment. 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 Township Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. At least 30 days prior to the hearing on the ordinance amendment by the Township Supervisors, the Township shall submit the proposed ordinance or amendments to the Dauphin County Planning Commission for recommendations. Within 30 days after enactment, a copy of the zoning amendment shall be forwarded to the Dauphin County Planning Commission. Amendment procedures shall be in compliance with § 609 of the Pennsylvania Municipalities Planning Code, Act 247,²⁷ as amended.

§ 27-1702. Procedure Upon Curative Amendments. [Ord. No. 6-11-19, 6/11/2019]

The procedure upon curative amendments shall be in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247, as amended, § 609.1 and § 609.2.²⁸

§ 27-1703. Publication, Advertisement and Availability of Ordinance. [Ord. No. 6-11-19, 6/11/2019]

1. 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 Supervisors 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:

27. Editor's Note: See 53 P.S. § 10609.

28. Editor's Note: See 53 P.S. §§ 10609.1 and 10609.2, respectively.

- A. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
 - B. An attested copy of the proposed ordinance shall be filed in the Dauphin 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.
2. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Township Supervisors shall, at least 10 days prior to enactment, readvertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments. 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.

§ 27-1704. Zoning Amendment Application Requirements. [Ord. No. 6-11-19, 6/11/2019]

The Township Supervisors shall have the power to enact by resolution zoning change application requirements for those requesting a zoning change of a land area in the Township from one zoning classification to another zoning classification.

PART 18

ADMINISTRATION AND ENFORCEMENT**§ 27-1801. Appointment and Powers of Zoning Officer. [Ord. No. 6-11-19, 6/11/2019]**

For the administration of this chapter, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed. 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.

§ 27-1802. Enforcement. [Ord. No. 6-11-19, 6/11/2019]

It shall be the duty of the Zoning Officer to enforce the provisions of this chapter and such power and authority as it is necessary for enforcement is hereby conferred upon the Zoning Officer. The Zoning Officer shall examine all applications for permits, authorize the issuance of 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 Supervisors 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. Permits which are a conditional use shall be issued only upon approval of such conditional use by the Township Supervisors.

§ 27-1803. Permits. [Ord. No. 6-11-19, 6/11/2019]

1. Requirements of Permits.
 - A. A building and/or zoning permit shall be required prior to:
 - (1) Erection, addition or alteration of any building. A one-time exclusion from the provisions of this section for a single accessory building (shed) that is less than 120 square feet will be granted. An existing accessory building (shed) (waives or voids) this exclusion. Additional accessory buildings (sheds) of any size and any additional accessory buildings must meet all permitting requirements;
 - (2) The use or change in use of a building or land; and
 - (3) The change or extension of a nonconforming use.
 - B. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use until a permit has been duly issued therefor.

2. Application for Permits. All applications for permits shall be accompanied by 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 or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this chapter and all other ordinances. One copy of such plans shall be returned to the owner when such plans have been reviewed and acted upon by the Zoning Officer. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.
3. Issuance of Permits.
 - A. No permit shall be issued until the Zoning Officer has certified that the proposed use, building, addition or alteration complies with all the provisions of this chapter, as well as the provisions of all other applicable ordinances. A permit issued hereunder shall become void 12 months after issuance date, unless a request for extension has been submitted to and approved by the Zoning Officer. Such request shall be filed with the Zoning Officer at least 30 days prior to the permit expiration date.
 - B. No permit shall be issued until the fee, in an amount as established from time to time by resolution of the Board of Supervisors, is paid to the Township. The payment of fees under this section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this chapter or by any other ordinances or law.
4. Temporary Permits. A temporary permit may be authorized by the Board of Supervisors for a structure or use which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Township. Such permits shall be issued by the Zoning Officer for a specified period of time not to exceed one year, and may be renewed annually for an aggregate period not exceeding three years.
5. Penalty. Where a permit is required by this chapter, but the work is commenced or the use is commenced or changed prior to obtaining such permit, the fee set by resolution of the Board of Supervisors for such permit shall be doubled. The doubling of the permit fee shall be required to reflect the additional expense incurred by the Township resulting from the need to inspect the property, respond to any complaints, issue any enforcement notices and/or process the application as soon as it is received. The payment of such increased permit fee shall not relieve any person from complying with all requirements of this chapter or any other applicable Township

ordinances or from any penalties or enforcement actions authorized by this chapter or the Pennsylvania Municipalities Planning Code.²⁹

§ 27-1804. Inspection by Zoning Officer. [Ord. No. 6-11-19, 6/11/2019]

1. It shall be the duty of the Zoning Officer, or a 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 inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the approved permit application. If the actual construction does not conform to the application, a written notice of violation shall be issued by the Zoning Officer and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.
 - B. At the Completion of Construction. A record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to conformance to this chapter and the opinion of the Zoning Officer in regard to the issuance of a certificate of use permit.

§ 27-1805. Fees. [Ord. No. 6-11-19, 6/11/2019]

The Township Supervisors 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 office and may be amended only by the Township Supervisors. 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.

§ 27-1806. Certificate of Use. [Ord. No. 6-11-19, 6/11/2019]

1. A certificate of use shall be a statement issued by the Zoning Officer setting forth that a building, structure, parcel and/or use of land complies with the provisions of this chapter.
2. No vacant land shall be occupied or used, and no structure or part of a structure, hereafter erected, substantially altered or changed in use shall be occupied or used, until a certificate of use shall have been issued by the Zoning Officer.
3. A certificate of use for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, either for a

²⁹. Editor's Note: See 53 P.S. § 10101 et seq.

whole or part of a new building or for the alteration of an existing building, shall be applied for coincident with the application for a building or zoning permit, and shall be issued or denied within 15 days after a final inspection and approval by the Zoning Officer.

4. A certificate of use for changing or extending a nonconforming use, existing at the time of the passage of this chapter or of an amendment thereto, shall be applied for and authorized by the Zoning Officer before any such nonconforming use shall be changed or extended. Such certificate shall be issued within 15 days after a final inspection by the Zoning Officer.
5. A record of all certificates of use shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

§ 27-1807. Certificate of Nonconformance. [Ord. No. 6-11-19, 6/11/2019]

1. A certificate of nonconformance 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 insuring the owner, his heirs, successors and assigns the right to continue a nonconforming use in accordance with the regulations of this chapter.

§ 27-1808. Special Exceptions. [Ord. No. 6-11-19, 6/11/2019]

Applications for any special exceptions to be granted as permitted by this chapter shall be made to the Zoning Hearing Board through the Zoning Officer.

§ 27-1809. Conditional Uses. [Ord. No. 6-11-19, 6/11/2019]

Conditional uses such as provided herein shall be allowed or denied by the Township Supervisors 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. In allowing a conditional use, the Township Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purpose of this chapter and the Pennsylvania Municipalities Planning Code,³⁰ as amended.

30. Editor's Note: See 53 P.S. § 10101 et seq.

§ 27-1810. Appeals and Applications. [Ord. No. 6-11-19, 6/11/2019]

1. An appeal, or application for an amendment, special exception, conditional use or variance from the terms of this chapter shall be filed with the Zoning Officer and shall contain:
 - 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 proposal, as well as names and addresses of all adjoining property owners.
 - C. A brief description and location of the real estate to be affected by such proposal.
 - 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 or application is filed and reasons why it should be allowed; or, a statement of the section of this chapter governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal.
 - 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, materials and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for building permits, indicating the location and size of the lot and locations of improvements now erected, and proposed to be erected thereon.
 - G. Any other pertinent data required by the Zoning Hearing Board, Township Supervisors and/or Zoning Officer, as appropriate to their individual authorities set forth in this Part 16.

§ 27-1811. Violations and Penalties. [Ord. No. 6-11-19, 6/11/2019]

1. Failure to comply with any provision of this chapter, failure to secure a permit, Zoning Hearing Board or Township Supervisor's certification, when required previous to the erection, construction, extension or addition to a building, or failure to secure a certificate of use, shall be violations of this chapter.
 - A. Notice of Violation.
 - (1) When written notice of a violation of any of the provisions of this chapter has been served by the Zoning Officer on the

owner, agent, or occupant or contractor, such violations shall be discontinued. The notice from the Zoning Officer shall:

- (a) Be in writing;
 - (b) Include the specific violation with a description of the requirements that have not been met and citation in each instance to the applicable provisions of the ordinance;
 - (c) Allow a reasonable time, not to exceed 30 days, for the performance of any act it requires;
 - (d) Be served on the property owner or his agent as the case may require; provided, however, that such notice shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served by any method authorized or required by the laws of the Commonwealth of Pennsylvania;
 - (e) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter;
 - (f) Include the name of the owner of record and any other person against whom the municipality intends to take action;
 - (g) Include the location of the violation;
 - (h) Include the date before which the steps for compliance must be commenced and the date before which the steps must be completed;
 - (i) Include that the recipient of the notice has a right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with the procedures set forth in this chapter; and
 - (j) Include that the failure to comply with the notice within the time specified, unless extended by an appeal to the Zoning Hearing Board, constitutes a violation, with sanctions clearly described.
- (2) All appeals from determinations by the Zoning Officer under this section shall be to the Zoning Hearing Board within 30 days of the date of the determination.

- 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 on the Township Supervisors. No such action may be maintained until such notice has been given.

C. Enforcement Remedies.

- (1) Any person, partnership 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 attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership 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 District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation shall be paid over to the Township of Upper Paxton.
- (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.

§ 27-1812. Zoning Hearing Board. [Ord. No. 6-11-19, 6/11/2019]

1. The Township Supervisors shall appoint a Zoning Hearing Board which shall be composed of three members, organized, empowered and conducted in accordance with Article IX of the Pennsylvania Municipalities Planning Code (53 P.S. § 10901), existing or hereafter as amended and supplemented (the MPC). The duly established Zoning Hearing Board shall have the following functions:
 - A. Hearings. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with § 908 of the MPC.³¹ Notice shall be given to the public, the applicant, the County Planning Commission, the Zoning Officer, such other persons as the Zoning Hearing Board shall designate and any person who has made timely request for the same. Notices shall be given at such time and in such manner prescribed by adopted rules of the Zoning Hearing Board. The Township Supervisors may establish reasonable fees, based on cost, to be paid by the applicant and persons requesting any notice or materials not required by ordinance.
 - B. Jurisdiction. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters, as set forth in the MPC:
 - (1) 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 MPC.³²
 - (2) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.
 - (3) Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
 - (4) Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

31. Editor's Note: See 53 P.S. § 10908.

32. Editor's Note: See 53 P.S. §§ 10609.1 and 10916.1(a)(2), respectively.

- (5) 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 MPC.³³
 - (6) 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 MPC.³⁴
 - (7) 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.
 - (8) Appeals from the Zoning Officer's determination under § 916.2, Procedure to Obtain Preliminary Decision, of the MPC.³⁵
 - (9) Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving applications under Article V or VII of the MPC.
- C. Variances. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The Zoning Hearing Board shall prescribe the form of application and require application to the Zoning Officer. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter. The Zoning Hearing 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 the ordinance in the neighborhood or district in which the property is located.
 - (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that

33. Editor's Note: See 53 P.S. § 10910.2.

34. Editor's Note: See 53 P.S. § 10912.1.

35. Editor's Note: See 53 P.S. § 10916.2.

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, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - (5) That the variance, if authorized, will represent the minimum variance that will afford relief and represent the least modification possible of the regulation in issue.
 - (6) Unless specifically authorized by the Township Board of Supervisors, the grant of a variance shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained within one year from the date of the grant of the conditional use, unless the Township Board of Supervisors, in its decision, permits a greater period of time.
- D. Special Exceptions. Special exceptions may be granted or denied by the Zoning Hearing Board pursuant to expressed standards and criteria contained in this chapter. The Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria and prescribe the application form to be used. 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 this chapter. The Zoning Hearing Board shall pursue the following procedure:
- (1) The Zoning Hearing Board's decision to grant a permit for use by special exception shall be made only after application, public notice and a public hearing. Such permit shall apply specifically to the application and plans submitted and presented at this public hearing. Any subsequent amendments or additions shall be subject to review and public hearing by the Zoning Hearing Board as a special exception.
 - (2) 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.

- (3) A special exception use for which a permit is granted by the Zoning Hearing Board pursuant to the provisions of this section shall be construed to be a conforming use.
 - (4) Unless specifically authorized by the Township Zoning Hearing Board, the grant of a special exception shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained within one year from the date of grant of special exception, unless the Township Zoning Hearing Board, in its decision, permits a greater period of time.
- E. Parties Appellant Before the Zoning Hearing Board. Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Township Supervisors) pursuant to the Pennsylvania Municipalities Code,³⁶ procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance, or from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease-and-desist order or the registration or refusal to register any nonconforming use, structures or lot, from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance, from the determination of the Zoning Officer or Township Engineer in the reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and development or planned residential development may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.
- F. 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 to his interest after such approval, adequate notice to his predecessor in interest shall be deemed adequate notice to him. 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

36. Editor's Note: See 53 P.S. § 10101 et seq.

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.

- (2) 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 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 to his interest after the enactment of the ordinance, adequate notice to his predecessor in interest shall be deemed adequate notice to him.
- (3) All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

G. 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 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 Board.
- (2) The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

§ 27-1813. Interpretation, Purpose and Conflict. [Ord. No. 6-11-19, 6/11/2019]

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances, provided that where this chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of a building, or requires larger open spaces than are imposed by such other rules, easements, covenants, restrictions, regulations or ordinances, the provisions of this chapter shall control.

PART 19

ZONING MAP AMENDMENTS

§ 27-1901. Table of Zoning Map Amendments. [Ord. No. 6-11-19, 6/11/2019]

Ordinance	Date	Description
Ord. No. 9/11/1996(1)	9/11/1996	Parcels designated as District 65, Map 27, Parcels 14, 15, 35, 36, 37, 38, 40, 56, and 100 on the Dauphin County assessment map are hereby designated and included in the Agricultural District
Ord. No. 5-14-2003	5/14/2003	Rezoning the following properties from Residential-Suburban District to Residential-Multifamily District identified as: 65-023-001, 65-023-002, 65-023-003, 65-023-004, 65-023-005, 65-023-006, 65-023-007, 65-023-042
Ord. No. 8-13-2003	8/13/2003	Rezoning the following properties from Residential Multifamily District to Residential-Suburban District identified as: 65-023-001, 65-023-002, 65-023-003, 65-023-004, 65-023-005, 65-023-006, 65-023-007, 65-023-042
Ord. No. 10-13-2004	10/13/2004	Rezoning the following property from Residential-Suburban District to Residential-Multifamily District identified as 65-032-011
Ord. No. 07-13-2011	7/13/2011	Rezoning Tax Parcel No. 65-028-045 from Residential-Multifamily District to Commercial District and Tax Parcel No. 65-030-083 from Residential-Multifamily District and Conservation District to Commercial District
Ord. No. 12-12-2012B	12/12/2012	Including all portions of the Susquehanna River within the boundaries of the Township in the Conservation District

