

Appendix F
Amending Ordinances

**PENN TOWNSHIP
PERRY COUNTY, PENNSYLVANIA
ORDINANCE NO. 2004-08**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE NO. 2003-06 OF
PENN TOWNSHIP, BY AMENDING, DELETING, ADDING, AND
SUBSTITUTING SECTIONS OF THE ORDINANCE AND AMENDING THE
ZONING MAP**

BE IT ENACTED AND ORDAINED BY the Board of Supervisors of Perm Township, Perry County, Pennsylvania that Ordinance No. 2003-06 of 2003 is amended to provide as follows:

A. Zoning Map Amendment

1. The Zoning Map is hereby amended by changing the zoning classification of a single property located parallel to SR 11/15 (State Road), Tax Parcel No. 210,134.02-001.001, from Low Density Residential (R-1)/Commercial (C), to Commercial (C).
2. The Zoning Map is hereby amended by changing the zoning classification of a single property located at 1629 State Road (SR 11/15), Tax Parcel No. 210,134.02-007.000, from Low Density Residential (R-1), to Commercial (C).
3. The Zoning map is hereby amended by changing the zoning classification of an area located along 274 and Valley Street, Tax Parcel Nos. 210,118.04-156.000, 210,118.04-155.OLT, and 210,118.04-155.001 from Commercial to Low Density Residential (R-1).

Section 2 Severability Clause

If any section, paragraph, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this ordinance which shall remain in full force and effect. For this purpose the provisions of this ordinance are hereby declared to be severable.

Section 3 Effective Date

Upon enactment by the Township Board of Supervisors, this Ordinance shall become effective as provided by law.

Section 4 Enactment

ENACTED, ORDAINED, AND ADOPTED this _____ day of _____, 2004, by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly assembled.

PENN TOWNSHIP BOARD OF SUPER VISORS

Robert E. Shaffer

Charles H. Stoner

Henry A. Holman

CERTIFICATE OF ADOPTION

I hereby certify the following to be an exact copy of Ordinance No. 2004- 08 adopted by the Supervisors of the Township of Petal, Perry County, Pennsylvania at a duly advertised meeting of the Board on

Helen Klinepeter, Secretary

Adopted August 16, 2004

**PENN TOWNSHIP
PERRY COUNTY, PENNSYLVANIA
ORDINANCE NO. 2005-03**

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF PENN TOWNSHIP, ORDINANCE NO. 2003-06, BY AMENDING, DELETING, ADDING, AND SUBSTITUTING SECTIONS OF THE ORDINANCE AND AMENDING THE ZONING MAP

BE IT ENACTED AND ORDAINED BY the Board of Supervisors of Penn Township, Perry County, Pennsylvania that Ordinance No. 2003-06 of 2003 is amended to provide as follows:

Section 1 Amendments, deletions, additions and substitutions to the following sections of the Zoning Ordinance and Use Schedule.

A. Article IV, Section 402.1 shall be revised as follows:

1. Single family detached dwelling units as regulated in Article XII, Steep Slope Conservation Overlay District.

B. Article V, Section 505 - Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements shall be amended as follows:

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements**			Minimum Building Setback (FT)**				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
On-Lot Sewage Disposal System	1.5 Acres*	150'	20	25'	15'	30'	25'	***
Public Sewer	1 Acre	150'	20	25'	15'	30'	25'	***

* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems
 **Minimum requirement unless specified elsewhere herein
 ***Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.
 SF- square feet; FT - feet

C. Article VI, Section 605 – Lot area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements shall be amended as follows:

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements**			Minimum Building Setback (FT)**				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
On-Lot Sewage Disposal System	1.5 Acres*	150'	20	25'	15'	30'	25'	***
Public Sewer	20,000 SF	100'	25	25'	15'	30'	25'	***
Public Water and Public Sewer	15,000 SF	100'	30	25'	10'	20'	25'	***

* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems
 **Minimum requirement unless specified elsewhere herein
 ***Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.
 SF- square feet; FT - feet

D. Article VII, Section 705 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements shall be amended as follows:

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements**			Minimum Building Setback (FT)**				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
On-Lot Sewage Disposal System	1.5 Acres*	150'	20	25'	15'	30'	25'	***
Public Sewer	20,000 SF	100'	25	25'	15'	30'	25'	***
Public Water and Public Sewer	10,000 SF	80'	30	25'	10'	20'	25'	***

* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems
 **Minimum requirement unless specified elsewhere herein
 ***Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.
 SF- square feet; FT - feet

E. Article VIII, Section 805 – Conditional Uses

1. Existing Item 27 is **RENUMBERED** to Item 28.
2. New Item 27 is **ADDED** as follows
 27. Single Family Detached Dwellings.

F. Article VIII, Section 806 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements shall be amended as follows:

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements**			Minimum Building Setback (FT)**				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
On-Lot Sewage Disposal System	1.5 Acres*	150'	60	50' ****	25'	50'	25'	***
Public Sewer	1 Acre	150'	60	50' ****	25'	50'	25'	***
Public Water and Public Sewer	25,000 SF	100'	70	25'	10'	20'	30'	***

* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems
 **Minimum requirement unless specified elsewhere herein
 ***Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.
 **** Front Building Setback can be reduced to 25' if parking is located in the rear yard.
 SF- square feet; FT - feet

G. Article IX, Section 907 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements shall be amended as follows:

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements**			Minimum Building Setback (FT)**				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
On-Lot Sewage Disposal System	1.5 Acres*	150'	60	50' ****	25'	50'	25'	***
Public Sewer	1 Acre	150'	60	50' ****	25'	50'	25'	***
Public Water and Public Sewer	25,000 SF	100'	70	25' ****	10'	20'	30'	***

* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems
**Minimum requirement unless specified elsewhere herein
***Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.
**** Front Building Setback can be reduced to 25' if parking is located in the rear yard.
SF- square feet; FT - feet

H. Article X, Section 1007 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements shall be amended as follows:

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements**			Minimum Building Setback (FT)**				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
On-Lot Sewage Disposal System	1.5 Acres*	150'	60	50' ****	25'	50'	25'	***
Public Sewer	1 Acre	150'	60	50' ****	25'	50'	25'	***
Public Water and Public Sewer	25,000 SF	100'	75	50' ****	25'	50'	25'	***

* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems
**Minimum requirement unless specified elsewhere herein
***Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.
**** Front Building Setback can be reduced to 25' if parking is located in the rear yard.
SF- square feet; FT - feet

I. Article XII, Section 1203 – Permitted Uses in the Steep Slope Conservation District

1. Paragraph 1203.2.c shall be revised as follows:

- c. Grading for the minimum portion of a driveway necessary to access a single-family dwelling when it can be demonstrated that no other routing which avoids slopes exceeding 25 %, is feasible in all zoning districts except the FC – Forest/Conservation.

2. Paragraph 1203.3.c shall be revised as follows:
 - c. Single-family detached dwellings in all zoning districts except the FC – Forest/Conservation.
- J. Article XIV, Section 1401.1.b shall be revised as follows:
 - b. Open parking spaces and/or parking lots shall not be located closer than five (5) feet from any side or rear property line, unless otherwise provided for elsewhere in this ordinance.
- K. Article XVI, Section 1611.2.a shall be revised as follows:
 - a. The minimum lot size shall be one and one half (1.5) acres for structures with on-lot sewage disposal systems. For structures with public sewer, minimum lot size shall be one (1) acre.
- L. Article XVI, Section 1630.1 shall be revised as follows:
 1. Minimum lot size shall be one and one half (1.5) acres with a minimum width of one hundred fifty (150) feet for facilities with on-lot sewage disposal. For facilities with public sewer, minimum lot size shall be one (1) acre with a minimum width of one hundred fifty (150) feet.
- M. Article XVI, Section 1641.4.c shall be revised as follows:
 - c. The following lot and yard area regulations shall apply to any principal residential structure or any other building. The minimum lot size for proposed lots that will be utilizing individual or community on-lot sewage disposal systems shall be one and one half (1.5) acres. Proposed lots that will be utilizing public sewer facilities are not subject to minimum lot size.
- N. Article XVIII, Section 1809.03 – Conduct of Hearing
 1. The first sentence is **REVISED** as follows:

The hearing shall be held within 60 days from the date of the applicant’s request unless the applicant has agreed in writing to an extension of time.
- O. Appendix C, The attached Use Schedule is revised as follows:

Section 2

Amendments, deletions, additions and substitutions to the zoning map.

- A. An area approximately 3000’ in length and consisting of 25 parcels along Barnett Drive as shown on the Penn Township Zoning Map, as amended, and further defined by the following Tax Numbers shall be changed from R-1 – Low Density Residential to AR – Agriculture / Rural.

1.	210,149.00-014.000	14.	210,132.00-011.002
2.	210,149.00-005.000	15.	210,132.00-011.001
3.	210,132.00-007.000	16.	210,132.00-011.003
4.	210,132.00-008.000	17.	210,132.00-013.000
5.	210,132.00-006.000	18.	210,132.00-014.000
6.	210,149.00-016.000	19.	210,132.00-012.000
7.	210,149.00-015.000	20.	210,132.00-011.000
8.	210,149.00-018.000	21.	210,132.00-009.000
9.	210,149.00-017.000	22.	210,149.00-009.000
10.	210,132.00-002.000	23.	210,149.00-013.000
11.	210,132.00-005.000	24.	210,149.00-012.000
12.	210,132.00-003.000	25.	210,149.00-006.000
13.	210,132.00-004.000		

- B. An area approximately 2500’ in length and consisting of 9 parcels along Allander Drive as shown on the Penn Township Zoning Map, as amended, and further defined by the following Tax Numbers shall be changed from R-1 – Low Density Residential to AR – Agriculture / Rural.

1.	210,133.00-014.000	6.	210,133.05-013.000
2.	210,133.06-002.000	7.	210,150.00-012.000
3.	210,133.06-003.000	8.	210,150.00-013.000
4.	210,133.06-004.000	9.	210,150.00-013.001
5.	210,133.05-012.000		

- C. An area approximately 500' by 700' by 1000' by 150' of the parcel located at 6 Kamp Street as shown on the Penn Township Zoning Map, as amended, and further defined by the Tax Number 210,117.0-001.000 shall be changed from R-1 – Low Density Residential to C – Commercial.

Section 3 Severability Clause

If any section, paragraph, section or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this ordinance which shall remain in full force and effect. For this purpose the provisions of this ordinance are hereby declared to be severable.

Section 4 Effective Date

Upon enactment by the Township Board of Supervisors, this Ordinance shall become effective as provided by law.

Section 5 Enactment

ENACTED, ORDAINED, AND ADOPTED this _____ day of _____, 2005, by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly assembled.

PENN TOWNSHIP BOARD OF SUPERVISORS

Henry A. Holman, II, Chairman

Charles H. Stoner, Vice Chairman

Robert E. Shaffer, S., Supervisor

CERTIFICATE OF ADOPTION

I hereby certify the following to be an exact copy of Ordinance No. 2005-_____ adopted by the Supervisors of the Township of Penn, Perry County, Pennsylvania at a duly advertised meeting of the Board on _____.

Helen Klinepeter, Secretary

Adopted December 28, 2005

**PENN TOWNSHIP
PERRY COUNTY, PENNSYLVANIA
ORDINANCE NO. 2007-01**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF PENN
TOWNSHIP, ORDINANCE NO. 2003-06, BY AMENDING, DELETING,
ADDING, AND SUBSTITUTING SECTIONS OF THE ORDINANCE IN
REGARDS TO OPEN SPACE REQUIREMENTS**

BE IT ENACTED AND ORDAINED BY the Board of Supervisors of Penn Township, Perry County, Pennsylvania that Ordinance No. 2003-06 of 2003 is amended to provide as follows:

Section 1 Article II

Required Open Space - The portion of an open space development in accordance with Section 1641 of this Ordinance and determined by calculation of a certain percentage of the parent tract that shall be set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument set forth in Section 1641 of this Ordinance.

Section 2 Article XVI - Section 1641 shall be revised as follows:

Section 1641 – Open Space Development

1. Purpose

It is the intent of this Section to implement the Penn Township Comprehensive Plan and promote desirable community development by:

- a. Maintaining a healthy residential environment with adequate open space and recreational amenities;
- b. Encouraging land use and development patterns which complement and accentuate the distinctive features of the Township's landscapes and natural environment including prime agricultural soils, woodlands, wetlands, stream corridors, steep slopes, scenic views and other natural and manmade features important to the Township's rural nature;
- c. Providing an opportunity for flexibility in lot designs and building arrangement not afforded by conventional lot-by-lot development;
- d. Providing for a more varied, innovative, and efficient development pattern; and
- e. Accommodating new development that is compatible with existing uses, architecture, landscapes and community character.

2. Applicability

a. Zoning Districts Permitted

Open space developments shall be permitted only by conditional use in the FC, AR and R1 Zoning Districts. The applicant shall comply with all design standards, requirements and criteria of this Section, as well as all other applicable provisions of the Zoning Ordinance.

b. Ownership

The tract of land to be developed shall be in one ownership or, if in multiple ownership, shall be developed according to a single plan with common authority and responsibility.

c. Site Suitability As evidenced by the Existing Resources and Site Analysis Plan, Yield Plan and Open Space Development Concept Plan, the tract incorporating this Open Space Development design option shall be suitable for supporting the development in terms of environmental conditions, its size, configuration and appropriate methods of water supply and sewage disposal.

d. Sensitive Area Disturbance

The proposed open space development design shall minimize disturbance of environmentally sensitive areas, as shown on the Existing Resources and Site Analysis Plan. Lands within the one hundred (100) year floodplain, wetlands, slopes greater than or equal to sixteen (16) percent in the FC zoning district and prohibitive slopes greater than or equal to twenty-five (25) percent in the AR and R1 zoning districts, and rock outcroppings constitute such environmentally sensitive areas, where disturbance shall be minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the Preliminary Plan and the Final Plan.

e. Water Supply and Sewage Disposal

Open space developments shall be served by water supply and sewage disposal systems in accordance with the provisions of the Penn Township Subdivision and Land Development Ordinance, Penn Township Sewage Facilities (Act 537) Plan and any state or federal regulations. The applicant shall provide an adequate water supply and adequate method for sewage disposal for the intended residential and open space uses within open space developments. The Board of Supervisors shall also require agreements and financial assurances to ensure proper long-term operation, maintenance, and ownership of the water supply and sewage disposal systems as part of the subdivision and land development approval.

f. Plan Processing

Prior to submitting a Conditional Use application for an open space development, the applicant is strongly encouraged to submit the Existing Resources and Site Analysis and the Yield Plan in to the Penn Township Planning Commission to discuss community development objectives and open space resource conservation objectives.

As part of the review and consideration for action on the Conditional Use application, the applicant shall develop and submit the following data and information:

(1) Yield Plan

(a) Maximum Number of Dwelling Units Permitted Calculation

1. To determine the maximum number of dwelling units permitted for open space developments, the applicant shall prepare a conceptual Yield Plan depicting a realistic conventional development of the parent tract according to not only the required dimensional and design standards of the applicable base zoning district, but also street and right-of-way standards and other design requirements of the Penn Township Subdivision and Land Development Ordinance.

a. The Yield Plan must be prepared in compliance with the ordinance including the location and siting of proposed building lots for dwelling units specifically meeting the minimum required lot area and minimum lot width requirements of the applicable base zoning district, as well as the streets, right-of-way, and other pertinent features, in accordance with the minimum requirements for Sketch Plans as stated in Article 3 of the Penn Township Subdivision and Land Development Ordinance, and any other applicable Township ordinances. These minimum required building lot area dimensions shall be exclusive of all wetlands, slopes greater than or equal to sixteen (16) percent in the FC zoning district and prohibitive slopes greater than or equal to twenty-five (25) percent in the AR and R1 zoning districts, and land under high-tension electrical transmission lines (69kV or greater). No more than twenty-five (25) percent of an individual building lot's minimum required

building lot area may consist of land within the one hundred (100) year floodplain, and only then if it is free of wetlands.

- b. Although it must be drawn to scale, the Yield Plan need not be based on a field survey. However, the yield plan must be in compliance with the ordinance reflecting a conventional development pattern that could reasonably be expected to be developed, taking into account the presence of wetlands, floodplains, slopes greater than or equal to sixteen (16) percent in the FC zoning district and prohibitive slopes greater than or equal to twenty-five (25) percent in the AR and R1 zoning districts, existing easements or encumbrances and, if unsewered, the suitability of soils for subsurface sewage disposal. The maximum number of dwelling units for any proposed open space development shall not exceed the final maximum number of dwelling units in the approved Yield Plan.
2. On those sites not served by central/public sewage disposal, the number of lots shall be determined by the calculation hereinafter set forth; evaluating the number of dwelling units that could be supported by individual on-lot sewage disposal systems on conventional lots. Based on the presence of important natural features and resources proposed to be preserved as part of the minimum required open space, identified as part of the existing recourses and Site Analysis Plan the Township shall select a ten (10) percent sample or at least two (2) of the lots, whichever is greater, considered to be marginal for on-lot sewage disposal. The applicant is required to provide evidence that these lots meet the standards for an individual onlot sewage disposal system in the form of probe and perc test complying with all applicable Pennsylvania Department of Environmental Protection (DEP) and Township requirements. If all lots identified for the sample meet such individual on-lot sewage disposal system standards, then the applicant shall be granted the full number of lots determined by the Yield Plan. Should any of the lots in a sample fail to meet the standard for individual on-lot sewage disposal systems, those lots shall be deducted from the final Yield Plan total, and a second ten (10) percent sample or at least two (2) of the lots, whichever is greater shall be selected by the Township and

tested for compliance. In determining the number of lots required to be tested in the second and subsequent ten (10) percent samples, only ten (10) percent of the total number of lots which have not been previously tested shall be used. This process shall be repeated until all lots in a given sample meet the standard for an individual on-lot sewage disposal system. For purposes of determining the number of lots to be tested, any fractional remainder shall be rounded up to the next highest whole number. See example below:

EXAMPLE

Determining the maximum number of dwelling units permitted for open space developments using individual on-lot sewage disposal systems in accordance with the requirements listed in Subsection 1641.2.f.(1)(a) above.

a. Initial Yield Plan Total:

100 Lots.

b. Calculate First 10% Required Sample of 100 Lots to be tested (probed and perked):

100 Lots x 10% Required Sample = 10 Lots to be tested.

c. Determine Results of First 10% Required Test Sample 10% Sample:

Of the 10 Lots = (4 pass, 6 fail).

d. Calculate Second 10% Required Sample of the remaining number of lots to be tested:

100 Lots – 10 Lots = 90 Lots x 10% Required Sample = 9 Lots to be tested.

e. Determine Results of Second 10% Required Test Sample:

Of the 9 lots = (5 pass, 4 fail).

f. Calculate Third 10% Required Sample of the remaining number of lots to be tested:

90 Lots – 9 Lots = 81 Lots x 10% Required Sample = 9

Lots to be tested.

- g. Determine Results of Third 10% Required Test Sample:

Of the 9 Lots (7 pass, 2 fail).

- h. Calculate Fourth 10% Required Sample of the remaining number of lots to be tested:

81 Lots – 9 Lots = 72 Lots x 10% Required Sample = 8 Lots to be tested.

- i. Determine Results of Fourth 10% Required Test Sample:

Of the 8 Lots (8 pass).

- j. Final Yield Plan Total:

100 Lots from Initial Yield Plan total – 12 failed tests = 88 Lots.

- 3. The Planning Commission shall also review the Yield Plan and provide comments to the Board of Supervisors regarding compliance with this Section. Applicants are strongly encouraged to present the Yield Plan to the Planning Commission as early as possible to obtain input regarding the calculation of the maximum number of dwelling units permitted in the open space development.

(2) Existing Resources and Site Analysis Plan

- (a) For all open space development applications an Existing Resources and Site Analysis Plan shall be prepared to provide the developer and Penn Township officials with a comprehensive analysis of existing conditions, both on the proposed development site and within five hundred (500) feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs.

- (b) The following information shall be included in this Plan:

- 1. A vertical aerial photograph, taken within the last five (5) years and updated to show current features and conditions,

enlarged to a scale not less detailed than 1 inch = four hundred (400) feet, with the site boundaries clearly marked.

2. Topography, the contour lines of which shall generally be at two (2) foot intervals, determined by photogrammetry (although ten [10] foot intervals are permissible beyond the parcel boundaries, interpolated from U.S.G.S. published maps). The determination of appropriate contour intervals shall be made by the Board of Supervisors, which may specify greater or lesser intervals on exceptionally steep or flat sites. Steep slopes between sixteen and twenty-five (16 – 25) percent and prohibitive steep slopes those being twenty-five (25) percent shall be clearly indicated. Topography for Open Space Developments shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.
3. The location and delineation of surface water bodies, streams and springs (intermittent and perennial), ditches, drains, and natural drainage swales, as well as the one hundred (100) year floodplains and wetlands, as defined in the Zoning Ordinance. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
4. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland, trees with a diameter in excess of fifteen (15) inches measured twelve (12) inches above the ground, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.
5. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service, Soil Survey of Cumberland and Perry Counties, Pennsylvania, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for individual on-lot sewage disposal suitability).
6. Ridge lines and watershed boundaries shall be identified.

7. A view shed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands.
8. Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.
9. All existing manmade features including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, disposal areas, utilities, fire hydrants, and storm and sanitary sewers.
10. Locations of all historical sites or cellar holes, stone walls, earthworks, public and private cemeteries or burial areas.
11. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
12. All easements and other encumbrances of property which are or have been filed and recorded with the Recorder of Deeds of Perry County shall be shown on the plan.
13. Total acreage of the tract, the maximum number of permitted dwelling units identified in the Yield Plan and the acreage open space land area with detailed supporting calculations for both acreages.
14. Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Pennsylvania Natural Diversity Inventory, as well as those important natural features identified in the Penn Township Comprehensive Plan and/or Perry County Comprehensive Plan.
15. Other significant features that may affect land use and development of the property.

(3) Open Space Development Concept Plan

(a) Permitted Uses

The following uses are permitted within an open space development:

1. Within the FC and AR Districts:

- a. Single family detached dwelling units.
- b. Seasonal dwellings.
- c. Home occupations.
- d. Day care homes.
- e. Accessory uses customarily incidental to and located on the same lot as the above permitted uses.
- f. Open space uses as set forth in Subsection 1641.2.f.(3)(e)1.d.

2. Within the R1 District:

- a. Single family detached dwelling units.
- b. Home occupations.
- c. Day care homes.
- d. Accessory uses customarily incidental to and located on the same lot as the above permitted uses.
- e. Open space uses as set forth in Subsection 1641.2.f.(3)(e)1.d.

(b) Minimum Required Open Space

The minimum required open space shall not be less than the following percentage of the net acreage of the parent tract, as stipulated for the appropriate zoning district. For purposes of determining net acreage of the parent tract, the net acreage shall be exclusive of all land traversed or within existing right-of-way, easements and land under high-tension electrical transmission lines (69kV or greater). Required open space shall comply with all standards and criteria for required open space established in this Section.

<u>Zoning District</u>	<u>Minimum Required Open Space</u>
<u>FC</u>	<u>60%</u>
<u>AR</u>	<u>45%</u>
<u>R-1</u>	<u>35%</u>

(c) Residential and Building Area Design Standards

When designing the open space development, the following lot and yard area regulations shall apply to all principal dwellings or other principal buildings or structures proposed as part of the open space development. Proposed building lots are not subject to a minimum lot area. The applicant shall indicate for each permitted use, including potential accessory uses and structures, the limits of the building envelope within which compliance with these provisions is feasible:

1. The minimum required lot frontage abutting a street right-of-way shall be twenty (20) feet.
2. The minimum required lot width measured at the front building line, shall be no less than eighty (80) feet.
3. The minimum separation distance between principal buildings shall be thirty (30) feet, except that the minimum separation measured perpendicularly from the rear wall of any principal dwelling to any point on any other principal building not accessory to such residential structure, shall be fifty (50) feet.
4. The builder or developer shall consider variations in the principal building position and orientation, but shall observe the following minimum yard regulations:
 - a. Front: Twenty (20) feet;
 - b. Rear: Forty (40) feet; and
 - c. Side: Five (5) feet.
5. Accessory structures and buildings shall be setback at least five (5) feet from any property line and shall be permitted only in rear yards.
6. The maximum building heights for principal and accessory structures shall be the same as stated in the base zoning district.
7. The maximum building lot coverage (including all impervious surfaces) for all building lots shall be twenty (20) percent greater than the base zoning district according to the proposed use. The maximum lot coverage for all required open space parcels shall be ten (10) percent,

of which buildings and structures shall not occupy more than two (2) percent of total lot coverage area.

8. While conformance to these area and bulk regulations is not dependent upon any specific minimum lot area or dimensions, the applicant shall be required to comply with all the provisions of this section; regarding the appropriate size and shape relative to the establishment of suitable private yard areas for all dwellings and adequate access for the management of any adjacent open space areas.
9. Panhandle lots subject to provisions of Subsections 1649.2, 1649.3 and 1649.5 of this Ordinance may be utilized where appropriate. When two (2) or more panhandle lots are abutting one another, a joint use driveway must be utilized and subject to the following:
 - a. Cross access easements shall be required to ensure common use of, access to, and maintenance of, joint use driveways; such easement agreements shall be subject to review and approval by the Township. This agreement shall be recorded with the office of the Perry County Recorder of Deeds on the same date as the recording of the Final Plan, and depicted on the recorded subdivision plan.
10. No new dwelling units within the open space development shall have direct driveway access to surrounding existing Township or State roads. All driveways shall access internal street systems as designed for the project.
11. On street parking within the open space development may be permitted provided that such streets and parking spaces are designed in accordance with the Penn Township Subdivision and Land Development Ordinance and applicable standards of Article XIV of this Ordinance.
12. Except where this Section specifies otherwise, all design and performance standards and other regulations applicable in the base zoning district shall apply to any open space development.
13. The placement of buildings and design of internal circulation systems shall minimize the number of intersections on Township and State roads.
14. The applicant shall comply with applicable state and/or

federal regulation of streams and wetlands. For any proposed activity requiring the submission of a wetland delineation report, stream or wetland encroachment permit application or mitigation plan to the Pennsylvania Department of Environmental Protection (DEP) and/or US Army Corps of Engineers or successor agencies, a copy of all such documentation shall be submitted to Penn Township by the applicant.

15. At least three quarters (3/4) of the lots shall directly abut or face required open space land across a street.
16. All proposed dwelling units in an open space development shall be situated so that they are set back a minimum distance from the following:
 - a. All external road ultimate right-of-way: One Hundred (100) feet.
 - b. All other tract boundaries: Fifty (50) feet.
 - c. Cropland or pasture land: One hundred (100) feet.
 - d. Buildings or barnyards housing livestock: Three hundred (300) feet.
 - e. Active recreation areas such as courts or playing fields (not including tot lots): One Hundred Fifty (150) feet.
17. Existing dwellings and dwellings resulting from the conversion of existing structures shall be exempt from these requirements except that additions to such existing structures shall not further reduce required setbacks in Subsection 1641.2.f.(3)(c).
18. New residential lots shall not encroach upon Primary Conservation Areas, which include wetlands, one hundred (100) year floodplains, slopes greater than or equal to sixteen (16) percent in the FC zoning district and prohibitive slopes greater than or equal to twenty-five (25) percent in the AR and R1 zoning districts, and their layout shall respect Secondary Conservation Areas as described in this Section.
19. Views of residential lots from exterior roads and abutting properties shall be minimized by the use of changes in

topography, existing vegetation, or any additional landscaping which meets the landscaping requirements of this or any applicable Township ordinance.

(d) Special Provisions for Conservation of Historic Resources

Historic resources, including historic structures, ruins or sites, historic road or other transport traces, paths and trails, and any other historic landscape features, shall be preserved to the greatest degree practicable, through incorporation into development plans and design. Applicants are encouraged to contact the Perry County Historians and/or the Pennsylvania Historical and Museum Commission for information regarding historic resources.

(e) Open Space Designation and Management Standards

1. General Standards for Open Space Designation

- a. Areas designated as required open space shall be consistent with the goals and strategies of the Penn Township Comprehensive Plan. The location and layout of required open space shall be configured so as to serve residents adequately and conveniently and to promote the conservation of the resources listed herein below. The required open space land shall consist of a mixture of Primary Conservation Areas (PCAs) and Secondary Conservation Areas (SCAs). All of the land identified as PCA must be included as part of the required open space.

PCAs comprise wetlands, one hundred (100) year floodplains, slopes greater than or equal to sixteen (16) percent in the FC zoning district and prohibitive slopes greater than or equal to twenty-five (25) percent in the AR and R1 zoning districts.

SCAs shall include special features of the property and include the following features:

- (1) Any area designated for “Conservation/Open Space” on the Future Land Use Map in the Penn Township Comprehensive Plan;
- (2) Surface water bodies, streams and springs (intermittent and perennial), ditches, drains, and natural drainage swales, as well

as the one hundred (100) year floodplains, wetlands, wet soils, and other lowland areas, including adjacent buffer areas which may be required elsewhere in the Ordinance and/or the Penn Township Subdivision and Land Development Ordinance, to insure their protection.

- (3) Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Pennsylvania State Natural Diversity Inventory.
- (4) Slopes greater than or equal to sixteen (16) percent in the FC zoning district and prohibitive slopes greater than or equal to twenty-five (25) percent in the AR and R1 zoning districts, and particularly those adjoining water courses including streams and springs (intermittent and perennial), ditches, drains, and natural drainage swales and surface water bodies where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
- (5) Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats and trees with a diameter in excess of fifteen (15) inches measured twelve (12) inches above the ground.
- (6) Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- (7) Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetational features representing the site's rural nature.
- (8) Class I, II and III agricultural soils as

defined by the USDA Natural Resource Conservation Service.

- (9) Historic structures and sites, as well as public and private cemeteries or burial areas.
 - (10) Visually prominent topographic features such as knolls, hilltops and ridges, and scenic view sheds particularly those with historic features) as seen from public roads and trails, specifically including the Appalachian Trail, Susquehanna River Trail and the Juniata River Trail.
 - (11) Existing trails, specifically including the Appalachian Trail, Susquehanna River Trail and the Juniata River Trail connecting the tract to other locations in the Township.
- b. No portion of the designated required open space shall be measured as contributing to the minimum required open space area:
- (1) Within twenty-five (25) feet of any structure except structures devoted to permitted open space uses;
 - (2) Extending less than one hundred (100) feet in the narrowest dimension at any point;
 - (3) Stormwater management facilities. At the discretion of the Board of Supervisors, areas devoted to stormwater management facilities may be included within the minimum required open space area where the applicant can demonstrate to the satisfaction of the Board that such facilities are designed to:
 - (i) Promote recharge of the groundwater system;
 - (ii) Be available and appropriate for active or passive recreational use or scenic enjoyment; and
 - (iii) Otherwise conform to the purposes,

standards, and criteria for open space set forth in this Section.

For example, a long low berm graded to reflect natural contour could be designed to:

- 1) blend into the scenic landscape;
- 2) permit passive recreational use over the top of it; while
- 3) providing a relatively large linear area for seepage of stormwater into the groundwater system.

c. Subject to the provisions of the measurement of the minimum required open space stipulated herein, sewage service, stormwater management, and/or water supply facilities may be located entirely or partially within required open space areas. Where such facilities are so located maintenance agreements and easements satisfactory to the Board of Supervisors shall be established to require and enable maintenance of such facilities by the appropriate parties.

d. Areas designated for open space purposes may be used for any of the following, subject to any additional provisions set forth herein below, Articles XIII and XVI, or elsewhere in this Ordinance:

- (1) Conservation areas and structures for the conservation of open space, water, soil and wildlife resources.
- (2) Crop and tree farming, pasturing, truck gardening, horticulture, aviaries, hatcheries, apiaries and similar enterprises.
- (3) Raising and keeping of poultry, rabbits, goats and similar animals.
- (4) General and specialized farms, which includes the raising, keeping and breeding of

livestock for gain (such as cattle, hogs, horses, ponies, cows, sheep and similar livestock), but excluding Intensive Agricultural Operations and associated residential dwellings for all types of farming operations. General and specialized farms shall be subject to the following regulations:

- (i) No building in which farm animals are kept shall be closer than one hundred (100) feet to any adjoining lot line.
 - (ii) No storage of manure or of odor or dust producing substances or materials shall be permitted within one hundred (100) feet of any adjoining lot line.
- (5) Nurseries and greenhouses. (see Section 1635).
 - (6) General gardening.
 - (7) Roadside stands for the sale of edible produce grown on the premises when located not less than twenty (20) feet from the right-of-way of any roadway.
 - (8) Active noncommercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required open space land or five (5) acres, whichever is less. Playing fields, playgrounds, and courts shall not be located within one hundred (100) feet of abutting properties. Parking facilities for the same shall also be permitted, and they shall generally be gravel surfaced, unlighted, properly drained, provide safe ingress and egress, and contain no more than ten parking spaces for each field use.
 - (9) Golf courses, including their parking areas and associated structures, may comprise up to one half (1/2) of the minimum required

open space land, but shall not include driving ranges or miniature golf.

- (10) Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the minimum required open space.
 - (11) Easements for drainage, access, sewer or water lines, or other public purposes.
 - (12) Underground utility right-of-way. Above-ground utility and street right-of-way may traverse required open space areas but shall not count toward the minimum required open space.
- e. Open space shall be interconnected with open space areas on abutting parcels wherever possible including, where appropriate, provisions for pedestrian pathways for general public use to create linked systems within the Township.
 - f. Open space areas shall be provided with sufficient perimeter parking, and with safe and convenient access by adjoining street frontage or other right-of-way or easement capable of accommodating pedestrian, bicycle, and maintenance and vehicle traffic, and containing appropriate access improvements.
 - g. Where open space development is planned to occur in two (2) or more development phases, a proportionate amount of designated required open space and required parking shall be permanently recorded as part of an approved final plan with each phase.

(2) Standards for Ownership of Required Open Space

Except to provide for permitted open space uses, designated open space shall be restricted from further subdivision and land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township and duly recorded in the office of the Recorder of Deeds of Perry County. Subject to such

permanent restrictions, required open space land in any open space development may be owned by a homeowners' association, the Township, a land trust or other conservation organization recognized by the Township, or may remain in private ownership.

a. Offer of Dedication

The Township may, but shall not be required, to accept dedication in the form of fee simple ownership of required open space land provided:

- (1) Such land is accessible to the residents of the Township;
- (2) There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance and recording fees; and
- (3) The Township agrees to and has access to maintain such lands.

Where the Township accepts dedication of required open space land that contains improvements, the Board of Supervisors may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.

b. Homeowners' Association

The required open space land and associated facilities may be held in common ownership by a Homeowners' Association through the use of a Declaration and other documents approved by the Board of Supervisors. Such documents shall be in conformance with the Uniform Planned Community Act of 1996, as amended. The Association shall be formed and operated under the following provisions.

- (1) The developer shall provide a description of

the Association including its bylaw and methods for maintaining the open space.

- (2) The Association shall be organized by the developer and operating with financial subsidization by the developer, before the sale of any lots within the development.
- (3) Membership in the Association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the Association from the developer to the homeowners shall be identified.
- (4) The Association shall be responsible for maintenance and insurance on common open space land, enforceable by liens placed by the Homeowners Association. Maintenance obligations also may be enforced by the Township that may place liens to recover its costs. Any governmental body with jurisdiction in the area where the development is located may place liens on the owners of the open space to collect unpaid taxes.
- (5) The members of the Association shall share equitably the costs of maintaining and developing such common land. Shares shall be defined within the Association bylaws. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any capital facilities (which shall be deposited in a sinking fund reserved for just such purposes).
- (6) In the event of a proposed transfer, within the methods here permitted, of common open space land by the Homeowners' Association or of the assumption of maintenance of such land by the Township, notice of such action shall be given to all property owners within the development.
- (7) The Association shall have or hire adequate

staff to administer common facilities and properly and continually maintain the common open space land.

- (8) The Homeowners' Association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of such lands, but such a lease agreement shall provide:
 - (i) That the residents of the development shall at all times have access to the open space lands contained therein (except that access to land that is actively farmed shall be limited to times of the year when the fields are fallow);
 - (ii) That the common open space land to be leased shall be maintained for the purposes set forth in this Ordinance; and
 - (iii) That the operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the Township, at the election of the developer and/or Homeowners' Association, as the case may be.
- (9) The lease shall be subject to the approval of the Board and any transfer or assignment of the lease shall be further subject to the approval of the Board. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Perry County within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Township Zoning Officer.
- (10) Homeowners' Association documentation demonstrating compliance with the provisions herein shall be filed with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan submission, the applicant shall provide draft

Homeowners' Association documentation with sufficient detail to demonstrate feasible compliance with this Section.

c. Condominiums

The required open space land and associated facilities may be held in common through the use of Condominium Declaration and other documents, approved by the Board of Supervisors. Such documents shall be in conformance with the Uniform Condominium Act of 1980. All common open space land shall be held as "common elements" or "limited common elements". To the degree applicable, condominium agreement(s) shall comply with the provisions of Subsection 1641.2.f. (3) (e) 2.b, set forth for Homeowners' Associations. Condominium agreement(s) shall be filed with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan submission, the applicant shall provide draft condominium agreement(s) with sufficient detail to demonstrate feasible compliance with this Section.

d. Dedication of Easements

The Township may, but shall not be required to, accept easements for public use of any portion or portions of required open space land. The title of such land shall remain in common ownership by a condominium or homeowners' association, provided:

- (1) Such land is accessible to Township residents;
- (2) There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance; and
- (3) A satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association and the Township.

e. Transfer of Easements to a Private Conservation Organization

An owner may transfer easements to a private, nonprofit, organization recognized by the Township, among whose purpose it is to conserve open space and/or natural resources, provided that:

- (1) The organization is a bona fide conservation organization with perpetual existence;
- (2) The conveyance contains appropriate provision for proper reverter or transfer to a receiving activity which itself has such a clause in the event that organization becomes unwilling or unable to continue carrying out its functions;
- (3) A maintenance agreement shall be entered into by the developer, the organization and the Board of Supervisors.

f. Private Ownership of Required Open Space

- (1) Required open space may be retained in ownership by the Applicant or may be transferred to other private parties subject to compliance with all standards and criteria for required open space herein.
- (2) All or portions of the designated required open space, where permitted by the Board of Supervisors, may be included within or divided among one or more of the individual lots. Where deemed appropriate, the Board of Supervisors may require that responsibility for maintenance of required open space be conferred upon and/or divided among the owners of one or more individual lots.

(3) Required Open Space Management Plan

- a. All open space development plans shall be accompanied by a conceptual plan for the long-term management of the required open space that is to be created as part of the development. Such plan shall include a discussion of (1) the manner in which the required open space will be owned and by whom it will be managed and maintained; (2) the

conservation, land management and agricultural techniques and practices which will be used to maintain and manage the open space in accordance with conservation plan(s) approved by the Perry County Conservation District where applicable; (3) the professional and personnel resources that will be necessary in order to maintain and manage the property; (4) the nature of public or private access that is planned for the required open space; and (5) the source of money that will be available for such management, preservation and maintenance on a perpetual basis. The adequacy and feasibility of this conceptual management plan as well as its compatibility with the open space resource protection objectives stated in this Section shall be factors in the approval or denial of the open space development plan by the Board of Supervisors.

- b. The conceptual management plan shall be transformed into a more detailed open space management plan and presented to the Township for review and approval with the Preliminary Subdivision and Land Development Plan. The Board of Supervisors may require that the management plan be recorded, with the Final Subdivision and Land Development Plans, in the Office of the Recorder of Deeds of Perry County. In order to allow for the changing needs inherent in the perpetual management of land, the management plan shall contain a provision to the effect that it may be changed by written application to the Board of Supervisors, so long as the proposed change is feasible and consistent with the purposes of preservation of open space set forth in this Section and so long as the plan for such change avoids a likelihood of the obligation of management and maintenance of the land falling upon the Township without the consent of the Board of Supervisors.

(4) Open Space Performance Bond

- a. All landscape improvements, plantings, access points, and recreational facilities within designated open space areas shall be provided by the developer as applicable. A performance bond or other security shall be in the same form and adhere to the same

conditions as otherwise required for proposed improvements under the governing subdivision and land development ordinance.

- b. An appropriate portion of the performance bond or other security will be applied by the Township should the developer fail to install the planting or recreational facilities.

Section 3 Severability Clause

If any section, paragraph, section or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this ordinance which shall remain in full force and effect. For this purpose the provisions of this ordinance are hereby declared to be severable.

Section 4 Effective Date

Upon enactment by the Township Board of Supervisors, this Ordinance shall become effective immediately.

Section 5 Enactment

ENACTED, ORDAINED, AND ADOPTED this _____ day of _____, 2007, by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly assembled.

PENN TOWNSHIP BOARD OF SUPERVISORS

Henry A. Holman, II, Chairman

Charles H. Stoner, Vice Chairman

Robert E. Shaffer, S., Supervisor

CERTIFICATE OF ADOPTION

I hereby certify the following to be an exact copy of Ordinance No. 2007-01 adopted by the Supervisors of the Township of Penn, Perry County, Pennsylvania at a duly advertised meeting of the Board on January 31, 2007.

Helen Klinepeter, Secretary

Adopted January 31, 2007

PENN TOWNSHIP
PERRY COUNTY, PENNSYLVANIA
ORDINANCE NO. 2007- 05

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF PENN TOWNSHIP, PERRY COUNTY NUMBER 2003-06 BY THE AMENDINGS ARTICLE II, SECTION 201, ARTICLE III, SECTION 301 AND 308, ARTICLE XII, SECTION 1203 AND THE ADDITION OF ARTICLE XIX.

BE IT ENACTED AND ORDAINED BY the Board of Supervisors of Penn Township, Perry County, Pennsylvania that Ordinance No. 2003-06 (The Penn Township Zoning Ordinance of 2003) originally enacted on July 23, 2003, as amended, is further amended by amending and addition of the following:

SECTION 1

Article II, Section 201 – Interpretation - These following additions shall be placed in Section 201.

ALLUVIAL SOIL: A soil developing from recently deposited alluvium and exhibiting essentially no horizon development or modifications of the recently deposited material.

ALLUVIUM: A general term for all detrital material deposited or in transit by streams, including gravel, sand, silt, clay and all variations and mixtures of these. Unless otherwise noted, alluvium is unconsolidated.

CALIPER: The diameter of a tree trunk, measured in inches, six inches above ground level for trees up to four (4) inches in diameter and twelve (12) inches above ground level for trees over four (4) inches in diameter.

NATURE PRESERVE AND WILDLIFE SANCTUARIES: An area maintained in a natural state for the preservation of both animal and plant life.

ORDINARY WATERLINE: The point on the bank of a stream or watercourse where the presence and/or action of surface water is so continuous as to leave a distinctive mark by erosion, destruction of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

PARK: A rise of land, which may include accessory buildings and structures, for active and/or passive outdoor recreation for the purpose of pleasure, leisure, fellowship or exercise, commonly involving a sporting activity, camping, hiking, jogging, bicycling, swimming, picnicking and other related activities which is open to the public. A park may include amenities such as ball fields, tennis courts, trails, playground equipment, restrooms, picnic tables, cooking grills and similar facilities. For purposes of this ordinance, parks shall not include improvements for or

permit uses considered commercial recreational rises.

PICNIC AREA: A place equipped with tables, benches, grills and trash receptacles for people to assemble, cook, eat and relax outdoors.

RAVINE: A valley with sharply sloping walls created by the action of stream waters.

RECREATION, ACTIVE: Leisure time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, pools, courts, tracks, playgrounds or fields.

RECREATION AREAS: A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities. Public recreation areas are those owned and operated by a unit of local government. Private recreation areas are those owned and operated by a nonprofit organization, and open only to bona fide members and their guests. Commercial recreation areas are those operated as a business and open to the public for a fee.

RECREATION, PASSIVE: Activities that involve relatively inactive or less energetic activities such as walking, sitting, picnicking, card games, chess, checkers and similar tale games.

STREAM: A watercourse with definite bed and banks which confine and convey continuously or intermittently flowing water.

STREAM, INTERMITTENT: A natural stream carrying water during the wet seasons and having at least one critical area feature.

STREAM, PERENNIAL: A stream that is present at all seasons of the year.

WATERCOURSE: A channel for the conveyance of surface water, such as a stream or creek, or intermittent stream, having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WETLANDS: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. (The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission. This definition is used by the United States Environmental Protection Agency and the United States Army Corps of Engineers.)

An area restricted for the protection and preservation of natural resources and wildlife.

WILDLIFE PROPAGATION: Raising of non-domestic wildlife.

WOODLAND, MATURE: Woodlands consisting of thirty (30) percent or more canopy trees

having a twelve-inch or greater caliper, or any small concentration of trees consisting of eight (8) or more trees having a sixteen (16) inch or greater caliper.

WOODLAND, YOUNG: Woodlands consisting of seventy (70) percent or more canopy trees having a two-and-one-half (2 ½) inch caliper or greater.

WOODLANDS: Areas covered with stands of trees, the majority of which are greater than twelve-inch caliper, covering an area greater than one quarter (¼) acre; or a small concentration of mature trees without regard to minimum area consisting of substantial numbers of individual specimens.

SECTION 2

Article III, Section 301-Establishment of Districts – This Section shall be revised as follows:

1. For the purpose of this Ordinance, the territory of Penn Township is hereby divided into the following districts:

Base Districts

FC – Forest/Conservation District
AR – Agriculture/Rural District
R-1 – Low Density Residential District
R-2 – High Density Residential District
C – Commercial District
I – Industrial District
MUC – Mixed Use Commerce District

Overlay Districts

FP – Flood Plain District
SS – Steep Slope Conservation District
NF – Natural Features District

SECTION 3

Article III, Section 308.1- Use Schedule – This Section shall be revised as follows:

1. Additional requirements for the Flood Plain, Steep Slope and Natural Features (Overlay) Districts are set forth in Parts Section 1101, 1201 and 1901 respectively;

SECTION 4

Article XII, Section 1203.3.d, Uses Permitted in Areas of Precautionary Slope – This section shall be revised as follows:

d. Yard areas of a building not within the Steep Slope Conservation District, so long as no building other than that permitted in Section 1203 is permitted within the Precautionary Slope area.

SECTION 5 – Article XIX shall be added as follows:

ARTICLE XIX - NATURAL FEATURES OVERLAY

Section 1901- PURPOSE

The purpose of the Natural Features Overlay District is to ensure the public health, safety and welfare through the protection of slopes, streams, wetlands, and surface waters all of which are considered some of the Township’s most important natural resources. The Natural Features Overlay includes the following:

1. Stream Protection Overlay Zoning District;
2. Surface Water Protection Overlay Zoning District; and
3. Wetland Protection Overlay Zoning District.

Section 1902 -CONFLICT

1. In the event that the provisions of this Section and the provisions of other applicable Township ordinance standards are in conflict, the more restrictive provisions shall apply.
2. In the event that two (2) or more natural resource areas identified in this Section overlap, the resource with the most restrictive standard (the least amount of permitted alteration, regrading, clearing, or building) shall apply to the area of overlap.
3. These regulations apply only to lots being subdivided from a parcel, not to the residual lot, unless required by another section of this ordinance or unless the lots being created exceed 50% of the total original parcel acreage at the time of enactment of this ordinance.

Section 1903 -STREAM PROTECTION OVERLAY ZONING DISTRICT

1. **PURPOSE**

Streams and the natural areas around them are important hydrological and environmental assets. It is the intent of this overlay district to preserve natural and man-made waterways.

2. ESTABLISHMENT OF STREAM PROTECTION OVERLAY BOUNDARIES

The Stream Protection Overlay shall consist of a strip of land on each side of and including a perennial stream. The Stream Protection Overlay boundary shall be based on an investigation of critical environmental features that are related to the waterway. The total extent of the critical areas in or adjacent to the perennial stream shall be considered in determining the boundaries of the Stream Protection Overlay. Where critical areas do not exist, a minimum buffer of at least twenty-five (25) feet from top of the bank or in the absence of a defined top of bank, from the edge of the ordinary waterline on each side of the waterway shall be established. For purposes of this section the ordinary waterline shall be the point on the bank of a stream or watercourse where the presence and/or action of surface water is so continuous as to leave a distinctive mark by erosion, destruction of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

3. DETERMINING THE CRITICAL AREAS

The total extent of the critical areas adjacent to the perennial stream shall be considered in determining the boundaries of the Stream Protection Overlay. Critical areas include the following:

A. Alluvial Soils

All alluvial soils adjacent to the perennial stream. For the purpose of this section, these areas are considered hydrologically related to the waterway.

B. Wet Soils

Wet soil shall be all areas within 50 feet of a perennial stream, a spring, a seep, or other natural water source. For the purpose of this section, these areas are considered hydrologically related to the waterway or source.

C. Steep Slopes

Where the base of a steep slope is fifty (50) feet or less from the top of the stream bank or in the absence of a defined top of bank, from the edge of the ordinary waterline on each side of the waterway or if the stream or watercourse is in a ravine, the critical area shall extend to the top of the steep slope(s) or ravine plus an additional twenty (20) feet of moderate or lesser slope. (Steep slopes greater than 15% in FC Zoning District and greater than 25% in all other Zoning Districts.)

D. Wooded Areas

Where forested land having a predominance of trees of four-inch caliper or greater exists within fifty (50) feet of the top of the stream bank or in the absence

of a defined top of bank, from the edge of the ordinary waterline on each side of the waterway, the Stream Protection Overlay boundary will include those areas.

4. PERMITTED USES

The following shall be permitted uses in the Stream Protection Overlay, provided that they are in compliance with the provisions of the underlying zoning district and are not prohibited by another ordinance, and provided that they do not require building(s), fill or storage of materials and equipment.

- A. Tree farming, truck gardening, horticulture, aviaries, apiaries and similar enterprises, no-till farming, wild crop farming excluding other General and Specialized farms including Intensive Animal Operations;
- B. Nurseries, excluding greenhouses;
- C. Conservation areas for the conservation of open space, water, soil and wildlife resources;
- D. Required and common open space;
- E. Educational or scientific use;
- F. Fishing, swimming, boating and hunting;
- G. Trail access to the stream or drainageway and trails in linear parks;
- H. Parks and passive recreational areas;
- I. Accessory residential and/or commercial uses such as gardens, play areas, picnic areas or fences;
- J. Essential Services provided they are installed underground;
- K. Easements for drainage, access, sewer or water lines, or other public purposes;
- L. Underground utility rights-of-way;
- M. Nature Preserve and Wildlife Sanctuary;
- N. Private accesses and stream crossings; and
- O. Reforestation, restoration and bank stabilization.

5. STANDARDS

- A. This buffer shall contain no more than fifteen (15) percent of a pervious or impervious structural area.
- B. The buffer area along at least eighty (80) percent of the stream length shall remain in its natural state as open space.
- C. The Stream Protection Overlay shall be established at the time of the application for subdivision or land development or the application for a zoning permit if there is no subdivision or land development proposed.
- D. In all subdivision and land development applications, the Stream Protection Overlay shall be described by metes and bounds. A conservation easement covering the Stream Protection Overlay shall be provided in accordance with the Penn Township Subdivision and Land Development Ordinance.
- E. In all zoning permit applications, the Stream Protection Overlay shall be shown on a drawing indicating the location and measurements of the overlay district in accordance with the this section.

Section 1904 -SURFACE WATER PROTECTION OVERLAY ZONING DISTRICT

1. PURPOSE

Lakes and ponds and the natural areas around them are important hydrological and environmental assets. It is the intent of this Overlay District to preserve these natural and man-made assets. By protecting these assets, the Township intends to:

- A. Protect wildlife.
- B. Preserve existing vegetation along lakes or ponds.
- C. Minimize the negative effects on lakes or ponds from agriculture and development related erosion.
- D. Minimize scenic degradation.
- E. Protect the integrity of ponds and lakes as functioning wetland areas.

2. ESTABLISHMENT OF SURFACE WATER PROTECTION OVERLAY BOUNDARIES

The Surface Water Protection Overlay Zoning District shall be established as the area in or within twenty-five (25) feet of a lake or pond.

3. PERMITTED USES

The following shall be permitted uses in the Surface Water Protection Overlay, provided that they are in compliance with the provisions of the underlying zoning district and are not prohibited by another ordinance, and provided that they do not require building(s), fill or storage of materials and equipment.

- A. Common or required open space;
- B. Educational or scientific use not involving buildings or structures;
- C. Fishing, swimming, boating and hunting;
- D. Trail access to adjacent open space;
- E. Nature Preserve and Wildlife Sanctuary;
- F. Tree farming, truck gardening, horticulture, aviaries, apiaries and similar enterprises, no till farming, wild crop farming excluding other General and Specialized farms including Intensive Animal Operations;
- G. Nurseries, excluding greenhouses;
- H. Conservation areas for the conservation of open space, water, soil and wildlife resources, excluding structures;
- I. Trail access to streams or trails in linear parks;
- J. Parks and passive recreational areas not involving structures; and
- K. Reforestation, restoration, and bank stabilization.

4. STANDARDS

- A. This buffer shall contain no more than fifteen (15) percent of pervious or impervious structural areas.
- B. The buffer area along at least eighty (80) percent of the affected surface water edge shall remain in its natural state as open space.
- C. The Surface Water Protection Overlay shall be established at the time of the application for subdivision or land development or the application for a zoning permit if there is no subdivision or land development proposed.
- D. In all subdivision and land development applications, the Surface Water Protection Overlay shall be described by metes and bounds. A conservation

easement covering the Surface Water Protection Overlay shall be provided in accordance with the Penn Township Subdivision and Land Development Ordinance.

- E. In all zoning permit applications, the Surface Water Protection Overlay shall be shown on a drawing indicating the location and measurements of the overlay district in accordance with this section.

Section 1905 - WETLAND PROTECTION OVERLAY ZONING DISTRICT

1. PURPOSE

- A. Wetland areas are indispensable and fragile hydrological natural resources that provide:
 - (1) Habitat for fish, wildlife and vegetation;
 - (2) Water-quality maintenance and pollution control and ground water recharge;
 - (3) Flood control;
 - (4) Erosion control;
 - (5) Open space;
 - (6) Scientific study opportunities; and
 - (7) Recreational opportunities.
- B. Damaging or destroying wetlands threatens public safety and the general welfare. Because of their importance, wetlands are to be protected from negative impacts of development and other activities. It is the intent of this Overlay District to:
 - (1) Require planning to avoid and minimize damage of wetlands whenever prudent or feasible;
 - (2) Require that activities not dependent upon wetlands to be located to upland sites; and
 - (3) Allow wetland losses only where all practical or legal measures have been applied to reduce these losses that are unavoidable.

2. ESTABLISHMENT OF WETLAND PROTECTION OVERLAY BOUNDARIES

The Wetland Protection Overlay shall apply to all lands in or within twenty-five (25) feet of a non-tidal wetland located within Penn Township. The Wetland Protection Overlay shall be based on a wetland investigation by the applicant's qualified professional. The Natural Features Map of the Penn Township Comprehensive Plan may be used as a guide for determining the general location of wetlands. Wetland delineations shall be performed in accordance with the procedures of the PA DEP as specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands and any subsequent amendments thereto. Wetland mitigation shall be approved by the PA DEP and the Army Corps of Engineers. Wetlands approved to be mitigated shall not be considered part of the Wetland Protection Overlay. Wetland construction that is part of the mitigation plan shall be subject to the provisions of this section.

3. REVIEW OF WETLAND DELINEATION

Where the applicant has provided a determination of the Wetland Protection Overlay, the Township Engineer or a person qualified by the Army Corps of Engineers shall review, and may render adjustments to, the boundary delineation. In the event that the adjusted boundary delineation is contested, the applicant may appeal to the Zoning Hearing Board for a variance.

4. PERMITTED USES

The following uses shall be allowed within the Wetland Protection Overlay to the extent that they are in compliance with the provisions of the underlying zoning district and are not prohibited by any other ordinance, provided that they do not require structures, fill or storage of materials and equipment, and provided that a permit is obtained from the PA DEP and the Army Corps of Engineers, if applicable:

- A. Tree farming, truck gardening, horticulture, aviaries, apiaries and similar enterprises, no-till farming, wild crop farming excluding other General and Specialized farms including Intensive Animal Operations;
- B. Nurseries, excluding greenhouses;
- C. Conservation areas for the conservation of open space, water, soil and wildlife resources;
- D. Required and common open space;
- E. Educational or scientific use;
- F. Fishing, swimming, boating and hunting;
- G. Trail access to the stream or drainageway and trails in linear parks;
- H. Parks and passive recreational areas not involving structures;

- I. Accessory residential and/or commercial uses such as gardens, play areas, picnic areas or fences;
- J. Essential Services provided they are installed underground;
- K. Easements for drainage, access, sewer or water lines, or other public purposes; and
- L. Underground utility rights-of-way.

5. **STANDARDS**

- A. The Wetland Protection Overlay District shall be established at the time of the application for subdivision or land development or the application for a zoning permit if there is no subdivision or land development proposed. The wetland delineations shall be performed in accordance with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands and any subsequent amendments thereto.
- B. In all subdivision and land development applications, a wetland investigation shall be required in accordance with the Penn Township Subdivision and Land Development Ordinance. A conservation easement covering the Wetland Protection Overlay District shall be provided in accordance with the Penn Township Subdivision and Land Development Ordinance. The Wetland Protection Overlay District and conservation easement shall be described by metes and bounds, indicating the location and measurements of the overlay district.
- C. In all zoning permit applications, the Wetland Protection Overlay District shall be shown on a drawing indicating the location and measurements of the overlay district.

SECTION 6 – SEVERABILITY CLAUSE

If any section, paragraph, sentence or phrase of this ordinance should be declared invalid for any reason whatsoever, such decisions shall not affect the remaining portions of this ordinance which shall remain in full force and effect. For this purpose the provision of this ordinance are hereby declared to be severable.

SECTION 7 – EFFECTIVE DATE

Upon enactment by the Township Board of Supervisors, this Ordinance shall be effective as provided by law.

SECTION 8 – ENACTMENT

ENACTED, ORDAINED, AND ADOPTED THIS _____ DAY OF _____,
200_, by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful
session duly assembled.

Supervisors

Penn Township Board of

CERTIFICATE OF ADOPTION

I hereby certify the foregoing to be an exact copy of an Ordinance adopted by the
Supervisors of the Township of Penn, Perry County, Pennsylvania, at a regular meeting of the
Board of Supervisors on _____.

Adopted 26, 2007

Secretary

**PENN TOWNSHIP
PERRY COUNTY, PENNSYLVANIA
ORDINANCE NO. 2008 - 02**

**AN ORDINANCE AMENDING THE PENN TOWNSHIP ZONING
ORDINANCE OF 2003 OF PENN TOWNSHIP, PERRY COUNTY.**

BE IT ENACTED AND ORDAINED BY the Board of Supervisors of Penn Township, Perry County, Pennsylvania that Ordinance No. 2003-06 (The Penn Township Zoning Ordinance) originally enacted on July 23, 2003, amended May 26, 2003, August, 16, 2004, December 28, 2005, January 25, 2007, and September 26, 2007, is further amended by adding the following section:

Section 1 – Article II – Definitions shall be amended as follows:

The following definitions shall be added to Section 2. Definitions

A. Industrial Uses:

1. General Industrial Use: A use:

- a. involving the processing and manufacturing of semi-finished and/or finished materials or products predominately from extracted raw materials;

and/or

- b. engaged in the storage of, manufacturing processes using, and/or shipping of flammable or explosive materials;

and/or

- c. engaged in the storage, manufacturing processes, and/or shipping of materials or products that potentially involve hazardous or commonly offensive conditions;

and

due to the nature of the processes, should not be located adjacent to residential areas.

2. Limited Industrial Uses:

- a. involving the manufacturing, predominately from previously prepared semi-finished or finished materials products or parts, finished materials and products, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution, as well as the repair of such finished products;

and

due to the inoffensive nature of the processes and site amenities including attractive buildings, setbacks, landscaping and screening, are compatible with neighboring residential uses.

but

- b. excluding the processing of extracted and/or raw materials.

- B. 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 different character or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.
- C. Research and Development: Investigations in the natural, physical, technical or social science or engineering and development as an extension of such investigation with the objective of creating end products.
- D. Research Laboratory: A building or groups of buildings housing facilities for scientific research, investigation, testing or experimentation but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.
- E. Warehouse: A building used primarily for the indoor storage of products, supplies and equipment.
- F. Warehousing, Distribution and Wholesaling: A use engaged in the storage, wholesale and/or distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazard or commonly recognized offensive conditions, and also excluding any heavy equipment or truck washing, servicing and/or repair, unless such uses are specifically permitted in that zoning district. Wholesaling of products, supplies and equipment shall not be open to or accessible by the general public, unless incidental to the principal warehousing operation.
- G. Wholesale: Any distribution procedure involving persons who, in the normal course of business, do not engage in sales to the general public.

Section 2 – Article X – MUC – Mixed Use Commerce District shall be amended as follows: eliminating current Article X, Sections 1001 through 1010 and adding hereinafter provisions.

A. Section 1001 – Intended Purpose

The MUC - Mixed Use Commerce District is designed to promote a compatible combination of light industrial, professional, and commercial uses in an aesthetically pleasing, and planned environment where such uses can complement or support each other and the surrounding environs. It is also the intent of this district to limit the adverse effect of the uses on the existing transportation network and ensure compatibility with the surrounding zoning districts. Attractive buildings and inoffensive processes characterize such uses. To these ends, the Mixed Use Commerce District is intended to discourage and minimize air and water pollution, noise, glare, heat, vibration, fire and safety hazards and other detriments to the human and natural environment.

B. Section 1002 – Use Standards

Permitted and Conditional Uses in the Mixed Use Commerce District shall be subject to the following conditions:

1. Parking, loading or service areas used by motor vehicles shall be physically separated from all streets by a suitable barrier against unchanneled motor vehicle access or egress. All roads, driveways, parking areas and walks shall be paved and maintained in good condition with hard surface materials.
2. Illumination. All illumination shall comply with the requirements of Section 1312.
3. Landscaping and Screening. The entire lot shall be suitably landscaped pursuant to Section 1310 (except for those areas that are covered by buildings or surfaced as parking or service areas). All landscaping and screening shall be properly maintained throughout the life of any use on any lot.
4. All uses within the Mixed Use Commerce District shall be served by a public sewerage system.

C. Section 1003 – Permitted Uses

In a Mixed Use Commerce District, no building or premises shall be used and no building shall be erected, which is arranged, intended or designed to be used in whole or in part, for any purpose except those listed below, and all such uses shall be subject to Land Development Plan approval in accordance with the Penn Township Subdivision and Land Development Ordinance and those regulations specified elsewhere in this Ordinance.

1. Business services, such as banks, credit unions, loan companies and other financial institutions, real estate and insurance agencies, offices for utilities; government; medical clinics and facilities; business and professional uses, and veterinary clinics.
2. Plumbing and HVAC, carpentry, electrical, roofing and similar contracting businesses.
3. Newspaper and printing, photocopying, bookbinding, and publishing establishments.
4. Essential services buildings and structures with locational requirements. (see Section 1645)
5. Essential services buildings and structures without locational requirements. (See Section 1645)
6. Retail businesses, such as variety stores, apparel stores, drug stores, grocery stores, eating and drinking establishments with or without the sale of alcohol, liquor stores, music shops, sporting goods stores, and book, stationery, magazine, candy and tobacco shops.
7. Day care centers. (see Section 1614)
8. Personal services, such as barbershops, beauty salons, photographic studios, coin operated laundromats, tailor, dressmaking, and millinery.
9. Dry cleaners, laundries, and laundromats. (see Section 1632)
10. Indoor commercial recreation facilities. (see Section 1620)
11. Hotels and motels. (see Section 1626)
12. Animal hospitals and veterinarian clinics. (see Section 1616)
13. State, county or federal buildings. (see Section 1646)
14. Limited Industrial Uses, involving the manufacturing of (predominately from previously prepared semi-finished or finished materials products or parts), finished materials and products, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution, as well as the repair of finished products including:
 - a. Clocks or watches.
 - b. Toys or novelties.
 - c. Electrical appliances.
 - d. Electronic components.
 - e. Office equipment.
 - f. Sheet metal products.
 - g. Machine tools.
 - h. Food Products.
 - i. Cosmetics, toiletries and pharmaceuticals.

- j. Optical, dental and medical supplies and equipment.
 - k. Jewelry and other precious metals.
 - l. Hand tools.
 - m. Ceramics.
 - n. Furniture, cabinets, fixtures, office supplies, floor and ceiling materials, and other household appointments.
 - o. Textiles/apparel products.
 - p. Wood products.
 - q. Paper products.
 - r. Metal fabrication and forging.
 - s. Manufacture of metal dies and taps.
 - t. Scientific, specialized and technical instruments and equipment.
 - u. Hardware, software for audio-video components, computers, vending machines and video games.
 - v. Photographic, lighting and timekeeping equipment.
 - w. Household appliances.
 - x. Musical instruments and sporting equipment.
 - y. Monument production and sales.
15. Warehousing, distribution and wholesaling of products, supplies and equipment, including lumber yards, building and construction materials, nursery and garden materials, and farm supply. (see Section 1629)

D. Section 1004 - Accessory Uses and Structures

The following customary accessory uses and structures incidental to any permitted uses shall be permitted:

- 1. Uses and structures which are customarily associated with the permitted uses:
 - a. Storage buildings.
 - b. Parking and loading areas.
- 2. Uses and structures limited to servicing employees of the any permitted or conditional use allowed in this district and adjacent properties within the district:
 - a. Business services.
 - b. Retail businesses.
 - c. Personal services.
 - d. Day care centers.

- e. Dry cleaners, laundries, and laundromats.

- 3. Signs, as provided in Article XV of this Ordinance.

E. Section 1005 - Conditional Uses

The following uses and activities may be permitted by Conditional Use upon approval of the Board of Supervisors after a public hearing and recommendation by the Planning Commission. Conditional Uses shall be subject to the requirements specified in Articles XVI and XVIII and elsewhere in this Ordinance:

- 1. Self-service Storage Facility (Mini Warehouse). (see Section 1630)
- 2. Uses which, in the opinion of the Board of Supervisors, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this district. In such instances, final approval of the use shall be subject to the functions and procedures as identified in Section 1805 and Section 1820 of this Ordinance.
- 3. Research and development, excluding animal research and testing.

F. Section 1006 – Use Limitations

- 1. All uses shall be provided for in accordance with standards as contained within Article XVI.
- 2. Outdoor storage and display, when accessory to a permitted or conditional use, shall be regulated as follows:
 - (1) Outdoor storage or display shall not occupy any part of the street right-of-way, area intended or designed for pedestrian use, required off-street parking areas, or required front yard, and shall be screened from view from adjoining public streets and residential properties. Screening shall be pursuant to Section 1310 of this Ordinance.

G. Section 1007 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, lot coverage, and yard and building setback of not less than the dimensions shown below shall be provided for every principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

Use	Lot Requirements **			Minimum Building Setback (FT) **				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
Public Sewer	1 Acre	150'	60	50' ****	15' ****	30' *****	15' *****	***
Public Water and Public Sewer	25,000 SF	100'	75	50' ****	15' *****	30' *****	15' *****	***
** Minimum requirement unless specified elsewhere herein *** Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended. **** Front building setback can be reduced to 25' if parking is located in the rear yard. SF - square feet; FT – feet ***** There shall be a minimum side and rear building setback of 50' from any such property line that is adjoining any residential property and/or residentially-zoned property								

G. Section 1008 - Minimum Off-Street Parking Requirements

Off-street parking shall be provided for in accordance with Article XIV of this Ordinance.

H. Section 1009 - Minimum Off-Street Loading and Unloading Requirements

Off-street loading and unloading facilities shall be provided for in accordance with Article XIV of this Ordinance.

I. Section 1010 – Structural Siting and Design

In applying the provisions of this Section, particular emphasis shall be given to the siting and design of all structures.

1. All exterior building walls and structures shall be constructed with attractive, durable materials such as textured concrete, masonry stone, brick, finished wood, stucco, metal and glass, preferably a combination thereof. The façade facing a street shall have at least two (2) or more materials named above.
2. The design and siting of the building shall compliment the natural terrain and vegetation of the site.

Section 3 – Article XIII – Performance Standards shall be amended as follows:

A. Section 1303 Water Supply and Sewerage Facilities Required

In the interest of protecting the public health, safety and welfare, every premise, used in whole or in part for dwelling, commercial or recreational business or industrial purposes shall be provided with both a safe and sanitary water supply, a minimum of 1 bathroom per premise, and a safe and sanitary means of collection and disposal of commercial and industrial waste. Such facilities shall conform to the minimum requirements set forth by the Pennsylvania Department of Environmental Protection.

B. Section 1310 Landscaping and Screening

1. Landscaping

- a. Any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be planted and maintained with landscaping.
- b. Except for single-family detached, single-family semi-detached, two-family detached dwellings and two-family semi-detached dwellings, any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be landscaped according to an overall plan, prepared and approved as part of a Land Development Plan required under the Township's Subdivision and Land Development Ordinance.

2. Planting Strip

All nonresidential uses excluding agricultural uses shall include planting strips or buffer areas in accordance with the following:

- a. A planting strip of thirty (30) feet in width shall be required along all property lines that are adjoining any residential property and/or residentially-zoned property.

- b. At least twenty (20) feet in width of the planting strip shall be planted and screened with a dense vegetative screen planting in accordance with 1310.3 below. The remainder of the planting strip shall be grass or ground cover. Planting strips shall be kept free of all debris and rubbish.
- c. The required yard space for the zoning district in which the use is located may be considered as all or part of the required planting strip area.
- d. No structure, storage area, customer or client parking, loading/unloading area shall be permitted in the required planting strip area. Said planting strip shall only be broken by approved driveway or access drive entrances or exits

3. Screening

- a. Screening requirements shall be applicable under the following circumstances:
 - (1) Where proposed non-residential uses, excluding agricultural uses, abut an existing residential use or residential district.
 - (2) Where any proposed multi-family residential uses abut an existing single-family detached, single-family semi-detached, two-family detached or two-family semi-detached dwelling.
 - (3) Any other instances where screening is required by This Ordinance or by the Township.
- b. Screening shall be provided in accordance with the following requirements:
 - (1) All required screening shall be located within the required planting strip.
 - (2) Said screening shall form a solid, continuous barrier and may consist of a masonry wall, wood fence, trees, shrubs, berms or any combination thereof.
 - (3) All landscaping shall consist of massed evergreen and/or deciduous trees and shrubs of at least three and one-half (3-1/2) feet in height and of such species as will produce, within three (3) growing season, a screen at least six (6) feet in height so as to continually restrict a clear view beyond said buffer strip
 - (4) In the event a masonry wall or wood fence is used for screening purposes, vegetative landscaping set forth in Section 1310.3.b.3 above shall be placed and maintained between the wall or fence and the property line adjoining to property with residential use, residentially-zoned district or other applicable use, to form an ornamental screen.
 - (5) Said screening shall be maintained by property owner(s).

C. Section 1314 - Outdoor Storage

- 1. No storage shall be permitted within the front yard of any lot.
- 2. Outside storage of raw materials and/or finished products shall be permitted only within the buildable area of the lot to the rear of the front building wall of the principal building, and shall not exceed ten (10) feet in height in residential districts and twenty (20) feet in height in other districts. For any non-residential use, excluding agricultural uses, all outdoor storage areas located within any part of a yard area adjacent to a property line that is adjoining any residential property and/or residentially-zoned property shall be screened in accordance with Section 1310 of this

Ordinance during all seasons of the year. The size and the spacing requirements shall be determined and approved by the Board of Supervisors, upon recommendation of the Planning Commission, as part of an approved land development plan.

3. No flammable or explosive liquids, solids or gases shall be stored in bulk (in quantity greater than 275 gallons) above ground, except for tanks of fuel (1) directly connected to energy or heating devices or (2) used in conjunction with active agricultural, commercial or construction activities. A list of such liquids, solids or gases stored on site shall be supplied to the appropriate fire companies serving the Township.
4. No structure or land shall be used or developed, and no structure shall be located, extended, converted or structurally altered unless the applicant shall take all federal, state and local required measures and recommended measures resulting from the review of the plan to minimize the impacts of the above ground and underground storage of heating oil, gasoline, diesel fuel, chemical solutions or other substances which, if released, would constitute pollutants to soil, surface water or groundwater.

D. Section 1316 – Air Pollution

1. Odor

For all non-agricultural uses, no continuous frequent and repetitive emission of odor or odor-causing substance which would be offensive at or beyond any property line shall be permitted. The existence of an odor shall be presumed when the concentration of the odor-causing substance or substances in the air at any point at or beyond the property line of the source exceeds the lowest concentration listed as the odor threshold for such substance or substances set forth in Table III, Odor Thresholds, of Chapter 5, Physiological Effects, of the Air Pollution Abatement Manual of the Manufacturing Chemists Association, according to the latest edition of such table for the compounds therein described. For compounds not described in Table III, odor thresholds may be established by methods indicated in Chapter 5 of the manual. No odor shall be permitted at any lot line exceeding the amount determined by the application of such methods.

2. Smoke

Regarding density of smoke, it is prohibited to emit visible air contaminants into the outdoor atmosphere in such a manner that the opacity of the emission from any chimney, stack, vent, opening or combustion process is equal to, or greater than 20% for a period aggregating more than 3 minutes in any 1 hour. Emissions that have an opacity equal to or greater than, 60% are prohibited at all times. Opacity shall be measured using observers, trained and certified, to measure plume opacity with the naked eye, as per EPA Method 9, or with the aid of devices approved by Pennsylvania Department of Environmental Protection.

3. Particulate Matter

- a. The rate of particulate matter emission from all sources within the boundaries of any lot shall not exceed a net figure of one pound per acre of lot area during any one-hour period, after deducting from the gross hourly emission per acre the correction factors set forth in the following table:

<u>Allowance for Height of Emission*</u>	
Height of Emission	Correction (Pounds
Above Grade (feet)	Per Hour Per Acre
50 – 99.99	0.01
100 – 149.99	0.06
150 - 199.99	0.10
200 - 299.99	0.16
300 - 399.99	0.30
400+	0.05

NOTE:

*Interpolation for intermediate values not shown in table.

- b. Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:
 - (1) Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area, thereby obtaining the gross hourly rate of emission in pounds per acre.
 - (2) From each gross hourly rate of emission derived in Subsection 3.a above, deduct the correction factor (interpolating as required) for height of emission set forth in the table, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.
 - (3) Add together the individual net rates of emission derived in Subsection 3.b above to obtain the total net rate of emission from all sources of emission within the boundaries of the lot; such total shall not exceed one pound per acre of lot area during any one hour period.

E. Section 1317 Electromagnetic Interference

In all districts, no use, activity or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety and welfare, including but not limited to interference with normal radio, telephone or television reception and/or transmission off the premises where the activity is conducted.

F. Section 1318 Fire and Explosive Hazards

The Uniform Construction Code shall regulate hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the occupancy of a structure or premises.

G. Section 1319 Glare and Heat

Any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line. No heat from any use shall be sensed at any property line to the extent of raising

the ambient temperature of air or materials more than 5° Fahrenheit. Any operation or activity that produces glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of five-tenths (0.5) foot candles measured at the property line.

H. Section 1320 Toxic and Hazardous Substance Storage

Storage of toxic and hazardous substance shall meet the requirements of the Pennsylvania Department of Environmental Protection, Pennsylvania Department of Labor and Industry, and/or the United States Environmental Protection Agency.

I. Section 1321 Ground Vibration

Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the lot on which the use is located. Vibrations from temporary construction and vehicles which leave the lot (such as trucks, trains, airplanes and helicopters) are excluded.

J. Section 1322 Required Traffic Study Standards

For all uses requiring a traffic study, the applicant's professional traffic engineer conducting the required study shall meet with the Township Engineer and Road Master or Road Foreman prior to conducting the traffic study, in order to mutually agree upon the extent of the traffic study, including intersections to be studied. At a minimum, the following shall be considered:

1. A description of the traffic impact area (TIA), including its major roads and potential traffic generation rates to be determined by current references.
2. Existing 24-hour and peak hour traffic volume data for all streets which provide direct access to the proposed development, and for the collectors and arterials which will serve it, as well as any major intersection within the impact area.
3. Estimates of the total number of vehicle trips to be generated by the development for a typical 24-hour period, and including typical a.m. and p.m. peak periods.
4. Assignment of future 24-hour and peak hour volumes to the collectors and arterials, and other streets that will serve the proposed development based on the projections of increased traffic volumes within the traffic impact area, to be determined by an extrapolation of former development trends, and the amounts of usable area already planned and/or zoned within the traffic impact area. Any previously approved projects within the TIA that have not yet been occupied, should also be factored in these future traffic volume projections.
5. Projected 24-hour and peak hour turning movement data for all access points proposed for the development.
6. Capacity/level of service analysis on major intersections which will be impacted by the additional volumes generated by the development.
7. Recent data about existing accident levels at the above intersections categorized by accident type for each intersection.

Section 4 – Article XVI – Supplemental Use Standards shall be amended as follows:

- A. Section 1609.2.b - The minimum front, side and rear yard shall be 100 feet each.
- B. Section 1610.2.b - The minimum front, side and rear yard shall be 100 feet each.

- C. Section 1611.2.c. - The minimum front, side and rear yard shall be 50 feet each.
- D. Section 1612.2.b - The minimum front, side and rear yard shall be 25 feet each.
- E. Section 1613.3.f - Traffic generated by the home occupation shall not exceed volumes that would normally be expected in a residential neighborhood.
- F. Section 1621.1 - Permitted Uses. Conversion of an existing residential structure to a non-residential use. The conversion can be total conversion from residential use or a conversion of a portion of the premises, with the retention of one or more dwelling units. (As in the case of a first-floor retail or office use with apartment(s) on the second and higher floors.)
- G. Section 1637.2.i - Access shall be provided to the Communications Tower and Communications equipment Building by means of a public street, or a private right-of-way twenty (20) feet in width and which shall be improved to a width of at least twelve (12) feet.
- H. Section 1639.2 – All exterior retail sales areas (exclusive of nursery and garden stock) shall be screened from adjoining roads and properties.
- I. Area and Section 1629 – Warehousing, Distribution and Wholesaling
 - 1. The subject tract shall be accessed directly from either an arterial or collector road as identified in the Comprehensive Plan or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
 - 2. All area and bulk requirements of the prevailing zoning district shall apply.
 - 3. The applicant shall provide a detailed description of the proposed use in each of the following topics:
 - a. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
 - b. The general scale of the operation in terms of its market area, associated incidental uses including storage areas, specific floor space requirements for each activity, the total number of employees on each shift and an overall needed site size.
 - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed Article 13 of this Ordinance.
 - 4. The applicant shall furnish a traffic study in accordance with Section 1322 of this Ordinance.
- J. Section 1631 - General Industrial Uses
 - 1. The subject tract shall be accessed directly from either an arterial or collector road as identified in the Comprehensive Plan or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
 - 2. All area and bulk requirements of the prevailing zoning district shall apply.

3. The applicant shall provide a detailed description of the proposed use in each of the following topics:
 - a. The nature of the on-site processing activities and operations, the types of materials used in the process products produced, and the generation and methods for any disposal of any wastes and/or by-products, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
 - b. The general scale of the operation, the total number of employees on each shift and an overall needed site size.
 - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater. storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed Article 13 of this Ordinance.
4. The applicant shall furnish a traffic study in accordance with Section 1322 of this Ordinance.

K. Section 1633 – Trucking Terminals

Truck or motor freight terminals are subject to the following criteria:

1. Access shall be via an arterial road.
2. All area and bulk requirements of the prevailing zoning district shall apply.
3. The applicant shall provide a detailed description of the proposed use in each of the following topics:
 - a. The nature of the on-site activities and operations, the types of materials stored the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
 - b. The general scale of the operation in terms of its market area, associated incidental uses including storage areas, specific floor space requirements for each activity, the total number of employees on each shift and an overall needed site size.
 - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater. storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed Article 13 of this Ordinance.
4. The applicant shall furnish a traffic study in accordance with Section 1322 of this Ordinance.

L. Section 1644 – Flea Markets (Indoor/Outdoor)

Indoor and Outdoor Flea Markets are permitted as a conditional use in the Commercial District subject to the following criteria:

1. Minimum lot size for an outdoor market shall be two (2) acres.
2. Outdoor markets shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.
3. The applicant shall present evidence that the proposed use will not be detrimental to the use of adjoining properties as a result of, but not limited to, hours of operation, noise, light, litter, dust, pollution and traffic congestion.
4. Off-street parking shall be provided pursuant to Article XIV of this ordinance. The Board of Supervisors may require an unimproved grassed overflow-parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.

M. Section 1651 – Research and Development

1. The applicant shall provide a detailed written description of the proposed use in each of the following topics:
 - a. The nature of the on-site activities and operations, the types of materials used and stored, the products produced, and the generation and methods of disposal of any wastes and/or by-products. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
 - b. The general scale and location of any associated incidental uses including sales and storage areas, proposed products to be sold, the total number of employees on each shift and an overall needed site size.
 - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances, including but not limited to those listed in Article 13 of the Penn Township Zoning Ordinance, as amended.

N. Section 1652 - Limited Industrial Uses

1. The subject tract shall be accessed directly from either an arterial or collector road as identified in the Comprehensive Plan, or a street in a proposed commercial or industrial subdivision and/or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
2. All area and bulk requirements of the prevailing zoning district shall apply.
3. The applicant shall provide a detailed description of the proposed use(s) in each of the following topics:
 - a. The nature of the on-site processing activities and operations, the types of materials used in the process, products to be sold, and the generation and methods for any disposal of any wastes and/or by-products. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

- b. The general scale and location of the industrial operations and any associated incidental uses including sales and storage areas, proposed products to be sold, the total number of employees on each shift, and an overall needed site size.
 - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in Article 13 of the Penn Township Zoning Ordinance, as amended.
4. The applicant shall furnish a traffic study in accordance with Section 1322 of this Ordinance.

Section 5 - Effective Date

Upon enactment by the Township Board of Supervisors, this Ordinance shall be effective as provided by law.

Section 6 – Enactment

ENACTED, ORDAINED, AND ADOPTED THIS _____ DAY OF _____, 200_, by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly assembled.

Supervisors

Penn Township Board of

 Henry Holman, Chairman

 Randy Plummer, Vice-Chairman

 Lucinda “CeCe” Novinger

CERTIFICATE OF ADOPTION

I hereby certify the foregoing to be an exact copy of an Ordinance 2008-_____ adopted by the Supervisors of the Township of Penn, Perry County, Pennsylvania, at a regular meeting of the Board of Supervisors on _____.

 Secretary

Adopted June 28, 2008